







# 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   e: s 9(2)(a)   m: s 9(2)(a) Katrina Brunton, Group Manager Policy & Regulation   e: 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	Oderings Brookvale Road MDR Project (an application by Oderings Nurseries CHCH Limited)
2. General comment – potential benefits	Part VII of the application fairly describes the site's current situation. It is currently vacant, with its previous nursery use having been discontinued and associated buildings removed. The proposal would introduce a development of 35 residential lots/dwellings at a medium density.
3. General comment – significant issues	No comment.
4. Is Fast-track appropriate?	<u>Resource consents required from HBRC</u> 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. It appears that the level of detail supplied by the applicant is considered sufficient to allow HBRC to process an application of this nature for consents required from HBRC.  In terms of 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).
5. Environmental compliance history	<b>Qu 3. Does the applicant or the applicant's construction partner (David Reid Homes), or a company owned by the applicant, have any environmental regulatory compliance history in your region?</b> According to HBRC's records, there are no records of enforcement action being taken against the Applicant nor its partner, David Reid Homes.
6. Reports and assessments normally required	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 Change 9 were issued. The appeal period has now closed with over a dozen appeals having been filed in the Environment Court. Given many of the rules in the TANK plan change relate to water, pursuant to s86B(3) of

	<p>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, and any relevant rules of the RRMP until any section of the plan change becomes operative.</p> <p>Having reviewed the applicant's document bundle, much of the documentation and supporting technical reports relate to matters that would be under consideration through the land use consents required by Hastings District Plan. The application documents contain little evaluation of the policies, plans and rules that trigger consents from HBRC under regional plans and/or relevant NESs. The Servicing Report contains some additional material, but remainder of application documents focus on land use matters and very little material on the discharge permits. For example, the 'High level 1404D assessment' document concludes <i>"on balance, the proposal will not be contrary to the objectives and policies of the Hastings District Plan as a whole"</i> – no mention of NPSs or relevant regional plans.</p> <p><b>Works within the Karituwhenua Stream</b></p> <p>The applicant has identified that consent would be required under Rule 71 of the Regional Resource Management Plan (RRMP) for the for undertaking works within a flood control scheme as a discretionary activity. Any work within 6m of the Muddy Creek would require consent under RRMP Rule 71.</p> <p>Consent would also be required for new structures within the bed of watercourse (e.g. stormwater outlets, culverts, bridges etc) if the activity could not comply with the permitted activity standards of RRMP Rule 67 and/or Rule 72 (whichever was relevant). Where the permitted activity standards could not be achieved, the applicant would require consent under RRMP Rule 69. Please note that TANK plan change has proposed some amendments to Rules 67 and 71.</p> <p><b>Discharge of Stormwater</b></p> <p>The applicant has identified resource consents are required from HBRC under the following rules:</p> <ul style="list-style-type: none"> <li>- <b>Rule TANK 20</b> – the activity does not comply with condition (b) of Rule TANK 19 and therefore is as per the activity description of Rule TANK 20, therefore Rule TANK 20 is relevant as a restricted discretionary activity. Rule TANK 21 – the applicant has identified that consent would be required. Both as per the proposed version of TANK as notified in May 2020. A number of items have been restricted for discretion and are matters for control including the effects of the activity downstream.</li> </ul> <p>We would expect to see some assessment from a suitably qualified and experienced civil engineer regarding the effect of the proposed activity on flooding, erosion and stream / river dynamics as well as assessment of the proposed treatment of the stormwater to maintain water quality standards given the industrial / trade activity that will continue to occur (garden centre). The applicant has provided an Engineering Services Report prepared by Development Nous Limited (ref H20200141-ESR-V1, dated 21/09/2022) which appears to provide much of this assessment (without having an engineer review the information in detail).</p> <p>An assessment of the likely contaminants of concern that may enter the stormwater system and how these will be treated before discharge should be provided. Some high level guidance about activities, contaminants of concern and treatment can be found at the Hawke's Bay Waterway Guidelines: <a href="https://www.hbrc.govt.nz/assets/Document-Library/Waterway-Design-guidelines/Industrial-Stormwater-Design-20090406.pdf">https://www.hbrc.govt.nz/assets/Document-Library/Waterway-Design-guidelines/Industrial-Stormwater-Design-20090406.pdf</a> at table 3.12. At section 3.2.5 of the Engineering Services Report, the applicant has proposed stormwater treatment devices and referenced the Hawke's Bay Waterway guidelines in the report. Regard should be had of the suitability of the proposed treatment system against the guidance.</p> <ul style="list-style-type: none"> <li>- <b>RRMP Rule 42</b> – the applicant is required to demonstrate that the proposal 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.</li> </ul>
<p><b>7. Iwi and iwi authorities</b></p>	<p>Iwi authorities for RMA purposes with interests in the proposal area include:</p> <ul style="list-style-type: none"> <li>- Heretaunga Tamatea Settlement Trust</li> <li>- Ngati Kahungunu Iwi Incorporated</li> <li>- Te Taiwhenua o Heretaunga.</li> </ul>

	<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"> <li>• <a href="http://www.tkm.govt.nz">www.tkm.govt.nz</a></li> <li>• <a href="https://www.tearawhiti.govt.nz/te-kahui-takutai-moana-marine-and-coastal-area/applications/hawkes-bay/">https://www.tearawhiti.govt.nz/te-kahui-takutai-moana-marine-and-coastal-area/applications/hawkes-bay/</a></li> </ul> <p>‘Pataka’ (Hawke’s Bay councils’ online storehouse of information about tāngata whenua groups) accessible online at:  <a href="https://gis.hbrc.govt.nz/LocalMapsViewer/?map=16398cdd055a45499c5d8ce736bfd190">https://gis.hbrc.govt.nz/LocalMapsViewer/?map=16398cdd055a45499c5d8ce736bfd190</a></p>
<b>8. Relationship agreements under the RMA</b>	<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>
<b>9. Insert responses to other specific requests in the Minister’s letter (if applicable)</b>	<p><b>Qu 4. Do you have any comments on how the project aligns with the NPS-FM 2020, the NES-F 2020 or the NPS-HPL 2022?</b></p> <p>Firstly, it is worth noting that the text offered by the Applicant in Part VIII of the application appears to be an error. There is a comment about proposed development layout being appropriate for its traffic and parking needs, yet no comment at all about NPSs and NESs.</p> <p><u>NPS-FM 2020 and NES-F 2020</u></p> <p>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 to date by HBRC. HBRC’s records of wetlands are not necessarily definitive nor comprehensive.</p> <p><u>NPS-HPL 2022</u></p> <p>According to records held by HBRC on land use capability classifications, the site is ‘LUC3.’<sup>1</sup></p> <p>The geotechnical report by Initia noted<sup>2</sup> that <i>“Most of the site was covered by either concrete slabs from the demolished buildings or asphalt for Oderings carpark. Beneath this was up to 0.7 m of fill that generally consisted of loose, moist, brownish grey silty sandy fine to coarse gravels, with some cobbles.”</i></p> <p>Not surprisingly given the NPS-HPL only came into effect last month, HBRC has not yet mapped HPL and proposed a change to its Regional Policy Statement as required to do so by the NPS-HPL within the next three years. Therefore the NPS-HPL’s interim meaning of HPL stands.</p>
<b>10. Other considerations</b>	<p><b>Natural hazards</b></p> <p>The property is subject to a number of natural hazards, but none appear to be particularly significant. Many of those can be viewed via the online Hawke’s Bay Hazards portal tool.<sup>3</sup> This is a ‘self-help’ information portal. Notwithstanding this, the Application (at Part IX) asserts that <i>“The site is not at risk from any particular natural hazards or effects of climate change.”</i> In Part X, the Application reiterates <i>“The site is not subject to natural hazards, in particular, the site is not subject to flood hazards that could be exacerbated by climate change. The building design will mitigate any potential risk from seismic activity.”</i></p>

<sup>1</sup> <https://gis.hbrc.govt.nz/LocalMapsViewer/?map=1ed9a3dd18344862b42373c31ba8e3d6>

<sup>2</sup> At section 3.3 (page 6)

<sup>3</sup> <https://gis.hbrc.govt.nz/hazards/>

	<p><b>Pre-lodgement discussions with HBRC staff</b></p> <p>No pre-lodgement consultation has been undertaken by the Applicant with HBRC staff. Yet the application (at Part IV) notes extensive consultation has been undertaken with Hastings District Council staff.</p> <p><b>Strategic planning for residential housing needs of wider Hastings/Napier area</b></p> <p>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).<sup>4</sup> The area covered by HPUDS 2017 and its 2010 predecessor includes Napier and Hastings cities and a number of outlying settlements. A key feature of HPUDS' preferred settlement pattern is increasing infill/intensification and reducing reliance on greenfield residential housing developments.</p> <p>We believe HPUDS was a proactive forerunner to many of the directions in the NPS-UD<sup>5</sup> (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.</p> <p>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 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.</p> <p>RPS Policy UD4.2 is particularly relevant as it sets out criteria that applies in determining future residential growth areas that are not already identified as appropriate locations (in RPS Policy UD4.3) or inappropriate locations (in RPS Policy UD4.4).</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.

<sup>4</sup> 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.

<sup>5</sup> And also the NPS-UD's predecessor – the 2016 National Policy Statement on Urban Development Capacity.

# Comments by Hastings District Council on an application 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.*

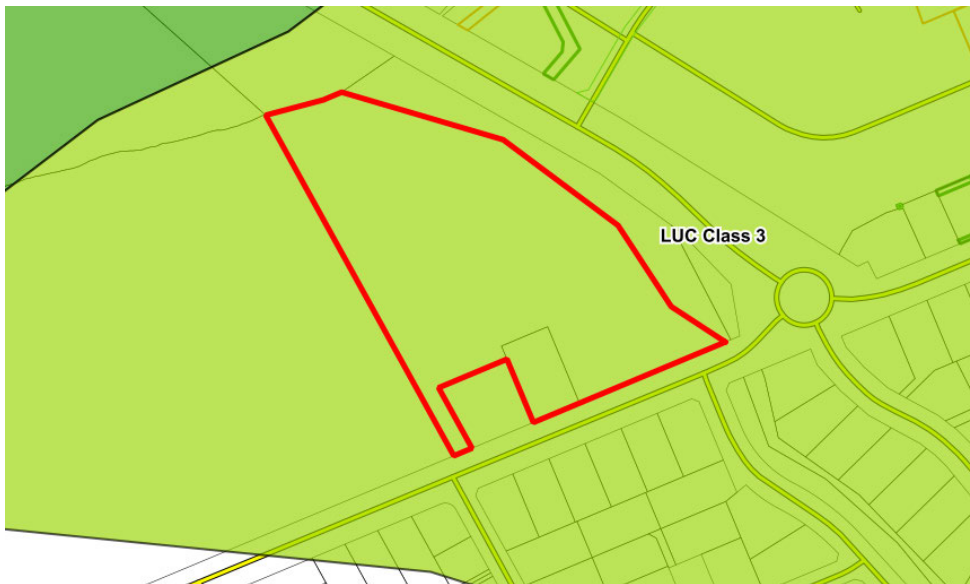
Local authority providing comment	Hastings District Council (HDC)
Contact person (if follow-up is required)	Anna Sanders – Senior Environmental Planner Policy (Special Projects) – s 9(2)(a)
	Click or tap here to enter text.
	Click or tap here to enter text.

## Comment form

Please use the table below to comment on the application.

Project name	Oderings Brookvale Road MDR Project ( <b>Proposal</b> ) <i>(The project is to subdivide an approximately 2-hectare site and construct a housing development at 55 and 57 Brookvale Road, Havelock North, Hawke's Bay. The project will create 35 residential lots and additional lots for access (including new public access points to Guthrie Park), and includes the construction of 35 residential units, private roads, a parking area for the existing Oderings Garden Centre operation, and connections to and construction of three waters services. The Oderings Garden Centre is intended to continue operating, and has recently gained resource consent to establish and operate a café).</i>
1. Summary of HDC's position	<p>The application (page 7) states that HDC is well aware of the applicant's vision for the site and is understood to be supportive of it. Pre-lodgement, HDC had without prejudice discussions with the applicant and representatives regarding the proposal and is supportive of the concept in principle.</p> <p>The applicant was advised that any approach to developing the site needs to be urban design led, include an appropriate level of effects assessments and that HDC's preference was that the proposal should be advanced by way of a plan change. HDC advised the applicant that upon lodgement of any plan change by Oderings and due consideration, HDC would consider adopting it as a HDC plan change. These discussions all took place ahead of the enactment of the National Policy Statement on Highly Productive Land (NPSHPL).</p> <p>HDC remains of the view that any development of this site for residential purposes should be advanced by way of a plan change, and does not support the referral of the Proposal under the</p>



	<p>Covid-19 Recovery (Fast Track Consenting) Act 2020. Its reasons are set out below but in summary, HDC's concerns are:</p> <ul style="list-style-type: none"> <li>- The Proposal appears likely to be contrary to the NPS-HPL;</li> <li>- The Proposal is consistent with some aspects of the National Policy Statement on Urban Development 2020 (NPS-UD);</li> <li>- The Proposal is contrary to the outcomes sought by the Hastings District Plan for the Plains Production Zone;</li> <li>- An appropriate level of effects assessment has not been provided across all matters; and</li> <li>- 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.</li> </ul> <p>HDC considers the Proposal is more properly considered through a plan change or Future Development Strategy process.</p>
<b>2. General comment – potential benefits</b>	<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>
<b>3. General comment – significant issues</b>	<p><b><u>National Policy Statement for Highly Productive Land 2022 (NPS-HPL)</u></b></p> <p>The NPS-HPL came into effect on 17<sup>th</sup> October 2022 and will apply to the land comprising the proposal. The most recent land use capacity mapping identifies the majority of the site as LUC 3, as represented in the map below:</p>  <p>The applicant has provided the following assessment as to the effects on productive soils for the District:</p> <p><b><i>Effects on productive soils</i></b> <i>There is no loss in the use of productive soils, given that from at least 2004 (from aerial imagery), the site has been used for a garden centre / with all previously vacant areas of the site redeveloped such that site from that point has been entirely covered by shadehouses &amp; glasshouses amongst parking areas. There is no practical, or commercial, prospect of the land being returned to any productive use. Even if the “ongoing” loss of land from productive use (as might be</i></p>

*anticipated by its historical zoning) is considered to be an potential adverse effect, it can only be a very minor one, given the comparatively very small land area involved (page 10 of the application).*

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.

The Proposal seeks to subdivide and consequentially build housing on HPL which is contrary to the following policies of the NPS-HPL:

*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.

Clause 3.10 'Exemption for highly productive land subject to permanent or long-term constraints' provides some limited exceptions to clauses 3.8 and 3.9 which is worthy of further assessment and consideration. The applicant has not specifically addressed the long-term constraints as part of their application, nor have they provided any assessment of the economic viability of the proposed land apart from to say that the land has not been used productively for the previous 18 years. Clause 3.10(3)(c) provides that consideration of permanent or long term constraints "*must consider the future productive potential of land-based primary production on the highly productive land, not limited by its past or present uses*". It would be useful if the applicant provided a more comprehensive assessment of the potential future productivity of the land against Section 3.10 of the NPS-HPL, including an economic assessment as to its economic viability to be used as a land based productive site over the next 30 year which may address 3.10 (1)(a).

While the site is still zoned Plains Production, residential rezoning and development has occurred to the periphery. This makes the site somewhat incongruous with the surrounding environment and would appear to limit its ability to be used productively. It is apparent that there are a number of constraints on this site that would limit its ability to be used as a productive unit and characteristics of this site which could be considered in the assessment required under cl 3.10 NPS-HPL, and make it worthy of further consideration for urban uses:

- The site is approximately 2.03 hectares in size. This is considered a small site which could make it difficult to be used as a standalone productive unit. The sites shape is also not conducive for many land based activities due to its triangular shape. However it is noted that NPS-HPL 3.10 (4) states that the size of the landholding is not itself a determinant of long term constraint (but presumably relevant to an overall assessment).
- The site is surrounded by residential development on three sides, with open space/public reserve on the West. There is extremely limited opportunity to utilise this site in conjunction with another landholding to form a productive unit.
- The proximity of residential land limits the forms of land based primary production that can occur on the site. Activities such as orchards create spray drift which create reverse sensitivity on neighbour properties which are difficult to mitigate on this site. Furthermore

noise created from general land based primary production activities are also likely to create reverse sensitivity effects.

- As mentioned in the application, the land has not been used for land based primary production for some time, being utilised as a pot grown nursery, not necessarily dependent upon the underlying soils (although use of glass houses shows that it has been used in a productive growing nature at various times to some degree), this would suggest a reduced capacity to be used in a productive manner but needs greater assessment.

It is acknowledged that much of the land surrounding the urban areas of Hastings/Napier would be considered highly productive under the NPS, and finding land for urban development is challenging. In this regard, the characteristics of the site and whether constraints on productivity can be established is worthy of further investigations, assessment and consideration. A more comprehensive assessment of the effects on the soil resource with regard to the NPS-HPL would provide more assurances as to the suitability of this site for residential development compared to other productive uses. In HDC's view until this assessment is provided, it cannot be determined whether the proposal has sufficient merit to overcome the requirements of the NPS-HPL.

HDC notes that the requirements for rezoning of HPL for urban purposes are slightly different and do not have the same requirement to disprove economic viability of productive usage. As discussed below, there is a potential pathway under cl 3.6 NPS-HPL for urban rezoning that would be more in line with the objective and policies of the NPS, as well as the NPS-UD and the objectives and policies of the District Plan.

#### **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. HDC supports the direction of the NPS-UD in that it generally aligns with our existing HPUDS strategy, discussed below, and supports the existing political direction to encourage intensification and avoid highly productive land where possible. While our future development strategy is yet to be fleshed out, we consider that the preference of compact urban areas would remain a guiding principle for the strategy.

The location of the proposed development supports the requirements of the NPS-UD in that it is within relatively close drive times to both Hastings and Havelock North urban areas. The proposed development is located within the existing urban area of Havelock North, and has good transport links to both Hastings and Napier and can be integrated to provide for existing job markets. In this regard we do consider this application would promote well-functioning urban environments and meet Objective 1.

While this site is not located near existing public transport links, given its location in an existing urban area it is conceivable that public transport may be located near this location in the future. We are not aware of any existing public transport expansion at this stage, however HBRC are trialling the MyWay system (a form of on demand system), which may be expanded if successful. The site is located near main arterial routes however and provides good access to urban areas. In terms of accessibility it is considered the location for this development generally meets NPS-UD requirements.

While the site is not located within close walking distance to existing CBD's, in terms of greenfields areas, given its location within existing urban limits, it is not considered detrimental to the reduction of greenhouse gases. It is also located in an area that will be resilient to the current and future effects of climate change provided that stormwater and flooding effects are appropriately mitigated.

The applicant has provided an urban design assessment and landscaping plan for the application. In a general sense we are satisfied that the application provides a variety of houses that meets the requirements of Policy 1 of the NPS-UD. It is considered that these medium density town houses will provide variation to the surrounding low density dwellings located in the majority of existing Brookvale and Arataki. While there may be specific details which could be improved, the application meets NPS-UD in terms of variety and design.

While the area of land is not located within our long term strategic documents, we consider this out of sequence development still supports Havelock North to be a well-functioning environment (being immediately adjacent to an existing greenfield development), can be supported by existing service levels in Havelock North and Hastings and is not detrimental to the future development of the area.

While it is noted that an approach has been made to Heretaunga Tamatea Settlement Trust, no substantive discussions have taken place. HDC does not consider that the applicant has sufficiently 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 HPUDS, 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 (zone map shown below 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) and 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 signalled 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 “*struck at the very essence of the PPZ objectives and policies and were contrary to them*”.

This Proposal runs directly counter to the clear direction of the District Plan which (consistent with the NPS-HPL) seeks to protect Plains Production Zoned land 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.

If the Proposal is advanced by way of Covid Fast Track, then the entire site will be developed by way of resource consents. This results in a situation where the underlying zoning remains Plains Production. It is highly likely HDC will then need to advance a plan change to tidy this up. HDC has just notified Plan Change 5, Right Homes, Right Place. This plan change seeks to make residential intensification easier, with a focus on achieving positive design outcomes through the use of our Design Framework and the same set of provisions could be applied to the site. One of the National Planning Standards commercial zones could be used for the remaining portion of the site and its commercial uses. The existence of small scale commercial uses (akin to our existing Suburban Commercial Zone) in this location would be of benefit to this growing neighbourhood.

---



For the above reasons, it is considered preferable that the proposal is advanced by way of a plan change or through the Future Development Strategy.

### **Approach to Regional Strategic Growth Planning**

The Heretaunga Plains Urban Development Strategy (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.

This site was not specifically identified in either the original HPUDS document, or the 2016 review. However the adjoining land on Romanes Drive was identified with the following comments:

#### ***Romanes Drive***

*This site is located on land currently zoned Plains and although the soils are identified as having some limitations a large portion of the area back to Thompson and Davidson Road has been, and is, in productive use. Being on the north side of Havelock North this area would be reasonably attractive to the market and is of a size scale that would be attractive for developers. It has good transport links to the north and good vehicle and cycle links to Hastings and Havelock North. The likely replacement of Arataki Extension with the Brookvale area (referred to above) would mean that Romanes would become a logical extension to Havelock North if needed. Including an enlarged Romanes Drive as a full greenfields area in addition to Brookvale Road would help meet concerns about whether supply is sufficiently matched to demand preferences for Havelock North and for retirement village development in particular.*

*Overall this site would be appropriate for inclusion in HPUDS, in conjunction with the Brookvale area. If developed in isolation from Brookvale the physical separation from the remainder of the urban area would make the establishment of a defined urban edge more difficult. In this case Napier Road would become a natural urban edge, but a further buffer area would need to be developed to the north of the development area. An extension of Russell Robertson Drive through to Thompson Road could help define a northern extent of urban development and better distribute traffic from the wider area and for the Brookvale/Romanes growth area. This would need to be specifically considered as part of the structure planning for this area. For map, refer to 'Brookvale/Romanes' map.*

The reasons for this site not being identified was that it had been in long term commercial use, and the owners had never submitted on HPUDS or other long term document expressing a desire to develop, or consider this site for future development. As such, although the land surrounding the proposal was rezoned for residential development through submissions (and later an appeal) to the Hastings District Plan and then included in HPUDS through the 2016 review, the subject site was never considered and remained as Plains Production.

The site has many of the same characteristics as the Romanes Drive/Brookvale area, except with even stronger urban boundaries, particularly now the Romanes Drive land has begun development. It is considered that this site would be highly desirable from a residential market perspective and

would not be detrimental to the strong urban edge created through the Romanes/Brookvale development areas.

HPUDS also identifies characteristic for considering new greenfield growth areas:

### **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 proposal meets all of the criteria above apart from *a) soils of lesser versatility* which has been covered in the above assessment against the NPS-HPL. However, as mentioned, the majority of land surrounding Hastings and Havelock North is LUC class 1, 2 or 3 and finding new areas of greenfields land close to urban centres is challenging.

Given this, and given the limitations on the site regarding its shape and size and potential reverse sensitivity issues, the proposal would appear to have key components which would encourage its development for residential use. The site has clear natural boundaries and can link into existing walking and cycling connections.

While the Future Development Strategy is still under development, if this proposal was to be submitted under this proposal it is likely to be given careful consideration for the reasons outlined above.

### **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 CCCs<sup>11</sup> 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 excluded<sup>12</sup>.

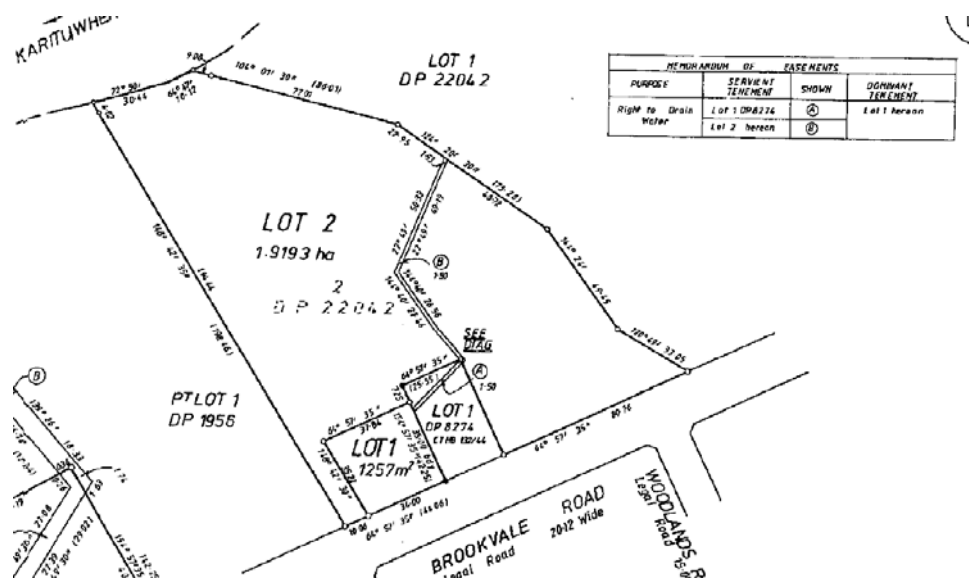
It should also be noted that the HCA does not include a backlog from the last 5 years of rapid growth and migration, estimated at around 1600 households for Hastings and 750 for Napier at the end of 2020. It is therefore acknowledged that the short term constraints around housing supply are more acute 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 is considered that the most appropriate mechanism to consider future development of the Region in a comprehensive way is 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, and then subject to an appropriate rezoning process.

### **Natural Hazards Risks, Site Features and Management and Consents**

**Title:** the site is comprised of two lots amalgamated under Section 241(2) of the Resource Management Act 1991. It has the following easements registered on the title:



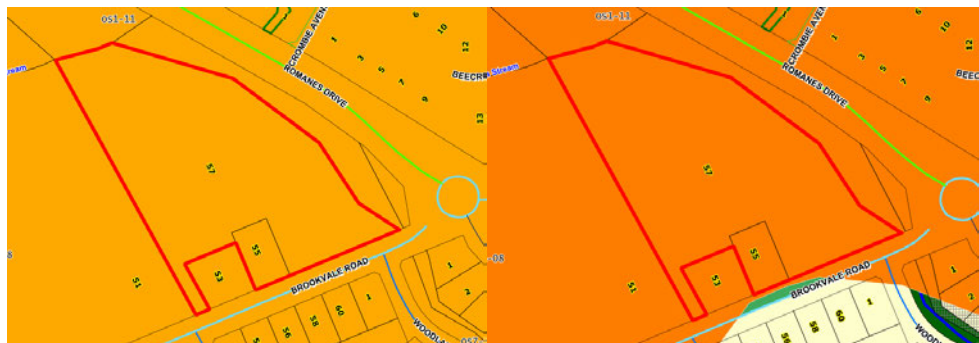
**Flooding Hazard:** the site is partially subject to a flooding overlay as represented in the map below:



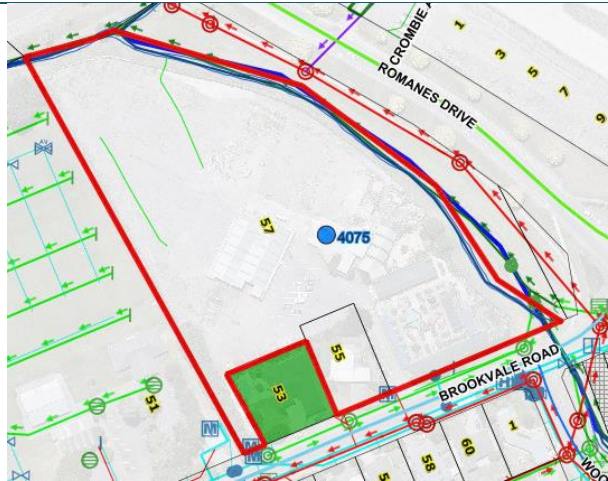


Effects from flooding should be considered as part of the development including minimum floor level heights and the implications of increased discharge to the Karituwhenua Stream on downstream sites / changes to overland flow paths as part of any development. More on the effects of altering the ground levels are outlined in the 3 Waters section below.

**Ground Shaking and Liquefaction:** the site is subject to medium liquefaction vulnerability and medium Ground Shaking – specific foundation design is recommended:



**Hawkes Bay Regional Council Well Store Data:** the site contains an existing well – 4075:



**The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health:** the site has previously been used as an orchard and market garden which are activities on the HAIL. Accordingly the NESCS applies to the proposal.

A DSI was included in the application material that states that heavy metal concentrations were consistent with background level contaminants, but that trace concentrations of organic compounds were detected.

The conclusion of the SQEP was that *'all analyte concentrations were assessed to not pose a risk to either human health or the receiving environment'*, notwithstanding the conclusion of the SQEP as a DSI has been undertaken and therefore a controlled activity consent is required and the SQEP has recommended a site management plan for the development.

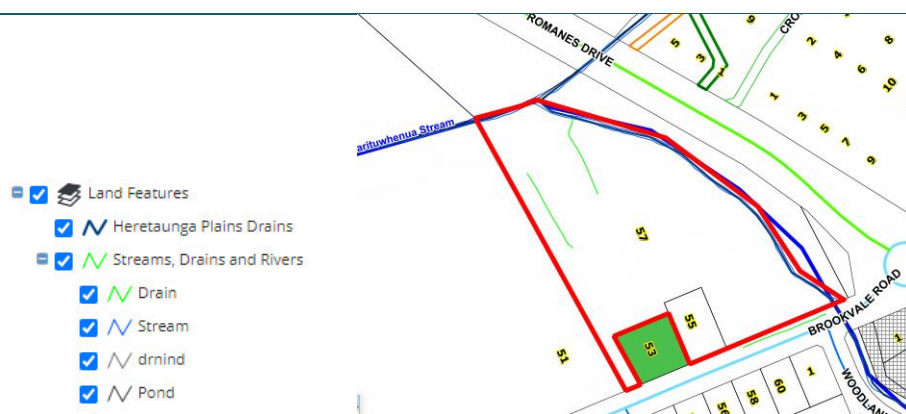
#### **Consenting History:**

<b>RMA Number</b>	<b>Summary Description</b>	<b>Date Issued</b>
Historic	To Erect a Shade House	28/01/1982
Historic	Dispensation from Fire Code	21/03/1982
RMA970341	To Establish a Garden Centre on Land Zoned Rural 2	03/09/1997
RMA970522	To Erect a Helium Filled Balloon for Advertising	12/12//1997
RMA20020078	To Erect 2 x Greenhouses 2.5m from Boundary Stream	21/03/2002
RMA20020155	To Erect a Sign for a Garden Centre	05/06/2002
RMA20220268	Proposed Café within an existing consented building in PPZ	25/07/2022

#### **Infrastructure Capacity**

From a 3 Waters standpoint, there has been very good collaboration on this particular development proposal. There remains a number of areas where further investigation and assessment is needed to inform any final design for assessment.

**Stormwater:** site features include Heretaunga Plains Drains and the Karituwhenua Stream:



HDC has concerns around the impacts on the relationship between the Crombie, Karituwhenua and School streams and how this development proposal will impact the relationship between these streams. Further detailed investigation will be required to ensure there are no adverse impacts from this development on the receiving environment as what has been provided to date does not address this. This includes the outlet into the Karituwhenua Stream and the concentrated flows from a series of discharge points to one primary and one secondary discharge point and the impacts of this on the Karituwhenua Stream. HDC will allow piping of stormwater from the site to the stream via Guthrie Park, as an underground pipe that does not disrupt the primary use of the Reserve and its playing fields. Any service corridors not within vested roads need to be protected by way of easements. The turf would need to be remediated to its current condition. It is suggested that should this proposal advance that ongoing discussions need to occur with HDC's Reserves and Asset Management Teams around the stormwater solution for the development.

The development proposes to raise existing ground levels to cater for the 1 in 100 year flood event. In doing so they will displace 9m<sup>3</sup> of runoff into Guthrie Park. The HDC is not supportive of this, as it will have a negative impact on a community used sports playing field. The lower level area of Guthrie Park is low lying and already has ponding issues in winter impacting on management of the playing field. HDC cannot support the installation of a storm water management /detention area on Guthrie Park and more generally is not an acceptable solution and would not be entertained if the displacement was to be pushed onto privately owned land. Further to this, until such time as a more detailed investigation is carried out, the displacement volume of 9m<sup>3</sup> is an estimate and it may be more.

The Engineering Services Report is vague in nature and does not provide the level of detail required to have any certain level of confidence in what has been submitted. Examples of this includes:

- a. With the Karituwhenua Stream surrounding the eastern and northern site boundaries, it is anticipated some flooding may occur within the bounds of the site – i.e. The extent and severity of ponding within the site is not known, other than that it is anticipated; and
- b. Utilising data obtained during previous investigations undertaken on the Karituwhenua Stream and surrounding waterways, the 100-year flood level in the area equates to RL = 18.3 (NZGD2000 Hawkes Bay Circuit) RL= 8.04 (NZVD2016) – Flood level adopted for future development design. This previous report mentioned that has led to the 100 year flood level parameters has not been provided.

**Wastewater:** there are known hydraulic grade issues within the receiving sewer network that have been identified in a previous wastewater engineering report for the Brookvale Structure Plan area. HDC have engaged GHD to investigate the extent of the issue and to provide some optioneering on

how these issues might be overcome including indicative timeframes and costing. This report is due January/February 2023 and until we receive further information from this report, HDC's wastewater network remains in a surcharged state.

HDC will allow the pipe line to traverse the park (protected by way of easements) but we will not agree to the pump chamber facility on park land. Once vested to HDC our contractors would require frequent access to the facility which has the potential to impact on recreation activities and damage the turf. This would be contrary to its primary status as a recreation reserve.

**Drinking Water:** HDC has engaged Stantec to do a sensitivity analysis on the water network due to the increase in yield for the Brookvale Structure Plan area and surrounding land parcels including the proposed Oderings development. This engagement is on the basis that what was anticipated at the time of the development of the Brookvale Structure Plan in terms of yield/minimum lot sizes, and the corresponding infrastructure response is out of step with the current development trends and aspirations of the development community including the Oderings development to intensify above what was planned and allowed for. This report is due February 2023 and whilst there are currently no known service constraints for potable water, a more informed decision can be made once this report is received.

#### **Transportation Effects**

A Transportation Assessment Report (TAR) was included in the application and HDC agrees that the traffic volumes generated with the proposed development can be accommodated with the surrounding roading network with minimal impact. HDC agrees with the recommendations of the TAR to :

1. revise the layout of the dwelling proposed on Lot 3 to allow adequate space for vehicles to manoeuvre on the site;
2. ensure pedestrian visibility splays (as per see Figure 20 of the TAR) where the footpath is adjacent to the lot boundary; and
3. provide a shared pedestrian / cyclist path along the length of the Brookvale Road site frontage.

#### **HDC's Guthrie Park and the Proposed Development Interface**

Guthrie Park is an active sportsground and this is its primary purpose. Guthrie Park is not currently vested as a reserve under the Reserves Act 1977, however HDC's policy is to undertake ongoing assessment of the status and level of protection required for all parks held by Council, with a view to vesting and classifying them if deemed necessary. As shown above Guthrie Park is zoned for Open Space purposes under the District Plan.

HDC is supportive of the proposed reserve connections that make active connection routes to the open space network. The application states that these are to be public access points which is supported by HDC. Where these connections aren't located within roads to vest, thought needs to be given as to how these connections are held or easements created to ensure true public access results and that they have the appearance of public, rather than private spaces. It is suggested that these be a minimum of 10 metres wide and achieve CPTED principles. From an urban design and permeability perspective, HDC would be supportive of another entry point through to the Karituwenua Stream in the vicinity of proposed Lots 07 to 09.

HDC has no plans for an additional playscape as the site is constrained. Noting that there is a playground nearby on Romanes Reserve that residents could access.

	<p>HDC understands that this proposal provides an opportunity to showcase Oderings plantings and is supportive of extensive planting to achieve positive urban design outcomes. However, the intention to plant extensive landscaping on the park is likely to be problematic. While the plan looks attractive, the issue of ownership and ongoing care will leave HDC exposed to costs that are of no benefit to the broader ratepayer. The main beneficiaries will be the new residents who will obtain a planted front yard at no cost. As a result we are not supportive of the landscaping along this edge on HDC land. Planting is needed along this frontage but it needs to be within private property.</p> <p>In addition, the extent of planting also impacts on the main playing field. This land is all required to provide the current quality senior pitch. Currently the pitch runs in an east / west direction, which is shown diagrammatically here - <a href="https://www.hastingsdc.govt.nz/hastings/reserves/guthrie-park/">https://www.hastingsdc.govt.nz/hastings/reserves/guthrie-park/</a>. While the applicant's concept plan shows it reoriented by 90 degrees, there is no room to accommodate a full size senior field (at this orientation) given the wetness of the lower portion of the park and the lay of the land and existing trees. HDC is not supportive of re-orientating the pitch as it compromises the reserves primary function and ability to provide quality recreational facilities.</p> <p>We also note that the houses facing the park can expect to encounter footballs crossing into the sites. This unfortunately is a drawback of living close to an active recreation reserve. Other similar residential areas install high fencing but this can create an eyesore. While this is not a critical matter, it is suggested the developers give this part of the proposal further consideration.</p> <p>HDC would be supportive of the installation of a pathway within Guthrie Park by the applicant but this would need to be close to the residential boundaries so as not to impact on the sports field's safe operation.</p> <p><b><u>Te Aranga Design Principles</u></b></p> <p>The Te Aranga Māori Design Principles are a set of outcome-based principles founded on intrinsic Māori cultural values and designed to provide practical guidance for enhancing outcomes for the design environment and have been adopted by HDC.</p> <p>It is noted in the application that additional riparian planting along the Karituwhenua Stream is proposed to improve indigenous biodiversity and amenity values. This is supported, but there is further opportunity for selective indigenous planting within the site and to incorporate Te Aranga Design principles more generally. Amplifying the Green Infrastructure solutions as a Waiaroha approach to treating rainwater before it enters the stream, within the path in the Park and more broadly including naming the development. These ideas need discussion with Heretaunga Tamatea Settlement Trust and HDC has a team who specialises in design and incorporation of these principles and welcomes any opportunity to collectively discuss this further.</p>
<b>4. Is Fast-track appropriate?</b>	<p>For the reasons discussed above, HDC is of the view that the proposal is best managed by way of a Plan Change or alternatively through the Future Development Strategy. 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><b>5. Environmental compliance history</b></p>	<p><b>Oderings Site:</b></p> <p>In 1997 when Oderings was established, there were objections to the activity due to the potential to compromise the benefits of the residential zoning. This was considered as part of the resource consent.</p> <p>In 2011 HDC received a complaint in regards to cars parking on the grass strip / verge outside Oderings and 53 Brookvale Road. Complaint resolved.</p> <p><b>Daniel Odering:</b></p> <p>HDC's files include some noise complaints between 2008 and 2010. Further information can be provided if required, however there is nothing HDC considers relevant to the current proposal.</p> <p><b>David Reid Homes:</b></p> <p>No recent compliance issues.</p>
<p><b>6. Reports and assessments normally required</b></p>	<p><b><u>Soil quality and productive potential assessment</u></b> – 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 / economic viability over the required 30-year period, including whether there are methods to enable this to be improved.</p> <p><b><u>Servicing Assessment</u></b> – a more comprehensive servicing assessment is needed. Refer to the 3 Waters comments above which outlines what matters and effects needing greater consideration and assessment.</p> <p><b><u>Flood level assessment</u></b> – a site specific hydrological study, prepared by a qualified hydrologist, should be provided to confirm any mitigations including whether minimum ground levels are required to avoid the flooding hazard. Such report needs to identify any secondary effects relating to earthworks, visual and amenity.</p> <p><b><u>Ecological assessment</u></b> – to assist in determining values and effects associated with the proposal. This assessment also needs to take into account any requirements of the National Policy Statement for Freshwater 2020.</p> <p><b><u>Geotechnical investigation report</u></b> – while the application has provided a preliminary geotechnical investigation report, the report did not take into account works required to raise the ground level so this needs further investigation. Tie into to the flood level assessment is recommended.</p> <p><b><u>Cultural impact assessment</u></b> – there is a possibility that HDC 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 but discussions should at the least inform the design concept.</p> <p><b><u>Urban Design assessment</u></b> – a summary is provided but a more detailed assessment is needed, also taking into account any amendments to the concept. The overall concept, particularly reserve connections need assessing against CPTED principles.</p> <p><b><u>Acoustic Assessment</u></b> – it is noted (page 10) that there is mention of reverse sensitivity effects as it pertains to operation of the garden centre briefly on page 10, but no assessment by an acoustic engineer. Broader thought needs to be given to potential noise effects including ensuring that there is adequate noise mitigation between dwellings in a more intensive environment. A more detailed acoustic assessment is needed.</p>
<p><b>7. Iwi and iwi authorities</b></p>	<p>Heretaunga Tamatea-Settlement Trust (HTST) are the mandated iwi authority in this area. It is noted that the applicant has commenced engagement with the Trust, the Post Settlement Government Entity for Heretaunga Tamatea although no meeting has occurred yet. Engagement ideally needs to</p>



	<p>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 Ngāti Kahungunu Iwi Incorporated, around environmental health and well-being.</p>
<b>8. Relationship agreements under the RMA</b>	<p>HDC is not aware of any relationship agreements but as part of engagement with mana whenua this needs confirming.</p>
<b>9. Insert responses to other specific requests in the Minister's letter (if applicable)</b>	<ol style="list-style-type: none"> <li> <p><i>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 processes rather than the processes in the FCTA?</i></p> <p>Refer to Section 3 and 4 above.</p> </li> <li> <p><i>What reports and assessments would normally be required by the Council for a project of this nature in this area?</i></p> <p>Refer to Section 6 above.</p> </li> <li> <p><i>Does the applicant or the applicant's instruction partner (David Reid Homes), or a company owned by the applicant, have any regulatory compliance history in your district?</i></p> <p>Refer to Section 5 above.</p> </li> <li> <p><i>What do you consider the activity status of the activity would be under the Hastings District Plan?</i></p> <p>Non-complying and directly contrary to the objectives and policies applicable to the site's Plains Production zoning, but refer to Section 3 above for a more detailed explanation.</p> </li> <li> <p><i>Do you have any comments on potential effects of the project on existing infrastructure?</i></p> <p>Refer to Section 3 above.</p> </li> <li> <p><i>Do you have any comments on how the project aligns with the National Policy Statement for Freshwater Management 2020, the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 or the National Policy Statement for Highly Productive Land 2022?</i></p> <p>Refer to Section 3 for a discussion on NPS-HPL. Regarding the NPS-FW, the Karituwhenua Stream is currently a HBRC asset. Currently the site discharges to the Karituwhenua, and the applicant is not proposing to change the alignment or the stream structurally. However, there does need to be greater thought given to potential impact on water quality and the aquatic life of the Karituwhenua due to increases in storm water pollutants discharged from the new development roads, driveways etc. There are a number of mitigation measures proposed (rain gardens/360 filter) that will help address potential effects. In the comments above HDC has raised an issue regarding the potential for increased velocities via a more concentrated flow via the main proposed outlet. Without more information, it is hard to say if there will be an impact or if the reduction in impervious area and therefore discharge volume will balance this out. An ecological assessment and greater mana whenua engagement will assist identify any appropriate mitigations and alignment with the NPS-FW.</p> </li> <li> <p><i>Are there any reasons why the project site was not included in the Brookvale Structure Plan?</i></p> </li> </ol>

	<p>The site has historically been developed by way of resource consents. Refer to an outline of these above. The applicant has previously made no submissions on HPUDS or to HDC seeking to rezone the site. The Brookvale area rezoning and resultant Structure Plan came about by way of a private submission and then appeal on the last District Plan review. This narrowed the scope of the land which could be included in the rezoning and Brookvale Structure Plan. HDCs intent was that when it carried out any new structure planning in the area that it would look to include the site subject to this application in its investigations.</p> <p>Comments finalised 14 November 2022.</p>
<b>Other considerations</b>	<p>Click or tap here to insert any other responses you consider relevant for the Minister to be aware of.</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.









