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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)	Katrina Brunton s 9(2)(a)
	Paul Barrett s 9(2)(a)
	Gavin Ide s 9(2)(a)

Comment form

Please use the table below to comment on the application.

Project name	Riverbend Road Residential Development, Napier (an application by Tawanui Developments Limited)
General comment – potential benefits	<p>Hawke's Bay Regional Council (HBRC) has a number of roles and interests in proposals for urban development within the Heretaunga Plains sub-region. These include as manager of critical flood control and drainage scheme assets, as consent authority under the RMA, as champion and advocate for the HB Regional Policy Statement and a range of other strategies including those covering urban growth, natural hazards, freshwater management, indigenous biodiversity and land transport to name a few.</p> <p>The site of the proposed development has been identified in strategic growth documents¹ as being an indicative area for future residential greenfield growth sometime during the 2015-2045 period. Nevertheless, that indicative classification does not mean any residential development on the site can proceed without further assessment and careful management.²</p> <p>The housing market in Napier and Hastings urban area is experiencing a number of challenges at present, some of which were exacerbated by the Napier flooding event in November 2020. Many of those challenges are also being experienced in many other urban areas in New Zealand. Development of ~600 houses as proposed will not cure those challenges. It could even create new challenges without careful assessment and consideration of details that are not currently in documentation for the proposal.</p>

¹ E.g. Heretaunga Plains Urban Development Strategy (HPUDS) 2010 and 2017 editions.

² In Chapter 3 of the Hawke's Bay Regional Policy Statement, Policy UD4.3 lists "d) Te Awa / The Loop" as one of several areas within the Heretaunga Plains sub-region "where future residential greenfield growth for the 2015-2045 period has been identified as appropriate and providing choice in location, **subject to further assessment referred to in POL UD10.1, POL UD10.3, POL UD10.4 and POL UD12...**" (emphasis added). Policies UD10.3, 10.4 relate to use of structure plans for urban development. Policy UD10.1 states development of urban activities within greenfield growth areas shall occur in accordance with a comprehensive structure plan and included in the relevant district plan. Policy UD12 specifies a range of matters that territorial authorities shall have regard to when assessing provisions for urban development in Hawke's Bay.

	<p>Napier City, Hastings District and Hawke's Bay Regional councils regularly publish reports on a selection of housing and business indicators. The latest report³ in that series (published June 2020) records the total remaining residential land capacity in the Parklands and Te Awa greenfield growth areas under construction in Napier as being 151 and 783 respectively. That same report also notes that current greenfield dwelling construction rates (over the past four years) averaged around 251 dwellings per annum.</p> <p>Development of a comprehensive stormwater solution for this site has the potential to help lessen flooding issues in other parts of this local area/catchment. It would however need to involve a different solution what is proposed in the project documentation.</p>
General comment – significant issues	<p><u>Flooding and stormwater servicing:</u></p> <p>At present, during high rainfall events the development area provides a large storage area for the County Pump Station. Filling the development area would remove this amount of storage from the County Drain system. If no mitigation were provided, there would be an effect on the Pirimai residential area, being the next lowest area to receive the stormwater.</p> <p>The applicant has proposed to drain the stormwater from the development site to the Cross Country Drain (CCD). This solution needs to take into consideration the potential effects of removing the storage from the County Drain system. The impact of the proposed solution flooding in the local area is not yet understood. The proposed solution will also involve changes to the stormwater catchment areas and ultimate receiving environment. If pumping of stormwater/flood water is required to service this development, it is also expected that a relatively large storage area could also be required on the development site to provide for this.</p> <p>A stormwater servicing solution could potentially be developed that could provide for overall benefits to the drainage network in this area. However, there is likely to be a need for relatively large pump station and a large storage area within the development site. There may be inefficiencies and associated cost impacts resulting from operation of a pump station in this area in addition to other existing pump stations further down the drainage networks, i.e. if a pumped solution is proposed for the development area, the stormwater will be pumped twice before it reaches the sea. Further detailed analysis is required before the best practicable stormwater solution can be determined.</p> <p><u>Stormwater quality:</u></p> <p>The site is located within the mapped Source Protection Zones for the Napier City Council public water supply bores. Activities on site, and associated discharges to land should be undertaken in a manner which recognises and mitigates the risk to the public water supply.</p> <p>The site is located within the area subject to Plan Change 9 (Tutaekuri, Ahuriri, Ngaruroro and Karamu catchments ('TANK')). This introduces new considerations for stormwater discharges, including an increased focus on catchment management plans, stormwater quality (including during construction phases) and consideration of the effects on registered drinking water supplies.</p> <p><u>Natural Hazards:</u></p> <p>Liquefaction risk classified as high liquefaction vulnerability – which means there is a probability of more than 50 percent that liquefaction-induced ground damage will be major to moderate across the sites for 25 & 100 year shaking, to very high for 500-year shaking. Liquefaction risk would need to be mitigated to enable re-habitation of homes post-event in accordance with the Canterbury method (MBIE, 2012). MBIE "Planning and engineering guidance for potentially liquefaction prone land" dated September 2017 (MBIE 2017) Section 6.10 in areas assigned a liquefaction category of high, it is recommended that a geotechnical engineer should provide input into the design of all buildings. It should include lot-specific assessments of liquefaction issues, including assessment of new or existing subsurface ground investigations.</p> <p>Lateral spreading because of the presence of open drains on the western and southern boundaries is outlined in application, and further investigation into the depth and dimensions of the drains is needed, to quantify the extent of the issue and remedial works required to limit displacements to tolerable levels. As highlighted in MBIE 2017 guidance, similar drains constructed in Canterbury to manage stormwater runoff from new developments as a result compromised the land integrity, which resulted in greater than predicted liquefaction damage including lateral spreading, where</p>

³ Hastings and Napier Urban Area Housing and Business Market Indicator Monitoring – 4th Quarter and Baseline Update Report to 31 December 2020 at <https://www.hpuds.co.nz/assets/Uploads/2020-Q4-NPSUD-Quarterly-Market-Indicator-Monitoring-Report-published-June-2021-5556.pdf>

	<p>horizontal land movement occurred towards drains that consequently exacerbated land and building damage on adjacent properties.</p> <p>High earthquake amplification (“unconsolidated swamp, estuarine and lagoonal deposits and reclaimed land”).</p> <p>Tsunami: near source inundation extent: Sites wholly within risk area & distant source inundation extent: Sites partly within risk area up to 5 metres, which has a return period of 250 years as shown in the national GNS Tsunami Hazard in NZ 2013/131 report. Also a detailed map (Tangoio to Clifton area) shows water depth following multiple tsunami waves in a 2000 year return period at www.hbhazards.co.nz tsunami tab. Given the GNS advice that a significant near-source tsunami could arrive within 15-40 minutes of a major earthquake in Hawke Bay, the tsunami hazard for this site will have significant impacts in terms of life safety and under the RMA any applicant would need to demonstrate how they intend to manage this risk, including design, enhancement and protection of evacuation routes, and avoiding critical facilities within these areas. In exercising its responsibilities under the Act, as a matter of national importance the council needs to consider how the significant risk from tsunami will be managed.</p> <p><u>Lack of structure plan</u></p> <p>As noted above, the Regional Policy Statement sets up a framework to carefully manage substantial urban development activities and ad hoc developments. If this proposal was to occur through a typical rezoning process, development of a comprehensive structure plan would be required and associated change to the district plan. A structure plan provides a framework to guide development of an area and key features and constraints. It would also allow for consideration of critical issues such as transport and connectivity, staging of infrastructure, network utility provision and landscape and amenity values. It is not clear how a Fast Track consenting process provides for this integrated assessment and management of a development area.</p> <p><u>Pre-lodgement talks</u></p> <p>On 3 February 2021, a small number of HBRC staff had a preliminary in-person meeting with the applicant’s agents (Development Nous). Those staff recall discussions were general and conceptual in nature with no plans or detail provided by the agents at that time. Further pre-application interaction with HBRC staff has been very limited.</p> <p>Subsequently the applicant has lodged documents to enter the fast-track consenting pathway and that documentation suggests HBRC “expressed no objections to the principle of site development and stormwater servicing approach.” The staff involved in pre-application discussion were presented with very limited detail and could not be drawn to oppose (or support) the proposal in any form.</p>
Is Fast-track appropriate?	<p>We are not yet convinced that a fast-track process is appropriate. At this stage it is difficult to determine the appropriateness of this process due to the lack of detailed information available. We have identified areas of uncertainty/risk, mainly with respect to flooding and stormwater. There is a need for further assessment and modelling by the applicant before this project can be appropriately considered through any process. For example, modelling of the effect of the proposal on flooding should be undertaken. Until that is completed it is not known how other areas/properties are affected and to what extent.</p>
Environmental compliance history	<p>In 2018, HBRC prosecuted Mr David Colville for burning prohibited items. In preparation for a multi-lot residential development, Mr Colville had demolished several baches at Tangoio Beach and proceeded to burn the demolition waste, including Asbestos. Mr Colville was convicted. Two abatement notices were issued for the same site following a discharge of sediment from the site, both notices were issued on 17 July 2019.</p>
Reports and assessments normally required	<p>The following reports or assessment would typically be used to support consent applications for stormwater and contaminated soil discharges</p> <ul style="list-style-type: none"> • Stormwater and infrastructure servicing report and associated analysis and modelling • Flood impact modelling • Stormwater quality and treatment assessment, water quality impact assessment including consideration of risk to groundwater quality within the SPZ. • Detailed Site Investigation – contaminated soils

	<ul style="list-style-type: none"> Planning assessment, including consideration against NPS FW (2020) and relevant National Environmental Standards, including (but not limited to) NES FW⁴ (2020) and NES SHDW (2007)⁵. <p>In addition to the above, other reports or assessments that HBRC would typically have an interest in from a policy advocacy/submitter perspective relate to:</p> <ul style="list-style-type: none"> Those matters as outlined in the HB RRMP, particularly Policies UD10.1, 10.3, 10.4 and 12. Avoidance or mitigation of natural hazards. Methods to collect, treat and dispose of wastewater (e.g. if disposal to land on-site or connection into a reticulated municipal wastewater system). Methods for the provision of potable water to the development, (e.g. if from a reticulated supply, where, how, or if it is numerous small water takes). assessment of effects of activity on productive land (if LUC1, 2, or 3, then very likely to soon have greater national policy directives if/when National Policy Statement on highly Productive Land comes into effect. How the development might offer opportunities or constraints to the provision of passenger transport services, active transport modes, tackling the climate change crisis (e.g. through urban design, building materials etc).
Iwi and iwi authorities	<p>Iwi authorities for RMA purposes with interests in proposal area include:</p> <ul style="list-style-type: none"> - Heretaunga Tamatea Settlement Trust - Mana Ahuriri Trust - Ngati Kahungunu Iwi Incorporated - Te Taiwhenua O Te Whanganui a Orotu. - Customary Marine Title applicants (if applicable, see below).
Relationship agreements under the RMA	<p>None applicable to the proposal area/site.</p> <p>However, HBRC has received several management plans prepared by tangata whenua and authorised by an iwi authority. Electronic copies of these can be provided to MFE if required.</p>
Insert responses to other specific requests in the Minister's letter (if applicable)	<ol style="list-style-type: none"> 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 FTCA? <p>A key issue is the solution proposed for stormwater and flood related issues. If the proposed solution will exacerbate existing flooding issues in this area, then local property owners should also have the ability to participate in the process.</p> <p>Typically, a district plan change process would allow for development of a suitable structure plan for a development area like this proposal.</p> <ol style="list-style-type: none"> What reports and assessments would normally be required by the council for a project of this nature in this area? <p>See response above.</p> <ol style="list-style-type: none"> Does the applicant, or a company owned by the applicant, have any environmental regulatory compliance history in your region? <p>See response above.</p>
Other considerations	<p>For clarity, it is noted that consents are also likely to be required from HBRC, including for: works in or within 6 m of a drain within the Heretaunga Plains Flood Control and Drainage Scheme,</p>

⁴ Resource Management (National Environmental Standards for Freshwater) Regulations 2020.

⁵ Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007.

stormwater discharge. Subject to further detail of the proposed activities, there may be other consent requirements relating to the discharge of cleanfill or other contaminants, groundwater abstraction or dewatering during construction, and diversion of water.

A resource consent (AUTH-108618-04) is held by Napier City Council for the discharge of stormwater from the Cross Country Drain (CCD) from an outfall structure on the foreshore within the CMA at Awatoto. The proposed development and associated discharges to the CCD may impact on this consent and require changes or updates to existing conditions. This will need to be assessed further when the details of the proposed discharge are known. This would introduce a need for the applicant to seek the views of CMT applicants under the Marine and Coastal Area (Takutai Moana) Act 2011.

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.

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29 June 2021

Ministry for the Environment
P O Box 10362
WELLINGTON 6143

Attention Stephanie Frame

By email: fasttrackconsenting@mfe.govt.nz

Dear Stephanie

Re: COVID-19 Recovery (Fast-Track Consenting) Act 2020 – Riverbend Residential Development

1. Thank you for your letter dated 15 June 2021 inviting Napier City Council to provide written comments on the above application to the Minister for the Environment, seeking a referral of the Riverbend Residential Development project to an expert consenting panel for consideration under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (**Fast-track Act**).
2. Broadly speaking, the Council understands from the information provided to date that the Applicant proposes to undertake subdivision and development of a 22 hectare rurally zoned site at 195 and 215 Riverbend Road, Meeanee and 20 Waterworth Avenue, Onekawa for a combination of residential and commercial purposes. The Project, if consented, would see the construction of up to 670 homes, ranging from two to three storeys in height.
3. This is a significant proposal (particularly in the current climate). The Council recognises that, at this stage, the applicant is only required to provide a high level proposal, but the result of this is that the limited information provided was insufficient to fully assess the proposal's effects. Nonetheless, as will be evident from its response, the Council has undertaken a thorough review of the information provided in support of the application within the tight legislative timeframe and given all aspects careful consideration.
4. At the outset, I wish to be clear that the Council is cognisant of the housing crisis and the demand for quality, affordable housing in its district and the wider region, and is committed to facilitating the effective provision of such housing. The Council therefore supports, in principle, the stated objectives of the Project insofar as the Applicant has stated that the Project will increase affordable housing supply in an area that has been earmarked for urban development in the relevant policy documents. The Council also recognises that the Project will generate significant employment opportunities for the Hawke's Bay community.

5. However, and while noting these positive impacts, the Council's comprehensive review of the application has revealed a number of significant issues or concerns with the Project as presently proposed. Broadly, these relate to:

- a. There appears to have been no consultation undertaken with the Mana Whenua of Ahuriri. This is of significant concern to the Council.
- b. The scale and density of the development, which is much greater than that currently seen in other parts of the City, is not anticipated by the relevant policy framework, and would appear to be better suited to, and more compatible with the character of, the Napier City centre rather than its fringe.
- c. The absence of any proposal to rezone the subject site, which in turn creates potentially significant hurdles for the Project's consentability and concerns in terms of the financial contributions that the Council would be able to levy for the Project pursuant to its Development and Financial Contributions Policy (2021).
- d. The constraints resulting from the proposed housing typology (i.e. the majority of homes being two and three storey dwellings, three storey walk-ups or three storey apartments), including in particular the limited demographic to which the development would suit.
- e. The lack of detail as to how the Applicant proposes to guarantee genuine affordability of the homes provided. The Council notes with interest that the Applicant appears to have had early discussions with the Ministry of Housing and Urban Development (**MHUD**), Kāinga Ora Homes and Communities (**KOHC**), but it is unclear from the application whether either agency is supportive of the Project and what, if any, involvement they will have going forward. Further information is also needed about whether the provision of affordable housing within the development will be linked to financial support requirements (e.g. Kiwisaver, maximum house price for new builds) to ensure that the homes are genuinely accessible.
- f. Significant funding shortfalls that are unable to be addressed on the basis of the council's Financial Contributions Policy alone. The subject site is rurally zoned, and the financial contributions provided for this type of zoning under the council's Financial Contributions Policy (2021) reflect an assumption that any development will be of a low-density and unserviced. The difficulty that arises with the Project is that the Applicant does not intend to rezone the property, therefore, under the Council's Policy the consent authority would only be able to impose rural financial contributions, resulting in a significant shortfall in the funding required to service the development (not including the physical infrastructure upgrades that may also be required to respond to the development, which are discussed below and will come at an additional cost).

- g. Significant uncertainties regarding the capacity of the Council's Three Waters networks to service the development and, associated with that, uncertainty regarding the extent and cost of the infrastructure upgrades that may be required to respond to the demands of a development of this density and scale. For example, the stormwater pump stations may need to be upgraded to provide for the extra stormwater loading generated by the development, and could cost in the order of \$14 million. At this stage it is unclear how the Applicant proposes that these upgrades (which are not budgeted for by Council) will be funded.
- h. Uncertainty regarding the impact of the 4500m² of commercial development proposed on the existing central business district and other suburban commercial centres within the City.
6. The Minister has asked the Council whether, in its view, the application would be more appropriately assessed under the Resource Management Act 1991 (RMA) consenting process. After careful consideration, the Council has formed the clear view that, given its scale and the significance of the issues identified, this particular application is not well suited to the Fast-track Act consenting pathway and instead should be processed in the usual way. The key reasons for this conclusion are:
- a. Additional housing supply in Napier is most urgently needed in the short term, and it is unclear from the application when the full suite of homes will be completed, particularly given the staged approach that the Applicant proposes to take, and as it appears that the Applicant may not have anticipated the scale and cost of infrastructure upgrades required to service the Project. The Council also notes that the Applicant does not currently own the subject site. These factors suggest that significant work is needed to further develop the proposal to a point where it is consentable, and that the Project may not be "shovel ready".
- b. The Council understands from its communications with the Ministry that structure plan proposals are not generally considered appropriate for referral under the Fast-track Act. We understand that it is for this reason that the Applicant revised its original application for referral (which was originally for a structure plan) to a subdivision and land-use consent application. However, the policy framework for the development of greenfield areas, such as the subject site, anticipates development occurring in accordance with a comprehensive structure plan. For the reasons detailed in the council's response, this is considered by the council to be an important pre-requisite to development of the site (particularly at the density proposed), but one that cannot proceed under the Fast-track Act.
- c. The Applicant is only seeking the land use consents required to enable the construction of the dwellings within stage one of the Project, with detailed design for the remaining stages to be finalised at a later date in accordance

with conditions. This staged approach creates uncertainty and is not considered appropriate (particularly under the Fast-track Act).

- d. The Council anticipates that there will be significant shortfalls in funding for infrastructure to service the development. These funding concerns will be further exacerbated if the Project is processed under the Fast-Track Act, as, unlike the RMA, the Fast-track Act does not allow the council to levy development contributions under the Local Government Act 2002 in order to supplement funding shortfalls.
7. The Council's key findings are summarised in the Ministry's template for written comments but to further assist (and in case further information is required), **attached** to this letter are memoranda prepared by the Council's external planning (consenting) consultant and in-house technical leads in the following disciplines:
- a. Planning (policy);
 - b. Urban design and community facilities;
 - c. Parks and reserves;
 - d. Three waters;
 - e. Transport;
 - f. Contaminated land; and
 - g. Development and financial contributions.
8. Thank you for the opportunity to provide comments on this Project. Please do not hesitate to contact me if there is any further information that the Council can provide to assist the Minister with his consideration of the referral application.

Ngā mihi

Steph Rotarangi

TUMU WHAKARAE | CHIEF EXECUTIVE

Te Kaunihera o Ahuriri, Pouaka Mēra 6010, Ahuriri 4142

Napier City Council, Private Bag 6010, Napier 4142

s 9(2)(a)

www.napier.govt.nz

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	Napier City Council
Contact person (if follow-up is required)	Steph Rotarangi, Chief Executive
	s 9(2)(a)

Comment form

Please use the table below to comment on the application.

Project name	Tawanui Developments Ltd - Riverbend Road Development
General comment – potential benefits	<p>The Council is particularly cognisant of the housing shortage that presently exists throughout New Zealand, and recognises the urgent demand for additional housing, particularly affordable housing, including within its own district and in the wider region.</p> <p>In that regard, the application presents a number of positive attributes. Specifically, the application, if granted, would see the construction of up to 670 new residential dwellings within an area that has been identified as appropriate for future greenfield development.</p> <p>The subject site itself is well-positioned for future residential housing, with good connectivity and walkability both within the development and to adjacent neighbourhoods. The topography of the area assists with this, supports compact and walkable neighbourhoods, and provides good opportunity for the provision of cycle and pedestrian connections through shared pathway networks. The scale of the urban blocks, and the proposed two and three storey housing typologies, also provide for an efficient use of the land resource.</p> <p>The provision of affordable housing within the district is of key importance to the Council, and the proposed development would appear to contribute to the current housing shortage, if it does in fact produce affordable housing in the appropriate typologies. In that regard, the reference in the application to discussions with Kāinga Ora Homes and Communities and the Ministry of Housing and Urban Development is encouraging, although it is unclear how those discussions have progressed and the Council is not aware of any commitment to the project from either agency.</p>
General comment – significant issues	The Council recognises that, at this stage in the process, the applicant is only required to provide a high level proposal and, as such, the information available at present is insufficient to enable a full assessment of the proposal's effects. Nonetheless, the Council has undertaken a comprehensive review of the application and the high level information submitted by the

applicant in support. In undertaking this task, the Council has identified several significant issues or concerns with the development as proposed. To assist, the various Council technical leads and a consultant planner have prepared memoranda summarising their views on the application. Copies of these are attached to the enclosed letter from the Napier City Council Chief Executive to the Minister. For convenience however, the issues and concerns that have been identified with the application are summarised as follows:

1. **Scale and density of the proposed development:** The proposed development is of a scale and density that is not otherwise seen within the Napier District, and is not anticipated by the relevant planning instruments. Specifically, although the site (forming part of the Riverbend/Loop area) is identified in the 2017 Heretaunga Plains Urban Development Strategy (HPUDS)¹ as a residential greenfield growth area, the anticipated density under HPUDS for greenfield areas developed after 31 December 2015 is 15 houses per hectare. For the 22 hectare subject site, the anticipated density is therefore approximately 330 houses, which is significantly fewer homes than the 670 proposed by the applicant.

The site is presently in the Main Rural Zone in the Napier Operative District Plan (**District Plan**) and is similarly of a scale and density that is inconsistent with this zoning.² This gives rise to significant concerns about the serviceability of the development, its compatibility with the character of the surrounding area, and the potential for social issues, given it would be a high density development on the outskirts of the City in close proximity to areas with relatively high rates of social deprivation.

In assessing a non-complying development such as this, the consent authority (which, if this application were to be referred by the Minister for processing under the Covid-19 (Fast-track Consenting) Act 2020 (**Fast-track Act**), would be the Expert Consenting Panel (**ECP**)) must have regard to the relevant provisions of the Hawke's Bay Regional Policy Statement (**RPS**). The RPS also identifies the subject site as being within an area suitable for future greenfield residential development (2015 – 2045), however Policy UD10.1 of the RPS directs that development of future greenfield residential sites must occur in accordance with a comprehensive structure plan prepared at the time the site is to be appropriately rezoned. From the Council's perspective, a comprehensive structure plan is essential, particularly given that development of this scale was not contemplated in this part of the city.

If this application (which is for a subdivision and land use consent package without any rezoning or structure planning) is consented under the Fast-track Act, the applicant would circumvent this detailed planning process prescribed by the regional planning framework, an approach which has led to many of the issues and concerns set out within this response.

2. **Nature of the application:** As noted above, the application as presented does not include a proposal to change the underlying District Plan zoning of the site from rural to residential. As a consequence, the proposed development would need to be assessed by the ECP as a non-complying activity and would be subject to s 104(D)(1) of the

¹ HPUDS was adopted by three partner councils (Hastings District, Hawke's Bay Regional and Napier City) in 2017, and details a joint strategy for urban development in the region, and accommodating and adapting to growth projects, demographic changes and business land needs over the next 30 years.

² For completeness it is noted that, even if the land is rezoned to the Main Residential Zone, the proposal would still be of a density much greater than seen or anticipated in that zone.

Resource Management Act 1991 (**RMA**), which prevents the ECP from granting consent unless it can be satisfied that one of the “gateway tests” have been met.

That is, consent will only be able to be granted if the ECP is satisfied that:

- a. The adverse effects of the proposed development will be minor; or
- b. The application will not be contrary to the objectives and policies of the District Plan.

Based on the information presently available, and given the scale of the proposed development and its present District Plan zoning, it is difficult to see that the development would pass either gateway test, at least until such time that a comprehensive structure plan (prepared in accordance with the relevant provisions of the RPS) is in place.

3. **Housing typology and affordability:** The housing typology proposed would provide a highly intensive built environment, but would offer limited housing choice. The predominant typology (78%) of the houses to be provided would be two and three storey dwellings, three storey walk-ups, or three storey apartments. The converse of that is that only 22% of the total lots are shown as having one to two storey dwellings (with no further breakdown as to what percentage of these would be one storey dwellings). As a result, the vast majority of residents would need to be able-bodied in order to manage, access and live within the development, and the Council questions whether a development of this nature will in fact address the demand for housing in the region. Housing affordability is also a key issue for the Council and at this stage, there appears to be no clear mechanism offered by the applicant to guarantee that the price of the housing provided will be genuinely “affordable” as opposed to market-driven.
4. **Infrastructure funding:** Given the scale and location of the proposed development, the funding of services is a key concern for the Council. The subject site is located in the Main Rural Zone in the District Plan. Development of lots within this zone is typically for large lots with on-site servicing (i.e. lots that are not serviced by the Council network). The financial contributions in the Council’s Financial Contributions Policy (2021) for development in the rural zones reflect this assumption and are limited to \$20,441.00 per lot. For the 606 lots proposed,³ this would amount to total contributions of **\$12,387,246.00**. However, the applicant proposes to develop at a much higher density than what is generally anticipated in a rural zone (606 lots and 648 residential units) and, by way of comparison, financial contributions charged at the full urban rate (of \$28,210.10 per lot) would amount to a total of **\$17,095,320.60**. An inability to recover full urban contributions would therefore result in a significant shortfall of approximately **\$4,708,074.60**.

Although at this stage the Council has not reviewed and modelled the actual water, wastewater and stormwater demand that will be generated by the development, at a high level, the applicant will likely also need to fund the following:

- **Stormwater:** The stormwater pump stations may need to be upgraded to provide for the extra stormwater loading generated by the development. The cost of this could be up to **\$14,000,000.00**. Further work is also required to quantify the work needed to control stormwater from the development and the funding required to cover any necessary upgrades. In particular, the applicant is yet to undertake the necessary work to understand whether there

³ The Council understands that the proposal is for 606 lots and 648 units.

is sufficient capacity in the Cross Country Drain to accommodate the proposed development.

- **Wastewater:** The approved point of connection for wastewater from the development is a trunk wastewater pumping main that passes to the west of the development. Although this main has some spare capacity for future development, further work is needed to assess the costs involved, which are likely to be significant.
- **Water supply:** While immediate upgrades to the Council's network may not be required, the applicant would still be expected to pay a proportionate contribution to the demands that its development will place on the network.

In Napier, financial contributions are levied to fund residential development, whereas development contributions under the Local Government Act 2002 are levied to fund commercial or industrial development. As the Fast-track Act does not appear to provide for the levying of development contributions,⁴ it is likely that the Council will be unable to impose development contributions or enter into a development agreement for the commercial elements of the development, resulting in a further funding shortfall.

5. **Three waters:** Given the time available and the stage of this application, the Council has been unable to model the water and wastewater calculations contained in the servicing report provided by the applicant in order to fully understand the impact of the development on the network. Specifically, the Council still needs to understand:

- The development's impact on the three waters networks, and whether the effects of the development are appropriate and manageable (in particular, whether there is sufficient capacity in the nearby Cross Country Drain for stormwater run-off from the development site);
- Any upgrades required to the networks to accommodate the development;
- The cost of those upgrades; and
- The proportionate cost of those upgrades that the applicant would need to contribute in order for the development to be feasible from a servicing perspective.

6. **Natural hazards / flooding:** The site is subject to several natural hazards, and further information is required to understand how these might be mitigated. These are detailed in the technical memoranda but, in particular, the site is an identified flood hazard area and the application does not include any explanation as to how it will provide flood storage compensation (indeed it does not appear to recognise that the development site acts as a significant flood plain for the surrounding catchment). The Council refers the Ministry specifically to the photographs contained in the enclosed Three Waters memoranda of the site during the November 2020 Napier flood event.

7. **Commercial centre:** The applicant has provided very little information about the proposed commercial centre. The wrong type of development of the scale proposed in this location could result in significant adverse effects on the existing CBD and other suburban commercial centres. Commercial development must be carefully controlled (including the staging of development), and the Council is unable to support 4500m² of commercial development at this location without further information.

⁴ Fast-track Act, s 12.

Is Fast-track appropriate?

On the information presently available, the Council is of the view that this application is more appropriately suited to progressing through the standard consenting process under the RMA. In its letter to the Council, the Ministry has asked whether there are specific reasons that the project should proceed through the existing RMA process and these are provided as follows:

1. **Partial approach to land use consents:** At this stage, the applicant is only seeking the land use consents required for construction of the dwelling in stage one of the development, together with a blanket condition for the remaining stage(s) that would see the detailed design for those stages being finalised at a later date. Again, this approach does not appear to align with the purpose of the Fast-track Act.
2. **Timing of provision of housing:** It is recognised that an additional supply of affordable new dwellings over and above historical trends is required in order to catch up with nation-wide demand. However, this additional supply is most urgently needed in the short term, and it is unclear from the application whether/when the full suite of 670 proposed units will be completed. While the applicant has indicated that the first stage will be constructed within five (5) years of consent being granted, it appears to underestimate the scale of infrastructure upgrades/new infrastructure that will be required to service the development and this timeframe may well be unrealistic. The application is also silent on when the balance of the homes (that do not form part of the initial stage) will be completed. In the Council's view, this lack of certainty around timing and delivery of the development is inconsistent with the purpose of the Fast-track Act, which is to promote 'shovel-ready' projects that can provide urgent employment to support New Zealand's recovery from the economic and social impacts of Covid-19.
3. **Planning constraints:** The planning and policy framework for development of greenfields areas, such as the subject site, clearly anticipates development occurring in accordance with rezoning and a comprehensive structure plan. There is sound planning reasons for this and, particularly given the scale and density of this development, this is considered by the Council to be a fundamental pre-requisite to ensure co-ordinated and cohesive development of the site. It is also necessary to ensure that development occurs at an appropriate density. A structure planning exercise, outside of the Fast-track process, would enable the Council to work through, in conjunction with the applicant, various permutations of development options (e.g. decreased density, different housing typologies etc.) and the effects that such options would generate, including how the required services will be provided and funded.
4. **Funding shortfalls:** As discussed in detail above, if this application does proceed under the Fast-track Act, there will significant funding shortfalls that are unable to be addressed on the basis of the Council's Financial Contributions Policy alone. The Council is also unable to levy development contributions to address any funding shortfalls, including to fund services for the proposed commercial centre.
5. **Information gaps and infrastructure planning:** There are significant information gaps, particularly around infrastructure planning, which need to be addressed in order for the required consents to be granted. While it is accepted that there will be some opportunity at the ECP stage to work through these, the Council considers the issues to be of such a significance that appropriate resolution of issues will not be able to be achieved within the tight legislative timeframes.

Having had the opportunity to review the application, the Council's overall position is that, while the subject site is considered appropriate for residential development, the application is of a

	scale and density that presents significant issues that are most appropriately addressed (and in some circumstances can only be addressed) via the standard consenting process under the RMA.
Environmental compliance history	<p><i>Hawke's Bay Regional Council v David Leslie Colville [2019] NZDC 2477</i></p> <p>The Council is aware that Mr Colville, the sole director of Tawanui Developments Limited, has a prior conviction for offending under s 15(2A) of the Resource Management Act 1991. The offending occurred in August 2018, and Mr Colville was sentenced on 12 February 2019. Broadly, the offending was committed by Mr Colville (a developer) in the course of development business and involved burning asbestos-containing demolition debris in contravention of Rule 75 of the Hawke's Bay Regional Coastal Environment Plan. Mr Colville was convicted and fined a total of \$11,750.</p> <p>The Council is not aware of any other environmental compliance history involving the applicant or any entities or individuals related to the applicant.</p>
Reports and assessments normally required	<ol style="list-style-type: none"> 1. Scheme plans 2. Detailed servicing plans 3. Visual simulations 4. Infrastructure assessment and plans (wastewater, stormwater and water supply) 5. Urban design assessment 6. Cultural impact assessment 7. Social impact assessment 8. Integrated traffic assessment 9. Contaminated land assessment 10. Architectural design assessment 11. Landscape design report and plans 12. Natural hazards assessment 13. Earthworks and sediment control plans
Iwi and iwi authorities	<p>Mana Ahuriri Trust</p> <p>Te Taiwhenua o Te Whanganui a Orotū</p> <p>Maungaharuru-Tangitū Trust</p> <p>Ngāti Pārau Trust</p> <p>To Council's knowledge, no consultation has been undertaken with the above iwi and iwi authorities.</p>
Relationship agreements under the RMA	N/A.
Insert responses to other specific requests in the Minister's letter (if applicable)	<p>Is Designation D143 correctly mapped? If the Project will occur within the designation, does the Council foresee any issues?</p> <p>The Council confirms that Designation D143 is mapped correctly in its District Plan maps. However the designation is historic, and it is acknowledged that the actual position of the Cross Country Drain (as constructed) does not entirely align with that designation. The Cross Country Drain instead follows the Council-owned drainage reserve adjacent to the subject site.</p>

	<p>The Council does not foresee any issues with the Project occurring within the portion of 215 Riverbend Road that intersects with Designation D143.</p> <p>Whether this out of sequence growth is needed (as 2018 Housing Business Assessment made under the NPS-UD suggests there is sufficient housing capacity, but the 2021 Housing Business Assessment is not required until 2021)?</p> <p>The Council is currently preparing the Housing Capacity Assessment required under the National Policy Statement for Urban Development 2020 (NPS-UD). Preliminary results and likely reporting on greenfield land supply confirm that, for Napier, there are three separate plan enabled and (potentially feasible) greenfield growth areas (Te Awa, Parklands and Mission). Based on present numbers (which are yet to be finalised) there is expected to generally be a 'theoretical' adequate supply of greenfield areas to meet projected demand, at least in the short-medium term. In saying that, these greenfield areas are limited in terms of affordable housing options and it is recognised that the housing typologies proposed in the application appear to be designed to achieve this.</p> <p>How does the development alignment with the NPS-UD objectives for a well-functioning urban environment?</p> <p>In line with the NPS-UD, the Council's spatial picture has identified intensification nodes around existing commercial centres with a range of amenity, services, and accessibility for a range of transport modes. The proposed development site is not identified as one of these. However, in saying that, the proposal does include a typology of housing that is not currently adequately catered for within Napier, as well as other features that are consistent with the NPS-UD objectives for well-functioning urban environments.</p> <p>Other specific questions</p> <p>The answers to all other specific questions posed to the Council are addressed in the above responses.</p>
Other considerations	N/A.

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.

Memorandum

To: Stephanie Rotarangi, Chief Executive, Napier City Council

From: Philip McKay, Consultant Planner for Napier City Council

Date: 29 June 2021

Re: Riverbend Application – Consent Planning Memorandum

INTRODUCTION

The following comments are in response to the Riverbend Residential Application under the Covid-19 (Fast-track Consenting) Act 2020, Application Number: PJ-0000747 (“the Application”). The comments are made from the perspective of Napier City Council’s (“NCC”) consents planning role.

REGULATORY PLANNING BACKGROUND

District Plan Status

The relevant district plan is the Napier Operative District Plan (“the District Plan”) and, as the Applicant correctly identifies, the zoning of the subject land (being the combined area of 195 Riverbend Road, 215 Riverbend Road and 20 Waterworth Avenue (“the Site”)) is Main Rural with a small portion of Reserve Zone adjacent the Waterworth Avenue frontage.

As also correctly identified by the Applicant, the Site is identified as a Greenfield Growth Area in Appendix 35 of the District Plan and the south eastern corner is within Napier City Council Designation 143 ‘Proposed Stormwater Drainage and Reserve Purposes’. The Application states that Designation 143 is incorrectly mapped. The Council’s 3 Waters Team are deferred to as to whether Designation 143 is incorrectly mapped, and whether that part of the Site is not required for stormwater drainage and reserve purposes.

Both the proposed 670 lot subdivision, and land use consent for the construction of 380 homes and 4,500m² of commercial floorspace, would require non-complying activity resource consent (the most onerous activity status of the rules that consent is required under) under Rules 34.15(c) and 34.15(b) of the District Plan respectively (as set out on pages 6 & 7 of the Application).

Non-complying activities are subject to section 104D(1) of the Resource Management Act 1991 (“RMA”), and consent can only be granted if the consent authority is satisfied that one of the ‘gateway tests’ is passed. That is:

“(a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or

(b) the application is for an activity that will not be contrary to the objectives and policies of—

(i) the relevant plan ,...”

Regional Policy Statement

The relevant regional policy statement is the Hawke's Bay Regional Resource Management Plan ('the RPS'). Chapter 3 'Regionally Significant Issues, Objectives and Policies' of the RPS includes a section titled '3.1B Managing the Built Environment', which contains the relevant objectives and policies for urban development, including greenfield urban development such as that proposed in the Application.

As identified in the Application, Policy UD4.3 identifies the area named 'Te Awa / The Loop' as appropriate for future greenfield growth for the 2015 – 2045 period, subject to further assessment referred to in Policies UD10.1, UD10.3, UD10.4 and UD12. Schedule XIVa of the RPS maps the identified areas for greenfield growth, which include the Site.

The generally expected pathway for 'giving effect to' the RPS and making an identified greenfield growth area available for development under the District Plan would be via a plan change application to have the area rezoned residential. A non-complying activity application for residential development in a greenfield growth area would be required to have 'regard to' the relevant provisions of the RPS. The above-mentioned RPS policies are therefore considered to provide an important background context for the future consideration of the Application if it is to progress through the fast track process. For that reason, these policies for the further assessment of greenfield growth areas are set out as follows:

STRUCTURE PLANS (HERETAUNGA PLAINS SUB-REGION)¹

POL UD10.1 In the Heretaunga Plains sub-region, development of urban activities within greenfield growth areas shall occur in accordance with a comprehensive structure plan. Structure plans shall be prepared when it is proposed to amend the district plan, and shall be included in the district plan to provide for urban activities.

STRUCTURE PLANS (REGION)

POL UD10.3 Notwithstanding Policy UD10.1, structure plans for any area in the Region shall:

- a) Be prepared as a single plan for the whole of a greenfield growth area;
- b) Be prepared in accordance with the matters set out in POL UD12;
- c) Show indicative land uses, including:
 - i. principal roads and connections with the surrounding road network and relevant infrastructure and services;
 - ii. land required for stormwater treatment, retention and drainage paths;
 - iii. any land to be set aside for business activities, recreation, social infrastructure, environmental or landscape protection or enhancement, or set aside from development for any other reason; and
 - iv. pedestrian walkways, cycleways, and potential public passenger transport routes both within and adjoining the area to be developed;
- d) Identify significant natural, cultural and historic or heritage features;
- e) Identify existing strategic infrastructure; and
- f) Identify the National Grid (including an appropriate buffer corridor).

¹ The 'Heretaunga Plains sub region' includes the Napier and Hastings greater urban areas and surrounds, including the Site.



POL UD10.4 Notwithstanding Policy UD10.1, in developing structure plans for any area in the Region, supporting documentation should address:

- a) The infrastructure required, and when it will be required to service the development area;
- b) How development may present opportunities for improvements to existing infrastructure provision;
- c) How effective provision is made for a range of transport options and integration between transport modes;
- d) How provision is made for the continued use, maintenance and development of strategic infrastructure;
- e) How effective management of stormwater and wastewater discharges is to be achieved;
- f) How significant natural, cultural and historic or heritage features and values are to be protected and/or enhanced;
- g) How any natural hazards will be avoided or mitigated; and
- h) Any other aspects relevant to an understanding of the development and its proposed zoning.

MATTERS FOR DECISION-MAKING (REGION)

POL UD12 In preparing or assessing any rezoning, structure plans, or other provisions for the urban development of land within the Region, territorial authorities shall have regard to:

- a) The principles of the New Zealand Urban Design Protocol (Ministry for the Environment, 2005);
- b) New Zealand Standard NZS4404:2010 Land Development and Subdivision Infrastructure, and subsequent revisions;
- c) Good, safe connectivity within the area, and to surrounding areas, by a variety of transport modes, including motor vehicles, cycling, pedestrian and public transport, and provision for easy and safe transfer between modes of transport;
- d) Location within walkable distance to community, social and commercial facilities;
- e) Provision for a range of residential densities and lot sizes, with higher residential densities located within walking distance of commercial centres;
- f) Provision for the maintenance and enhancement of water in waterbodies, including appropriate stormwater management facilities to avoid downstream flooding and to maintain or enhance water quality;
- g) Provision for sufficient and integrated open spaces and parks to enable people to meet their recreation needs, with higher levels of public open space for areas of higher residential density;
- h) Protection and enhancement of significant natural, ecological, landscape, cultural and historic heritage features;
- i) Provision for a high standard of visual interest and amenity;
- j) Provision for people's health and well-being through good building design, including energy efficiency and the provision of natural light;
- k) Provision for low impact stormwater treatment and disposal;
- l) Avoidance, remediation or mitigation of reverse sensitivity effects arising from the location of conflicting land use activities;



m) Avoidance of reverse sensitivity effects on existing strategic and other physical infrastructure, to the extent reasonably possible;

n) Effective and efficient use of existing and new infrastructure networks, including opportunities to leverage improvements to existing infrastructure off the back of proposed development;

o) Location and operational constraints of existing and planned strategic infrastructure;

p) Appropriate relationships in terms of scale and style with the surrounding neighbourhood; and

q) Provision of social infrastructure.

Section 3.1B Managing the Built Environment, was added to the RPS as Change 4 to implement the Heretaunga Plains Urban Development Strategy 2010 ("HPUDS"), being the joint urban growth strategy adopted by the Napier City, Hastings District and Hawke's Bay Regional Councils. Change 4 was publicly notified in December 2011 and become operative in January 2014. HPUDS was reviewed in 2016 – 2017, with the Site remaining in the identified greenfield growth areas of the HPUDS 2017 review document².

POSITIVES / BENEFITS

I consider the Application has the following positives:

- The Site is within an area identified for greenfield residential growth within the RPS and the latest 2017 review of HPUDS. Such identification means that the Site has been considered appropriate following a comparative analysis of potential greenfield growth options and meets key requirements such as: being contiguous to, and a logical extension of, the existing urban area; having reduced productive potential due to fragmentation, reverse sensitivity and other constraints; being practicable for reticulated servicing; and having a definable urban edge boundary in the cross country drain.
- The Site is identified in Appendix 35 of the District Plan as a 'Greenfield Growth Area'.
- The proposed concept plan adopts key principles of best practice urban design such as a connected street network and an absence of rear lots.
- Proposed two and three story housing typologies provide for an efficient use of the land resource.
- The concept proposes additional reserve space including a potential extension of Maraenui Park and neighbourhood reserves with the potential for further refinement to more useable reserve sizes (noting the NCC comments on Parks & Reserves).
- Connectivity is provided to the wider pedestrian and cycle path network.
- Consideration has been given to local services for future residents with the proposed commercial area, albeit that this also raises potential concerns in regard to Council's retail strategy.

² <https://www.hpuds.co.nz/review/>



- The housing typologies offered are not available in current new residential areas and may provide 'affordable housing' options.
- The obvious benefit of bringing on a substantial supply of new housing to assist with the current undersupply.

CONCERNS

Structure Planning

As noted above, the expected process for transition from an identified greenfields growth area to residential development includes the development of a structure plan and rezoning as part of a district plan change.

The RPS requires the development of a structure plan as set out above. It is acknowledged that where land is in a single ownership there is lesser need for a structure plan to coordinate utility service and roading provision across property boundaries. There are other components of structure planning however, that would ordinarily need to be worked through in a manner consistent with RPS policies UD10.3 & UD10.4, as is evidenced by the Council's comments on Three Waters. Aspects of concern are:

- No identification of land for stormwater treatment and retention or ways to improve existing infrastructure (UD10.3(c)ii and UD10.4(a) & (b));
- How effective management of stormwater discharges and natural hazards mitigation / avoidance is to be achieved with regard to the ponding following the 2020 Napier flooding event (UD10.4(a) & (b)); and
- Consideration of the appropriate overall density for the Site given stormwater constraints, the character of the adjoining residential areas, and regard to social outcomes (UD10.4(h)). The consideration of appropriate financial contributions is also a relevant matter under this provision.

It is noted that a plan change approach would also require the proposed zoning and district plan approach to be tested against section 32 of the RMA.

In this case, the Applicant does not propose to rezone the Site. Therefore, the zoning would remain as Main Rural Zone, which has no rule structure for the consideration of residential subdivisions and multi-unit development.

At this stage, no specific assessment against the objectives and policies of the District Plan has been provided. The Rural Environment Chapter includes objectives and policies applying to the Main Rural Zone, and the following of particular relevance to greenfields residential development are noted:

Objective 33.2 To protect the City's outstanding natural features, significant landscapes, and its rural land from the adverse effects of inappropriate subdivision, use and development of land.

Policy 33.2.8 Establish defined urban limits to retain and protect the versatile and productive soils from ad hoc urban subdivision and development in accordance with the recommendations of the adopted Heretaunga Plains Urban Development Strategy (HPUDS).



Objective 33.4 To enable residential and rural residential development in a manner that avoids, remedies or mitigates adverse effects on the environment and the rural character of the environment.

Policy 33.4.9 Within the Rural Zone, avoid residential or rural residential subdivision and development outside of the residential greenfield growth areas identified in Appendix 35.

Policy 33.4.10 Inappropriate ad hoc subdivision and development within residential greenfield growth areas identified in Appendix 35 prior to rezoning shall be avoided.

In providing a high level assessment of the proposed development against the above objectives and policies, key points are that:

- The site is within the defined urban limits of Appendix 35 and is within an area identified in HPUDS achieving some consistency with policies 33.2.8 & 33.4.9.
- Whether or not the application is considered contrary to the other objectives and policies is dependent on evaluating whether:
 - The subdivision and development is inappropriate (objective 33.2);
 - Adverse effects on the environment and rural character can be avoided, remedied or mitigated (objective 33.4); and
 - The subdivision and development can be considered inappropriate or ad hoc given that it is prior to rezoning occurring (policy 33.4.10).

The significance of the Site being within an identified residential growth area is recognised in policies 33.2.8 & 33.4.9 and means that it is not contrary to those policies at least. Given that the proposal involves a comprehensive subdivision and residential building development over the whole Site, I do not consider that it to be ad-hoc.

The proposal could, however, be inappropriate and have adverse effects that cannot be avoided, remedied or mitigated if the issues relating to flooding hazards, stormwater disposal and residential density (including potential adverse social effects) raised in the Council's comments are not able to be addressed. In that event, the proposal could be considered contrary to the objectives and policies of the plan.

The Main Residential Zone would provide a more appropriate zoning, and is what has been applied to comparable greenfield growth areas. The proposal is also considered against that zoning at a high level, under the heading 'Appropriateness of Density' below.

Process for Future Land Use Development

The Application sets out that in addition to the subdivision, fast track approval is also sought for up to 380 homes that infringe the Main Rural Zone standards relating to density, site coverage and boundary setbacks. It also states that blanket consent is being sought for the balance of the residential units (an additional 290), with the final detailed layout, design and external appearance to be finalised in accordance with an approved design guide and to be approved by the Council pursuant to a planning condition.³

³ Application, page 4.



My understanding is that this type of approach requiring the Council to exercise discretion in providing additional approvals under a resource consent condition has been deemed by the Court to be ultra vires. A more appropriate approach would be to either include the full design details in this current application or to apply for a separate resource consent or plan change for the additional 290 residential units in the future.

Appropriateness of Density

As noted above, the appropriate mechanism for transitioning from an identified greenfields growth area to residential development requires the development of a structure plan and rezoning (to Main Residential) as part of a district plan change. It is noted that the nearby developing greenfields growth area of Te Awa is zoned Main Residential as is the neighbouring residential land to the north and west.

Comparing the building plans provided in the Application with the Main Residential Zone rules, compliance cannot be achieved with the District Plan conditions, with the proposed two and three level terrace housing not complying with the following: 5.15 Density, 5.16 Yards (minimum 5m setback for garages from front boundary), 5.19 Site Coverage (maximum 50%), 5.20 Landscaped Area (30% minimum), 5.21 Open Space (minimum of 50m² and capable of containing a 6m diameter circle) and nor would the proposed apartments.

The density of this proposal is significantly greater than the existing Main Residential Zone areas of Napier and is inconsistent with the density anticipated in the Main Rural Zone (the Site's current zoning). This gives rise to concerns regarding the compatibility of the character of the area and the potential for social issues with the higher density development proposed on the outskirts of the existing urban area away from existing services, transport and employment nodes. Potential social issues may be exacerbated by the site adjoining the existing suburb of Maraenui which has high rates of social deprivation.

Best practice planning would be to locate areas of higher residential density adjacent to the CBD, transport hubs or existing suburban centres. The District Plan includes an overview section titled 'Chapter 2 – Sustainability', which provides strategic direction for urban growth amongst other matters, with some relevant extracts on residential development quoted as follows:

2.4 Residential Environments

1. Urban Growth

"...Provisions in the district plan do play a role in promoting the efficient and sustainable use of resources while also managing environmental effects. As an example, site coverage limits are applied to contain increases in stormwater load on the drainage system and to limit building bulk to a level that will maintain the visual amenity of the surrounding area."

2. Amenity and Special Character

"...The high level of amenity in the residential areas of the City is a recognised strength. In order to sustainably manage the residential environment, the Council intends that this level of amenity be maintained. The features that contribute to the amenity of the area include the open nature of residential areas, the proximity of reserves, open space requirements for each unit and a height control that does not exceed two storeys. The Council also believes that sustainable management of the residential environment could be endangered by the encroachment of non-residential activities."



In my opinion it will be difficult for the proposed development to achieve this strategic direction at the relatively high level of residential density proposed compared to Napier's existing residential areas.

Appropriateness of Commercial Development

The concept of providing day to day retail and service needs for a local community with provision for local shops and services is appropriate. There is potential however, for the wrong types of commercial development to detract from the CBD and existing suburban centres if that development was focused on providing higher order retail through large format stores for example or speciality retailing. 'Chapter 2 – Sustainability', of the District Plan also provides strategic direction for 'Commercial Environments', with some relevant extracts on residential development quoted as follows:

2.5 Commercial Environments

1 Commercial Trends

"...A defined hierarchy of commercial centres has evolved. The Council considers that there is an adequate area of commercially zoned land within the City (51 hectares within the inner city alone) especially with trends for subdivision of existing tenancies, and commercial transactions using computer technology.

The Council places great emphasis on the existing commercial hierarchy and the importance of the Central Business area in particular to the sustainability of the City's social, cultural and economic wellbeing. The Council will encourage a diversity of activities as long as the effects on adjoining zones are adequately managed. Similarly, there is a balance between the activity levels in suburban centres and the effects on the adjoining residential activities that they serve.

2. Commercial Areas as a Physical Resource

"...Large Format Retail developments which incorporate smaller specialty shops can have a profound effect on established retail environments and this is recognised in the Council's Retail Strategy. As a result small specialty retailing outside of the inner city will be controlled to ensure the sustainability of the inner city art deco resource, a resource which has significant cultural and economic importance for the City."

3. Management of Commercial Activities

"A market approach to the location of commercial activities is not advocated as this would have a significant adverse effect on the sustainable management of the art deco building resource – a resource that was purpose built for retail activity. The negative effects of a dispersed retail function for Napier would be significant. Napier's future relies on the vibrancy of this inner city area.

Given the above it is not considered appropriate just to allocate 4,500m² of land for Commercial Development. The nature of that development will need to be carefully controlled if the above strategic direction is achieved, by ensuring that it is focused on providing retail and other services for the day to day needs of the surrounding community, rather than supplying retail offerings that would seek to draw customers away from the CBD or existing suburban centres.



IDENTIFIED INFORMATION SHORTFALLS

Urban Design

The current suite of information includes architectural concepts but no urban design technical input. An urban design statement from a qualified practitioner will be an essential piece of information to both assess the overall concept and the specific design details to be applied to the different housing typologies.

Social Effects

As mentioned above, the proposed density of residential development is significantly greater than in surrounding areas and also adjoins an area of comparatively high deprivation. Information should therefore be provided on how the potential for social effects from higher residential densities in the proposed location will be mitigated.

Effects on Retail Strategy

The economic assessment provided focusses on the benefits of the addition to housing supply and employment that the development would provide. With a proposed additional 4,500m² of commercial development an assessment of potential effects on the District Plan's strategic direction for its Commercial Environments should be provided. It is also noted that NCC has a non-regulatory Retail Strategy supporting a centres approach based on the CBD for retail development. There are also relevant objectives and policies in the RPS relating to providing for commercial development or business activities (see objective UD3 and policy UD2) that the commercial development should be assessed against.

Lack of Information on Remaining 290 Houses

As alluded to above, the proposal to seek future approval for the remaining 290 houses through a consent condition is not considered appropriate. In my view, for the application to appropriately progress under the fast track process, information on the entire development would need to be provided. The appropriate process for providing parameters which in with future housing needs to be assessed under is a change to the District Plan.

OVERALL POSITION

In regard to consents planning, the Site is an appropriate area for a new residential development provided relevant structure planning issues are able to be addressed such as stormwater and flood hazard mitigation; and a sustainable density of residential development and building site coverage; and the development of appropriate financial contributions.

The location of the Site necessitates consideration and mitigation of social issues in regard to the proposed density of development is particularly important. The proposed density of development is significantly greater than what the District Plan's Main Residential Zone and strategic direction would suggest is appropriate.

In summary the Site is considered appropriate to provide for future residential development but not at the density of residential development proposed, and a structure planning exercise should help determine an appropriate level of residential density.

Memo

To:	Stephanie Rotarangi - Chief Executive, Napier City Council		
Date:	29 June 2021	File Ref:	[File Number]
Subject:	RIVERBEND APPLICATION – PLANNING POLICY TECHNICAL REVIEW		

Background

The proposed development area known as 'Riverbend' is located immediately south of the outer limit of the residential suburb of Maraenui. It is bound to the west by a relatively recently completed residential development (McNaughton Place, albeit with a drain between them), to the east by Riverbend Road and to the south by the Cross Country Drain.

The land is zoned Main Rural in the Operative District Plan, but is identified in the Heretaunga Plains Urban Development Strategy 2017 (**HPUDS**), as a future greenfield residential growth area for Napier with an indicative yield of around 350 dwellings. The HPUDS is a combined growth strategy for Napier City Council (**the Council**), Hastings District Council and Hawke's Bay Regional Council. The main findings and preferred growth scenarios promoted by the HPUDS have been included in the Regional Policy Statement, giving it regulatory weight.

Future greenfield growth areas (including the Riverbend area) were identified in the HPUDS based on, amongst other things, the following criteria:

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

The development of Riverbend into residential housing 'in principle' is anticipated under the HPUDS. However, a greenfield development of the size and scale proposed would ordinarily progress by way of structure plan and / or rezoning of the site under the Napier District Plan.

The primary reasons for this are that the resource consenting approach (in the absence of a structure plan) provides fewer opportunities than the structure plan and / or rezoning process to consider and work through various permutations of development options, as well as fewer opportunities to consider the effects these options would generate, any means of mitigating the effects, and any servicing requirements. In simple terms, it is a much more constrained process and one which will likely pose challenges for a development of the scale proposed.

With that said, the resource consenting process does require an applicant to demonstrate suitability of the site to support residential housing through consideration of all relevant planning matters. This process would typically involve commissioning of specialist reports, confirming that the public infrastructure necessary to support residential housing is available, identifying staging and

calculating financial contributions for offsite infrastructure. All of these steps would ordinarily require time in order to provide the consenting authority with an opportunity to scrutinise the suitability of the site for the nature and scale of the development proposed, as well as impose appropriate conditions of consent to avoid, remedy and/or mitigate effects.

Issues requiring further consideration

- *Density and servicing:* The development site is within a future growth area identified in the HPUDS. The anticipated density under the HPUDS for greenfield areas is 15 dwellings per hectare, and this is what the initial feasibility for looking at growth areas was based on. As the density of the proposed development is approximately double the density that is anticipated by HPUDS, this may have unanticipated impacts on the wider infrastructure network.

When assessing infrastructure impacts, cumulative impacts on the ability for the Council to provide for intensification around existing centres, in accordance with the NPS-UD, should also be considered. For example, the Cross Country Drain was developed to accommodate growth, including intensification in and around Taradale. If the proposed Riverbend development takes up that capacity, intensification in Taradale may be compromised. To make the most of this asset, onsite detention/treatment for all new greenfield development relying on the Cross Country Drain may be needed and indeed is envisaged under the HPUDS and the RPS.

- *Retail strategy:* The Council has an endorsed retail strategy, and also a draft strategy that generally promotes the current approach of protecting the primary function of existing centres. The economic impact assessment accompanying the application does not currently assess how the 4500m² of commercial floor space will impact on the neighbouring commercial centre of Maraenui, or on the City Centre. Further details are needed about the sort of commercial activity can operate within the development site. The new centre in Riverbend should serve the needs of its immediate catchment without undermining the function of existing centres, given its proximity to the current Maraenui Commercial Centre, including a new Te Pihinga community facility.
- *Draft District Plan:* The draft District Plan is due for release in August. The six key outcomes the plan review sought to address have been consulted on with the community in late 2018 and endorsed by the Council. Although they do not have statutory weight, these key outcomes do represent the Council's policy position for the next iteration of its District Plan. Of relevance:
 - *Greenfield growth in the hills:* The Council has been investigating the feasibility of providing for growth in the western hills instead of on the flat land identified in the HPUDS. The key reasons for this are due to resilience that the western hills provide from natural hazards and the impacts of climate change and to preserve productive land. Based on the information provided to date, it appears that limited thought has been given by the applicant to improving the resilience of the Riverbend area to hazards such as liquefaction, tsunami, and flooding risk. It is recommended that the applicant consider evacuation options for flood/tsunami events given connectivity issues caused by bordering drains and ground improvement works along the drains to minimise lateral spread and liquefaction in case of an earthquake.
 - *Great Urban Areas:* The Council (together with Hastings District Council) are currently preparing its first Housing Capacity Assessment required under the National Policy Statement for Urban Development 2020 (NPS-UD) and this is due late July. This will look at the demand across a range of household types and price

points. Depending on the timing, this may help inform developers of the main housing needs of all sectors.

- *City Living for a Vibrant CBD:* The Council's primary focus for intensive housing forms is around the City Centre to support the vibrancy and sustainability of this as a focus of economic and social community life. The Council is currently in the process of developing a "spatial picture" for Napier's growth, and as part of this process, it has engaged with developers to determine where growth could and should occur within the city. Priorities for medium density housing have been determined in accordance with the NPS-UD and have been located in and around existing commercial centres which are accessible have a range of services and amenities and along public transport routes. The subject site is not one of these. There is widespread market support for more apartments close to the city centre due to the amenity this provides, however the Council has not identified market demand for apartments in our suburban areas, although terraced housing around local centres may potentially be feasible depending on the area. The provision of apartments providing an alternative housing option within an affordable price range needs to be balanced against the suitability of the subject site to support this typology of housing taking into account the factors identified in the NPS-UD.
- *Protecting our natural and cultural heritage:* The draft District Plan has an aspiration of 10% of the City being in indigenous vegetation, consistent with the draft NPS for biodiversity. To meet this goal, any large scale developments such as that proposed should accommodate planting in a way that can support biodiversity corridors.
- *Modal shift:* The roads, particularly the collector roads, have not been designed to accommodate cycling. Consideration should be given to providing separated cycle lanes for all new roads at a collector level or above. The City Vision Principle "Pedal Power" supports this.
- *Ability to attract a wide range of people to build a resilient and diverse community:* The majority of dwellings in this development will be for singles, couples and small families of able body. As the proposal currently stands, it appears to present limited opportunity for larger homes accommodating larger families or multi-generational families. There is also no opportunity for those who are less able bodied to live on the ground floor unless living in a single detached home, as the multi-story complexes are unlikely to have lifts, and there are no ground floor units for living. Subsequent to HPUDS, the NPS-UD has become more explicit in requiring councils to provide a range of housing typologies at different price points in different locations. A combination of locations and typologies should assist in creating more affordable houses (in certain locations across the city) rather than the provision of greenfield options delivering one typology of housing within a limited price range.
- *Affordability:* For a resource consent application for a substantial new greenfield growth area, promising to provide affordable housing, the Council would expect some certainty that this outcome would be achieved and that this would be delivered by way of appropriate conditions of consent such as a certain percentage of the development being sold to, and held long term by, reputable social housing providers. Careful consideration will therefore need to be given to conditions of consent to ensure affordable housing and/or social housing is delivered.

Future direction

Heretaunga Plains Urban Development Strategy (HPUDS) Review

The inaugural iteration of the HPUDS (2010) was reviewed in 2017 and the findings of that review confirmed that the 2010 HPUDS assumptions and directions around urban growth remained sound, and were generally able to be accommodated within the HPUDS settlement pattern with some additions (expansion of greenfield growth options and the inclusion of reserve areas) to ensure supply was sufficient to meet anticipated demand. Riverbend was retained as one of Napier's preferred greenfield growth options at the time of this review.

Joint growth strategies like the HPUDS are anticipated and encouraged by the NPS-UD and the joint councils are already considering how and when the next review of the HPUDS will occur as well as the scope of the review. The requirements of the NPS-UD will necessarily feed into the next review of the HPUDS as mandatory components of any future iteration and therefore influence its content.

The Council has expressed a degree of discomfort with the existing urban growth options in the HPUDS and in particular its reliance on continued urban expansion on the flatter land surrounding and within the city. The next review of the HPUDS will provide an opportunity to revisit existing growth options and weigh these up against new options albeit recognising that the NPS-UD significantly reduces decision making discretion for Council. If Riverbend were to be removed from a future iteration of HPUDS, either through a change in policy or as a result of a fatal flaw identified during the rezoning process, additional land within Napier would need to be identified to meet anticipated demand for the 30 year horizon. Under the HPUDS, this would most likely occur by bringing forward a reserve area (South Pirimai, which adjoins the subject land immediately to the East) to offset the reduction in greenfield residential supply. However, as noted above, at this stage, Riverbend remains a preferred greenfield growth option for the District.

Greenfield Growth in the Hills

As part of pursuing one of the six key outcomes of the review of the District Plan 'Greenfield Growth in the Hills', Council engaged independent consultants to develop high level structure plans for areas in the western hills identified as being the most likely to support residential expansion – being Taradale Hills and an extension behind Tironui Drive and surrounds. High level structure plans are a precursor to including new development areas into a revised HPUDS.

The structure plans clarified that there are extensive areas of significant slope throughout both areas, which makes standard residential development challenging and expensive. The consultants concluded that they did not consider that development within the areas could be considered feasible or reasonably expected to be realised at the current time due to the constraints imposed by topography and the cost to service them from a market cost based perspective.

Spatial Picture

In light of this information, the Council is now considering other potential options for future long term growth in and around Napier and are doing this by way of a spatial picture. The purpose of the spatial picture is to identify appropriate areas for housing and business growth, including areas of intensification within the urban area, as well as other potential greenfield growth options.

The spatial picture is a study that can inform a range of other planning processes, including the HPUDS, the District Plan, and infrastructure planning and funding. However, additional detailed work would be required to drill down below the conceptual level of analysis used for drafting the Spatial Picture in order to satisfy an evidential basis for decision making around future growth options, particularly in relation to greenfield growth. The general approach is to enhance

accessibility and enable medium-density development in areas of the highest accessibility. Optimising connectivity is therefore crucial to ensuring this development can integrate with the existing Napier urban form.

The Council is therefore not yet in a position to confirm a new growth strategy for Napier and so in the interim, the HPUDS with the inclusion of Riverbend as a preferred future residential greenfield growth area, remains part of the Council's adopted and current growth strategy.

Conclusion

In principle, the development of the site into residential housing is anticipated under the current growth strategy (HPUDS). However, a greenfield development of the size and scale proposed would ordinarily progress by way of structure plan and / or rezoning of the site under the District Plan.

The site is well located on the edge of an existing residential area, with a strong southern boundary, being the Cross Country Drain. It is close to existing reticulated infrastructure, transport networks (including bus services), close to the existing Maraenui Shopping Centre, and adjoining a key walking and cycling route alongside the Cross Country Drain.

However, further consideration needs to be given to good quality design, site layout, and the resilience of the site to hazards such as liquefaction, tsunami and flooding risk, to deliver an enduring legacy of high quality, healthy, safe and affordable living options within a mixed demographic neighbourhood catering for all types of housing typology and population needs.

Dean Moriarity

TEAM LEADER POLICY PLANNING

Memo

To:	Stephanie Rotarangi, Chief Executive, Napier City Council		
Date:	29 June 2021	File Ref:	[File Number]
Subject:	RIVERBEND APPLICATION – URBAN DESIGN AND COMMUNITY (FACILITIES) TECHNICAL REVIEW		

BACKGROUND

The applicant is correct in its statement that the Council recognises the acute housing needs of the City and supports the intent of a mixed typology residential development of the site in principle. However, the Council is also conscious of the need to provide a high quality residential housing that is in keeping with the scale and character of our existing built environment and facilitates healthy and liveable communities.

Whilst the character of the area will change with the introduction of the proposed development into the landscape, it is recognised that to some extent that change is 'as envisaged by the planning framework'. The location of this proposed development is on greenfield land situated on the outer limit of the residential suburb of Maraenui, with the Cross Country Drain defining the physical extent of proposed residential growth in that location. The subject site is identified in the Heretaunga Plains Urban Development Strategy (**HPUDS**) as a future growth area and is considered a logical expansion area for future housing opportunities in Napier, as it is situated on the edge of an existing residential area, is close to community facilities / places of assembly (Pukemokimoki Marae and local churches), is well connected to key transport routes, and is within close proximity to primary and secondary schools.

The topography of the area (including the subject site) supports compact and walkable neighbourhoods, whilst providing excellent opportunity for the provision of cycle and pedestrian connections through shared pathway networks, enhancing passive recreation and connectivity opportunities in that area.

From an urban design perspective, the proposed development has been well considered with regard to the scale of the urban blocks proposed (i.e the way each city block of houses has been broken up), the connectivity within the site and to existing neighbourhoods, reserves, and transport networks. However, the proposed scale, height, and density of the built form is intensive and considered to be inconsistent with the urban form of a suburban residential area in Napier, which will make it a challenge to 'knit' the built form of the proposed development with the existing urban fabric and adjacent community.

INFORMATION SHORTFALLS

At this stage, there is a lack of detail around the range of 1 to 4 bedroom standalone homes being provided within this development. There is currently only a total number provided, but no ratio as to what or where the 1-4 bedroom homes are located on the site. 134 standalone dwellings are proposed which equates to approximately 22% of the overall development, with the remainder being medium density, 2 to 3 storey dwellings. In order to provide a constant and sustainable community, it is important that a range of dwelling typologies and sizes are provided. This will encourage a mix of income groups and family types thereby creating a more robust community.

Detail around tenure is also limited. The applicant states that they have had early discussions with the Ministry of Housing and Urban Development (**MHUD**) investigating options for Ministry support of the development, but that "[t]his discussion closed when commercial terms could not be agreed between parties." The applicant also states that they held early discussion with Kāinga Ora Homes

and Communities (**KOHC**) regarding securing lots, however KOHC have also “not entered into any commitment to the scheme.”

The Council has concerns as to why neither of these organisations have committed to the applicant's scheme, given that the proposal is presented as in need of fast-tracking to help address the current housing crisis.

SPECIFIC CONCERNS

Scale and density

A key concern for the Council from an urban design perspective is the scale and density of the residential offering proposed. The goal of the Region's future urban growth strategy (the HPUDS) is to achieve 15 houses per hectare in specified greenfield areas to accommodate projected population growth within our region. This works out to 330 houses on a site of 22 hectares (ie. the size of the subject site). The proposed development scheme would provide up to 670 dwellings, which equates to 28 houses per hectare. This is almost twice the intensity of that suggested in HPUDS, and considerably greater than any existing residential development found either within Napier or the wider region.

Comparatively, the housing typology in adjacent suburbs (Maraenui and Pirimai) is typically single-storey, standalone dwellings on an average section size of 600m². Recent housing regeneration projects in these areas have increased the density of the historic built form, but have created sections of no smaller than 200m² and offered a variety of housing typologies. The proposed scale and height of the majority of the built form proposed within the Riverbend Road development is not considered to reflect the surrounding neighbourhoods, and it will be a challenge to 'knit' the proposed development with the existing built environment.

Housing typology

There is added concern that the scale and intensity of the proposed Riverbend Road development provides a highly intensive built environment, but limited housing choice. The predominant typology proposed in the scheme provided shows 78% as either 2 to 3 storey terrace housing, 3 storey walk-ups, or 3 storey apartments. Only 22% of the total lots are shown as having 1 to 2 storey dwellings. Whilst no further breakdown is given as to the total number of single storey houses within this 22%, it is noted that the vast majority of homes offered in this development will require occupants to be able bodied in order to manage, access, and live in houses with multiple levels.

Given that the development is presented as requiring fast tracking under the Act in order to meet the current housing crisis, the Council questions why less than 22% of the houses proposed appear to accommodate a mixed demographic of occupants (including residents with accessibility constraints).

Open space provision within residential lots

The applicant suggests that the provision of 4m diameter unimpeded circles within the private rear gardens of 2 bedroom houses, and 6m diameter unimpeded circles within the private rear gardens of 3 or more bedroom houses, would provide adequate open space to service the needs of residents of the development. The Napier Operative District Plan (**District Plan**) requires a minimum of a 6m diameter unimpeded circle of open space per dwelling, and as families with children can be expected to occupy some of the 2 bedroom homes, a 4m unimpeded 'open space' is considered to be a very limited rear garden area.

Medium Density/Retail combination/Community Facilities

The layout of the development shows medium density housing above retail, as well as 3 storey walk-ups and apartment living in the centre. Best practice urban design provides well-designed, welcoming and well-maintained shared open space areas, and shared community facilities and open space (such as neighbourhood parks) in the heart of a community of this size. This encourages pedestrian activity, outdoor recreation and opportunities for informal interaction. Children's playgrounds are particularly important for bringing families together, regardless of tenure type.

Limited 3 storey development around the centre/park may be appropriate if it is done well, however these buildings should ideally include ground floor units / apartments in order to accommodate occupants who may be less physically able. .

While 'pocket parks' are scattered within the proposed development, with a central commercial area, further thought could be given to the consolidation of some of those parks in the centre of the development to create a 'village centre', which would draw the community in so that everyday interaction and connection could occur and to give the centre a sense of place. This 'village centre' could provide space for outdoor events (community markets / fairs / fundraisers) and places for intergenerational interaction e.g. sit and stay areas adjacent to a decent playground and basketball half court.

With a potential population of around 2000 people, it is recommended that some kind of indoor community space is also established within the development. This may also serve the wider community.

If the commercial opportunities do not eventuate, the applicant has proposed turning this into further residential development, however would mean the development would be inadequate in terms of community facilities. Instead, the applicant could consider providing a larger area of green space could, which could house a shared indoor or covered space.

It should be noted that KOHC typically incorporate some form of community facility, even in residential developments far smaller than what is being proposed for this site (670 homes) to offer opportunities for intergroup contact through everyday interactions, and Council recommends that provision of community facilities is considered as part of this development.

Neighbourhood integration

Best practise urban design outcomes require residential developments to integrate well with adjacent neighbourhoods, and for the new built form to reflect and complement the character of existing suburbs (ie. architectural form, scale and materiality). Recent housing regeneration projects that have been undertaken in Maraenui by KOHC provide good examples of how this can be achieved.

Key considerations include whether the proposed built form is appropriate for the location, whether there is a range of housing choice (typology) provided, urban design considerations (such as connectivity of the development with adjacent neighbourhoods and preservation of sightlines), and whether the development provides a safe, attractive environment that encourages positive social interactions.

Provision of affordable housing

The applicant identifies that the homes will meet the 'affordable' housing market, however there is limited explanation provided about the 'affordability' measure that is being used, and the nature of the affordable housing proposed.

As noted above at this stage it appears that neither KOHC not MHUD have entered into any commitment to the development. Consideration could also be given to offering buildings in the development to Community Housing Providers who also have a high need for affordable housing units for their clients.

In terms of the layout and design of the development, the density of any affordable housing should be considered as there is a need to move away from highly concentrated public housing in an effort to reduce associated social issues. There is an opportunity to be deliberate about where such housing would be located and its configuration (e.g. smaller numbers / dispersed throughout the development etc) in the proposed development. Further consideration could also be given to greater provision of 'shared facilities' and onsite supervision/services within smaller parcel developments to meet the needs of the occupants.

Further information is also needed about whether the provision of affordable housing within the development will be linked to financial support requirements e.g. Kiwisaver, maximum house price for new builds etc, to ensure that the homes are genuinely accessible to the target market.^{3.7}

Consultation

It appears that consultation on the proposal to date has been light. While there are no treaty settlements (or claims) in play for the area, the land is significant to Ngāti Parau and possibly other mana whenua. Also, given the potential for the development to improve outcomes for Māori (through the provision of jobs and affordable homes), the proposal is likely to be of interest to Te Taiwhenua o te Whanganui a Orotu and the Post Treaty Settlement entities (who may also have a commercial interest in the proposal).

Neighbouring residents, particularly those in the rural fringe, are also likely to have a high interest in the high density of housing that the applicant proposes to develop adjacent to their properties.

The applicant has stated that the proposed development will have little to no impact on neighbouring properties or suburbs.

However, it is not clear whether the applicant has identified the challenges or benefits to two key neighbouring stakeholders: Pukemokimoki Marae and the Maraenui Sports and Rugby Club (**MSRC**). The marae conducts a variety of activities that often commence with a powhiri that takes place outside (in front of the Wharenui – Marae building) and higher levels of residential activity may impact on this, as will construction. Direct communication with the Marae is recommended.

Mana whenua from the adjacent community of Maraenui have already expressed to the Council their desire for low-rise, safe, warm, accessible, housing of mixed typology. They have raised concerns around the push in recent years for medium density 3-storey housing (such as walk-ups and apartments) in Maraenui as these types of housing do not support the 'way they live' and pose significant impediment for those in the community who are less able bodied or have young children. The placement of smaller housing (1 bedroom) may encourage kaumatua housing, which would be ideal next to the marae.

Discussion with the MSRC may also prove beneficial when planning designs to support complementary and connected activity nodes.

POSITIVE ATTRIBUTES

The location of the subject site is well positioned for future residential housing, as is the proposed size and layout of the suburban blocks.

Connectivity and walkability within the development and to adjacent neighbourhoods is good, with opportunity for the provision of cycle and pedestrian connections through shared pathway networks, enhancing passive recreation opportunities around that area. The proposed interface with the sports ground, if adopted, is positive, as are the proposed pathways and green spaces, although, as noted above, larger areas of green space could be provided to improve the sense of place within the development.

A community or multi-service hub that provides a mix of shops and community services and facilities e.g. small supermarket, in one location, that is easily accessible by all residents, is considered a positive contribution to the area, however the scale of the proposed commercial hub is arguably too

large for a residential development of this size, and there is no community facility proposed in the heart of this development, which would encourage opportunities for informal interaction and promote a sense of community between residents of the development.

This proposed development would contribute significantly to addressing current housing shortages, if it does produce affordable housing in the appropriate typologies. Napier's housing prices keep rising for both home ownership and rentals, with some suburbs seeing over 20% increases in the last 12 months alone. The applicant also points to the high numbers of whānau in emergency (motel) and transition housing situations. It is well established that secure tenure has many benefits for people and communities, including sustained education opportunities, access to health care, social networks and investment in neighbourhoods.

The applicant has mentioned that discussions with K3 have taken place, which is encouraging. K3 will be able to, in part, support the economic outcomes described through the provision of apprenticeship opportunities for locals, particularly Māori and youth.

Further, with over 1600 jobs being identified, there is a real opportunity to employ a progressive procurement approach in order for those jobs to be of benefit to locals within Napier and the wider Hawke's Bay region, with associated environmental, social and cultural benefits.

OTHER RELEVANT MATTERS

The international 'Rule of Thumb' for developments of this scale is 30% state: 30% affordable, 30% market.

As noted above, the applicant refers to having "had early discussion with [MHUD] investigating options for Ministry support of the development. This discussion closed when commercial terms could not be agreed between parties." The applicant also states that they held early discussion with KOHC regarding securing lots, however KOHC have also "not entered into any commitment to the scheme"

More detail is required in order to understand 'who' this development will accommodate, and the range / variety of housing typology should be reconsidered to accommodate a wider demographic. The applicant only offers one alternative approach should its application not be approved for Fast Track consenting: to build single storey dwellings, which the applicant suggests would make the development more appealing to the council. However, there are alternatives such as duplex single and two storey homes, which would increase density and therefore affordability (which is the applicant's stated rationale) without the significant density of development that is currently proposed, with several examples of this development typology in the Napier and Hastings area provided through Kainga Ora.

There are current concerns about labour supply in this sector to meet current development plans. The staged approach may alleviate any issues in obtaining labour however, and support could be sought from government agencies with regards to accessing local labour (unemployed, under employed and alternatively employed). The applicant may need to consider flexibility (as the horticulture industry is currently) in order to secure the labour needed. There are a number of local organisations and programmes that provide employment support (and pastoral care) to enable employers to access the untapped labour force.

CONCLUSION

The Council supports the principle of developing the site for residential housing in response to the housing crisis. However, the bulk and scale of the proposed residential development is considered to be overly intensive and significantly taller when compared to adjacent suburbs, or in fact any

housing development, in Napier. These considerations alone will make it a challenge to 'knit' the built form of the proposed development with the existing urban fabric and adjacent community.

Good quality design strives to provide opportunities for 'shared experiences' and casual social interactions at street level, and physically integrate new built environments with existing communities and surrounding neighbourhoods through built form, transport access, street and pathway connectivity, and shared open space. Council's concern with the scale and intensity of the proposed built environment is that casual interactions between residents at street level will be compromised due to little to no properties having a front yard. Further, the range of dwelling typologies and the sizes of the dwellings on offer will greatly restrict a mix of demographic / range of family types due to the fact that more than 78% of the development is multi-storey, and residents will have less opportunities for 'shared experiences' and casual social interactions due to a lack of community facilities being provided within the development.

At this stage, detail around tenure and the affordability of the housing is also light, and neither MHUD nor KOHC have yet committed to the proposed development.

These uncertainties and concerns, as well as the potentially significant community interest in a development of this kind, do raise the question as to whether it is appropriate for the Riverbend Road development to be fast-tracked. If this proposal were processed through the usual local government regulatory channels it is anticipated that many of the areas of Council's concerns around intensity, scale, housing typology and tenure could be worked through with the developer.

Georgina King BLA (Hons)
URBAN DESIGN LEAD

Natasha Mackie
MANAGER COMMUNITY STRATEGIES

Memo

To:	Stephanie Rotarangi – Chief Executive, Napier City Council		
Date:	29 June 2021	File Ref:	[File Number]
Subject:	RIVERBEND APPLICATION – THREE WATERS TECHNICAL REVIEW		

Specific background

The Napier City Council (**the Council**) Three Waters team has reviewed and considered the applicant's proposal with a particular focus on the Structure Plan Roding and Servicing Report (**Servicing Report**) prepared by Development Nous Limited, dated March 2021. The Servicing Report addresses three-waters servicing and roading for the overall development, however the Council understands that the applicant intends to provide further reports and detailed engineering design upon consent for each development stage.

Specific concerns and comments

The network hydraulic models (water, wastewater and stormwater) should be used to understand the impacts of the development. At this stage the Council has not had sufficient time to review and model the Servicing Report's calculations of water, wastewater and stormwater demand and therefore cannot confirm with certainty:

1. The development's impact on the Three Waters networks, and whether the effects of the development are appropriate and manageable;
2. Any upgrades required to the networks to accommodate the development;
3. The cost of those upgrades; or
4. The proportionate cost of those upgrades that the applicant would need to contribute in order for the development to be feasible from a servicing perspective.

The comments within this memorandum are therefore necessarily provided at a high level only. The Three Waters team's overarching view, however, is that the issues presented by the development are complex and, based on the information available, it appears that there may be a number of barriers to the feasibility of the proposed development from a servicing, infrastructure, and hazard mitigation perspective.

In light of the concerns and information requirements outlined in this memorandum, the Three Waters team questions whether the usual consenting pathway may present a better opportunity for the issues identified to be fully considered and addressed by the Council.

Infrastructure Planning

1. The Heretaunga Plains Urban Development Strategy (**HPUDS**) identifies the area as a growth area, at a development rate of 12 lots per hectare and 15 lots per hectare for infill development. For this development, 12 lots per hectare equates to 279 properties. By contrast, the proposed design intensity modelled in the Servicing Report is 700 lots, an increase of 151% over that anticipated by HPUDS.
2. The Council's hydraulic model builds and master planning for wastewater and stormwater assets (allowing for growth out to 2050) have not considered the development of Riverbend Road site, particularly at the density proposed.
3. The Council's Water Master Plan is based on maintaining level of service, with an allowance for growth, but not at the proposed Riverbend site. There are a number of upgrades that the Master Plan has identified that are currently in design. Given the development's distance from the bores and reservoirs there is a risk that some of the current programme will require rework to allow for the proposed development. The applicant will therefore need to assess and provide further information regarding the water supply infrastructure upgrades required to service the development, including how it proposes that these are funded.
4. The Council's 2020 Stormwater Master Planning identified a number of concept projects to mitigate existing flooding to mitigate/achieve the existing 1 in 50 Annual Exceedance Probability (**AEP**) level of service, not accounting for the proposed Riverbend development, and has identified the proposed Riverbend development site (which is a naturally low laying flood plain, as discussed further below) as a potential stormwater attenuation area, to relieve existing flooding hazards. An alternative option is to establish a new 2,000 l/s pump station to pump stormwater from the County Drain into the Cross Country Drain that could achieve a similar result, however detention areas also provide a level of stormwater treatment, discharge to ground, smoothing out peak flows and can provide an amenity for a development if done well, and operate passively. They are therefore considered a more sustainable solution – one which is used in a couple of places around Napier already.

Natural Hazards

1. The site is subject to a number of natural hazards, which may present challenges for the consentability of the development. Further information is needed to understand how the applicant proposes to mitigate these hazard risks:
 - a. **Liquefaction:** It is likely that the Cross Country Drain and Beatson Drain would create a lateral spread hazard. Following the learnings from the Christchurch

earthquake, the Council generally avoids the installation of new services within or near liquefaction hazards (such as these open drains).

- b. **Tsunami hazard:** The proposed development is in a tsunami hazard area. An assessment of the escape routes to the nearest point of safety for people on foot from such an intensive development is required.
- c. **Sea Level Rise:** The existing ground level of the site is less than 500 mm above mean sea level in places, with the majority of the site less than 1.0m above mean sea level. While the site can be filled by importing fill material, further information is needed to understand how this would be achieved in a sustainable manner.

Water Supply

1. There are a number of considerations that appear not to have been factored into the Service Report's assessment of peak residential water use (page 12, Enclosure G). Specifically:
 - a. More intensively developed areas may require a higher level of firefighting capacity than FW2, the typical residential fire protection level. Any firefighting protection that requires sprinklers network shall allow for a maximum design pressure of 300 kPa. Operational pressure may be higher. This does not appear to have been considered.
 - b. The fire hydrant spacing is based on FW2 and "as the crow flies" and not the actual distance along the road corridor, which fire fighters have available to use.
 - c. Multi-story buildings greater than 2 stories may require pressure boosting, to provide the requisite level of service.
2. Sustainable water use (such as use of stormwater for irrigation) does not appear to have been considered especially since the Council is expecting to have its water take volume to be reduced under its existing consent via the proposed TANK Plan Change.
3. The application does not mention the existing bore within the development. Any bores must be decommissioned pursuant to Hawke's Bay Regional Council and Council requirements, to minimise the risk of contamination to the potable water supply and the aquifer.

Wastewater

4. The proposed wastewater network layout appears reasonable. The Council's Wastewater Master Planning (2020) identified the Taradale Road Wastewater Rising main (the proposed connection point) as having some available capacity to take wastewater to the treatment plant. The Council had specified the wastewater connection point as at existing DN800 PE Taradale Road Rising Main at the intersection of The Loop and Riverbend Road, which the applicant has shown on their application plan H20200093-RC-510.
5. However, it is noted that the Taradale Road rising main already has a number of connections into it. The Council has an operational requirement to restrict the number of allowable connections to 3 to 4. If the present application is granted, no additional connections would be considered to this rising main, so future growth in wastewater flows and other developments will need to be considered alongside this proposal.
6. The calculations appear reasonable in terms of the quantity of wastewater generated and the NCC CoP and NZS4404.
7. The existing Council wastewater network is constrained in wet weather due to the limited capacity of the wastewater outfall, and wastewater treatment plant. In wet weather, wastewater is typically spilled into the Ahuriri Estuary and Pandora Pond in rainfall events greater than 50mm. A new outfall is currently expected to be in place within the next eight years as per the Council's proposed 2021 Long Term Plan, however if the proposed intensive development of the site proceeds prior to this upgrade, this will likely further exacerbate these capacity issues. Further information is required from the applicant regarding how it proposes to mitigate the impact of its development on the wastewater network.
8. The wastewater design for the development will need to allow for future connections from "The Loop" and the existing wastewater network from the north of the proposed development – some strategic planning and allowing for operational redundancy.
9. Based on the information provided the Council expects only commercial and residential land use within the development to generate wastewater, and that there will not be any industrial land use. Wet industry in this development would not be feasible due to existing network constraints.
10. The Council anticipates a single wastewater pump station to service the full area of the development, plus an allowance for other flows to allow strategic planning of assets and diversion of flows from other areas. The wastewater pump station should be required to meet all of the Council's requirements. In particular, the

location of the wastewater pump station appears to be under a car park and/or residential building. This would not be acceptable as the land would need to be vested in the Council and would require suitable access, ventilation and working space to provide for the safety of operational staff and the public. The Council would also expect consent notices to be provided on the titles of those properties within 50m of the wastewater pump station, with regards to the operation of a wastewater pump station, noise and odour.

11. The Council recommends that emergency wastewater storage of at least 12 times dry weather flow is provided. The Council's proposed CoP will include this higher storage requirement.

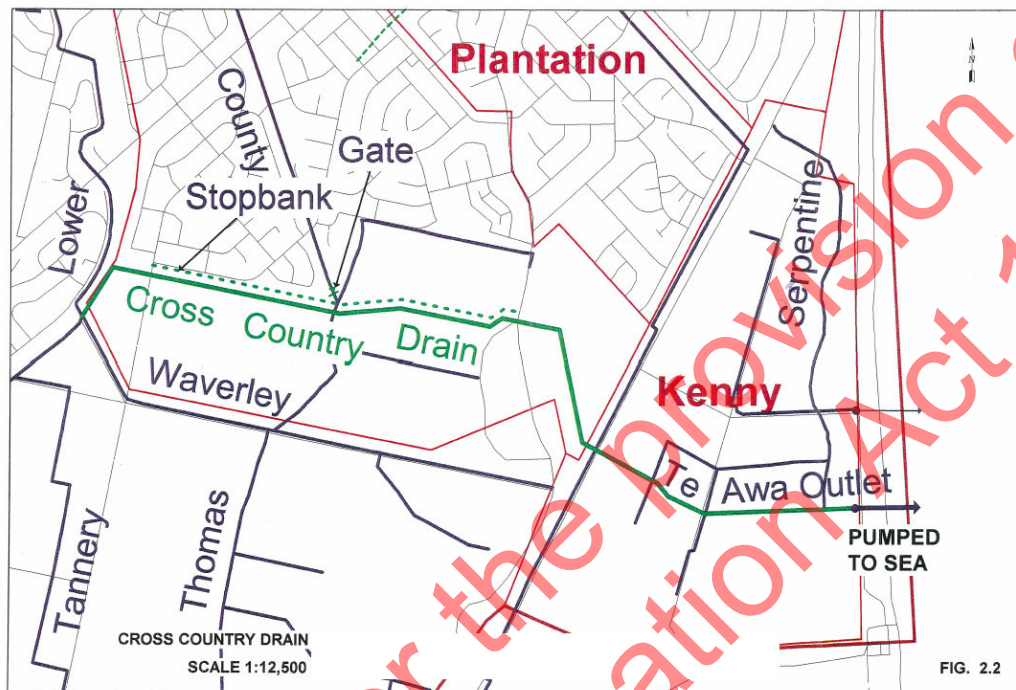
Stormwater Quality

12. The application does not comment on the proposed stormwater management associated with the construction of the development. Erosion and sediment control will be required for all stages of the development from bulk earthworks through to individual site construction. Sediment is a large issue in Napier for our waterways and the Ahuriri Estuary and needs to be appropriately controlled. Inappropriately managed sediment controls put stormwater infrastructure at risk with regards to maintenance and capacity. Receiving waterbodies can also be affected with reduced capacity and smothering of aquatic fauna/flora. The Council broadly follows the 'Erosion and Sediment Control Guide for Land Disturbing Activities the Auckland Region' (GD 005) for construction as it is more comprehensive and up to date than the Hawke's Bay Guidelines, and would require a sediment control plan(s) for all stages of the works associated with the development. The construction management plan would also need to be consistent with the "Hawke's Bay Waterway Guidelines Erosion and Sediment Control" April 2009.
13. The application has not addressed ecological considerations with regards to stormwater quality. The application states there will be an increase in pollutant generation with stormwater being conveyed from the site, and only considers the potential impacts of this on aquifer contamination, however the Cross Country Drain is also an ecological system in its own right, with planting and improvements made along this waterway by community groups. Adding increased pollutants (litter, sediments, hydrocarbons, heavy metals, nutrients) to this waterway will further degrade existing water quality, which presently has high nutrient levels and elevated heavy metals. Additional negative effects such as odour and increased algal growth, especially over summer periods, may adversely affect both the water quality and the amenity of this area.
14. The "Roads and Open Spaces Typologies" indicates that trees may be planted over the trunk water main. Any landscaping or planting of this area would need to be suitable to not damage existing services, and not impede maintenance or flows within the Cross Country Drain.

15. Limited to no stormwater attenuation and treatment is provided for in the application at present. Further consideration should be given to stormwater treatment, including through water sensitive design, which can ameliorate peak flows and also improve stormwater quality. The application notes that HBRC does not require stormwater treatment, however the Cross Country Drain is a NCC managed waterway, and NCC and HBRC are joint consent holders for the discharge consent for the County and Beatson Drain catchments.
16. Groundwater has been assessed at levels between 0.3 and 1.5 m below ground level. When stripping the site, controls will need to put be in place to ensure groundwater is not allowed to flow from the site.

Stormwater Quantity

17. The following stormwater assets would be impacted by the proposed development:
 - a. The Cross Country Drain is a NCC asset located is on the southern boundary of the development and flows eastwards. The Cross Country Drain pump station is a NCC asset in Te Awa that pumps out the drain into Hawke Bay.
 - b. The Beatson drain is an HBRC asset that passes along the northern and western boundary of the development and flows westwards. The Beatson Drain is hydraulically connected to urban catchment upstream to the north, and proposed development area acts as flood water storage for the urban catchment.
 - c. The County Drain is an HBRC asset that flows northwest away from the western side of the development.
 - d. The three drains are hydraulically linked by a flap gate between County Drain and the Cross Country Drain that allows flows from the County Drain and Beatson Drain into the Cross Country Drain if its water level is lower than the County Drain.
18. The application proposes that the majority of the stormwater from the site would discharge into the Cross Country Drain, however, the Cross Country Drain was not designed to support the development of Riverbend Road, but to support the growth in Taradale upstream of the Riverbend site. Figure 2.2 from the Cross Country Drain Report on Hydraulic Modelling by Connell Wagner, March 1997 indicates that the proposed development was not intended to drain directly to the Cross Country Drain and specifically included a "stop bank" to limit flow spilling from the Cross Country Drain into the proposed development. The Cross Country Drain is separated from the County (and Beatson) Drains by a flap gate.



19. No evidence has been provided to confirm that the capacity in the Cross Country Drain is available for the stormwater run-off from the proposed development, or that the peak run-off from Taradale (upstream) and the development will not coincide. The Council has no specific design or funding for an upgrade of the Cross Country Drain or pump station, which the applicant suggests is required for the development. Any upgrades required would be significant cost. The existing Cross Country Drain pump station cost \$14 million in 2014. Duplicating the capacity of the Cross Country Drain pump station would be in excess of \$14 million. It is unclear what, if any, contributions the applicant proposes to make to the cost of these upgrades.

20. The Council's view is that good sustainable urban design and stormwater design practices require the applicant to attenuate the stormwater impact of its development by maintaining hydraulic neutrality within the site, instead of piping it downstream. This large scale development lends itself to a local/suburb scale stormwater attenuation and treatment, such as a detention pond.

21. Further clarification is also needed in relation to the following:

- a. The post-development impervious surface run-off rate is noted as $C=0.65$. Given the proposed level of density, the Council would have expected a higher run-off rate to be allowed for. The applicant does not appear to have assessed the impermeable surface against their proposed design as required in "Verification Method E1/V1 Surface Water" of the New Zealand Building Code.

- b. The rainfall intensities are inconsistent with the NCC Code of Practice for Subdivision and Land Development (**CoP**) (which allows for climate change to 2090).
- c. Secondary flow paths are very briefly noted, but no real secondary flow (overland flow) paths are identified in the plans.
- d. There are a number of inconsistencies in the application, including that the application includes (on some drawings) an 835 m² parcel of land, adjacent to the Cross Country Drain, that belongs to the Council. There have been no discussions with the Council to date about use of this land by the applicant.
- e. Vertical datum is quoted in the Council local datum and not NZVD 2016. The Council has adopted the use of the new national datum, and the application should be updated to reflect this.

Flood plain storage

- 22. As noted above there is clear evidence of a flood hazard both from theoretical hydraulic modelling and physical, at the proposed development site.

Relevant Flood Hazard mapping

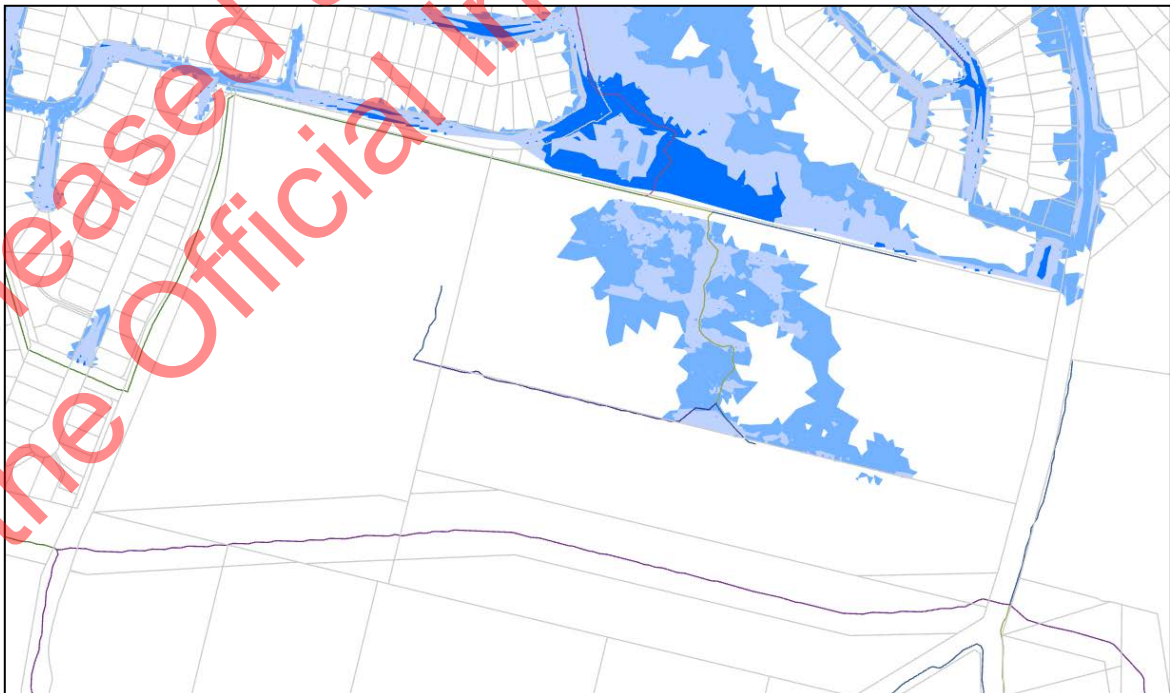
NCC Intramaps Flood Hazard Map. 1 in 50 AEP shown in blue.



Hawke's Bay Emergency Management Flood hazard. 1 in 50 Annual exceedance probability (AEP) show in blue.



Napier City Council 1 in 50 AEP hydraulic modelling (2020). Note the model is verified but uncalibrated and is using the 2014 LiDAR (ground level) data and includes a number of assumptions. 1 in 50 AEP flood levels in shades of blue. Overland flow paths shown by the coloured lines (blue, green and purple).



23. To achieve the finished floor levels required to protect the development from flooding, filling of the site will be required to increase the ground level. However, filling of the site will remove storage from the flood plain. The Council considers that further work will need to be done by the applicant to explain how it will provide flood storage compensation.
24. The application suggests that the development only stores flood water from the site itself, and the surrounding catchment does not contribute hence no flood storage compensation is required. However the following photographs taken on 10 November 2020, immediately after the 1 in 120 to 1 in 250 Annual Exceedance Probability rainfall event on 9 November 2020, suggest that the proposed development acts as a significant flood plain for the surrounding catchment:

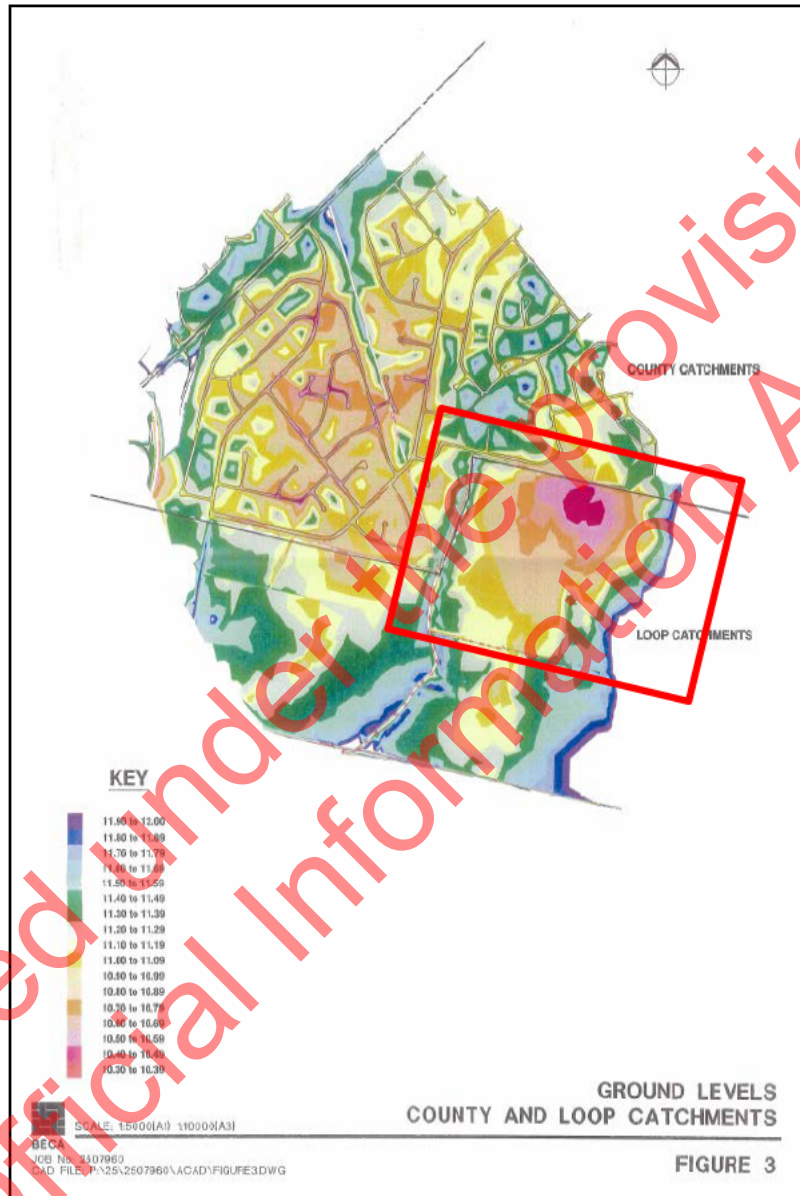
Riverbend Road development area and Cross Country Drain – foreground.



Riverbend Road development lower left



This is further explained by the figure below, which demonstrates that the Riverbend Road development (highlighted by the red box) is the lowest point in the surrounding catchment.



Other relevant matters

1. **Sustainable design:** The Council encourages the applicant to give further thought to more sustainable design outcomes (over existing design requirements) in the areas of stormwater treatment, stormwater attenuation, and low water use.

2. **Safety in Design and Health and Safety at Work Act (HSWA) 2015:** While appreciating that it is in the early stages design, the application at present does not appear to have considered health and safety matters at a strategic level, particularly in terms of the placement of the wastewater pump station in a carpark or under a building (depending on which drawing is used) and how access is allowed for. The applicant will need to turn its mind to this if the application proceeds to the next stage of the consenting process.
3. **Staging:** Further understanding of the staging of the development that is proposed will assist the Council in understanding how the development will be built and the timing of other works beyond the development. There is a question as to whether, due to the current limited construction resource availability, the development will be able to be physically built in a reasonable time. This is an issue facing development projects generally, and is not unique to this application, however if the proposed construction period is longer than 2 years it brings into question the use of the 'fast track' application system.

Gary Schofield

Team Leader 3 Waters Strategic Planning

Napier City Council

Memo

To:	Stephanie Rotarangi – Chief Executive, Napier City Council		
Date:	29 June 2021	File Ref:	[File Number]
Subject:	RIVERBEND APPLICATION – TRANSPORTATION		

Background

The proposed Riverbend Road Development application has been lodged with the Minister for the Environment, who will consider whether the application should be accepted for processing under the Fast-track Act. I understand that the Minister is currently considering the application and has invited comments on the application from Napier City Council.

I have reviewed and considered the Traffic Impact Assessment (**TIA**) prepared by East Cape Consulting Ltd, dated 29 March 2021. The TIA assesses the existing Levels of Service (**LoS**) provided by Napier City Council's roading network around the proposed Development. The residential development is proposed upon 20ha of land adjacent to Riverbend Road and Waterworth Avenue, and could yield up to 700 new dwellings with a supporting neighbourhood commercial centre. According to the TIA, these new land uses are expected to generate up to 5,740 vehicle movements per day. The TIA provides estimates of future demands on the surrounding existing transport networks including assignment of trips to and from the development involving 40% of all traffic using the Waterworth Avenue connection and 60% using the Riverbend Road connection.

My assessment focussed on how the form, function and operational hierarchy of the proposed roading network within the Development can meet the requirements of the Council's Code of Practice (**CoP**) and integrate with the Council's transportation planning objectives for the community.

Specific concerns

1. From recent surveys completed by the Council on Waterworth Avenue, 85%ile vehicle speeds are well in excess of the 50km/h posted speed limit in the vicinity of the proposed Collector Road intersection. A roundabout intersection at this location would help in reducing "through" vehicle speeds along Waterworth Avenue. Similarly, a roundabout at the intersection of Riverbend Road and the East – West Collector Road would help reduce "through" vehicle speeds along Riverbend Road. The roundabouts at these locations would also contribute significantly to safer turning manoeuvres. I recommend that the applicant review this aspect of its proposal and consider the inclusion of roundabouts at the two locations above. A one week speed survey should also be conducted at both intersections of the collector roads with the Council's network to further assist Council's review of the application from a traffic perspective.
2. The proposed layout of the East – West Collector Road is likely to encourage drivers to regularly exceed a 50km/h speed limit with the straight alignment, physical separation of the lanes by the planted medians and reduced "side friction" from the left turn only side roads. I recommend that the applicant review this aspect of the proposed road layout and incorporate speed management design techniques or traffic calming features between the roundabouts at each end.
3. The Major Local East – West roads running parallel (North and South) of the Collector Road are both likely to encourage drivers to regularly exceed a 50km/h speed limit with their straight alignment. I recommend that the applicant review this part of the proposed road

layout and incorporate speed management design techniques or traffic calming features along these sections.

4. The proposed road hierarchy cross-sections for the 8m and 6m wide service lanes both include a 1.2m wide footpath along one side of the Lane. The Council's minimum footpath width is 1.4m. The applicant should therefore incorporate 1.4m footpaths in its Service Lane designs.

Further information required

1. The "Commercial Node" has not been included in the external trip generation figures at this stage. It is expected that any commercial or retail component will become a destination, with trips originating from outside the immediate area. It is recommended that the applicant research and conduct an estimate for traffic generated by the Commercial Node in its generation and distribution assessment.
2. Section 8.1 ("Internal Network") of the TIA states the following:-
If the 50th percentile rates were applied, the estimated volumes would be 1,930 to 2,900 vpd. These volumes are within the typical 1,000 – 3,000 vpd range given in the NCC Code of Practice for Subdivision and Development (CoP) for residential collector roads in urban areas.

Further explanation of the applicant's reasoning for applying the 50th percentile rate for comparison against the Council's CoP is needed.

I support the recommendation under Section 8.4 "Road Safety Effects" that a Safety Audit and corridor studies of Waterworth Avenue, Venables Avenue and Dinwiddie Avenue are completed. The Council would then wish to follow up with a post construction road safety audit in due course.

3. Traffic modelling completed in the report using SIDRA indicates that the main intersections adjacent to the Development currently operate at LoS A and retain the same LOS 10 years after the Development has been completed, including a 3% per annum growth in traffic volumes. This may be due to the applicant's application of the 50th percentile rate for comparison against the Council's CoP, and this modelling should be re-visited as needed.
4. The likely size of the supporting neighbourhood commercial centre needs to be confirmed. Both 2000m² and 4500m² are indicated in different reports that have been submitted, with the TIA having used the lower value. In any event, as noted above, the applicant has not provided an estimate for traffic generated by the Commercial Node in its generation and distribution assessment.

Positive attributes

1. Public transport, walking and cycling

Existing public transport links have been thoroughly considered along with connectivity to existing walking and cycling networks.

The nearest bus service to the site is the 14 (Napier, Maraenui and Onekawa Loop) which travels from Riverbend Road (North) into Bledisloe Road and vice versa. The nearest stops are approximately 250m north of the site. This service runs 14 times daily on weekdays and four times

on Saturday. It provides access to destinations around the CBD, Napier South, Maraenui and Onekawa and I understand that this route is potentially to be extended into the proposed development.

Commitment to provide the infrastructure supporting these modes of travel within the proposed development are also clearly evident. The proposed new footpaths under Section 8.5 "Walking, Cycling and Public Transport" are fully supported i.e.

- On the south side of Waterworth Avenue from the new collector road intersection to the existing path at McNaughton Place, and from the new intersection to Maraenui sports park (approximately 360m length in total).
- On the Western side of Riverbend Road from the new collector road intersection North to the existing path (a distance of about 160m).

2. Internal Road Layout

The proposed access arrangements to and from the Council's existing road network using two Residential Collector roads is accepted as a robust solution for servicing the housing and "Commercial Area(s)". The connection locations to Riverbend Road, approximately 300m south of the Bledisloe Road intersection and Waterworth Road, approximately 150m west of Dinwiddie Avenue look to be in appropriate locations.

3. Compliance with the Council's Code of Practice

Clear reference has been made to the Council's CoP for the proposed corridor definitions and widths with the resulting Collector (23.6m), major local (18.0m) and minor local (13.5m).

4. Proposed Side Road Alignment

The Minor Local Roads running North – South both sides of the East – West Collector Road look well designed with regard to their traffic calming potential from the curved alignment at each end. The curves are set back appropriately from adjoining roads to still allow for a right angled "T" intersection.

5. Right Turn Bays

With reference to Section 8.3 "Access Effects", the assessment of the need for right turn bays looks to be correct with only Riverbend Road meeting the Austroads Warrant at the intersection with the proposed East – West Collector Road.

6. Adjacent Speed Limits

I agree with the proposal under Section 8.4 "Road Safety Effects" to consider extending the existing 50km/h speed limit on Riverbend Road to South of the East – West Collector Road intersection and relocating the associated gateway treatment accordingly.

7. Safe Intersection Sight Distances

The proposed intersections of the Collector Roads with Waterworth Avenue and Riverbend Road are both able to meet the Austroads minimum safe intersection sight distance (**SISD**) requirement of 90m for 50km/h speed environments.

Other Relevant Matters

1. Section 7 "Roads, Access Rights of Way & Paved Surfaces" in the "Structure Plan Rooding and Servicing Report" prepared by Development Nours March 2021 – V1 confirms the following points which are all acceptable at this stage:
 - a. All pavement designs will be undertaken in accordance with the recommendations of the Geotechnical Engineer. Further details for the road pavement design will be submitted during consent submission of each stage, taking into account the anticipated traffic volumes and types of vehicles including waste collection units, commercial traffic and buses.
 - b. On-street parking will be provided along the new proposed road network.
 - c. All proposed road infrastructure will be vested to Council, with minimal private accessways anticipated by the proposed form of development.
2. The anticipated traffic volumes and vehicle types in 1.a. above will need to be the totals generated by the re-visited traffic modelling discussed in the "Information Shortfalls" section below.
3. It is anticipated that the streetlight design will be completed for the resource consent application.
4. The provision of refuse collection areas and mailbox location will need to be considered for any rights of way that may be included as the rooding layout design progresses. Vehicles routes associated with either of these services will not include non-vested roads.

Conclusion

As an initial application, the information provided for assessing the transportation planning and rooding effects of the proposed development has provided a robust benchmark. The work completed to-date by the applicant's team contains many positive attributes as mentioned in this memorandum. Once the additional work required to address the information shortfalls and design concerns identified above is complete, I anticipate that the proposal is likely to be acceptable from transportation planning and road safety perspectives, with well integrated and manageable outcomes for the City.

DAVE CURSON
TRANSPORTATION DEVELOPMENT ENGINEER

Memo

To:	Stephanie Rotarangi – Chief Executive, Napier City Council		
Date:	29 June 2021	File Ref:	[File Number]
Subject:	RIVERBEND APPLICATION – PARKS, RESERVES AND SPORTS		

Background

Napier City Council's requirements around general provision of reserves and sportsgrounds to accommodate the growth of the city are outlined below:

Reserves Requirement

The Napier District Plan and strategic documents (including Essential Service Development Report (ESDR) and the Financial Contributions Policy) all require **75m² of neighbourhood reserve or walkway reserve per site or house hold unit**. Any shortfall in this requirement is required to be mitigated by way of financial contributions to allow for the Council to make further acquisition or development of reserves to meet the need of reserve space for the city as it grows. In saying that, the council's strong preference is for sufficient open space to be provided within all new urban developments and, as currently presented, the proposal will fall well short of this requirement, and financial contributions will need to be calculated to accommodate the shortfall.

Sportsground Requirements

The council also has a Long Term Plan (LTP) measure of providing **3.0ha of Sportsgrounds per 1,000 people** living in the city. This has formed the basis of the ESDR and the planned acquisition and development of Maraenui Park and a number of other sportsgrounds. The ESDR identified an area of 5.0ha on the applicant's site for growth of Maraenui Park, but no agreement has been entered into between the council and the applicant, nor have any formal steps been taken to acquire any part of the applicant's site at time of this current proposal.

The applicant's agents have been in communication with the Council's Parks, Reserves and Sportsgrounds team regarding this development prior to lodging the application with the Minister, and this has resulted in the applicant varying their original plan to reflect the recommendations and strategic park inclusions suggested by the Council. Although the proposal is for only 1.5 ha to be provided, it will allow for an additional sports field and car parking to be developed.

Further information required

The 'open space strategy' lodged by the applicant is lacking in detail, but it is understood that this is common at this point in the Fast-track Consenting process. The general plans and proposed makeup of the suite of reserves is considered acceptable, however, as the application currently stands:

- a) Based on the documentation provided, there does not appear to have been any consultation with the sportsground users or club, namely the Maraenui Rugby and Sports Association Inc, or with the neighbouring Pukemokimoki Marae. In that regard, it is noted that in its submission on the council's Long Term Plan 2021-2031 the Maraenui Rugby and Sports Association Inc. noted that the park is earmarked for development as a sport and recreation hub for Napier, and called on the council to establish a plan for the future of the Park. The reasons cited were the likely residential development in the area and the need to maximise

use of available resources and capabilities, the use and operation of the park, the Maraenui Rugby and Sports Association, and Pukemokimoki Marae.

- b) The council's Draft Playground Strategy looks to have 'walkable' neighbourhood playgrounds throughout the City.
- c) It is not entirely clear from the concept plans whether the developer intends to build a playground in the neighbourhood reserve but, given the density proposed, a playground would be beneficial. Clarification of whether the applicant proposes to develop a new council owned playground in this location will assist with the council's assessment of the proposal.

Specific concerns

The proposal will result in a far denser population than the surrounding suburbs, with limited private open spaces. The importance of usable and well developed public open space is in my view of great importance for the success of this development and proposed suburb. The following are my concerns with the current proposed development;

- a) The proposed central Neighbourhood Park is well under the required or recommended size for a functional Neighbourhood reserve as per the New Zealand Recreation Association (NZRA) guidelines, at 1,200m². NZRA recommend that neighbourhood reserves should be between 3000 m² to 5000 m². The applicant's proposed "Open Space Strategy" also clearly identifies that a neighbourhood park is typically between 0.3-0.5ha.
- b) The applicant proposes to establish a number of "pocket parks" throughout the development. While pocket parks do have their place in urban development, they are more commonly seen (and utilised) in CBD and commercial areas. In our view, specific walkway reserves and meaningful neighbourhood reserves are key to achieving good open space networks.
- d) We have concerns that the proposed esplanade reserve may not be wide enough to allow maintenance machinery, planting and pathways (current standards require a minimum of 6m from top of bank).

Positive attributes

In general, the proposal to provide for the additional 1.5ha of sportsground to accommodate an additional sports field would be a positive outcome and seeks to address the impacts of this development's growth on council's sporting facilities. However the area of the proposed extension is less than anticipated in the ESDR to accommodate growth of the city. As noted above, at this stage the council and the applicant are yet to enter into any agreement to the proposed extension. A firm commitment by the applicant to the proposed extension to Maraenui Park (backed by an agreement between the council and the applicant to acquire the reserve land) is an essential prerequisite for the council Parks Reserves and Sportsgrounds team's support of this development proposal.

The proposed link reserve provides good pedestrian links between the development and the wider network of pedestrian and cycleway around the city.

Other relevant matters

The application as it currently stands is at a higher level, and at this stage lacks the following detail, which under a standard consenting process would ordinarily be addressed as conditions of consent:

- a) The development would require conditions and covenants on the fencing style on the reserve interface to avoid high and closed fencing or landscaping/hedging, to encourage passive surveillance of the reserves and open spaces for public safety.
- b) As this stage it is unclear from the plans what each reserve will be vested as. The correct vesting would need to be applied to each reserve (use related) to ensure the relevant uses, leases and management can legally occur on the sites (i.e. drainage reserves, walkways, neighbourhood reserves and sportsground).
- c) Although there are some reserve and sportsgrounds being provided, as noted above, these fall short of the District Plan requirements and additional financial contributions are likely to be required (i.e. there will be some offset of reserve contribution for the development and vesting of the proposed public open spaces).
- d) The District Plan and Engineering Code of Practice require the developer to design the reserves to the Council's standard and approval and to build to a fully developed condition.
- e) The Council would require the development of a walkaway along the proposed Beatson Drain reserve linking to the Cross Country Drain Walkaway to Waterworth Avenue.
- f) The final development would require the implementation of a full landscaping plan to the Council's approval.
- g) The current open drain running the length of the northern boundary of the development (to become sportsground reserve) would need to be piped, and the drainage of existing and proposed sports fields would need to be directed into this network.
- h) The installation of a footpath and urbanising of the Riverbend Road frontage would also be required.

Conclusion

Fundamentally the development of this site is supported by the Parks, Reserve and Sportsground team, but that support is conditional on:

- Confirmation that the Maraenui Park Sportsgrounds extension would proceed, and on a suitable agreement being reached between the applicant and the council to enable that to occur.
- The network of link and esplanade reserves and a meaningful central neighbourhood reserve (i.e. 3,000m² or larger) being provided.

As a final note, we also strongly recommend that consultation be undertaken with the Maraenui Sports Club and Pukemokimoki Marae.

Jason Tickner

TEAM LEADER – PARKS, RESERVES AND SPORTSGROUNDS

To:	Stephanie Rotarangi - Chief Executive, Napier City Council		
Date:	29 June 2021	File Ref:	
Subject:	RIVERBEND APPLICATION – FINANCIAL CONTRIBUTIONS		

Background

I understand that section 108 of the Resource Management Act 1991 (**RMA**), which provides for the imposition of financial contributions as a condition of a resource consent, also applies to the the Covid-19 Recovery (Fast-track Consenting) Act 2020 (**the Fast-track Act**). I understand that if this application is referred to an Expert Consenting Panel (**ECP**) the ECP will be able to impose financial contributions on any consent that it grants for the development.

However, any such conditions would need to be in accordance with the purposes and methods of calculation set out in Chapter 65 of the District Plan which, in turn, are linked to the Council's Financial Contributions Policy and the charges imposed on developments therein.

The following is my preliminary assessment of the financial contributions for this development. The assessment is in two parts. The first part covers the contributions that would be charged is the project went through the standard plan change and consenting process under the (**RMA**). The second part addresses the situation that may occur under the Covid-19 Recovery (Fast-track Consenting) Act 2020 the Fast-track Act process where the area remains rural and is not rezoned into an urban zoning. My assessment of the proposed subdivision is based on the Council's proposed Financial Contributions charges that will come into operation on 1 July 2021. Given that an application for resource consent for the development is unlikely to be received before that time, this would seem the most appropriate approach.

I also touch on the availability of development contributions to fund the provision of community facilities required to meet increased demand resulting from growth associated with the commercial elements of the proposal below.

Specific concerns

Financial contributions

The existing site is currently zoned rural. Rural development is generally for large lots that are essentially unserviced, with servicing being controlled on site and anticipated yield in terms of lot numbers being low. The financial contributions provided for under the Council's proposed Financial Contributions Policy therefore reflect an assumption that this type of development will have little effect on existing Council services, so are limited to \$20,441.00 per lot/unit. For the 606 lots proposed, that would amount to total contributions of **\$12,387,246.00**.

However, the applicant proposes to develop at a much higher density than what is generally anticipated in a rural zone (606 lots, and 648 residential units) and, by way of comparison, financial contributions charged at the full urban rate (of \$28,210.10 per lot) would amount to a total of **\$17,095,320.60**. An inability to recover full urban contributions would therefore result in a significant shortfall of approximately **\$4,708,074.60**.

The question is what effect will this have on the development? Having read the report from the Council's Three Waters team it appears that the applicant has, at this stage, given limited consideration to how the development will interface / connect to existing Council services without impacting on the existing network and causing upstream and downstream issues for existing network users. In particular, I observe that:

- **Stormwater:** The applicant has indicated that they will discharge stormwater to Council's Cross Country Drain which is adjacent to the site. They have also identified that the additional load on the pump stations at Te Awa Avenue may need to be upgraded to provide for the extra stormwater loading. The cost of this could be in the order of \$14,000,000.00. It should be noted that at this stage, due to the limited

information available and the time constraints, no work has been undertaken within Council to fully quantify the work that is needed to control stormwater from the development and therefore the cost that is needed to cover any necessary upgrades.

- Wastewater: The approved point of connection for wastewater from the development is a trunk wastewater pumping main that passes to the west of the development. This main does have some spare capacity that has been allocated for future development in upstream parts of the city, so while the main could handle some initial loading upgrades will still be necessary. Again, no work has been done at this stage to assess the costs involved but as a main that would need to be upgraded all the way to the Milliscreen plant and outfall to the sea, the costs will be significant.
- Water Supply: The water supply is the easiest service to provide water and firefighting capacity to the development, and while immediate upgrades to the Council's network may not be required, the development should still pay a proportionate contribution to the demands that it will place on the network.

Development contributions

In Napier, the relationship between financial contributions and development contributions, and manner in which development contributions are to be imposed, are set out in the council's Development and Financial Contributions Policy. Relevantly, the Policy distinguishes between financial contributions and development contributions by stating that:

- Financial Contributions are applicable to lots and units *for residential purposes*.
- Development Contributions are applicable to construction and/or development of lots and units *for commercial and/or industrial purposes*.

The Policy defines commercial activities as follows:

Commercial activity for the purposes of this policy means development of land and buildings primarily to be used for the display, offering, provision, sale or hire of goods, equipment or service and includes retailing, travellers' accommodation, day care centres, off-licence premises, wholesale liquor outlets, offices, shops, medical clinics/hospitals, churches, residential care facilities, educational facilities and retirement complexes but does not include activities specifically excluded under the LGA.

The development also includes a commercial / retail component (4500m²), so ordinarily the Council would look to impose development contributions on the development at the consenting stage. However I understand that the Local Government Act 2002 only provides for development contributions to be imposed by a territorial authority in the following three scenarios:

- When a resource consent is granted under the RMA for a development within its district.
- When a building consent is granted under the Building Act 2004 for building work situated in its district (whether by the territorial authority or a building consent authority).
- When an authorisation for a service connection is granted.

I understand that there is no direct link between these provisions and a consent that is granted under the Fast-track Act (as opposed to the RMA). As such, if this proposal is referred to an ECP (rather than being processed in the usual way under the RMA) it appears the Council may be unable to impose development contributions for the commercial elements of the development at the Fast-track consenting stage, resulting in a further shortfall in the funding available to Council to meet the demands of this development.

Conclusion

The above is a preliminary assessment only, and is based solely on the number of proposed lots/units. No other considerations have been taken into account. It will require review when the final subdivision parameters have been released.

With that said, on the information available it appears that, given the unique the rural zoning of the site and the scale and intensity of the proposed development, the financial contributions provided for by the Council's Policy alone will be insufficient to mitigate the added demand placed by the development on council infrastructure and services.

If the Council cannot generate sufficient funding from financial and development contributions it may not be able to provide the necessary infrastructure and services to support the development. The applicant is encouraged to give further consideration to how it will meet this shortfall in infrastructure funding.

GRAHAM THORP
SENIOR SERVICES ENGINEER

Released under the provisions of
the Official Information Act 1982

Memo

To:	Stephanie Rotarangi – Chief Executive, Napier City Council		
Date:	29 June 2021	File Ref:	[File Number]
Subject:	RIVERBEND APPLICATION – CONTAMINATED LAND TECHNICAL REVIEW		

Background

The application includes two Preliminary Site Investigations (**PSIs**), as required by the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (**NES**). The purpose of these reports is to undertake an assessment of the likelihood of any actual or potential contamination risks that may impact the suitability of the land to be used as residential land use.

The PSIs cover the area of land that is proposed to be developed and include a review of property files, records of titles, available historical aerial photographs, a site inspection and limited soil sampling and analysis.

A desktop assessment was completed to determine the historic land use and to identify if any activities that have occurred on the land could be considered a 'HAIL' (Hazardous Activity and Industries List) activity, being one in a list of activities and industries that are likely to cause land contamination resulting from hazardous substance use, storage or disposal.

The PSIs conclude that a HAIL activity has potentially occurred, relating to the bulk storage and application of persistent pesticides to crop and orchard trees on the eastern portion of the land at 195 and 215 Riverbend Rd. It also concludes that this activity is highly unlikely to have used persistent pesticides due to the timeframe within which the activity has occurred onsite.

The overall conclusion is that the soil onsite is highly unlikely to pose any risk to human health or to the environment as a result of the former land use, which is backed up with limited soil sampling.

The PSIs also conclude that the NES may apply to future development of the eastern portion of the site and recommend further work is undertaken to establish if the soil in this area can be considered clean fill or otherwise.

Further information required

Section 9 of the PSI for 195 & 215 Riverbend Road notes that there are "marginal exceedances of arsenic and lead" above threshold values. The elevated concentrations referred to are from an earlier report that was not included in the information supplied with the application. Further delineation of where the elevated concentrations are is required in order to determine the appropriate destination of any soil removed from site. Due to levels above background this is unlikely to be classed as 'cleanfill'.

The PSI also recommends that grid sampling should take place to determine if the soils fit within the clean fill definitions. There does not seem to be consideration of any potential spray filler/chemical storage onsite or in the vicinity of the implement shed and the PSI only appears to consider broad scale application. This information should be considered as part of any detailed assessment of environmental effects of the proposed land use.

Specific concerns

Considering the high water table, any cut should be managed to ensure groundwater does not flow from the site and into receiving waterbodies.

As per the previous section, further delineation of elevated levels of heavy metals should be undertaken, especially in relation to the implement shed area. This is primarily to determine disposal options for any soil removed from site. At this stage there does not appear to be consideration of any chemical bulk storage or spray filling areas on the 'piece of land'.

Fill import would need to be from an appropriate site or supplier to ensure the level of risk is acceptable for the intended use i.e. import of clean fill only.

Section 3 of both PSIs (Environmental Setting and Site infrastructure) notes the drainage characteristics of the site and incorrectly records that the Beatson Drain flows into the County Waterway. The Beatson Drain does not flow into the County Waterway and instead flows into the Cross Country Drain.

Positive attributes

The assessment shows there is likely to be a low risk of land contamination affecting human health when considered in relation to the proposed activity, and the land may be suitable for a number of land uses.

Conclusion

Overall, the two PSIs conclude that the soil is highly unlikely to pose any risk to human health or the environment. The information presented appears to support these conclusions and on that basis, the intended use appears appropriate.

Further work should be undertaken to determine soil concentrations in the eastern portion of 195 Riverbend Rd. Controls should also be put in place to ensure that any cut is disposed of to an appropriate facility, and any fill sourced from an accredited supplier, to ensure the risk to human health is acceptable for the intended land use.

Andrew Gass
ENVIRONMENTAL LEAD
Environmental Solutions Team