


Comments by Hastings District Council (HDC) on applications for referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020

Local authority providing comment	Hastings District Council (HDC)
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Comment form

Please use the table below to comment on the application.

Project name	Clive Residential Subdivision Development Project, Hawkes Bay (Proposal) <i>(The project is to subdivide an approximately 12.8 hectare site located at 49 School Road, Clive and construct up to 173 residential dwellings and supporting infrastructure including public open space, landscape planting, roads, street lighting, vehicle and pedestrian and cycle accessways and parking areas).</i>
1. Summary of HDC's position	HDC does not support the referral of the Proposal under the Covid-19 Recovery (Fast Track Consenting) Act 2020. Its reasons are set out below but in summary, HDC's concerns are: <ul style="list-style-type: none"> - The Proposal appears to be directly contrary to the National Policy Statement on Highly Productive Land 2022 (NPS-HPL); - The Proposal is consistent with some aspects of the National Policy Statement on Urban Development 2020 (NPS-UD); - The Proposal involves fragmentation and is ad hoc residential development of Plains Production zoned land, is directly contrary to the outcomes sought by the Hastings District Plan, the Hawkes Bay Regional Policy Statement and the Heretaunga Plains Urban Development Strategy 2017 (HPUDS); - Effects such as flooding hazards and coastal inundation need to be better understood, but on the basis of information currently available, have the potential to be significantly adverse; - A more extensive assessment is needed to ensure that investment and infrastructure is assessed through a climate change lens given its location and potential natural hazard effects and risks. Providing for new development without appropriate information risks direct conflict with the National Adaptation Plan's direction to avoid development that may be exposed to climate hazards; and - The lack of consultation with mana whenua upfront to inform any development concept, and lack of information as to potential cultural effects is a significant concern.

	<p>HDC considers the Proposal is more properly considered through the Future Development Strategy process required by the NPS-UD and a plan change process, if identified as appropriate for urban development.</p>
<p>2. General comment – potential benefits</p>	<p>HDC acknowledges that the Proposal would provide opportunity for employment through the construction sector, and contribute to housing supply within the Hastings District. It would also have economic benefits for the landowners.</p> <p>HDC recognises that as demonstrated by K3 Property’s letter of support (Enclosure L), that the development will positively contribute towards provision of affordable housing.</p>
<p>3. General comment – significant issues</p>	<p><u>Proposal inconsistent with National Policy Statement for Highly Productive Land 2022 (NPS-HPL)</u></p> <p>The National Policy Statement for Highly Productive Land (NPS-HPL) came into effect on 17th October 2022 and will apply to the land comprising the proposal.</p> <p>The most recent land use capacity mapping identifies the majority of the site as LUC 2 (see map below):</p>  <p>Section 3.5(7) of the NPS-HPL requires that until a regional policy statement containing maps of highly productive land in the region is operative, land classified as LUC 1-3 and not identified for future urban development must be treated as highly productive land (HPL). The land comprising the Proposal is not identified in a strategic planning document as suitable for commencing urban development within the next 10 years and is therefore not ‘identified for future urban development’ within the meaning of the NPS, the Proposal therefore falls to be assessed as HPL under the NPS-HPL.</p> <p>The Proposal seeks to subdivide and consequentially build housing on HPL which is contrary to the following policies of the NPS-HPL:</p>

Policy 7: The subdivision of highly productive land is avoided, except as provided in this National Policy Statement.

Policy 8: Highly productive land is protected from inappropriate use and development.

Clause 3.8 requires avoidance of subdivision except in limited circumstances which are not applicable to the Proposal. Clause 3.9 requires avoidance of inappropriate use and development of highly productive land, where any use is inappropriate unless listed in clause 3.9(2). None of the matters listed in 3.9(2) appear to apply to the Proposal.

While clause 3.10 provides some limited exceptions to clauses 3.8 and 3.9, HDC's understanding is that the exceptions are unlikely to apply. The preliminary soil assessment (Enclosure G) confirms that the soils on site is suitable for horticultural productions, which is consistent with historical imagery which shows that it has been used for cropping purposes at various times over the last 100 years. While a lack of water consent is presented as a limiting factor for the site, it is not clear that this is a long term (30 year) constraint for the purposes of cl 3.10(a)(a).

The subject site also contains a 12 hectare allotment of land which is separated by School Road. Twelve hectares is the minimum site size for productive lots in the Plains Production Zone. In this regard it is considered that this proposal would fragment a relatively intact block of productive land, and would fail to meet the requirements of 3.10 (1)(b)(i) and (ii) of the NPS-HPL

HDC's view is that the Proposal is inconsistent with a directly relevant National Policy Statement.

Comments on consistency with National Policy Statement for Urban Development 2020 (NPS-UD)

The NPS-UD seeks to ensure future development occurs at appropriate rates, while ensuring a compact urban form with greater levels of intensification and densification, which encourages well-functioning urban areas with greater access to employment, social and cultural well-being opportunities. The direction of the NPS-UD generally aligns with the existing HPUDS strategy, discussed below, and supports the existing political direction to encourage intensification and avoid development over highly productive land where possible.

While the Proposal is considered to be inconsistent with HPUDS, as discussed below, it is considered to be consistent with the following particular provisions of the NPS-UD.

The location of the Proposal supports the requirements of the NPS-UD in that it is within relatively close drive times to both Hastings and Napier urban areas. While Clive itself does not have enough business land to support the proposed development, there is a large transient population in Hawke's Bay that live in Hastings and work in Napier or vice-versa. Clive is placed near the mid-point between the Hastings and Napier urban areas and can strategically provide for both job markets. In this regard we consider this application would promote well-functioning urban environments and meet Objective 1.

The proposal is also near main transport and public transport routes. In terms of accessibility it is considered the location for this development generally meets NPS-UD requirements, as residents could conceivably travel without the use of private cars from their properties.

The applicant has proposed an average lot size of either 330m² or 340m² (depending on the option and excluding the balance) with lot sizes between 200m² and 500m². While this does provide some variances in lot sizes, we would prefer to see a greater variety with medium density areas intermixed with standard lots. However it is recognised that the proposal has a higher density than what has historically been considered in greenfields areas of Hastings District, which is considered

positive and in line with the NPS-UD. However, the Proposal is reliant on using a potential 44,000m² (approx.) area as reserve (stormwater detention and park area), which HDC considers is not necessarily an appropriate use of land for either urban or productive purposes.

We also have concerns about the resilience of this proposal to climate change, given its proximity to both the coastal area, relevant under Policy 1(f) NPS-UD. The development area will be at increased risk of flooding from future weather events, including the risk of isolation. As discussed below, the area is identified by the latest modelling as being subject to coastal inundation and from overtopping or erosion rates over the next 100 years. Its coastal location puts it at risk from tsunami and potentially higher rates of sea level rise. HDC is not aware of 'newer flooding data' referred to by the applicant.

Finally HDC does not consider that the applicant has consulted with all relevant hāpu and iwi in the preparation of this application. We do not consider they have addressed Policy 9 in this regard and if the Proposal is to be progressed, it is considered very important hāpu and iwi are given full opportunity to be involved in decision-making on the application, as required by that Policy.

Integrity of the Hastings District Plan

The Hastings District Plan (Operative in Part) gives effect to the Regional Policy Statement, which in turn implements HPUDES, by clearly differentiating its urban zones from the Rural and Plains Production zones (PPZ), the purpose of which is primarily to provide for productive purposes.

The subject site is located in the Plains Production Zone and the proposal would be a Non-Complying activity overall. The minimum lot size for the Plains Production Zone is 12 hectares (with minimal exceptions), subdivision below that is a Non-Complying activity.

The Introduction to the Plains Strategic Management Area records:

“... The Plains environment has a large component of versatile land. The soils that characterize this versatile land are nationally significant and provide maximum flexibility in terms of the type of crops that can be grown. Their flexibility will also ensure that landbased primary production industry will be able to respond rapidly to changing technologies or crop types demanded in the future. In other words, retention of the versatile soils will assist in 'future-proofing' the horticulture industry.

The value of this versatile land to the local economy is well proven, with the addition of a further food processing plant to Hastings. The community has also signaled that the protection of this land is of paramount importance, and its value to the region is recognised in the Regional Policy Statement. Through the process of drafting the Heretaunga Plains Urban Development Strategy, there was significant support for preventing further urban encroachment onto the versatile land of the Heretaunga Plains. The District Plan will therefore continue with its policy of protecting the land from subdivision and development that is not for the purposes of food production. There is no reason to reduce the minimum subdivision size of lots in the areas where versatile land is identified. It is intended that future generations of Hastings ratepayers will have similar levels of productive rural land available to them as we currently have. This will be achieved by both maintaining the minimum lot size for subdivisions and also restricting the amount of building on the versatile land to that which is absolutely necessary to support our primary industry. The Council is also identifying clear urban/rural boundaries for its future urban growth options. ... ”

Key objectives and policies for the PPZ include:

PPO1 To ensure that the versatile land across the [PPZ] is not fragmented or compromised by building and development.

PPP1 Encourage the amalgamation of existing [PPZ] lots into larger land parcels.

PPP3 Limit the number and scale of buildings ...impacting on the versatile soils of the District.

PPP7 Establish defined urban limits to prevent ad hoc urban development into the [PPZ].

HDC has made significant efforts towards upholding the integrity of the District Plan, including through resisting applications that would compromise the integrity of the PPZ. Those efforts have been upheld by the Environment Court, for instance in *Endsleigh Cottages Ltd v Hastings District Council* [2020] NZEnvC 64, where the Court upheld HDC's decision to decline two applications for subdivision of Plains Production zoned land for lifestyle lots. It held that despite adverse effects on the environment being less than minor, the applications "*str[uck] at the very essence of the PPZ objectives and policies and were contrary to them*".

The Clive Proposal runs directly counter to the clear direction of the District Plan by enabling urban scale residential development in an area the Plan seeks to protect for productive purposes. If approved, the integrity of the Plan, and the efforts made by the Hastings community to protect this natural resource, as well as having an internally consistent and comprehensive plan will be undermined.

Enclosure B of the application (Strategic Background Overview) references two recent non-complying residential development in Clive as evidence of the potential demand on, and necessity for residential development in Clive. HDC considers those smaller developments (represented in the map below) to be distinguishable from the current application and makes the following comments:

- Both developments were approved prior to the NPS-HPL, which would be material to the consideration if those applications were submitted today.
- Clive South (discrete location at the end of Read Crescent) was identified as a reserve area in HPUDS, whereas the subject site is identified in HPUDS as an inappropriate area. The consent enabled the development to be brought forward.
- Plumtree Lane was a smaller scale development containing 8 residential lots. At the time of subdivision the site already contained a number of dwellings. The effect of the subdivision was therefore limited.
- Both applications are at a reduced scale than that proposed, include three waters solutions that demonstrated demand generated by the development could be satisfactorily met. All other effects were similarly considered to be acceptable.



The application also raises delivery of some of Councils other rezoned greenfield growth areas and timing of their delivery to market. Council is happy to discuss these areas specifically with the Ministry.

Proposal Contrary to Regional Strategic Growth Planning

The Proposal is located within an area specifically identified as inappropriate for residential greenfield growth in HPUDS and the Hawke's Bay Regional Policy Statement (POL UD4.4). Allowing for urban development would directly contradict those documents.

HPUDS has been implemented as a sub-regional growth strategy for Hawke's Bay ahead of a legislated spatial planning framework. HPUDS is a collaborative strategy developed by Napier City Council, Hastings District Council and Hawke's Bay Regional Council (the Councils) to manage urban growth in the Heretaunga Plains sub-region for the 2015 – 2045 period.

HPUDS identifies appropriate and inappropriate locations for growth for the sub-region, ensuring that ad-hoc development is avoided particularly around highly versatile soils through the encouragement of intensification and identification of future greenfields growth areas. HPUDS itself is not a statutory document, but has been implemented through the Regional Policy Statement which provides policy direction for the integrated management of urban growth and regionally significant infrastructure. HPUDS takes a long-term view of land-use and infrastructure although relies on individual authorities to finance and sequence their specific growth areas.

Clive is identified in HPUDS as an area where greenfield growth is deemed inappropriate beyond existing settlements, apart from specific listed areas. Those excluded areas were identified as part of the 2016 review as being distinguishable from the remainder of Clive due to their locational

ability to mitigate natural hazards. Section 2.5 of HPUDS addressing these matters is reproduced below:

2.5. AREAS WHERE GREENFIELD GROWTH IS DEEMED INAPPROPRIATE

The Strategy identifies a number of areas which are inappropriate for future residential growth beyond existing settlements¹⁵. These are:

- a) Waipatiki Beach
- b) Tangoio
- c) Puketapu
- d) Clive (except for the areas off the end of Read Crescent, between Main Rd (SH2) and Muddy Creek; and between Main Road and the Clive River opposite the Mill Road intersection).
- e) Clifton
- f) Ocean Beach (excepting that there is potential for growth of the existing Waipuka bach settlement on Maori land beyond the coastal hazard zones).
- g) Jervoistown / Meeanee / East Clive
- h) Natural detention areas (50 year flood ponding areas)
- i) Haumoana (north of East Road).

Note: as part of the 2016 HPUDS Review process, Whirinaki and an area of land in South Clive (off the end of Read Crescent and opposite the Main Road (SH2) / Mill Road intersection) were removed from the list of inappropriate greenfield growth areas. An independent review of the Heretaunga Plains Settlement Pattern carried out as part of the 2016 HPUDS review process¹⁶ supported their removal from HPUDS' list of inappropriate greenfield growth areas, but didn't go as far as recommending inclusion on the list of appropriate residential greenfield growth areas nor reserve area list for the 2015-2045 period (excepting a 4ha property located off the end of Read Crescent, Clive which has been added as a residential greenfield growth area).

The areas around Clive were considered inappropriate for development due to their high risks for flooding, coastal inundation and possible effects of sea level rise through climate changes.

Section 3.3 of HPUDS contemplates that inappropriate areas may be reconsidered as appropriate through a future review of the Strategy, if the constraints identified as limiting their suitability for residential development could be overcome.

The applicant has provided two designs which are aimed at mitigating the effects of flooding and stormwater management which arise from the low lying nature of the proposed site. While these designs aim to address the flooding issues, it is not clear that they address risks associated with sea level rise and coastal inundation.

Even if those constraints could be addressed, HPUDS envisages a thorough assessment process to determine whether the location is suitable for greenfield growth, with the following characteristics being relevant:

2.2.1 Greenfield Growth Area Characteristics

Growth areas were selected on the basis of exhibiting the following characteristics:

- a) Soils are of lesser versatility, or
- b) Productive capacity is compromised by:
 - Size and shape of land parcels that mitigates against productive use
 - Surrounding landuses and reverse sensitivity
 - Lack of water/poor drainage
- c) Clear natural boundaries exist, or
- d) Logical urban edge greenbelts could be created, or
- e) Greenbelts could provide opportunities for walking and cycling connections, or
- f) Sites support compact urban form, can be serviced at reasonable cost and integrated with existing development.

The proposed site does meet a number of the criteria listed above, particularly that reverse sensitivity may be an existing issue due to proximity of residential land, the site has clear natural

boundaries and an urban edge could be created with Muddy Creek to the east and adjoining residential to the west and it could support walking and cycling connections.

However the soils are recognised as highly productive, the site sizes are relatively large and are considered suitable for productive use. There is insufficient information to comment on whether the site could be serviced at a reasonable cost, given the large reserve area required for servicing and uncertainties associated with how the development will be serviced, as discussed below.

In summary, HDC considers the Proposal to be directly contrary to HPUDS in that it utilises productive land and is in an area specifically identified as inappropriate, without the support of clear evidence that risks from flooding, inundation, sea level rise and tsunami can be appropriately addressed.

Housing Capacity Assessment (HCA)

As required under the NPS-UD, HDC, in conjunction with Napier City Council and Hawke's Bay Regional Council completed a housing capacity assessment (HCA). This provided the demand and supply assessment for Napier and Hastings for the Short, Medium and Long term. The findings of the assessment were that for Hastings, there is sufficient capacity for the short and medium term, however some deficiency for the long term, as outlined in the summary below:

RECONCILING SUPPLY AND DEMAND

The estimated capacity is reconsidered and expressed as 'Reasonably Expected to be Realised' (RER) capacity. This is then reconciled with the estimated demand. The process is consistent with clause 3.2 of the NPS-UD. The RER considers historic patterns (derived from CCCs¹¹ and consents).

The main findings for *Hastings* are:

1. There is **sufficient capacity over the short and medium term** but the surplus (sufficiency) over the medium term is relatively small and it is sensitive to the assumptions associated with
2. Comparing the RER capacity against the demand outlook (including the competitiveness margin), and assuming a move to more intensive development, sees **sufficient capacity in the short and medium term**, but a deficiency remains for the long term. This RER is subject to some shifts towards higher density typologies.
3. There is uncertainty associated with infrastructure provisions over the long term. Even if long-term RER capacity includes the infrastructure constrained capacity (lifting capacity to capacity to 42,100) a deficit remains. This **deficit remains** regardless of whether the competitiveness margin is included or excluded¹².

It should also be noted that the HCA does not include a backlog from the last 5 years of rapid growth and migration, estimated at around 1600 households for Hastings and 750 for Napier at the end of 2020. It is therefore acknowledged that the short term constraints around housing supply are more acute than shown under the HCA.

Given this, it is accepted that there is a need for additional growth capacity for Hastings District, although not necessarily in greenfields locations. Given the requirement in the NPS-UD to complete the Future Development Strategy by 2024, it was considered that the most appropriate mechanism to consider future development of the Region in a comprehensive way was through the FDS process. This also allows for full involvement and account to be taken of the concerns and aspirations of mana whenua in relation to future development.

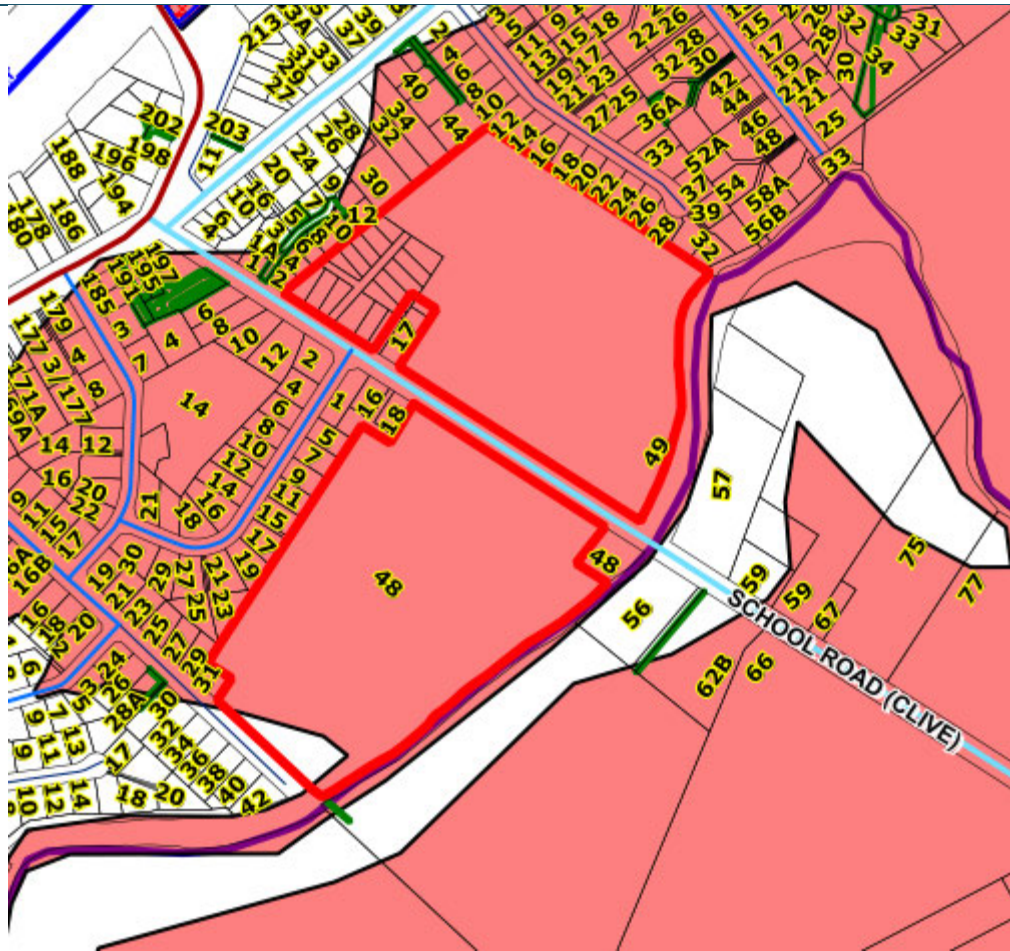
The Proposal would make a modest contribution to the housing supply for Hastings, however it remains HDC's preference that identification of any new areas for growth be the subject of the FDS process where a range of alternative locations can be considered and compared.

Natural Hazards Risks and Management

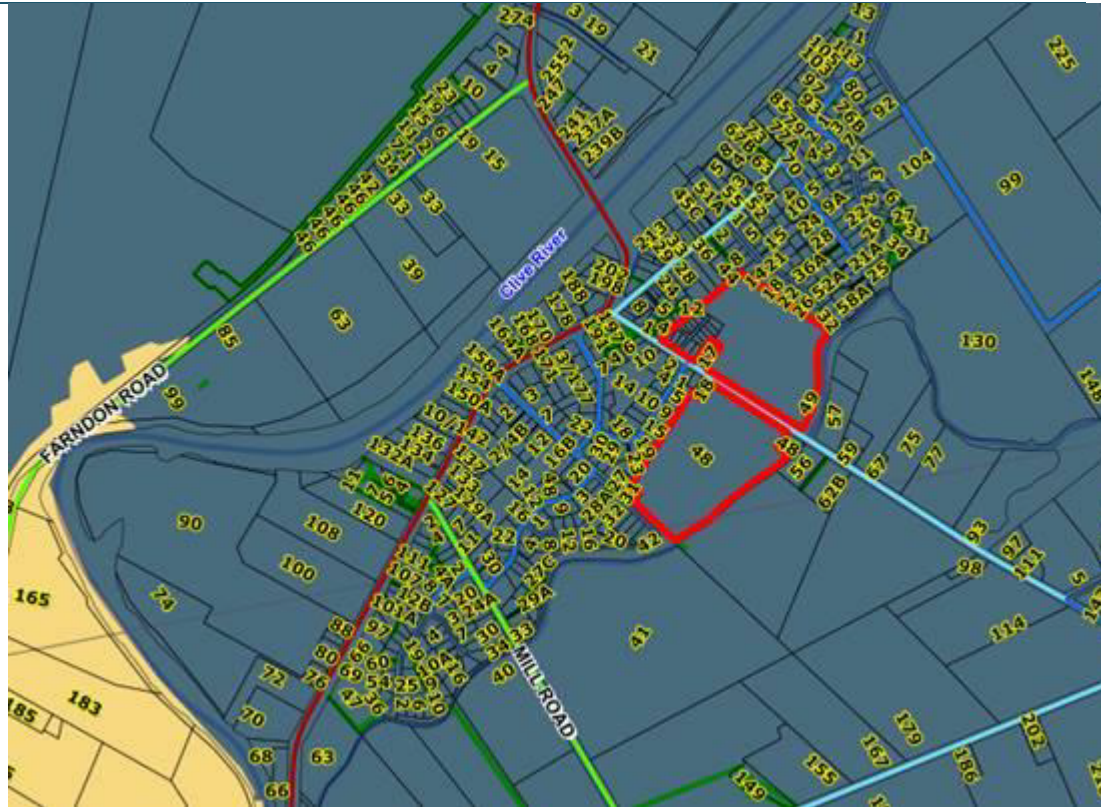
The site is located within an identified flood risk area, is subject to coastal inundation and from overtopping or erosion rates over next 100 years as represented in the maps below. Its proximity to the coast puts it at risk from tsunami and higher rates of sea level rise:



Map 1: Flood Risk Area, with the proposed site outlined in red (from HDC GIS map but using the same dataset as the Hazard Portal)



Map 2: Hastings Inundation 2120 – 1% AEP with the proposed site outlined in red (from HDC GIS map but using the same dataset as the Hazard Portal)



Map 3: The current distant source tsunami inundation extent, with the proposed site outlined in red (from HDC GIS map but using the same dataset as the Hazard Portal)

HDC has significant concerns about the suitability of doubling the size of Clive given the area is significantly exposed to natural hazard risks. From a wider planning perspective, the location is not considered to represent a preferred or appropriate option in terms of long term community resilience. To assist with planning for climate resilience, the Government recently released the National Adaptation Plan. This includes relevant objectives including requirements for robust information about climate risks to inform new development. It also requires that *“New and existing places are planned and managed to minimise risks to communities from climate change”*, with ‘explanations’ for that objective including:

- *Improve resilience through effective planning, urban design and management; and*
- *Avoid development in places that may be more exposed to climate hazards.*

HDC considers a more extensive assessment is needed to ensure that development investment and infrastructure is assessed through a climate change lens. Also in looking at potential solutions for onsite management, sea level rise as a result of climatic changes may impact on groundwater levels in coastal communities such as Clive so needs to be factored into modelling and solutions to assist in building resilient communities. Providing for new development without appropriate information risks direct conflict with the National Adaptation Plan’s direction to avoid development that may be exposed to climate hazards.

HDC does not have in-house expertise regarding flooding risks and would generally rely on the Hawke’s Bay Regional Council (**HBRC**) for technical advice on this matter and in some instances seek peer review of any technical report lodged. The Hawkes Bay Hazard portal - <https://gis.hbrc.govt.nz/hazards/> holds mapping and technical hazards information. The application implies that the information the Regional Council holds regarding flood risks is out of date. However, as HDC understands it, the Regional Council information is the most up to date

information currently available and in the absence of a detailed hydrological model and assessment by the applicant for this Proposal, it makes assessing both this risk and any potential avoidance or mitigation to meet Resource Management Act requirements difficult.

The proposal is likely to require substantial works to avoid flooding hazards. Flooding risk to properties maybe able to be mitigated through raising the ground level. Significant changes to the existing contour may then lead to secondary effects such as visual effects, and displacement of any flood water onto adjoining sites. The application does not include an adequate assessment of these matters.

A report completed by GNS Science, entitled Tsunami Modelling in Hawkes Bay (Final Report), was recently completed in June 2022, with the intent of using the tsunami scenarios to inform land use planning decisions for the region. This information does not yet appear on the Hazard Portal so comment should be sought from Hawke's Bay Regional Council in relation to potential tsunami risks and management.

Infrastructure Capacity

General: The applicant's engineers engaged with HDC's Asset Management team in August / September 2022 at a high level and were advised that there are substantial constraints and that as this site does not sit within an identified growth area, there has been no consideration or planning for this proposal and therefore no servicing capacity. Servicing issues have not been satisfactorily addressed in the information provided under the Covid Fast Track application (Enclosure E). Beyond the initial discussion, there has been no further contact around servicing including provision of a detailed servicing assessment which contains modelling, the need for upgrades or any new services or infrastructure that may be required nor has HDC had the opportunity to discuss alternative solutions, ownership, management and maintenance responsibilities and any liabilities that may arise from the proposal, which could be significant given the natural hazard risks. HDC Engineers therefore cannot support a fast track application that is lacking in detail and engineering analysis to support the provision of services as proposed.

Water Supply: The reservoir is new and fit for purpose for what HDC has anticipated in terms of current and future demand. The Clive water supply provides fire-fighting and drinking water supply to part, but not all, of the existing Clive community. The servicing report refers to watermains located in close proximity to the proposed site and suggests that these will be sufficient to provide service to the proposed development area however does not provide any modelling or hydraulic analysis to support these generic statements. The Tucker Lane supply is limited to meeting the demand from the existing community with any spare capacity allocated to existing properties within the community that currently choose to source their supply from onsite bores. The proposed development area will significantly exceed the ability to maintain network pressures, meet fire-fighting capabilities and manage storage from our reservoir. Without detailed analysis to assess options for distribution and increasing the supply, the proposed development area cannot be serviced for drinking water and fire-fighting.

Wastewater: The services report refers to the existing School Road wastewater pump station and intends that this pump station will be used to service the proposed development site. This pump station services the entire Clive township and pumps via a rising main to discharge into the #3 trunk sewer in Richmond Road. There is insufficient capacity at this pump station to service the proposed development area. The rising main in School Road has been renewed in 2020 and sized with some

spare capacity dependent on how much and where that demand may be located, however specific analysis will be required to determine whether the existing network can be utilised for the proposed development. Alternatively, a standalone system (pump station and rising main) discharging at Richmond Road may be acceptable to Council. Of specific concern is the location of existing wastewater infrastructure (gravity pipes) located within the proposed stormwater detention area and the pump station site that will be immediately adjacent to the detention pond. These assets will be impacted by the proposed excavation and the potential for stormwater to inundate the wastewater system. The geotechnical report suggests that the existing soils will be prone to vertical deformation from liquefaction and seismic loads and suggests that pipe grades be steepened to allow for this. However, given the low lying and flat nature of the land, this is not considered achievable, increasing the risk of pipe failures over time.

Stormwater: HDC understands the local drain (Muddy Creek) is at capacity. It is therefore important that the any additional stormwater generated by the development can be managed through on-site means. The proposed development area is low lying and known to be in a flood zone. The proposal sets out how stormwater generated from the development is to be attenuated, and the existing flooding problem alleviated, by elevating land, proposing minimum floor heights and containing stormwater within a substantial detention area to the north. This is a rudimentary proposal which simplifies the analysis to a cut and fill calculation without addressing issues of the impacts of containment, overland flow management, stormwater treatment and providing a primary disposal pathway to the HBRC drainage system. There is no analysis of what happens once the detention area is full and where that stormwater will eventually go.

Without a means of draining the detention area, it will hold a substantive volume of water for a prolonged period. Stormwater pump station data indicates that there is a high water table that is subject to tidal fluctuations. This may hinder the ability of the proposal in terms of compensatory storage as a storm event coupled with a high tide may fill the basin via ground water rather than stormwater runoff. Further, there has been no analysis to determine the impact of raising land adjacent to the existing community and how stormwater run-off will be managed to ensure that properties are not adversely affected nor has the applicant provided evidence of discussions or support from HBRC on their proposal. In proposing any solution, consideration needs to be given to the effects of climate change and the impacts that this will have on both the stormwater system but the wider catchment in general.

Transport Effects

Clive is located approximately in between two of the main urban areas in the region (Napier and Hastings). The town benefits from direct connection to both centres via State Highway 51 (Main Road), which also provides for cycling and bus links. Additional traffic (vehicle, pedestrian and cycling) generated by the development will therefore more likely rely on State Highway 51 for access.

HDC have concerns over the likely effect to transport safety. As one of the main thoroughfares between Napier and Hastings, State Highway 51 experiences high traffic volume during peak hours. Both Tucker Lane and School Road intersections are controlled by give way signs. As the proposal will effectively double the amount of residential properties serviced by the road network to the State Highway, potential effects in terms of congestions, particularly for traffic turning right, need to be further assessed.

	<p>Intersection between School and Ferry Roads also require further consideration. Current layout requires traffic coming from Ferry Road to turn into School Road first before State Highway 51. Additional traffic and longer queue during peak hours may make this manoeuvre difficult.</p> <p>There have been concerns raised with Council and Waka Kotahi by existing residents in regard to the School Road / Ferry Road / Main Road (SH51) intersection and difficulties with access and egress especially during peak times so any additional traffic from the development will exacerbate this. There would also be increased traffic volumes at the Tucker Lane / Main Road (SH51) intersection which may exacerbate issues with safety and accessibility.</p> <p>HDC therefore recommends that <u>Waka Kotahi New Zealand Transport Agency be consulted</u> to further identify any potential transport effects. A comprehensive Transport Impact Assessment also needs to be provided to address the concerns above.</p>
<p>4. Is Fast-track appropriate?</p>	<p>For the reasons discussed above, HDC is of the view that the proposal is best managed through the Future Development Strategy, and if Clive is assessed as an appropriate growth area through the FDS process, then a plan change can be pursued. Using a plan change process allows HDC to ensure consistency with the NPS-HPL, the NPS-UD, and to preserve the integrity of its District Plan, by providing for growth in appropriate residential zones, rather than as non-complying activities where the Proposal directly challenges the approach to management of Plains Production Zoned land, as discussed above.</p> <p>In the alternative, Council considers it more appropriate that the Proposal be the subject of the usual resource consent process. While HDC cannot predetermine its decision on notification, it is likely that the application would be at least limited, and possibly publicly, notified. While that would result in longer timeframes, the various issues raised throughout mean HDC considers it likely to be appropriate that the community has an opportunity to comment on whether a departure from the direction set out in HPUDS and the District Plan is warranted in the particular circumstances of the Proposal.</p>
<p>5. Environmental compliance history</p>	<p>No compliance issues</p>
<p>6. Reports and assessments normally required</p>	<p><u>Hydraulic Model / Flood Level Assessment</u> - a site specific hydrological model and assessment, prepared by a qualified hydrologist, should be provided to determine effects on the subject area and surrounding properties and means of avoidance or mitigation including determination of the minimum ground level required to avoid the flooding hazard. Such a report is essential to determine the extent and level of secondary effects relating to earthworks, visual and landscape amenities. The assessment should also consider matters such as the maximum velocity of any flooding, which may have a significant impact on the risks to property and human life, determine and factor in climate change parameters including effects on groundwater levels.</p> <p><u>3 Waters Assessment</u> - a detailed servicing assessment which contains modelling to address the servicing issues raised above and to demonstrate that the development can be appropriately serviced. This needs to address the identified natural hazard risks and factor in climate change scenarios, and the need for upgrades or any new services or infrastructure that may be required. As the likely long term owner of new infrastructure, HDC then ideally needs the opportunity to</p>

	<p>discuss alternative solutions, ownership, management and maintenance responsibilities and any liabilities that may arise from the proposal and how best to address these.</p> <p><u>Transport Impact Assessment</u> - As discussed above, HDC is concerned over the potential transport safety effects of the proposal, specifically the effect to the road intersections with State Highway 51. A Transport Impact Assessment would be required to assess whether the additional traffic can be accommodated and how.</p> <p><u>Soil quality and productive potential assessment</u> – As the Proposal is reliant on meeting the exceptions in clause 3.10 of the NPS-HPL, a detailed assessment would be required addressing all relevant matters. This would need to include detailed assessment of the soil types and the productive potential over the required 30-year period, including whether there are methods to enable this to be improved.</p> <p><u>Geotechnical investigation report</u> – while the application has provided a preliminary geotechnical investigation report, the report did not take into account of any work required to raise the ground level so this needs further investigation.</p> <p><u>Cultural impact assessment</u> – given the scale and extent of development, it is likely that the Council would require a cultural impact assessment if the application went through the standard process. This is subject to the outcome of consultation taken with the local iwi authorities.</p> <p><u>Urban Design assessment</u> – the benefits of well-designed communities are well understood. The Regional Policy Statement includes structure planning inputs and the proposal if advanced should be considered against these to ensure consistency and integration with the existing community. Council has not included urban design and layout comments as there are substantive issues around the suitability of the site which need addressing prior, but would welcome an opportunity to do so if the Proposal is advanced.</p>
<p>7. Iwi and iwi authorities</p>	<p>The western boundary of the property is approximately 550m and is directly adjacent to Muddy Creek, a recognised statutory acknowledgment area under Schedule 3 of the Heretaunga Tamatea Claims Settlement Act. This is a significant interface with a statutory acknowledgment area and should be addressed prior to any structure planning or development of the site begins.</p> <p>K3 is a development company owned by Kahungunu Asset Holding Company and HDC’s understanding is it is not itself a mandated iwi authority nor does it have authority to speak on behalf of Ngāti Kahungunu Iwi Incorporated (NKII) without explicit direction. It is also noted that NKII are not the mandated iwi authority in this area, but rather that role is held by Heretaunga Tamatea-Settlement Trust (HTST) as mandated representatives for the hapū of Matahiwi marae. Therefore, while consultation should continue with NKII this does not constitute adequate pre-application engagement with Māori and it is inappropriate for consultation with HTST to be relegated to the second stage. Engagement ideally needs to happen during the inception phase to ensure any development plans are culturally sympathetic and avoid culturally insensitive effects.</p> <p>Discussions also need to be held with Te Taiwhenua o Heretaunga who are a mandated political organisation of NKII, around environmental health and well-being.</p>
<p>8. Relationship agreements under the RMA</p>	<p>HDC is not aware of any relationship agreements but as part of engagement with mana whenua this needs confirming.</p>
<p>9.</p>	<p>Question 1 - Are there any reasons that you consider it more appropriate for the project, or part of the project, to proceed through existing Resource Management Act 1991 (RMA) consenting</p>

<p>Insert responses to other specific requests in the Minister's letter (if applicable)</p>	<p>processes rather than the processes in the FTCA, including whether it is likely that the consents would be considered jointly with the Hawkes Bay Regional Council under standard RMA process.</p> <p>Refer to #3 and #4 above. HDC is open to the suggestion of any consents being considered jointly with the Hawkes Bay Regional Council.</p> <p>Question 2 - What reports and assessments would normally be required by the Council for a project of this nature in this area?</p> <p>Refer to #6 above.</p> <p>Question 3 - Does the applicant, or a company owned by the applicant, have any environmental regulatory compliance history in your district?</p> <p>Refer to #5 above.</p> <p>Question 4 – The applicant has indicated that the project can be adequately serviced for three – waters and transport infrastructure. Do you have any concerns about the availability and capacity of three-waters and transport infrastructure to service the project, including any significant upgrades that may be required?</p> <p>Refer to #3 above. Until such time as more technical investigations are carried out details such as upgrades cannot be determined.</p> <p>Question 5 – Why does the Heretaunga Plains Urban Development Strategy identify the area that the site project site is located as inappropriate for future residential growth?</p> <p>HDC considers the Proposal is more properly considered following the mapping of highly productive land required by the NPS-HPL and through the Future Development Strategy process required by the NPS-UD. Reasoning is included above under #3.</p> <p>Comments completed 27 October 2022</p>
<p>10. Other considerations</p>	<p>N/A</p>

Note: All comments, including your name and contact details, will be made available to the public and the applicant either in response to an Official Information Act request or as part of the Ministry's proactive release of information. Please advise if you object to the release of any information contained in your comments, including your name and contact details. You have the right to request access to or to correct any personal information you supply to the Ministry.

Comments on applications for referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020

This form is for local authorities to provide comments to the Minister for the Environment on an application to refer a project to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

Local authority providing comment	Hawke's Bay Regional Council ('HBRC')
Contact person (if follow-up is required)	Gavin Ide, Principal Advisor Strategic Planning s 9(2)(a)
	Katrina Brunton, Group Manager Policy & Regulation s 9(2)(a)
	Click or tap here to enter text.

Comment form

Please use the table below to comment on the application.

1. Project name	Clive Residential Subdivision Development Project, 49 School Road, Clive, Hawke's Bay (an application by Tomorrow Developments Limited)
2. General comment – potential benefits	<p>Hawke's Bay Regional Council (HBRC) has a number of roles and interests in proposals for urban development within the Heretaunga Plains sub-region. These include as manager of critical flood control and drainage scheme assets, as consent authority under the RMA, as champion and advocate for the HB Regional Policy Statement and a range of other strategies including those covering urban growth, natural hazards, freshwater management, indigenous biodiversity and land transport to name a few.</p> <p>Merits of the proposal include that it proposes servicing that is integrated and networked, rather than 170+ lots each providing individual on-site supplies of water, collection treatment and disposal of wastewater, and the management of stormwater. However, we are not convinced that the solutions proposed in the application are appropriate in this location. We outline those concerns in the sections below.</p>
3. General comment – significant issues	<p>Stormwater & flooding See #6 below.</p> <p>Other natural hazards See #9 below.</p> <p>Highly productive land See #4 below.</p> <p>Strategic planning for housing needs in wider Hastings/Napier area See #10 below.</p>
4. Is Fast-track appropriate?	<p>We are not yet convinced that a fast-track process is appropriate. At this stage it is difficult to determine the appropriateness of this process. We have identified several areas of uncertainty/risk (e.g. flooding and stormwater) and misalignment with new national policy direction (e.g. the NPS-HPL). We believe a district plan rezoning process is more appropriate than a consenting process (let alone a fast-track consenting process).</p> <p><u>National Policy Statement for Highly Productive Land</u></p> <p>We observe that the recently released National Policy Statement on Highly Productive Land came into effect on 17th October 2022. Consequently, several of the directives in the NPS-HPL now pose very high thresholds for</p>

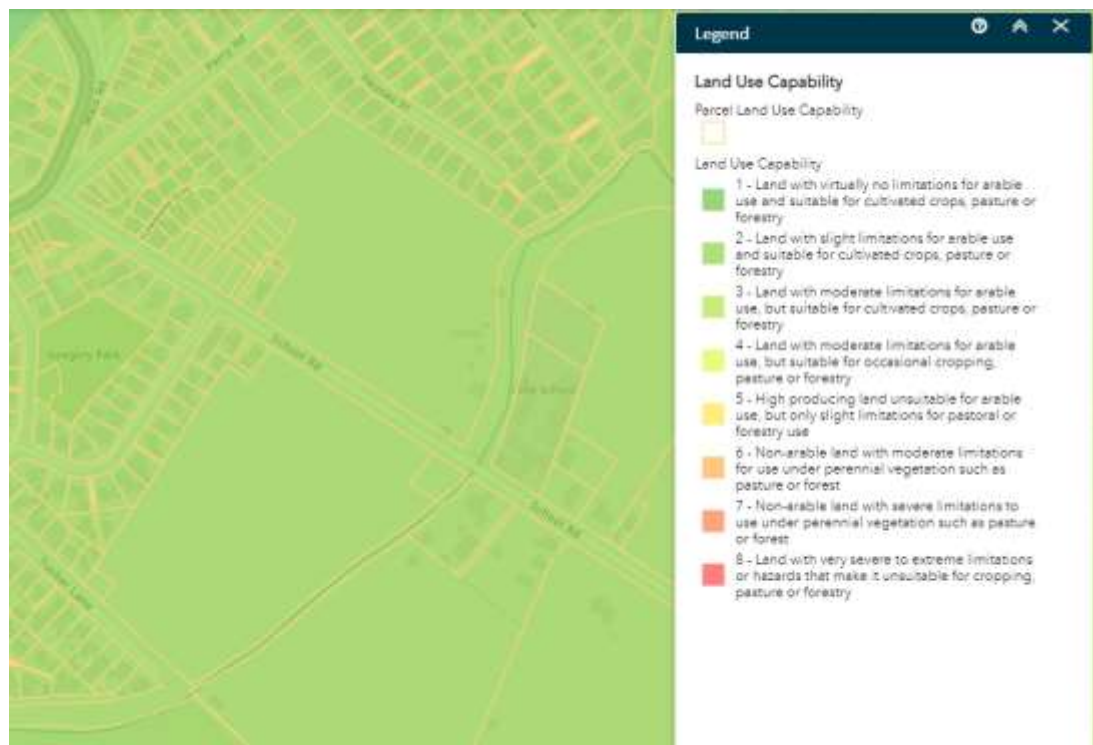
developments such as this one on highly productive lands. The property is entirely LUC2 (see Figure 1). The NPS-HPL’s sole objective is clearly stated.

NPS-HPL Policy 8 directs that “highly productive land is protected from inappropriate use and development.” NPS-HPL Policy 7 directs that “subdivision of highly productive land is avoided, except as provided in this [NPS].” Clauses 3.8 and 3.9 then go on to set out a non-exhaustive list of things that territorial authorities [or their equivalent consent-decision-making bodies] must to do to give effect to the NPS-HPL’s objective and policies.

In terms of s23(5)(c) of the COVID-19 Recovery (Fast-track Consenting) Act 2020, the proposal appears to be inconsistent with the NPS-HPL. The application is for subdivision of land. That land that is entirely LUC2. The land is **not** ‘identified for future urban development’ (i.e. in a Future Development Strategy, nor in a strategic planning document, as an area suitable for commencing urban development over the next ten years.)¹ In fact, Clive has been identified in strategic urban development planning processes as **inappropriate** for further residential greenfield developments.

Enclosure G of the application document bundle is a preliminary soils feasibility assessment. Neither this report, nor elsewhere in the application does the Applicant address the impacts of losing around 12 hectares of ‘highly productive land’ as now defined by the NPS-HPL. The application (at Part VII) is bold enough to suggest that this area of ‘highly productive land’ might be suitable “to be sacrificed for urban growth” rather than some other land in the Plains Production Zone.

Figure 1: land use capability at 49 School Road, Clive



<p>5. Environmental compliance history</p>	<p>According to HBRC’s records, there are no records of enforcement action being taken against ‘Tomorrow Developments Limited’ nor any of its two current directors (M Wilding and N Wilding).</p>
<p>6. Reports and assessments normally required</p>	<p><u>Resource consents required from HBRC</u></p> <p>Without prejudice, and without undertaking a full s95 RMA assessment, the consenting requirements identified the functions of the Regional Council would not necessitate automatic limited or public notification. It appears that the level of detail supplied by the applicant is considered sufficient to allow HBRC to process an application of this nature.</p>

¹ Refer meaning given to ‘identified for future urban development’ in NPS-HPL Section 1.3 Interpretation.

The application is within the area of Plan Change 9 (TANK) which was publicly notified on 2 May 2020. In September 2022, the Council's decisions on the TANK Plan were issued. Earlier this week, the appeal period closed. There have been several appeals filed. The actual total number is still to be confirmed with the Environment Court Registrar. Given much of the rules in the TANK plan change relate to water, pursuant to s86B(3) of the RMA, the rules of the proposed plan took legal effect at notification of the proposed plan. As such the activity should be assessed under both the rules of the Proposed TANK Plan Change 9, as notified, and any relevant rules of the RRMP until any section of the plan become operative.

Diversion of, and works within, the Muddy Creek

The Muddy Creek would fall under the definition of a 'river' in the RMA, which includes a 'modified water course' but does not include any artificial watercourses. Any activities in the bed would be regulated by the RRMP. The Muddy Creek is also within the HBRC flood control scheme (see Attachment 2).

Any new culverts, weirs, reclamation would be subject to the requirements of the National Environmental Standard for Freshwater, 2020 (NES-F). There are no natural wetlands identified on the site by the HBRC mapping portal, however we note that wetland areas will exist outside what has been delineated by HBRC. An assessment should be undertaken by a suitably qualified and experienced practitioner to determine whether any of the site could be defined as a 'natural wetland' under the National Policy Statement for Freshwater Management (2020).

The applicant has identified that consent would be required under Rule 71 of the RRMP for undertaking works within a flood control scheme as a discretionary activity. Any work within 6 metres of the Muddy Creek would require consent under Rule 71 of the RRMP.

Consent would also be required for new structures within the bed of a watercourse (e.g. stormwater outlets, culverts, bridges etc) if the activity could not comply with the permitted activity standards of Rule 67 of the RRMP and/or Rule 72 (whichever was relevant). Where the permitted activity standards could not be achieved, the applicant would require consent under Rule 69 of the RRMP.

Discharge of Stormwater

The applicant has identified consent is required under the following rules:

- Rule TANK 20 – the activity does not comply with condition (b) of Rule TANK 19. Therefore Rule TANK 20 is relevant as a restricted discretionary activity. A number of matters have been restricted for discretion including the effects of the activity downstream.
- Rule TANK 21 – the applicant has identified that consent would be required. This would be required where the new reticulation is vested in Hastings District Council
- Rule 42 (Regional Resource Management Plan) – the applicant is required to demonstrate that complies with the conditions of RRMP Rule 42 to be a permitted activity. Including evidence that that activity will not cause any permanent reduction of the ability of the receiving channels to convey flood flows.

Stormwater modelling and management

The applicant has provided some evaluation of stormwater management and flooding issues on the property. The stormwater sections of the servicing report have been reviewed by senior engineering and asset management staff at HBRC. Their advice is summarised below:

The Infir report analysed the catchment and compared the area with the HBRC model completed in 2003. That HBRC model was constructed using an old 1D model on ground LiDAR data available at the time. Since then, new LiDAR data has been available, and analysis using complicated 2D flood models has become readily available. It is worth mentioning that the Muddy Creek catchment has intensified in the last 20 years (since that 2003 modelling work), and the catchment response might be different now than back in 2003.

The Infir Report provides only the updated runoff volumes assuming no changes in the performance of the overall catchment, nor does the Infir report take into account sea level rise that could affect the pumping capacity of the Muddy Creek pumping station.

We consider that the critical work by the applicant would involve creating the independent flood model for the area using the latest LiDAR ground elevation and aerial LiDAR imagery. Then calibrate the model using historical HBRC flood level data and comparing with the proposed post-development ground configuration. This way, the applicant can demonstrate that the proposal does not increase the flood level or displaces the flood volume to the neighbouring lots.

	<p><i>For this level of development (proposed 173 residential dwellings), we consider insufficient flood model analysis to satisfy the proposed development.</i></p>
<p>7. Iwi and iwi authorities</p>	<p>Iwi authorities for RMA purposes with interests in the proposal area include:</p> <ul style="list-style-type: none"> - Heretaunga Tamatea Settlement Trust - Mana Ahuriri Trust, possibly (for MAT to confirm) - Ngati Kahungunu Iwi Incorporated - Te Taiwhenua o Heretaunga. <p>The application area is not in the coastal marine area so we do not identify any applicants for Customary Marine Titles and/or Protected Customary Rights in nearby coastal areas.</p> <p>Sources:</p> <ul style="list-style-type: none"> • www.tkm.govt.nz • https://www.tearawhiti.govt.nz/te-kahui-takutai-moana-marine-and-coastal-area/applications/hawkes-bay/ <p>'Pataka' (Hawke's Bay councils' online storehouse of information about tāngata whenua groups) accessible online at: https://gis.hbrc.govt.nz/LocalMapsViewer/?map=16398cdd055a45499c5d8ce736bfd190</p>
<p>8. Relationship agreements under the RMA</p>	<p>None applicable to the proposal area/site.</p> <p>However, HBRC has received several management plans prepared by tāngata whenua and authorised by an iwi authority. Electronic copies of these can be provided to MFE if required.</p>
<p>9. Insert responses to other specific requests in the Minister's letter (if applicable)</p>	<p>1. Are there any reasons that you consider it more appropriate for the project, or part of the project, to proceed through existing RMA consenting processes rather than the processes in the FTCA, including whether it is likely that consents would be considered jointly with Hawke's Bay Regional Council (sic?) under standard RMA process?</p> <p>We presume this question should have been in reference to consents considered jointly with <u>Hastings District Council</u> under standard RMA processes.</p> <p><u>Resource consents required from HBRC</u></p> <p>HBRC staff have not undertaken a full section 95 RMA assessment on this application as it would typically do so for an application through existing RMA consenting processes. Given that, and on a 'without prejudice basis', the consenting requirements identified the functions of the Regional Council would not appear to necessitate automatic limited or public notification. As such, it could be expected that with good quality information and any s92 requests responded to in full, the process would be unlikely to take longer than the statutory 20 working day requirement for processing.</p> <p><u>Urgency</u></p> <p>HBRC's records indicate there is no proven urgent need for housing that cannot be provided/met in other appropriate locations. HBRC is aware of several other 50+ lot proposals for residential developments that are more advanced and are being progressed with associated infrastructure etc. The Regional Policy Statement signals a clear preference for urban development proposals in Heretaunga Plains sub-region to follow planning sequence – not leap-frogging or proposals skipping immediately into ad-hoc consenting processes.</p> <p>To put it simply, this proposal is ad-hoc, unplanned within broader strategies and completely out of sequence with a growth management strategy for wider Napier-Hastings area.</p> <p>As for HBRC's consent requirements, there do not appear to be any unique or peculiar features of the project that cannot be properly assessed and addressed in a regular RMA consenting process, rather than the FTCA process. We note that bundling and joint hearing processes are entirely possible under regular RMA process (if the applicant were to lodge concurrent applications with HDC and HBRC).</p>

	<p>2. What reports and assessments would normally be required by the Council for a project of this nature in this area?</p> <p>See #6 above.</p> <p>3. Does the applicant, or company owned by the applicant, have any environmental regulatory compliance history in your region?</p> <p>See #5 above.</p> <p>4. Why does the Heretaunga Plains Urban Development Strategy (HPUDS) identify that the site project site is located is inappropriate for future residential growth?</p> <p>HBRC is one of three partner councils that has adopted HPUDS as the joint strategy for managing urban growth in the Heretaunga Plains sub-region over the 2015-2045 period. In simple terms, HPUDS identifies Clive as a location that is inappropriate for greenfield growth over at least the next thirty years for several reasons, including:</p> <ul style="list-style-type: none"> • vulnerability to flooding and limited opportunities for mitigation in the area and wider catchment; • infrastructural servicing constraints; • other locations being identified and preferred for planned, staged and sequenced greenfield growth options alongside infill (intensification) within existing urban areas. <p>Furthermore, the HB Regional Policy Statement also identifies Clive as one of several locations that are inappropriate for one or more constraints.</p> <p>The review of HPUDS in 2016/17 affirmed the conclusion of the original 2010 HPUDS – that is that Clive remains an inappropriate location for greenfield growth over the 2015-2045 period.</p> <p>5. Can the Council indicate whether the Future Development Strategy for the Napier Hastings urban area may potentially include the project site for residential development?</p> <p>We consider it is premature to provide definitive response to this question. Nevertheless, as outlined above, growth strategies over the past decade by the three councils have concluded Clive is an inappropriate location for residential greenfield growth for the 2015-2045 period. FDS process would canvas a range of matters, drivers, constraints and opportunities. We cannot know for certain if the FDS process would uphold the current growth strategy’s direction; whether it modifies the direction or something else. However, at this point in time, it would be highly unlikely that 2024 FDS would have a U-turn and identify Clive as a place that is appropriate for residential greenfield growth in the short to medium term. As we noted earlier, there are a number of other locations that HPUDS currently identifies (and prefers) as places for residential greenfield development in combination with planning for infill and intensification developments within existing urban areas.</p> <p>That said, we do consider that the FDS process is a far more suitable context/process than a fast-track consenting process within which the merits of residential development at this School Road location can be considered alongside and amongst the broader strategic imperatives that the NPS for Urban Development and other national direction places before us.</p>
<p>10. Other considerations</p>	<p>Click or tap here to insert any other responses you consider relevant for the Minister to be aware of.</p> <p>Pre-lodgement talks</p> <p>Staff from HBRC’s Engineering Team had some preliminary discussions and a preliminary email exchange about flooding issues and stormwater management on the property. The application (at Part IV) offers a misleading representation of HBRC’s involvement and preliminary discussions where it is suggested “there should be no problem to developing the land” and HBRC “would be supportive of residential development of the site” if flood modelling can demonstrate stormwater effects are less than minor.</p> <p>The Applicant has not had pre-lodgement talks about the range of other issues and interests that HBRC has in future residential development of Clive, nor the School Road property. It seems the Applicant (and agents) have deliberately chosen not to engage with HBRC on those wide-ranging other matters. Helpfully, senior staff from Hastings District Council did have some discussions with HBRC representatives in May 2022 on the School</p>

Road development proposal. It is not apparent from material in the Application's document bundle if an email is included from HDC's Mr Raoul Oosterkamp to Warren Ladbroke dated 13 May 2022. For avoidance of doubt and in case HDC do not provide this as part of their own separate response, a copy of that email is attached (Attachment 1).

The points made in that email of May 2022 relevant to HBRC's interests and functions remain valid and we reiterate that we do not consider this application is appropriate for the fast-track consenting process.

Strategic planning for residential housing needs of wider Hastings/Napier area

The Heretaunga Plains Urban Development Strategy ('HPUDS') is the result of a collaborative approach by the Hastings District Council, Napier City Council and Hawke's Bay Regional Council towards managing urban growth on the Plains from 2015 to 2045. The joint Strategy was first adopted in 2010, then a reviewed version re-adopted by the three councils in early 2017 (HPUDS2017).² The area covered by HPUDS 2017 and its 2010 predecessor includes Napier and Hastings cities and outlying settlements such as Clive.

HPUDS 2017 upholds earlier conclusions that Clive is an inappropriate location for future residential greenfield developments for the 2015-2045 planning period.

Implementation of National Policy Statement on Urban Development ('NPS-UD')

We believe HPUDS was a proactive forerunner to many of the directions in the NPS-UD³ (and now too the NPS-HPL).

Instead of commencing the next regular five yearly review of HPUDS, the three councils are taking steps to implement the requirements of the 2020 NPS-UD.

The urban area of Hastings and Napier is a Tier 2 area under the NPS-UD. In 2021, HDC, HBRC and NCC completed the Housing Capacity Assessment as required by the NPS-UD. The School Road subdivision is not urgently needed in order to meet shortfalls in residential development capacity. The three councils have just recently completed a Business Land Capacity Assessment for the Hastings-Napier Urban Area. Both the housing and business land capacity assessments will be key documents informing the three councils' joint work now underway to prepare a Future Development Strategy. That FDS will need to meet specifications as stated by the NPS-UD, and will be completed in time to inform the councils' 2024-34 Long Term Plans.

Natural hazards

The property is subject to a number of natural hazards. Many of those can be viewed via the online Hawke's Bay Hazards portal tool.⁴ This is a 'self-help' information portal.

The geotechnical report from Initia addresses some of the seismic and liquefaction risks however HBRC do not have the technical in-house expertise to assess the validity and veracity of this report.

We do note that new data from the National Seismic Hazard Model (NSHM) indicates that the risk has increased 50-200% and that this may undermine some of the conclusions of the geotechnical report.

We understand that MBIE are reviewing building codes/protocols for new buildings on the basis of this new data, possibly due out in 2023.

Other mitigating actions included in the application bundle address some of the other hazards that the property is subject to. But the appropriateness of those actions would require (time-consuming) in-depth analysis which we have not undertaken for purposes of this feedback.

The application notes "*the risk of tsunami is common throughout the region and the established defence (employed in other similar developments) is through evacuation beyond the affected area.*" This suggests the Applicant is satisfied that they are not compelled to address how significant risk of tsunami for a 170+ lot

² To embed key elements of HPUDS into a statutory planning document, HBRC prepared Change 4 to the Regional Policy Statement. Change 4 was publicly notified in December 2011 and after submissions and hearings, became operative in January 2014. In July 2021, HBRC officially commenced the 'Kotahi Plan.' The 'Kotahi Plan' is an ambitious combination of reviewing the RPS, regional coastal plan, regional plan and incorporating various other resource management issues and implementing new national direction on freshwater management, urban development and climate change to name just a few. HBRC's intention is that the Kotahi Plan will be publicly notified by 31 December 2024.

³ And also the NPS-UD's predecessor – the 2016 National Policy Statement on Urban Development Capacity.

⁴ <https://gis.hbrc.govt.nz/hazards/>

residential development should be avoided or mitigated – other than to suggest evacuation is all that can be done. We do not agree with that approach for contemporary decision-making in 2022 and beyond.

In September 2022, HBRC received a report from GNS completing work on level 3 tsunami modelling for part of the Hawke Bay coastline. HBRC commissioned this work from GNS to provide HBRC with tsunami models for Hawke’s Bay that are appropriate to use for land-use planning in the region. The report and associated maps do not yet feature in the HB Hazards Information Portal. HBRC’s GIS staff are currently converting datasets from GNS reporting into a series of maps to illustrate the various tsunami scenarios as modelled by GNS’s recent work.

Note: All comments, including your name and contact details, will be made available to the public and the applicant either in response to an Official Information Act request or as part of the Ministry’s proactive release of information. Please advise if you object to the release of any information contained in your comments, including your name and contact details. You have the right to request access to or to correct any personal information you supply to the Ministry.

ATTACHMENT 1

From: Raoul Oosterkamp
Sent: Friday, 13 May 2022 3:00 PM
To: 'Warren Ladbrook' s 9(2)(a)
Subject: FW: Clive - School Road Response
Importance: High

Good Afternoon Warren,

Thank you for your patience.

You have asked for initial feedback on your concept to establish Residential Housing in the Clive School Road area.

The following response is a culmination of feedback from Council's Strategy, Policy Planning, Regulatory Planning and Future Growth Teams and is provided to you on a "**without prejudice basis**". Officers have also had discussions with representatives from HBRC on the proposal.

Summary points:

- HPUD2010 was designed as a comprehensive scheme for integrated management of the urban environment. Clive is classified as an area inappropriate for development in HPUDS and this is reflected in the RPS. This is due at least in part due to the low lying and vulnerable nature of the land in terms of storm water and flooding and accordingly growth has been directed away to more appropriate and lower risk areas without necessarily considering wider issues in depth. The Council is not convinced that the circumstances have changed sufficiently in respects of the stormwater vulnerabilities and adverse effects of any mitigation that may be proposed, but notes further that it is now 12 years since HPUDS first considered the area (and over 20 years since the development of the Clive Urban Development strategy).
- Accordingly wider urban and environmental issues and considerations cannot be said to be the same and we cannot conclude, even allowing for any stormwater solution, that development would necessarily be appropriate in terms of integrated management and consideration of alternative development areas, particularly in the absence of a wider review as is being planned through the Future Development Strategy under the NPSUD due for completion in 2024. In the meantime Councils urban growth implementation programme is making substantial provision for new greenfields development in accordance with HPUDS over the next two years, while noting HPUDS underpinning philosophy of transitioning to a greater proportion of intensification within urban boundaries over time.
- The recently completed housing capacity (land) assessment confirmed there is sufficient residential land capacity to meet projected demands for the current and longer term (2030-2050) periods. That capacity can be delivered through existing residentially-zoned land and areas that the Regional Policy Statement (plus Heretaunga Plains Urban Development Strategy) have already earmarked as appropriate for residential growth. Clive is NOT one of those locations.
- The proposal to deal with stormwater flooding is simplistic. The issues of flooding, stormwater surface flows are complex in this area. If a comprehensive proposal was to be progressed, we would expect the developers to commission a thorough modelling exercise. The "flood assessment" mentioned in the 27 April 2022 letter is inadequate and imprecise. Reliance on tractor pumping being available during flood events is short-sighted and imprudent.
- The location is subject to a number of natural hazards – pluvial flooding only being one of them. Many of those hazards such as flooding from rising ground water tables will be exacerbated by our changing climate. Adaptation to impacts of a changing climate will be a key factor for future urban growth and infrastructure decisions across the Heretaunga Plains. Sign-off for any proposed flood mitigation would need to come from HBRC and HDC.
- Given the above concerns and strategic planning advice it is highly unlikely that a resource consent application to HDC would be supportable. In addition to the concerns raised above there would be a clear clash of the Plains Production zoning (which seeks to retain versatile land) and the extent of land required for the both residential development and associated stormwater solution.

Other points also to note include:

- A number of resource consents would be required from HBRC for a development proposal that features stormwater collection and treatment and discharge, and associated extensive earthworks and/or works/structures within waterways and council managed assets.
- If extensive earthworks similar to those outlined in the 27 April letter were undertaken, those earthworks and storage of stormwater may pose intolerable risks to sources of community drinking water supplies (this is not limited to only larger municipal water supplies, but smaller communal supplies too).

I appreciate the feedback above is not what you wished to hear, however the Team were conscious of making it clear to you as to the rationale behind the feedback noted above.

Regards,

RAOUL OOSTERKAMP

ASSOCIATE GROUP MANAGER: STRATEGY & DEVELOPMENT



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Hastings District Council, Private Bag 9002, Hastings 4156, New Zealand



Esri Technology, Land Information New Zealand, GRCO, Community maps contributors

Legend		
Asset Points	<ul style="list-style-type: none"> Screen Grade Control Private access Drain_NCC Stream Stopbank Rock groyne Whitebait spawning Regional Boundary 	
<ul style="list-style-type: none"> Weir Culvert Dam End of Scheme Control gate Bridge 	<ul style="list-style-type: none"> Headwall Pump station Mobil pump ramp Floodgate Radial Gate Public Access Groyne_S Vehicle Track Rock edge protection Groyne (Severe) Willow edge protection Drain Pipeline Detention Dam - Dam structure Detention Dam - Hazard Zone Detention Dam - Ponding area Beach raking Berm mowing Drain mowing Whitebait spawning (1) Other Mask 	
Asset Lines	<ul style="list-style-type: none"> Drain Drain Pipeline Rope_rail (Low) Rope_rail (Medium) 	<ul style="list-style-type: none"> Asset Polygons Beach raking Berm mowing Drain mowing Whitebait spawning Whitebait spawning (1) Other Mask



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Scale: 1:4,514
 Thursday, October 27, 2022

Original Sheet Size 594x420mm

