



# Application for a project to be referred to an expert consenting panel

(Pursuant to Section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020)

*For office use only:*

Project name: Riverbend Residential Led Staged Subdivision  
Application number: PJ-0000747  
Date received: 19/05/2021

This form must be used by applicants making a request to the responsible Minister(s) for a project to be referred to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

All legislative references relate to the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the Act), unless stated otherwise.

The information requirements for making an application are described in Section 20(3) of the Act. Your application must be made in this approved form and contain all of the required information. If these requirements are not met, the Minister(s) may decline your application due to insufficient information.

Section 20(2)(b) of the Act specifies that the application needs only to provide a general level of detail, sufficient to inform the Minister's decision on the application, as opposed to the level of detail provided to an expert consenting panel deciding applications for resource consents or notices of requirement for designations.

We recommend you discuss your application and the information requirements with the Ministry for the Environment (the Ministry) before the request is lodged. Please contact the Ministry via email: [fasttrackconsenting@mfe.govt.nz](mailto:fasttrackconsenting@mfe.govt.nz)

The Ministry has also prepared [Fast-track guidance](#) to help applicants prepare applications for projects to be referred.

## Part I: Applicant

### Applicant details

Person or entity making the request: Tawanui Developments Limited

Contact person: David Colville

Job title: Director

Phone: s 9(2)(a)

Email: s 9(2)(a)

Postal address:

s 9(2)(a)

### Address for service (if different from above)

Organisation: Development Nous Limited

Contact person: Jason Kaye

Job title: Senior Planner

Phone: s 9(2)(a)

Email: s 9(2)(a)

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

Postal address:

Development Nous Ltd

P.O. Box 385

Hastings 4156

## Part II: Project location

The application: does not relate to the coastal marine area

If the application relates to the coastal marine area wholly or in part, references to the Minister in this form should be read as the Minister for the Environment and Minister of Conservation.

Site address / location:

A cadastral map and/or aerial imagery to clearly show the project location will help.

195 and 215 Riverbend Road, Meeanee, and 20 Waterworth Avenue, Onekawa Napier Hawke's Bay, 4110 New Zealand

Legal description(s):

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

195 Riverbend Road

Lot 1 DP 545750 held in Record of Title 927606 comprising 8.7901ha.

215 Riverbend Road

Lot 1 DP 23515 held in Record of Title P4/1097 comprising 5ha.

20 Waterworth Avenue

Lot 1 DP 366576 and Part Lot 1 DP 22039 held in Record of Title 270171 comprising 8.5727ha.

Registered legal land owner(s):

195 Riverbend Road:

Registered Owner: Raymond Young.

215 Riverbend Road:

Registered Owners: Melody Townsend, Thomas Semmens, WTR Trustee Services Ltd.

20 Waterworth Avenue:

David Dooney (1/6 share), Peter Dooney (7/36 share), Terrence Dooney (7/36 share), Michael Dooney (7/36 share), David Dooney, Terrence Dooney, Michael Dooney, David Dooney (1/4 share).

Detail the nature of the applicant's legal interest (if any) in the land on which the project will occur, including a statement of how that affects the applicant's ability to undertake the work that is required for the project:

The Applicant, Tawanui Developments Limited, holds conditional legal contracts for purchase of the subject land with extended due diligence clauses.

## Part III: Project details

### Description

Project name: Riverbend Residential Led Staged Subdivision

Project summary:

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

The application seeks approval for the residential led staged development of 22.2ha of land that is allocated in the applicable planning framework for future residential development to provide up to 670 new homes based on mixed typologies of single, two and three storey height, up to 4,500m<sup>2</sup> of ground floor commercial floorspace, a network of streets and suburban parks with associated infrastructure and a 1.5ha extension to the adjacent Maraenui Sports Park if sought by Napier City Council.

Project details:

Please provide details of the proposed project, its purpose, objectives and the activities it involves, noting that Section 20(2)(b) of the Act specifies that the application needs only to provide a general level of detail.

The subject site has been assembled from three adjoining rural properties that are located on the periphery of the Napier suburban area, adjoining the suburbs of Meeanee, Maraenui and Onekawa. As can be readily seen in aerial images of the land provided within the site description at Enclosure B, development of the land is a logical infill extension to the suburban area of Napier, resulting in the Cross Country Drain forming the defined suburban edge.

The properties form a 22.2ha site that is allocated in the City of Napier District Plan, Hawke's Bay Regional Policy Statement and the Heretaunga Plains Urban Development Strategy for future greenfield residential development. The application seeks to utilise this allocation to develop the site in response to the critical housing shortages being experienced locally and regionally.

The relevant provisions of the Hawke's Bay Regional Policy Statement and the City of Napier District Plan direct that development of such allocated land is undertaken in a comprehensive manner, covering the extent of the greenfield growth area.

Pursuant to the required approach, a comprehensive residential-led subdivision of the site to provide up to 670 homes and 4500m<sup>2</sup> of commercial floorspace has been prepared by the Applicant. The subdivision application will be based on division of the lot arrangement across the site into a logical scheme plan staging to facilitate the staged development and release of lots for housing construction and will be accompanied by detailed development plans for up to 380 of the homes and the commercial floorspace.

To provide a clear understanding of the form and nature of the proposed development for the purposes of this referral application, indicative building development plans based on the lot arrangement are provided at Enclosure E. The supporting plans provide indicative development detail of how individual lots can be developed and demonstrates how the proposed development quantum can be readily accommodated within the site.

Accompanying Enclosure E are details of the proposed open space layout across the subdivision at Enclosure F, detail of the proposed engineering servicing of the subdivision at Enclosure G, a transport assessment considering the road related implications at Enclosure H and supporting economic analysis outlining the existing unmet need for homes within the local housing market at Enclosure I.

The subdivision scheme plan details a road layout for the site and the resulting formation of development blocks.

Resource consent for approval of the staged subdivision is sought rather than a private plan change in the interests of timely progression of the development relative to the existing housing market stress. This is considered to be a reasonable approach given the development allocation of the site in the planning framework and the associated clear indication that the site will be developed as residential land demand dictates.

Fast track consent approval will be sought for the staged scheme of subdivision across the site, including site formation earthworks, to create a road and lot layout providing for upper development limits of 670 homes, 4,500m<sup>2</sup> of ground floor commercial floorspace, a network of streets and suburban parks with associated infrastructure and a 1.5ha extension to the adjacent Maraenui Sports Park, if sought by the Council.

Fast track consent approval will also be sought to provide for the subsequent residential development of the created lots in relation to the underlying Main Rural zoning of the District Plan. Full development details will be provided to support multi unit land use consent for up to 380 homes infringing Main Rural Zone standards relating to density, site coverage and boundary setbacks. To provide for residential development of the balance of the lots not included within the multi unit land use consent, (blanket) land use consent will be sought to approve infringement of Main Rural Zone density, site coverage and yard setback standards for these lots, with the final detailed layout, design and external appearance of the built development on these lots to accord with an approved design guide and be approved by the Council pursuant to a planning condition.

The homes will be of mixed typology and height including detached, semi-detached, terrace and apartment building format ranging from single to three storeys in scale.

The lot and home layout has been designed to provide one car parking space per one or two bedroom home and two car parking spaces for three or more bedroom homes. The lot and house layout will provide 4m diameter unimpeded circles within private rear gardens of two bedroom houses and 6m unimpeded circles within private rear gardens of three or more bedroom homes. This provision is annotated on the plans provided with the referral application to demonstrate that the subdivision will provide for a suitable suburban layout, with separation between homes and usable private gardens, and the incorporation of suitable car parking provision within lots.

The detailed development plans supporting multi unit land use consent for four initial stages of up to 380 homes are proposed to enable the granting of both subdivision and residential multi-unit consents, which will enable house construction in tandem with the legal subdivision process and in advance of the formation of individual records of title for the lots.

Commercial floorspace of up to 4,500m<sup>2</sup> is planned towards the western end of the site, forming a commercial hub where the central road turns 90 degrees, as shown in the development drawings. The commercial space will be provided as ground floor units and two floors of residential apartments will be provided above. The commercial floorspace is intended to provide for retailing to service the occasional needs of the future residential occupiers of the site and the neighbouring area. The layout has been designed to accommodate a small supermarket within Block L, with an associated area included for related car parking provision. Other envisaged commercial uses to provide services for the immediate community include a child care facility, café, laundromat and pharmacist. If there proves to be no demand for commercial occupation of the intended units, these will revert to residential use.

A 1.5ha extension to Maraenui Park has been included within the subdivision layout pursuant to direction from Napier City Council. While the Council have not been able to provide detail of their long term aspirations for Maraenui Park or how the sports ground relates to the reserve and playing pitch strategy for the City, they have been firm in their request that an extension to the park is necessary. The 1.5ha extension enables the formation of an additional rugby playing pitch within the Park. The subdivision layout has intentionally created an open boundary between the development and Maraenui Park, maximising the sense of openness but also enabling the Council to form much needed additional car parking from the development road to supplement the small existing car parking area of Maraenui Park accessed from Waterworth Avenue.

In the absence of clear commitment from Council to purchase the park extension land, the subdivision includes a (fall back) residential lot layout across this land, which will be implemented should Council chose not to purchase the identified park extension land.

In addition to the Maraenui Park extension, the subdivision layout provides a series of small and medium parks throughout the site as summarised within the Open Space Strategy provided at Enclosure F. Small parks form linkages to the linear open space corridors of the Cross Country Drain and the Beatson/County Drain, encouraging use of these for recreation and movement. The generous road corridors provide significant potential for the incorporation of suburban landscaping to soften the site and create a distinctive green character. Indicative imagery of this is also provided within the Open Space Strategy.

A full engineering strategy to service the development is provided within Enclosure G. Servicing of the site is relatively straightforward as the Council's engineering strategy has envisaged development of the site since the mid 1990's and provided for the requirements. The proposed strategy follows the direction of Council in relation to the provision of a single wastewater pump station located centrally within the site at notable depth and the required connection point of the wastewater outlet. Water connection is provided from mains passing the site and stormwater is proposed to be discharged to the adjacent Cross Country Drain. Traffic analysis within the transport assessment provided at Enclosure H has identified sufficient vacant capacity on surrounding roads to readily accommodate traffic generated by the development.

While the scheme plan layout and proposed quantum of development have been reduced from earlier scheme iterations in response to density concerns of Council, the development will provide for suitable residential utilisation of the allocated and readily serviceable land resource. The supporting commercial uses and network of parks and landscaping will create an attractive and liveable community based on compact housing that will be able to be delivered at a lower cost than the standard single storey detached large lot housing that is predominant across Napier.

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

The overall arrangement of the subdivision layout, whereby development extends either side of the spine road and the form, size and configuration of the resulting blocks readily enable staging of development across the site.

The detailed design of up to 380 homes will be submitted with the resource consent application, enabling multi-unit land use consent for the construction of these homes to be granted in tandem with the subdivision consent.

Detailed residential stages will be located at either end of the development and along the southern boundary of the site, enabling commencement of development from both Riverbend Road and Waterworth Avenue. A further detailed design stage will incorporate the three storey residential and mixed use 'walk-up' buildings.

Land use consent approval of the detailed plans for these initial design stages will assist with advancing the delivery of the first homes from the site and will also assist with creating a coherent and structured approach to the release of land with approved development plans to provide clarity for house building companies. The approved development will also assist in establishing a design precedent for subsequent stage approvals.

Development will extend from the initial stages at either end inwards. Commencement of development from either end of the site will avoid stage coordination complications, reducing potential construction conflict.

Detailed engineering approval for the bulk earthworks and the detailed stages is anticipated to take six months to complete. The site formation earthworks for the initial stages is anticipated to take a further six months. Construction of houses is therefore envisaged to commence a year after approval of resource consent.

Completion of formation earthworks is anticipated to take three years following the grant of resource consent, with house construction extending to potentially five years from resource consent.

### **Consents / approvals required**

Relevant local authorities: Napier City Council

Resource consent(s) / designation required:

Land-use consent, Subdivision consent

Relevant zoning, overlays and other features:

Please provide details of the zoning, overlays and other features identified in the relevant plan(s) that relate to the project location.

Legal description(s)	Relevant plan	Zone	Overlays	Other features
<p>Lot 1 DP 545750 held in Record of Title 927606 comprising 8.7901ha.</p> <p>Lot 1 DP 23515 held in Record of Title P4/1097 comprising 5ha.</p> <p>Lot 1 DP 366576 and Part Lot 1 DP 22039 held in Record of Title 270171 comprising 8.5727ha.</p>	City of Napier Operative District Plan	Main Rural Zone  Reserve Zone	<p>Greenfield Growth Area (Appendix 35 of Napier District Plan) Designation D143 (Proposed Stormwater Drainage and Reserve Purposes) is incorrectly shown on the Council's GIS as crossing the south eastern corner of the site.</p> <p>This designation relates to the now formed Cross Country Drain and related 50m wide corridor, which was subject to an extensive land acquisition and designation process. The corridor of the Cross Country Drain adjoins the length of the southern boundary of the site. The indicated area was not required in the formation of the drain corridor.</p>	N/A
<p>Lot 1 DP 545750 held in Record of Title 927606 comprising 8.7901ha.</p> <p>Lot 1 DP 23515 held in Record of Title P4/1097 comprising 5ha.</p> <p>Lot 1 DP 366576 and Part Lot 1 DP 22039 held in Record of Title 270171 comprising 8.5727ha.</p>	Hawke's Bay Regional Policy Statement	Residential Greenfield Growth Area at Policy UD4.3	N/A	N/A

Rule(s) consent is required under and activity status:

Please provide details of all rules consent is required under. Please note that Section 18(3)(a) of the Act details that the project **must not include** an activity that is described as a prohibited activity in the Resource Management Act 1991, regulations made under that Act (including a national environmental standard), or a plan or proposed plan.

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
City of Napier Operative District Plan	Rule 34.15(c) (Main Rural Zone) Any subdivision (excluding any boundary adjustment) that does not comply with the minimum lot size specified in Chapter 66 of this Plan.	Staged subdivision of Main Rural Zone land infringing minimum lot size comprising up to 670 homes and 4,500m2 of commercial floorspace within buildings ranging from single to three storeys, 1.5ha extension to Maraenui Sports Park if sought by Council, formation of roads including a spine road connecting Riverbend Road to Waterworth Avenue, pocket parks, neighbourhood reserves and servicing infrastructure, and including site preparation and formation earthworks.	Non-complying	Development site assembled from 195 and 215 Riverbend Road, Meeanee, Napier and 20 Waterworth Avenue, Napier
City of Napier Operative District Plan	34.15(b) (Main Rural Zone) Any land use that does not comply with (Main Rural Zone) Condition 34.21 Density.	Land use consent for multi unit development (ahead of completion of subdivision) for the construction of up to 380 homes and 4500m2 of commercial floorspace infringing Main Rural Zone density, site coverage and yard standards.	Non-complying	Development site assembled from 195 and 215 Riverbend Road, Meeanee, Napier and 20 Waterworth Avenue, Napier
City of Napier Operative District Plan	34.15(b) (Main Rural Zone) Any land use that does not comply with (Main Rural Zone) Condition 34.21 Density.	Land use consent applicable to the balance of lots not subject to the multi unit consent, approving subsequent residential development in accordance with a design guide, infringing Main Rural Zone density allowance.	Non-complying	Development site assembled from 195 and 215 Riverbend Road, Meeanee, Napier and 20 Waterworth Avenue, Napier
City of Napier Operative District Plan	34.13 (Main Rural Zone) Any land use that does not comply	Land use consent applicable to the balance of lots not	Restricted Discretionary	Development site assembled from 195 and 215 Riverbend



	with all of the relevant conditions in the (Main Rural Zone) activity table and condition table.	subject to the multi unit consent, approving subsequent residential development in accordance with a design guide, infringing Main Rural Zone yard and site coverage conditions.		Road, Meeanee, Napier and 20 Waterworth Avenue, Napier
City of Napier Operative District Plan	46.7 (Reserve Zone) Any land use not specifically provided for elsewhere in this Chapter as a prohibited activity, a permitted activity, a controlled activity, or a restricted discretionary activity.	Use of land within Reserve Zone for road widening.	Discretionary	20 Waterworth Avenue, Onekawa, Napier

Resource consent applications already made, or notices of requirement already lodged, on the same or a similar project:

Please provide details of the applications and notices, and any decisions made on them. Schedule 6 clause 28(3) of the COVID-19 Recovery (Fast-track Consenting) Act 2020 details that a person who has lodged an application for a resource consent or a notice of requirement under the Resource Management Act 1991, in relation to a listed project or a referred project, must withdraw that application or notice of requirement before lodging a consent application or notice of requirement with an expert consenting panel under this Act for the same, or substantially the same, activity.

N/A

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

N/A

Other legal authorisations (other than contractual) required to begin the project (eg, authorities under the Heritage New Zealand Pouhere Taonga Act 2014 or concessions under the Conservation Act 1987), including details on whether these have been obtained:

No other such legal authorisations are required. Following the issuing of resource consent, detailed engineering approval will be sought from the Council and building consent will be required for construction.

#### Construction readiness

If the resource consent(s) are granted, and/or notice of requirement is confirmed, detail when you anticipate construction activities will begin, and be completed:

Please provide a high-level timeline outlining key milestones, e.g. detailed design, procurement, funding, site works commencement and completion.

The resource consent submitted for approval will include the staged subdivision of the full site and detailed development plans for the initial development stages of up to 380 homes and 4500m<sup>2</sup> of commercial floorspace. The intention is that the inclusion of detailed multi unit land use consent for around half of the development stages will accelerate the commencement of house construction for these stages through avoiding the need for any further resource consent approval.

Immediately following the grant of resource consent, engineering approval will be sought from Napier City Council for the bulk earthworks design across the site and the construction of the approved detailed development stages. This approval process is envisaged to be completed within six months. It is likely that technical reports submitted as part of



the engineering approval will have been externally peer reviewed prior to submission to assist Council consideration and approval.

Site formation earthworks generally comprising the topsoil strip and importation of fill to raise the surface level are anticipated to take 3 to 4 years to complete for the full site, based on working around 9 months per year to provide for construction breaks during adversely wet construction conditions. The earthworks will be staged across the site with the logical priority of forming the detailed development stages directing the approach. Completion of the formation of each stage will likely be determined by the geotechnical certification of fill settlement, and it is estimated that the first areas will be available for house construction within six months of construction commencing. The applicant is currently investigating alignment with civil construction contractors to ensure that the work can be best resourced.

The engineering approval and site formation would therefore be expected to deliver sites for house construction approximately one year after the approval of resource consent.

The Applicant is discussing the development with local building companies and investigating options for offsite house construction and modular design to understand if these could provide for house construction in tandem with site formation to accelerate the completion and delivery of homes, particularly within the early stages of development.

The critical shortage of supply and high demand for homes both locally and regionally are such that the market can support the ongoing delivery of lots and completed houses generally as rapidly as they can be delivered from site construction as set out in the accompanying Economic Impact Assessment from Urban Economics.

## Part IV: Consultation

### Government ministries and departments

Detail all consultation undertaken with relevant government ministries and departments:

The Applicant had early discussion with the Ministry of Housing and Urban Development investigating options for Ministry support of the development. This discussion closed when commercial terms could not be agreed between parties.

The Applicant held early discussion with Kainga Ora Homes and Communities to ascertain their interest in securing lots or completed houses within the development, in recognition that this site represents one of the only realistic opportunities for KOHC to secure a large number of lots or completed homes in Napier. As reported in the Min HUD December 2020 Social Housing Register statistics (<https://www.msd.govt.nz/documents/about-msd-and-our-work/publications-resources/statistics/housing/2020/housing-register-december-2020.xlsx>), there were 741 applicants on the Social Housing Register within Napier City and a further 706 within the neighbouring Hastings District in December 2020, clearly demonstrating a pressing demand for social rent accommodation in Hawke's Bay within the overall demand of the housing market. KOHC have not entered into any commitment to the scheme. Discussion will continue with KOHC as the development progresses and it is anticipated that there will be greater ability for KOHC to commit to purchase of lots or houses as the consenting and development of the site becomes more clear.

### Local authorities

Detail all consultation undertaken with relevant local authorities:

#### Napier City Council

The Applicant has met with Napier City Council throughout the design process to keep them informed of the overall proposed development and consenting pathway. Council has been supportive of both the principle of development and the Covid consenting pathway. Development principles and an initial development layout were discussed with Council officers and with Council leadership in 2020. Further meetings and discussion through the first quarter of 2001 resulted in the introduction of the Council's requirement for the scheme to incorporate a significant extension to the Maraenui Sports Park. Addressing this stated requirement has necessitated significant scheme revision. Direction was provided from the Council in relation to building scale and density, resulting in the revision downwards from circa 850 homes to the 670 of the development and the removal of potential five storey elements. Servicing direction has also been followed to replace the previously designed two wastewater pump station design, which would have provided an opportunity to connect the neighbouring suburban area to the new system, to a single pump station design located at depth centrally within the site. In general, Council recognises the acute housing needs of the City and support the intent of a mixed typology development of the site, albeit while remaining conscious of the need to provide a suitably high quality suburban environment for future occupiers.

Hawke's Bay Regional Council

The Applicant met with HBRC stormwater engineers and then with HBRC planning policy and resource consenting planners in February 2021. HBRC expressed no objections to the principle of site development and the stormwater servicing approach.

### Other persons/parties

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

As the land is allocated in the City of Napier District Plan, the Hawke's Bay Regional Policy Statement and the Heretaunga Plains Urban Development Strategy, development of the site is clearly envisaged and, while classified as a non-complying activity by the City of Napier District Plan, does not automatically result in affected adjacent properties.

While the character of the area will change through the development, this is as envisaged by the planning framework and the high quality suburban nature of the development is such that the change will not be detrimental to the character of the area.

Neighbouring McNaughton Place residential properties to the west are separated from the site by the corridor of the Beatson and County drains. This separation provides for mitigation of any effects on the existing residential amenity of these properties in relation to access to daylight/sunlight, shading, outlook, enclosure or other visual dominance.

Waterworth Avenue residential properties are separated from the site by the widened road and will similarly not suffer detrimental effects on their existing residential amenity.

The development of the rural property facing the development site on the opposite side of Riverbend Road is recessed from the road frontage behind screening planting, and will not be adversely affected by the development.

Similarly, the church at 190 Riverbend Road is recessed by a large open area of car parking, and will not be adversely affected.

Accordingly, the Applicant has not undertaken consultation with neighbouring properties.

Detail all consultation undertaken with the above persons or parties:

N/A

## Part V: Iwi authorities and Treaty settlements

For help with identifying relevant iwi authorities, you may wish to refer to Te Kāhui Māngai – Directory of Iwi and Māori Organisations.

### Iwi authorities and Treaty settlement entities

Detail all consultation undertaken with iwi authorities whose area of interest includes the area in which the project will occur:

Iwi authority	Consultation undertaken
K3 Housing as part of Ngāti Kahungunu Iwi Incorporated	The Applicant is in active discussion to form a partnership with K3 Kahungunu Property (K3). K3 are a development company wholly owned by the Kahungunu Asset Holding Company, which holds and manages assets on behalf of Ngāti Kahungunu Iwi Incorporated. K3 have stated their support for the scheme in recognition of the opportunity to provide homes for iwi, hapu and whanau. The discussion is working towards a commercial agreement to enable K3 to purchase 8ha of the development area. Progression of the agreement is in part contingent on progression of the scheme along the consenting pathway.
Mana Ahuriri Trust	Not undertaken
Heretaunga Tamatea Settlement Trust	Not undertaken

Detail all consultation undertaken with Treaty settlement entities whose area of interest includes the area in which the project will occur:

Treaty settlement entity	Consultation undertaken
Mana Ahuriri Trust	Not undertaken
Heretaunga Tamatea Settlement Trust	Not undertaken

## Treaty settlements

Treaty settlements that apply to the geographical location of the project, and a summary of the relevant principles and provisions in those settlements, including any statutory acknowledgement areas:

Section 18(3)(b) of the Act details that the project **must not include** an activity that will occur on land returned under a Treaty settlement where that activity has not been agreed to in writing by the relevant land owner.

### Heretaunga Tamatea Settlement Act

The Government summary of the Deed of Settlement acknowledgements and apology (<https://www.govt.nz/browse/history-culture-and-heritage/treaty-settlements/find-a-treaty-settlement/>) states:

“The Deed of Settlement contains acknowledgements that historical Crown actions or omissions caused prejudice to Heretaunga Tamatea or breached the Treaty of Waitangi and its principles.

The Deed of Settlement also includes a Crown apology to Heretaunga Tamatea for its acts and omissions which breached the Crown’s obligations under the Treaty of Waitangi and for the damage that those actions caused to Heretaunga Tamatea. These actions include using secret transactions and other divisive tactics to purchase huge areas of Heretaunga Tamatea land, and continuing to negotiate disputed purchases – despite being warned that its actions were creating serious tensions – that ultimately led to war among Heretaunga people in 1857. The Crown also apologises for introducing Native Land Laws that facilitated the further dispossession of the hapū of Heretaunga Tamatea, and for continuing to purchase land until by 1930 the whānau and hapū of Heretaunga Tamatea were virtually landless. The Deed also includes an apology for the damage that the Crown’s breaches of the Treaty of Waitangi have caused to generations of Heretaunga Tamatea people, including severely limiting their economic and social opportunities and eroding their tribal structures.”

Cultural redress was provided through the vesting and the vesting and give back of sites and through the establishment of statutory acknowledgments and deeds of recognition.

The subject site was not part of the vesting. The site and adjacent land are not subject to a statutory acknowledgment or deed of recognition of this settlement.

### Ahuriri Hapu Claims Settlement Bill

(DOS signed 02 November 2016 by the Crown and Mana Ahuriri Trust as the post-settlement governance entity).

The Government summary of the Deed of Settlement acknowledgements and apology (<https://www.govt.nz/browse/history-culture-and-heritage/treaty-settlements/find-a-treaty-settlement/>) states:

The Deed of Settlement contains Crown acknowledgements of its acts and omissions that caused prejudice to Ahuriri Hapū and breached the Treaty of Waitangi and its principles. The Deed of Settlement also includes a Crown apology to Ahuriri Hapū for Crown acts and omissions and breaches of the Treaty of Waitangi and its principles. The Crown solemnly apologises for its policies, acts and omissions that have left Ahuriri Hapū virtually landless, and for the severe impacts the loss of ancestral lands and resources has had on the capacity of Ahuriri Hapū for economic and social development, and physical, cultural and spiritual well-being. The Crown also expresses profound regret for the distress and anguish generations of Ahuriri Hapū have endured due to the Crown’s acts and omissions in relation to Te Whanganui-ā-Orotu.

Cultural redress was provided through the vesting of sites and the establishment of a permanent statutory committee to promote the protection and enhancement of the environmental, economic, social, spiritual, historical and cultural values of Te Muriwai o Te Whanga (Ahuriri Estuary) for present and future generations, overlay classification of two sites of significance and the establishment of statutory acknowledgments and deeds of recognition.

The subject site was not part of the vesting and is not located in proximity of the Ahuriri Estuary. The site and adjacent land are not subject to a statutory acknowledgment or deed of recognition of this settlement.

## Part VI: Marine and Coastal Area (Takutai Moana) Act 2011

### Customary marine title areas

Customary marine title areas under the Marine and Coastal Area (Takutai Moana) Act 2011 that apply to the location of the project:

Section 18(3)(c) of the Act details that the project **must not include** an activity that will occur in a customary marine title area where that activity has not been agreed to in writing by the holder of the relevant customary marine title order.

N/A

### Protected customary rights areas

Protected customary rights areas under the Marine and Coastal Area (Takutai Moana) Act 2011 that apply to the location of the project:

Section 18(3)(d) of the Act details that the project **must not include** an activity that will occur in a protected customary rights area and have a more than minor adverse effect on the exercise of the protected customary right, where that activity has not been agreed to in writing by the holder of the relevant protected customary rights recognition order.

N/A

## Part VII: Adverse effects

Description of the anticipated and known adverse effects of the project on the environment, including greenhouse gas emissions:

In considering whether a project will help to achieve the purpose of the Act, the Minister may have regard to, under Section 19(e) of the Act, whether there is potential for the project to have significant adverse environmental effects. Please provide details on both the nature and scale of the anticipated and known adverse effects, noting that Section 20(2)(b) of the Act specifies that the application need only provide a general level of detail.

### Principle of Development

While the site is within the Main Rural Zone of the City of Napier District Plan, the land is specifically allocated within the District Plan as a Greenfield Growth Area, pursuant to similar allocation of the site within the Regional Policy Statement and the Heretaunga Plains Urban Development Strategy.

Development of the land for the allocated residential use is therefore clearly signalled within the applicable planning framework.

The land is currently utilised for the cropping of maize and this productive value of the land will be lost through the development. While the loss of this productive land value is regrettable, it has been clearly accepted by the District Plan and Regional Policy Statement allocation and is of a small area relative to the wider Heretaunga Plains resource. The land has also been previously fragmented through the construction of the Cross Country Drain and the subsequent development of 215 Riverbend Road as a garden venue for events. Additionally, intensive rural activities on the site are somewhat constrained by the proximity to adjacent residential use.

Development of the site for residential purposes is consistent with the adjacent land uses to the west and north, and the site boundaries to Riverbend Road and the Cross Country Drain provide buffering from continuing rural activity. The addition of more than 600 new homes to the local market is obviously a significant positive effect arising from the development.

The allocation of the site ensures that there are no adverse effects arising from development of the land in terms of plan integrity or development precedent.

### Character and appearance

The proposed subdivision will create a contemporary suburban environment that will appear as an attractive extension to the existing adjacent suburban areas. While the character of the adjacent streetscape and wider area will change through the development, the design of the subdivision and new homes will provide a positive addition to the area.

The development will provide a network of parks across the site and a small commercial hub. These will provide for community use and interaction and will serve to invite adjacent residents into the development to benefit from the addition of these services and facilities to the area.

#### Residential Amenity of Neighbours

The Beatson Drain and Waterworth Avenue separate the site from the existing adjacent homes of McNaughton Place and Waterworth Avenue. This separation provides mitigation of the commonly envisaged effects of development on the living conditions and wider amenity of neighbouring residential development.

Development of the site to two and three storey scale will not result in an undue loss of daylight/sunlight or shadowing of the neighbouring homes. The separation will ensure that the two and three storey development will not cause prominent overlooking of neighbouring properties or appear overbearing or otherwise visually dominant on these existing homes.

Riverbend Road and the 50m wide Cross Country Drain corridor provides suitable buffering of the site from the rural activities beyond these boundaries, avoiding the potential for adverse reverse sensitivity effects.

#### Infrastructure

As detailed in the Roding and Servicing Report provided at Enclosure G, residential development of the site has long been envisaged by the Council's strategic engineering planning, as set out in the 1995 and 2000 asset management plans. The site has access to a water main that was installed, in part, to service the site. The site can discharge stormwater to the adjacent Cross Country Drain, which was designed to include capacity for development of this site. The site can access a low pressure wastewater pumping main to discharge wastewater as the main passes the site travelling to the wastewater treatment station. The site can therefore be readily serviced by three waters infrastructure, and the effects of this demand on the infrastructure will be offset by established development contributions.

The Transport Impact Assessment provided at Enclosure H concludes that the surrounding road network is operating well below the modelled carrying capacity and that, subject to minor external improvements, the traffic generation and road effects of the development can be readily accommodated without causing adverse effects.

#### Archaeology, cultural and spiritual effects

The site is not known to contain any archaeological or other cultural heritage assets. While there are no known culturally significant sites within the development, should any remains or artefacts be discovered through development of the site, the established Accidental Discovery Protocol of Heritage New Zealand Pouhere Taonga will obviously be followed. Effects in this respect are therefore less than minor.

#### Effects relating to land hazards

The site is subject to identified hazards of inundation in a storm event, inundation in a tsunami event and earthquake induced liquefaction.

The surface level of the land will be raised to facilitate the development and stormwater services will be formed to drain the development to the Cross Country Drain. This will provide effective resilience to the stormwater inundation hazard.

The risk of tsunami inundation is common across the flat areas of Napier and defence of this is through evacuation beyond the affected area.

The risk of liquefaction and related lateral spread to the open faces of the adjacent drains will be mitigated through foundation design of constructed buildings and wider ground improvement where necessary to provide effective mitigation of this risk.

#### Construction phase effects

Site preparation and wider civil engineering formation works will require a relatively large scheme of earthworks. However, these earthworks are technically straightforward given the flat site and large area providing management flexibility.

The importation of fill and export of surplus topsoil will utilise roads through the rural area to the south, which provide good access to the Council's strategic road network.

Standard construction management measures will minimise adverse effects on the environment, infrastructure and neighbouring properties arising from the earthworks. While noise from the construction process will inevitably be evident to neighbouring properties, management measures will seek to avoid or reduce noise generation where possible and ensure that noise does not extend beyond commonly accepted construction hours. The temporary



nature of the construction disturbance and acceptance of this as an inevitable by-product of development are such that effects on neighbouring properties and the wider environment in this respect will be less than minor in nature.

#### Climate change effects

The development will provide for an existing unmet demand for homes within the local market. The future residents are already in Napier, living in interim and often substandard housing arrangements. While the development will have an energy and transport demand that will contribute to adverse greenhouse gas emissions, these will not be new emissions arising from the development, as the future residents are already living in the area. As the development will provide warm and dry, thermally efficient homes, the energy demand for heating is expected to be less than the current interim accommodation arrangements extensively relied upon, such as older motel buildings and overcrowded less efficient homes. The inclusion of floorspace to provide for commercial uses to serve the needs of future residents will assist in reducing trip generation from the site and related vehicle emissions.

## Part VIII: National policy statements and national environmental standards

General assessment of the project in relation to any relevant national policy statement (including the New Zealand Coastal Policy Statement) and national environmental standard:

#### National Policy Statement on Urban Development 2020

Napier is identified as a Tier 2 urban environment for the purposes of the NPS-UD. While the Tier 2 status does not impose the stricter Tier 1 directions of density and scale, it nevertheless requires the Council to enable greater intensity in areas of high access or demand and to enable building height and density that reflects the demand for use and the existing or planned transport accessibility level. The current supply limitations and high demand within the housing market are clear indications of the currently unmet demand within the market.

The proposed subdivision layout is based on a mix of compact housing typologies that all seek to maximise the utility of the serviced and allocated land resource, achieving an increase to the residential density of typical historic and contemporary Napier residential development. The development provides for two and three storey residential development and compact lot sizes will encourage this to be achieved. The subdivision layout nevertheless provides for the creation of a high quality suburban environment with good quality living conditions throughout and good access to public open space resources.

Inclusion of an element of commercial floorspace within the layout enables establishment of convenience retailing within the site. While this assists in the creation of a defined character for the development area, it is also hoped that retail offering will enable interim shopping and other needs to be met within the site, thereby avoiding related external vehicle journeys.

The subject land can be readily serviced, and development of the site has formed part of the Council's long term infrastructure planning for at least the previous two decades. The ease of servicing residential development of the site assists in positioning the site favourably in relation to the financial requirements for enabling development of other zoned or allocated development land and to other land development options being considered by the Council.

Overall, the development is consistent with the direction of the NPS-UD and will provide demonstration of how the applied principles can deliver high quality homes at an increased residential density.

#### National Policy Statement for Freshwater Management 2020

The development will drain to the Cross Country Drain. This is an engineered drain that was constructed in the 2000's to convey stormwater from suburban areas of Napier to a pumped discharge to the sea. As such, the drain is not subject to the NPS Freshwater Management.

Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011

In accordance with the requirements of the NES – CS, preliminary site investigation (PSI) (with supporting soil testing) of the site has been undertaken by suitably qualified and experienced contaminated land practitioners at Geosciences Ltd.

The PSI identified the potential for the bulk storage of persistent pesticides and application to crops and orchard trees. The identified potential was however, limited given the timeframe of use and related prevalent practices of that era. The results of supporting soil testing confirmed the compliance of soil contaminant concentrations with relevant soil contaminant standards.

An area of the site was identified as having soil contaminant concentrations that were marginally elevated above the anticipated naturally occurring background levels, and further analysis of this is recommended to determine any excess soil disposal limitations. A small area of the site was excluded from the assessment due to the current occupation, and future assessment will be required to confirm compliance of this area.

The soil contamination assessment and reporting therefore does not raise any concern of the suitability of the site for future residential development.

## Part IX: Purpose of the Act

Your application must be supported by an explanation how the project will help achieve the purpose of the Act, that is to “urgently promote employment to support New Zealand’s recovery from the economic and social impacts of COVID-19 and to support the certainty of ongoing investment across New Zealand, while continuing to promote the sustainable management of natural and physical resources”.

In considering whether the project will help to achieve the purpose of the Act, the Minister may have regard to the specific matters referred to below, and any other matter that the Minister considers relevant.

Project’s economic benefits and costs for people or industries affected by COVID-19:

Construction of the development will generate an estimated additional 1645 FTE construction sector jobs and the completed development will provide more than 600 homes to assist in addressing the existing housing supply shortfall in Napier and Hastings.

The loss of international tourists, and in particular visiting cruise ship passengers, has obviously been detrimental and in some cases terminal to Hawke’s Bay businesses set up to service the tourism economy. The estimated 1645 FTE additional construction sector jobs will offer both skilled tradesperson and supporting unskilled employment opportunities. While the unskilled employment opportunities will offer immediate opportunities for those displaced from other industries by the effects of Covid 19 to transition into construction, the scale and duration of the construction will also offer opportunities for retraining or upskilling targeted at accessing skilled employment positions with confidence of medium term employment demand.

The failure of house construction within Napier and Hastings to keep pace with population (household) growth that has been mainly derived from incoming (international and national) migration has resulted in a consistent annual housing supply shortfall of approximately 500 homes, as detailed in the accompanying Economic Impact Assessment. The market pressure arising from this consistent annual housing delivery shortfall has resulted in rapid housing price escalation.

The delivery of more than 600 homes to the local housing market will assist in addressing the supply shortfall and should assist in curbing price escalation. The curbing of the house price increase will be of benefit to those who are trying to purchase a home while also recovering from Covid 19 employment or wider financial strain effects.

As the development is of a contemporary density and based on compact lots and houses, the houses will be targeted at the lower end of the greenfield development sales price, providing further benefit for house purchasers recovering from Covid 19 related financial strain.

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

The delivery of more than 600 homes within an attractive, high quality suburban environment, will provide substantial benefit to the future individuals and families that occupy them.

As set out in the accompanying Economic Impact Assessment, the consistent failure of the local housing and development market to keep pace with local population growth has resulted in a significant supply shortage that has contributed to rapid house price escalation. While the house price increase results in many families taking on onerous long term mortgages, the overall shortage has also resulted in many families living in interim accommodation arrangements such as shared and overcrowded homes and in motel rooms.

The homes created by the development will provide opportunities for many families to move from informal and transient arrangements into safe, modern, warm and dry homes that can be easily maintained. Providing homes for families that are currently being forced to live in transient arrangements will enable these families to live normal lives, establishing community connections and providing settled environments for children to start their lives and attend local schools and play in community settings. This is a very different lifestyle than that which many families are currently experiencing across Hawke’s Bay while they live in changing interim accommodation arrangements,



including extensive reliance on motels by Kainga Ora Homes and Communities to accommodate social rent tenants while they wait for an available home.

Providing settled family environments for children will assist in promoting better long term social and cultural outcomes for those families and the children as they progress to adulthood.

The estimated 1645 FTE additional construction sector jobs generated by the development will provide opportunities for people to establish construction industry careers that will assist in providing stability for those that follow the opportunities and their families.

Establishing a construction industry career for people currently unemployed or transitioning from other industries can provide long term benefits to their wellbeing.

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

Recent experience consenting a small scale (ten home) residential terrace development with Napier City Council has resulted in concern that the competing priorities of Council's technical staff are such that they cannot provide adequate focus to the consideration or discussion of technical documentation to enable the progression of resource consenting for contemporary development in a timely manner.

The Applicant realises that the overall scale and contemporary nature of the proposed development, involving variation in housing typology that is based on compact lot and house design, would require presentation of an application to Council for development that they are not generally accustomed to assessing. The Applicant therefore holds reasonable concern that resource consenting of the proposed development with Council could result in assessment difficulties and significant delays. Such delays could fundamentally compromise the ability of the Applicant to exercise the purchase option held for the land.

The uncertainty of consenting a contemporary development scheme through Council in relation to the land purchase timing pressure is such that, by necessity, the Applicant would revert to a basic development scheme of approximately 350 lots suited to detached single storey housing to increase confidence of Council consenting.

In the context of the Napier housing market, a 350 lot scheme would provide a similar developed land return to the Applicant. Such a scheme would create sections with higher sales prices and the value of resulting constructed houses would inevitably tend towards the mid to high price range, in a similar manner to the nearby developing area of Te Awa. An alternative basic development scheme would therefore, provide fewer homes at a higher sales price than the proposed contemporary scheme.

The focus and speed of the Covid Fast Track consenting route is necessary to ensure that the option to purchase the land can be exercised by the Applicant and enables progression of a development scheme that will provide more homes at lower sales point than the fall back development that would be progressed through the standard Council consenting route.

Whether the project may result in a 'public benefit':

Examples of a public benefit as included in Section 19(d) of the Act are included below as prompts only.

Employment/job creation:

The Economic Impact Assessment undertaken for the development (Enclosure I) estimates that the site formation engineering and house construction activity will generate 1,645 FTE jobs.

While a large proportion of the jobs will be for skilled and experienced tradespersons, jobs will nevertheless be available at all levels, including those for unskilled and upskilling labourers. The unskilled jobs will be suitable for many employees transferring to construction following displacement from covid 19 affected industries, such as the Hawke's Bay tourism industry following the loss of cruise ship visits.

The duration and certainty of construction across the large scale project will enable progression of unskilled labourers through trade training to increasingly skilled positions.

Housing supply:

The Economic Impact Assessment provided at Enclosure I describes the housing shortage in Napier and Hastings as having arisen from the inability of housing delivery to keep pace with the increase in resident households in the area, predominately from incoming (international or national) migration. While building consents for new homes in Napier

and Hastings have totalled 500 - 600 per year (including retirement villages), growth has resulted in an additional 920 households per year in the area. This growth far exceeds the historic Statistics New Zealand projections for the area. The recorded rate of building and population (household) increase suggest that the market has experienced an annual shortfall of around 500 new homes over recent years.

The persistent annual house construction shortfall across Napier and Hastings has resulted in significant shortages across all areas of the housing market, and rapid escalation of sale prices. The supply shortage is immediately apparent in any examination of the local housing market. Informal indicators such as the significant reliance on motel accommodation by KOHC and the current holiday campground accommodation of tenants displaced from accommodation affected in the November 2020 flooding, provide insight to the bleak availability of social and market rental accommodation.

The development will deliver more than 600 new homes to the market. The compact lot size and homes, consistent with contemporary expectations, will enable the homes to be priced below the standard detached homes typically delivered by the local housing market, assisting in affordability. As detailed at "Speed of Progression" if consenting was to follow the standard Council route, an alternative scheme of 350 larger lots would be sought to provide necessary developer confidence.

#### Contributing to well-functioning urban environments:

The site appears as a large gap site within the suburban form of Napier. Development of the site is a logical extension to the suburban boundary of the City, enabling the physical barrier of the Cross Country Drain to form the defined suburban – rural boundary. The logic of the extension has long been recognised by Napier City Council, as evidenced through the future development allocation in the City of Napier District Plan and the identification of the site in the Council's strategic infrastructure planning.

The area is recognised as being deficient in defined east – west road routes. The central spine road of the development, which connects the Riverbend Road and Waterworth Avenue road frontages, will facilitate the formation of a defined suburban east west route, assisting with wider suburban connectivity.

The community that will be formed by the development will benefit from local services and community open space distributed throughout the site, creating a defining sense of place for future residents that will distinguish the development. The local services and parks within the site will reduce external trips and contribute to a high quality suburban environment that encourages community interaction within the public realm.

The road layout within the site minimises backland development and use of cul-de-sacs, to create a highly accessible and permeable development layout. At the same time, overall legibility within the site is maintained through the hierarchical structure of the road layout based on the prominence of the central spine road and natural circulation directing road users to the main routes.

The development is based on contemporary lot sizes and mix housing typologies that seek to include detached, semi-detached, terrace and apartment housing formats at single, two and three storey scale. While this will enable delivery of new homes at a lower sale point than the traditional large lot detached housing of Napier, the medium density development will also provide a local example of how such development can create a high quality environment. It is expected that the success of this development will encourage greater future uptake of contemporary medium density development forms in Napier.

The development form and the large scale of the development site will therefore create a distinctive and well-functioning suburban environment that will provide high quality living conditions for future occupiers and that will encourage and foster the formation of a sense of community amongst future residents.

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

While the site will install necessary suburban three waters infrastructure to service the site, this infrastructure will have limited benefit for the existing community beyond the site. The road link formed by the development will, however, assist in forming an east – west link in an area of deficiency, improving wider accessibility through the area.

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

N/A

#### Minimising waste:

N/A

Contributing to New Zealand's efforts to mitigate climate change and transition more quickly to a low-emissions economy (in terms of reducing New Zealand's net emissions of greenhouse gases):

The development will provide opportunities for people to live in modern, thermally efficient, homes constructed to current housing standards. The efficient homes will require less energy for heating and cooling than older housing stock. There is also potential for KOHC to develop lots or purchase or lease completed homes, enabling tenants to be moved from interim and often poorly insulated motel accommodation to modern homes. The reduced domestic energy demand will provide incremental assistance with overall emissions reduction targets.

It is hoped that a food retailer will occupy part of the commercial space included within the development, along with other domestic conveniences such as a laundromat. The provision of these services within the development will eliminate some, otherwise necessary, vehicle journeys from the site to existing suburban or central retail areas. It is expected that many of the internal journeys will be walked rather than driven. The provision of convenience services within the site will provide for a reduction in otherwise necessary external trips and vehicle use, and a reduction in related emissions.

Promoting the protection of historic heritage:

N/A

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

As was experienced in the November 2020 Napier flooding, large suburban areas of Napier are vulnerable to inundation from stormwater ponding. The effects of this event in displacing residents were prolonged and are still being experienced by many social and private rent tenants who have not yet been able to return to damaged homes as they await repairs. To facilitate development of the site, the surface level of the land will be raised above the modelled flood level to ensure that the homes are not at risk of inundation in a storm event and the land will be drained to the adjacent Cross Country Drain. Multi-storey homes, as proposed by the development, also offer greater levels of resilience to inundation events.

As the low lying suburbs of Napier have been constructed on land formed from alluvial deposition and reclaimed or raised by the 1931 earthquake, the area is at risk of earthquake induced liquefaction and amplification. New homes on the site will have liquefaction resilient foundations and the development will address the potential for liquefaction induced lateral spread to the free faces of the adjacent drains.

The development will therefore provide a large developed area that could serve to assist surrounding residential suburbs in the event of stormwater flooding or earthquake related liquefaction that rendered homes of surrounding suburbs uninhabitable.

In terms of climate change related emissions, the inclusion of commercial units located centrally within the scheme, which are intended for residential related services such as a small food market, offers an opportunity to reduce incidental/top-up related external vehicle trips to the supermarkets of the Napier CBD. While most residents would not be reliant on a small supermarket for their weekly shopping, a small supermarket can address interim grocery needs.

Inclusion of other activities such as a café and laundromat would offer similar opportunities to avoid external vehicle trips to obtain these goods or services within established suburban commercial centres or the Napier CBD. It is expected that residents of the adjacent suburban areas will similarly use the commercial outlets within the site to avoid longer journeys. The reduction in vehicle journeys from the site would make an incremental contribution to the reduction of greenhouse gas emissions.

Other public benefit:

The benefits of the scheme have been summarised in the previous responses.

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

Adverse effects will be generally limited to the inevitable temporary disturbance caused during the construction phase. Construction management measures will seek to minimise the effects of activities that typically create

nuisance. The relationship of the site to neighbouring sensitive land uses and the buffer distances to sensitive boundaries provides opportunities to reduce and internalise typical construction effects.

Potential development effects commonly experienced are avoided due to the buffering of the site from surrounding sensitive properties.

## Part X: Climate change and natural hazards

Description of whether and how the project would be affected by climate change and natural hazards:

### Climate Change

The site is located around 1.65km inland from the coast, and is not subject to coastal erosion or inundation modelled by the Hawke's Bay Regional Council to 2120 including climate change assumptions.

### Natural Hazards

Part of the site is identified by the Hawke's Bay Regional Council Hazards Portal as being subject to stormwater flooding (ponding) in storm events. The surface level of the site will be raised above the modelled flood height through filling as the initial stage of development to prevent future stormwater flooding of the site.

The site is identified by the Hawke's Bay Regional Council Hazards Portal as being subject to a risk of inundation in both near source and distant source tsunami events. The inclusion of the site within the distant source inundation contour arises from the low lying nature of the land relative to the surrounds. The elevation of the surface level to facilitate the development will result in resilience to the distant source event. The modelled near source event results in the inundation of most of Napier's suburban areas and resilience is based on evacuation to vertical refuge. The east west connection formed by the development will assist with evacuation connectivity.

The geotechnical investigation of the site by Initia Geotechnical Specialists has confirmed that the site is unlikely to experience liquefaction in SLS (1 in 25 year return period) conditions, with potential for liquefaction induced settlement of less than 30mm. Liquefaction is anticipated under ULS (1 in 500 year return period) conditions of a Liquefaction Severity (index) Number (LSN) of 12, suggesting likely minor to moderate damage. Liquefaction induced settlement of 40 – 80mm is anticipated in ULS conditions. The addition of consolidated fill to raise the surface level of the site is anticipated to result in a reduction of the LSN value.

The free faces of the adjacent drains bordering the site present a risk of lateral spread. While further investigation is required, lateral spread to the Beatson Drain is anticipated to be minor and lateral spread to the deeper Cross Country Drain is likely to be moderate to severe. Established methods of shallow ground improvement, in association with the proposed setback of development from the free faces, are considered likely to provide suitable mitigation of the lateral spread risk.

The land generally represents a TC2 type site, with the southern land in proximity of the Cross Country Drain elevated to TC3. Development of TC2 ground would generally utilise rib raft foundations constructed directly on the engineered fill and development of TC3 ground would require reinforced foundation structures or wider perimeter treatment.

The geotechnical site conditions do not therefore, present a notable impediment to residential redevelopment.

## Part XI: Track record

A summary of all compliance and/or enforcement actions taken against the applicant by a local authority under the Resource Management Act 1991, and the outcome of those actions:

Local authority	Compliance/Enforcement Action and Outcome
Hawke's Bay Regional Council	The Applicant pleaded guilty in 2019 to discharging contaminants to air through burning demolition debris at a development at Tangoio, Napier, in contravention of Rule 75 of the Hawke's Bay Regional Coastal Plan.

## Part XII: Declaration

I acknowledge that a summary of this application will be made publicly available on the Ministry for the Environment website and that the full application will be released if requested.

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

Jason Kaye

19/05/2021

Signature of person or entity making the request

Date

## Important notes:

- Please note that this application form, including your name and contact details and all supporting documents, submitted to the Minister for the Environment and/or Minister of Conservation and the Ministry for the Environment, will be publicly released. Please clearly highlight any content on this application form and in supporting documents that is commercially or otherwise sensitive in nature, and to which you specifically object to the release.
- Please ensure all sections, where relevant, of the application form are completed as failure to provide the required details may result in your application being declined.
- Further information may be requested at any time before a decision is made on the application.
- Please note that if the Minister for the Environment and/or Minister of Conservation accepts your application for referral to an expert consenting panel, you will then need to lodge a consent application and/or notice of requirement for a designation (or to alter a designation) in the approved form with the Environmental Protection Authority. The application will need to contain the information set out in Schedule 6, clauses 9-13 of the Act.
- Information presented to the Minister for the Environment and/or Minister of Conservation and shared with other Ministers, local authorities and the Environmental Protection Authority under the Act (including officials at government departments and agencies) is subject to disclosure under the Official Information Act 1982 (OIA) or the Local Government Official Information and Meetings Act 1987 (LGOIMA). Certain information may be withheld in accordance with the grounds for withholding information under the OIA and LGOIMA although the grounds for withholding must always be balanced against considerations of public interest that may justify release. Although the Ministry for the Environment does not give any guarantees as to whether information can be withheld under the OIA, it may be helpful to discuss OIA issues with the Ministry for the Environment in advance if information provided with an application is commercially sensitive or release would, for instance, disclose a trade secret or other confidential information. Further information on the OIA and LGOIMA is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

## Checklist

Where relevant to your application, please provide a copy of the following information.

No	Correspondence from the registered legal land owner(s)
No	Correspondence from persons or parties you consider are likely to be affected by the project
No	Written agreement from the relevant landowner where the project includes an activity that will occur on land returned under a Treaty settlement.
No	Written agreement from the holder of the relevant customary marine title order where the project includes an activity that will occur in a customary marine title area.

No	Written agreement from the holder of the relevant protected customary marine rights recognition order where the project includes an activity that will occur in a protected customary rights area.
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Released under the provision of  
the Official Information Act 1982