

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

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

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

Comment form

Please use the table below to comment on the application.

1. Project name	Wairatahi Project, An application by the Heretaunga Tamatea Settlement Trust ('HTST')
2. General comment – potential benefits	HBRC's preliminary position was recorded in a letter by HBRC's Chief Executive to Minister for the Environment dated 28 October 2022. That letter had recorded HBRC's general support for the provision of additional housing on this site. HBRC supports HTST's commitment to significant ecological planting and stormwater management measures. The 28 October 2022 letter records HBRC's support for those outcomes, subject to completion of the relevant statutory processes. A number of those relevant statutory processes in terms of consenting requirements are detailed below in our feedback.
3. General comment – significant issues	Click or tap here to indicate any initial views you have on whether the project could create significant issues, or to state "no comment".
4. Is Fast-track appropriate?	<u>Resource consents required from HBRC</u> HBRC staff have not undertaken a full section 95 RMA assessment on this application as it would typically do so for an application through existing RMA consenting processes. Given that, and on a 'without prejudice basis', the consenting requirements identified the functions of the Regional Council would not appear to necessitate automatic limited or public notification. It appears that the level of detail supplied by the applicant is considered sufficient to allow HBRC to process an application of this nature for consents required from HBRC. In terms of HBRC's consent requirements, there do not appear to be any unique or peculiar features of the project that cannot be properly assessed and addressed in a regular RMA consenting process, rather than the FTCA process. We note that bundling and joint hearing processes are entirely possible under regular RMA process (if the applicant were to lodge concurrent applications with HDC and HBRC). Also see comments under #6 below.
5. Environmental compliance history	Qu 3. Does the applicant, or company owned by the applicant, have any environmental regulatory compliance history in your region? According to HBRC's records, there are no records of enforcement action being taken against the Applicant, HTST.

6. Reports and assessments normally required	Without prejudice, and without making a full s95 assessment, the consenting requirements of the functions of Regional Council do not appear to necessitate automatic limited or public notification. The application is within the area of Plan Change 9 (TANK) which was publicly notified on 2 May 2020. In September 2022, the Council's decisions on the TANK Plan Change 9 were issued. The appeal period has now closed with over a dozen appeals having been filed in the Environment Court. Given many of the rules in the TANK plan change relate to water, pursuant to s86B(3) of the RMA, the rules of the proposed plan took legal effect at notification of the proposed plan. As such the activity should be assessed under both the rules of the Proposed TANK Plan Change 9, and any relevant rules of the RRMP until any section of the plan change becomes operative. Having reviewed the applicant's document bundle, much of the documentation and supporting technical reports relate to matters that would be under consideration through the land use consents required by Hastings District Plan. The application documents contain little evaluation of the policies, plans and rules that trigger consents from HBRC under regional plans and/or relevant NESs. The servicing report contains some additional material, but remainder of application documents focus on land use matters and very little material on the discharge permits. The HBRC consent requirements are not clear from the information provided in the applicant's documentation. Based on an initial review of the conceptual information provided, we would expect that Regional Council consents are required for at least the following activities: • Stormwater diversion and discharge (Rules TANK 22/23) • Works in or within 6m of a drain/stream bed within a Flood Control and Drainage Scheme Area (RRMP Rule 71). • Reclamation of any river or artificial watercourse (RRMP Rule 71). Other activities that may need consent but for which further information is required in order to determine this include: • Discharge of sub-surface drainage water • Works (including disturbances and reclamation) of a water course. Brief comments on each activity are provided below. Stormwater As discussed elsewhere in this feedback, consent is required for the diversion and discharge of stormwater under either TANK Rule 22 or TANK 23. One approach is that HTST would apply for discharge consent(s) themselves and the other is for HDC (a third party) to have applied for and obtained consent(s) for discharge in which HTST would operate under. For a proposal of this scale, we'd expect that assessment address the construction phase of the development of both stormwater and sediment/sediment laden water (addressing erosion and sediment controls), as well as post development consent for ongoing stormwater discharge. A greater level of detail and assessment to support an application for stormwater would be required – sufficient to allow assessment against the matters of discretion/control set out in Rule TANK 22 or 23. And where those matters of control under TANK 22 and 23 cannot be complied with additional assessment of any non-compliances with TANK 22 and 23 standards for a consent application lodged in pursuant to Rule TANK 25. An assessment of effects on water quality and quantity (e.g. flooding) is required and has not been provided. The relevant TANK Plan change water quality targets and limits should be referred to in this assessment, and there should be a focus on low impact design as set out in POL TANK 26. Drinking water sources The proposal is within a Drinking Water Source Protection Zone – primarily identified for HDC's municipal drinking water sources (which we'd expect HDC would already be aware of). Therefore consideration should be given to potential effects that may arise from the proposal on this matter.
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	Works in Flood Control and Drainage Scheme Under RRMP Rule 71, for works in/within 6m of a drain or stream bed in a flood control area require consent. In this instance we'd expect to see as a minimum erosion and sediment protection controls and ability for suitable flows to be conveyed as necessary. Sub-surface drainage The need for consent for sub-surface drainage was identified in the application documentation but it is unclear why this is required. It is possible that dewatering activities would occur as part of the construction phase of the development. Further detail on what is proposed would be required to assess consent and subsequent application requirements. In relation to RRMP Rule 33, assessments relating to the controlled activity conditions/ standards/ terms, such as flood mitigation, erosion and scour mitigation, avoidance of effects on any wetland, avoidance of change of discharge water temperature catchment waters and water quality monitoring would be required. We'd expect the applicant would include an assessment identifying whether there are any wetlands in the area and whether there is need for resource consent. What's the nature of the drain – artificial or modified watercourse? Based on the applicant's document bundle and from an initial review of historic imagery and maps, it appears likely that the Wellwood Drain is an artificial watercourse. However, we recommend the applicant undertake their own thorough examination to assist with the analysis of defining the watercourse and legislation applicable to it. If it is demonstrated that the watercourse is an artificial watercourse, then there will still be a need for consideration of the effects of any modification or loss of this waterbody in terms of its environmental and cultural values. It appears as though this has been considered through the Forbes Ecology Assessment which addresses the environmental value of a proposal to culvert a reach of the Wellwood drain.
7. Iwi and iwi authorities	Iwi authorities for RMA purposes with interests in the proposal area include: - Heretaunga Tamatea Settlement Trust (the applicant for this project) - Ngati Kahungunu Iwi Incorporated - Te Taiwhenua o Heretaunga. The application area is not in the coastal marine area so we do not identify any applicants for Customary Marine Titles and/or Protected Customary Rights in nearby coastal areas. Sources: • www.tkm.govt.nz • https://www.tearawhiti.govt.nz/te-kahui-takutai-moana-marine-and-coastal-area/applications/hawkes-bay/ • 'Pataka' (Hawke's Bay councils' online storehouse of information about tāngata whenua groups) accessible online at: https://gis.hbrc.govt.nz/LocalMapsViewer/?map=16398cdd055a45499c5d8ce736bfd190
8. Relationship agreements under the RMA	None applicable to the proposal area/site. However, HBRC has received several management plans prepared by tāngata whenua and authorised by an iwi authority. Electronic copies of these can be provided to MFE if required.
9. Insert responses to other specific requests in the Minister's letter (if applicable)	Qu1 – Are there any reasons that you consider it more appropriate for the project, or part of the project, to proceed through existing RMA consenting processes rather than processes in the FTCA? Refer #4 above. Qu2 – What reports and assessments would normally be required by the Council for a project of this nature in this area? Refer #6 above, and also stormwater management-related comments in particular in #10 below.

	Qu3 – Does the applicant, or company owned by the applicant, have any environmental regulatory compliance history in your region? Refer #5 above.
10. Other considerations	Natural Hazards The property is subject to a number of natural hazards, but none appear to be particularly significant. Many of those can be viewed via the online Hawke's Bay Hazards portal tool.¹ This is a 'self-help' information portal. Strategic planning for residential housing needs of wider Hastings/Napier area The Heretaunga Plains Urban Development Strategy ('HPUDS') is the result of a collaborative approach by the Hastings District Council, Napier City Council and Hawke's Bay Regional Council towards managing urban growth on the Plains from 2015 to 2045. The joint Strategy was first adopted in 2010, then a reviewed version re-adopted by the three councils in early 2017 (HPUDS2017).² The area covered by HPUDS 2017 and its 2010 predecessor includes Napier and Hastings cities and a number of outlying settlements. A key feature of HPUDS' preferred settlement pattern is increasing infill/intensification and reducing reliance on greenfield residential housing developments. We believe HPUDS was a proactive forerunner to many of the directions in the NPS-UD³ (and now too the NPS-HPL). Instead of commencing the next regular five yearly review of HPUDS, the three councils are taking steps to implement the requirements of the 2020 NPS-UD. The urban area of Hastings and Napier is a Tier 2 area under the NPS-UD. In 2021, HDC, HBRC and NCC completed the Housing Capacity Assessment as required by the NPS-UD. The three councils have just recently completed a Business Land Capacity Assessment for the Hastings-Napier Urban Area. Both the housing and business land capacity assessments will be key documents informing the three councils' joint work now underway to prepare a Future Development Strategy. That FDS will need to meet specifications as stated by the NPS-UD, and will be completed in time to inform the councils' 2024-34 Long Term Plans. RPS Policy UD4.3 is particularly relevant as it sets out areas in the Heretaunga Plains sub-region where future residential growth for the 2015-2045 period has been identified as appropriate and providing choice in location, subject to further assessments referred to in several other policies in RRMP Chapter 3.1B. "Irongate Road/York" is listed as one of those areas (sub-clause (i)). NPS-FM 2020 and NES-F 2020 Any new culverts, weirs, reclamation would be subject to the requirements of the National Environmental Standard for Freshwater, 2020 (NES-F). There are no natural wetlands identified on the site by the HBRC mapping portal, however we note that wetland areas will exist outside what has been delineated to date by HBRC. HBRC's records of wetlands are not necessarily definitive nor comprehensive. NPS-HPL 2022 According to records held by HBRC on land use capability classifications, the site is partly LUC1, but predominantly LUC7.⁴ Not surprisingly given the NPS-HPL only came into effect late last year, HBRC has not yet mapped HPL and proposed a change to its Regional Policy Statement as required to do so by the NPS-HPL by October 2025. Therefore the NPS-HPL's interim meaning of HPL stands.

¹ <https://gis.hbrc.govt.nz/hazards/>

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

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

⁴ <https://gis.hbrc.govt.nz/LocalMapsViewer/?map=1ed9a3dd18344862b42373c31ba8e3d6>

Stormwater management

In the information the applicant has said that the stormwater would be covered by the Hastings District Council (HDC) global stormwater discharge application – an application that has been lodged but is still being worked on by that applicant (HDC). The HDC consent seeks to renew a number of separate catchments and combine them into one global consent, as well as incorporating new residential greenfield catchments (such as the HTST Wairatahi subject site). The existing HDC consent **does not** authorise the diversion and discharge of stormwater from this site, because it is specific to existing areas or new areas that were zoned for residential purposes. Therefore, there is no s124 protection of an existing consent for the area in which the proposed works relate (since it is an additional area to be incorporated into the renewed consent).

The complexity with this situation is that the HTST proposal is reliant on HDC's application. However, no decision has been issued for this consent and the expired consent that the HDC continue to exercise (pursuant to s124 RMA authority) **does not** include the additional catchment area. Additionally, the HDC application is currently undergoing further assessments, and is likely going to take a considerable amount of time before processing resumes. Therefore (and if granted), the Wairatahi project by HTST would be in limbo for undertaking work on the subdivision when no HBRC stormwater consent has been granted for that area.

Since this matter directly impacts the operation of the HTST proposal, we'd expect that (if the HTST proposal was granted) an application to address the stormwater aspect of the development be applied for and completed prior to undertaking any works. Although there is an active application currently lodged by HDC (but not expecting processing to be progressed before a decision is made on the HTST application), it is not anticipated that the HDC application would be granted and effective prior to the HTST works beginning. Our current understanding is that the HDC application does not provide design and discharge details that we would typically expect for a stormwater discharge of this scale and nature, and would require to be provided so that it can be assessed against the relevant TANK PC9 provisions, Waterway Design Guidelines and the effects of the discharge on water quality and quantity/flooding can be assessed.

As outlined elsewhere in this feedback, a resource consent is required for the diversion and discharge of stormwater from this proposed development. Therefore, HTST should undertake their own discussions with HDC for addressing the matter as to who would apply for consent for discharges (construction works including erosion and sediment controls, as well as the ongoing discharge from the development area), as well as the ongoing ownership, implementation and management of such consents. Regardless of who will be responsible for obtaining the consent, we would expect this to occur **before** works occur on the site, and preferably in conjunction with the subdivision consent process – whether that is a fast-track process or regular RMA consenting process.

HBRC's interests in the Wellwood stream

These were outlined in letter by HBRC's Chief Executive to Minister for the Environment dated 28 October 2022. A copy of that letter was Attachment Q in the applicant's document bundle. In that letter, HBRC's Chief Executive wrote *"HBRC understands that HTST wishes, as part of its development, to extend the piping of stormwater from Flaxmere, into its site, and then realign the balance of the Wellwood Drain. In "return" it wishes to exchange the bed of the Wellwood Stream into HBRC ownership and formal control. HTST also wishes to commit to significant ecological planting and stormwater management measures, so as to improve the situation in both regards as a consequence of its development."*

The final mechanism for facilitating the exchange is likely to be under the Reserves Act. Those details are being explored but have yet to be resolved/concluded. We do not see the potential exchange of ownership areas within the subject site as a crucial impediment to this development, nor whether the proposal is granted approval to use the fast-track consenting process, or not.

Passenger transport routes and active transport

HBRC intends that a new passenger transport ('PT') network will be introduced in 2025, seeing a move to bi-directional, frequent routes. Refer to Attachment 1 for a proposed route map. The routes are reasonably indicative for now. The intention is to undertake detailed consultation with communities over the next 18 months to ensure the new routes are suitable. This may result in small changes to the routes, but not major deviations or additional routes.

Part of this consultation is to work with Flaxmere community to determine the best routes through Flaxmere before meeting at a transfer point before heading into Hastings. Any changes will still need to be bi-directional, efficient, and frequent. HBRC do not intend to run loop

	services. This provides the opportunity for the route 5 (red line route) to link into Dundee Drive and back out onto Wilson Road, thereby servicing the proposed development area. It is unlikely that the PT route will go into the proposed development. However, we will look at changes during the above Flaxmere community consultation to support greater access. From a bus operation perspective, turning right from Dundee Drive to Wilson Road may present some time-based challenges (e.g. having to wait for traffic to turn right & continue on the route). However, these can be worked through closer to the time but will require consideration. Servicing the proposed development from the Stock Road entrance will not be possible. The 2025 network will see higher frequency trips (intent is approx. every 30 mins), increasing in frequency as we near 2030. This will mean great connection opportunities for residents. Close consideration for active transport links should be given – ideally from the proposed development to Flaxmere Avenue. This would enable residents to catch the Route 4 bus, should that be more suitable for their needs. These should align with active transport strategies and work programmes such as those of Hastings District Council.
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Note: All comments, including your name and contact details, will be made available to the public and the applicant either in response to an Official Information Act request or as part of the Ministry's proactive release of information. Please advise if you object to the release of any information contained in your comments, including your name and contact details. You have the right to request access to or to correct any personal information you supply to the Ministry.

ATTACHMENT 1 – Proposed new passenger transport route map



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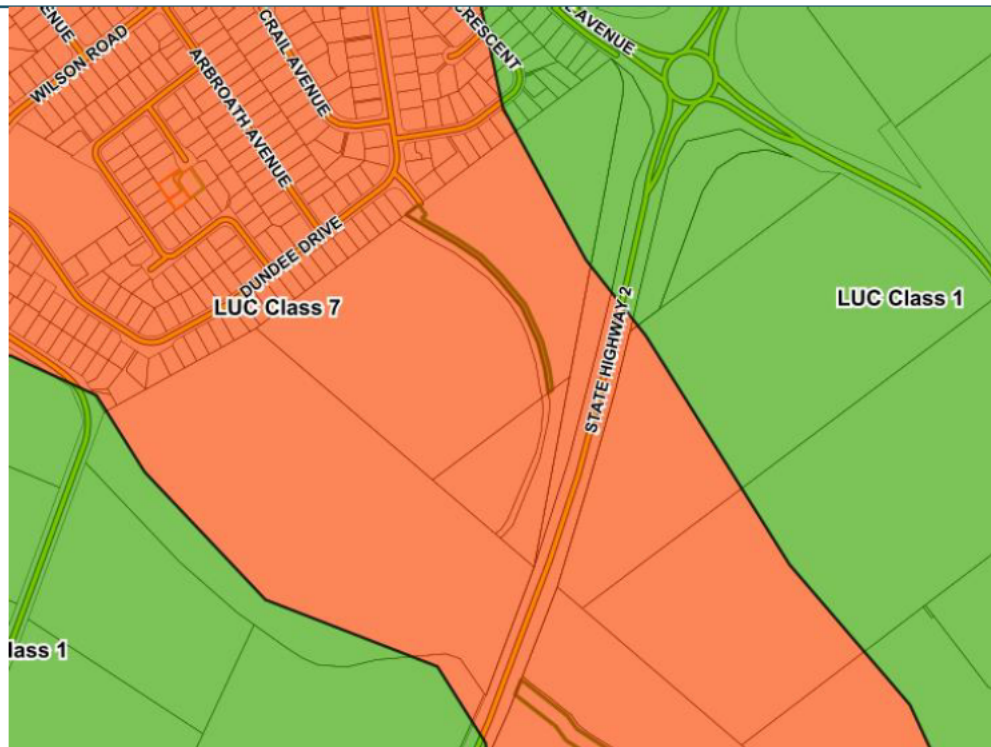
Local authority providing comment	Hastings District Council (HDC)
Contact person (if follow-up is required)	Anna Sanders, Senior Environmental Planner Policy (Special Projects) – s 9(2)(a)
	Click or tap here to enter text.
	Click or tap here to enter text.

Comment form

Please use the table below to comment on the application.

Project name	Wairatahi Project, Flaxmere (Paharakeke) (Proposal) <i>(The project is to subdivide approximately 28.2 hectares of land at 238 Stock Road and 49A Dundee Drive, Flaxmere, Hastings and construct a comprehensive urban development on that land. The project is predominately residential and provides a range of housing typologies, including apartments, terraced, duplex and detached houses. The project also includes commercial buildings, visitor accommodation, a community hub, creation of open spaces, and supporting infrastructure including roads, accessways and three-waters services and may include the construction of a retirement village.</i> <i>The project includes two development options (dependent on stormwater drainage). Option A will provide approximately 475 residential units (or approximately 530 if a retirement village is constructed), and Option B will provide approximately 425 residential units (or approximately 475 if a retirement village is constructed).</i> <i>The applicant's preference is Option A which will involve reclamation or realignment of part of the existing Wellwood stormwater drain, and restoration and enhancement of the realigned drain and protection and enhancement of the Irongate Stream. Option A is reliant on an exchange of reserve and marginal strip land that would require approval from Hawkes Bay Regional Council, the Department of Conservation and the Minister of Conservation. If the applicant cannot obtain the required approvals in sufficient time, Option B involves retaining the Wellwood stormwater drain in its current location.</i>
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	<i>The project involves activities such as subdividing land, carrying out earthworks (including disturbing potentially contaminated soils), removing vegetation, diverting and discharging stormwater to land and water, constructing residential units, constructing and operating commercial buildings/activities, constructing and operating visitor's accommodation, constructing and operating a retirement village, constructing or installing infrastructure, and landscaping and planting).</i>
1. Summary of Council's Position	Land at Irongate York has been identified in strategic growth documents as being needed to meet the Districts residential growth needs since 1993. Council has received legal advice that the Irongate York area is not 'highly productive land' for the purposes of the National Policy Statement on Highly Productive Land (NPS-HPL) for the reasons outlined in greater detail below and therefore the NPS is not applicable. HDC is supportive of urbanisation in this location. It is considered that this proposed development which is held in single ownership and offers housing provision at scale, will make a significant contribution to the much needed housing capacity for the Hastings District. The inclusion of higher density development is encouraged provided that it can be undertaken in a manner that provides for high levels of neighbourhood amenity. In reaching a decision on process, HDC's preference from a regulatory perspective is for a plan change over a resource consent process. That preference is based on the fact that the proposal is fundamentally inconsistent with the current objectives and policies that apply to the site, and based on the recently released Flints Park decision, there appears to HDC to be a real risk that the proposal would not be able to be consented. Following a plan change process to ensure the plan framework matches the outcomes sought is considered to be a more efficient and certain approach.
2. General comment – potential benefits	This project is the first development of scale for Heretaunga Tamatea Settlement Trust and will afford broad cultural, social and economic benefits for the Trust and its members. The Proposal would provide opportunity for employment through the construction sector, and contribute to housing supply within the Hastings District.
3. General comment – significant issues	National Policy Statement for Highly Productive Land 2022 (NPS-HPL): The NPS-HPL came into effect on 17th October 2022. This policy statement aims to restrict development on LUC 1, 2 and 3 land unless there are significant restrictions to the productive use of the land, or there are significant constraints to developing lower quality land. The most recent land use capacity mapping identifies the majority of the site as LUC 7 with a smaller northern point classed as LUC1, as represented in the map below:



While the LUC 7 soil is recognised as less versatile than other areas in the District, it is generally renowned as some of the best grape growing soils in the Region, containing what is known as the Gimblett gravel wine growing area.

The NPS-HPL requires that until a regional policy statement containing maps of highly productive land in the region is operative, that the relevant territorial authority must apply the NPS to land zoned general rural or rural production and LUC 1, 2 or 3 but is not identified for future urban development or subject to a Council initiated plan change to change it from rural to urban.

Under the NPS-HPL land identified for future urban development means:

(a) identified in a published Future Development Strategy as land suitable for commencing urban development over the next 10 years; or

(b) identified:

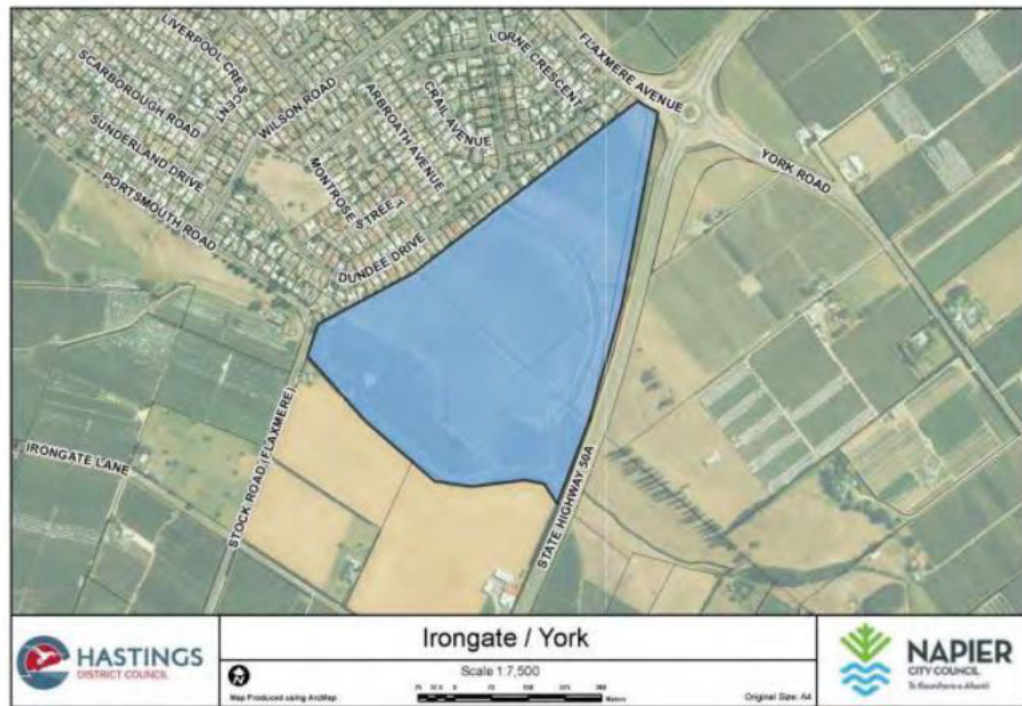
(i) in a strategic planning document as an area suitable for commencing urban development over the next 10 years; and

(ii) at a level of detail that makes the boundaries of the area identifiable in practice

Under Section 3.4 (2) of the NPS-HPL:

(2) However, despite anything else in this clause, land that, at the commencement date, is identified for future urban development must not be mapped as highly productive land.

As outlined in more detail below, this site has been included in growth strategies for some time. Most recently, it has been identified in the Heretaunga Plains Urban Development Strategy (HPUDS) since its inception in 2010. The HPUDS map for Irongate York (now referred to as Wairatahi) showing its defined and identifiable boundaries:



For this reason, this land is not considered productive land under the NPS-HPL and the Policy Statement should not apply to this proposal. Council has legal opinions on its identified growth areas confirming this.

Included in the application is an assessment as to the effects on productive soils for the District:

Loss of rural / primary production land:

The site is zoned both Plains Production [District Plan] and Flaxmere General Residential, with the proposed development predominantly being on the Plains Production portion of the site. The Irongate/York Urban Growth Area (subject site) has been identified for future urban development by the Hastings District Council (HDC).

...The National Policy Statement for Highly Productive Land (NPS-HPL) was approved on 12 September 2022 and released on 20 September 2022. The NPS-HPL came into force on 17 October 2022. Flaxmere/Irongate has been identified in two Urban Development Strategies - both adopted by Hastings District Council and both identifying the boundaries of Irongate as earmarked for future development within the next 10 years.

The proposed masterplan avoids any significant loss (either individually or cumulatively) of productive capacity of highly productive land in the district; and avoids the fragmentation of large and geographically cohesive areas of highly productive land; and avoids any potential reverse sensitivity effects on surrounding land-based primary production from the masterplan area.

It is considered that the environmental, social, cultural and economic benefits of the masterplan, outweigh the longterm environmental, social, cultural and economic costs associated with the loss of highly productive land for landbased primary production, taking into account both tangible and intangible values.

These comments are generally accepted by Council except to say that the land is currently used for land based primary production purposes so there will be some loss of productive land through this proposal. However on balance, this site is less productive and better suited for urban development than much of the land surrounding the Hastings/Flaxmere urban areas.

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

The NPS-UD seeks to ensure future development occurs at appropriate rates, while ensuring a compact urban form with greater levels of intensification and densification, which encourages well-functioning urban areas with greater access to employment, social and cultural well-being opportunities. HDC supports the direction of the NPS-UD in that it generally aligns with our existing HPUDS strategy and supports the existing political direction to encourage intensification and avoid highly productive land where possible. While our future development strategy is yet to be fleshed out, the preference for compact urban areas would remain a guiding principle for the strategy.

The location of the proposed development is consistent with the requirements of the NPS-UD in that it is within relatively close drive times to Hastings and Flaxmere urban areas. The proposed development is located adjacent to the existing urban area of Flaxmere and would be considered an extension of the existing urban area. It is located on the Hastings side of Flaxmere, meaning that there is closer access to the main economic employment areas within the Hastings CBD, as well as the Omahu and Irongate Industrial areas. The development is close to existing bus links which run down Dundee Ave and towards Hastings, and around 500m walking distance to the main arterial link in Flaxmere Ave and provides moderate accessibility to existing urban areas. In this regard we do consider this application would promote well-functioning urban environments and meet Objective 1 and generally meets Objective 3 in terms of accessibility.

The proposed development is located adjacent the Flaxmere urban environment. Flaxmere is considered a lower socio-economic environment and as such, it is considered that this development may help with the more affordable end of the market and should help broaden the range of housing options for first home buyers and lower income purchasers. Furthermore the proposal provides for a range of 2 bedroom, and 3 bedroom single and attached dwellings, which caters for a range and diversity of market price points. The applicant has included an urban design statement by Saddleback (31.10.22) and a landscape strategy + initial concept by DCM Urban (27 October 2022) in the application. In a general sense, the application provides a variety of houses that meets the requirements of Policy 1 of the NPS-UD, although the design concept (Masterplan), connectivity and functionality could be improved which is addressed in more detail below.

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

The applicant, Heretaunga Tamatea Settlement Trust are the mandated iwi authority in this area. They have advised that local narratives and history will continue to inform the design concept and outcomes, which HDC views as a significant positive to any future urban development and expansion of Paharakeke. There is huge opportunity to build these stories and narratives into the final design to achieve consistency with Policy 9.

As discussed in detail below, this area has been included within long term strategic planning documents for some time and thus Council is supportive of this location for future urban development.

Integrity of the Hastings District Plan:

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

The subject site is primarily located in the Plains Production Zone, with only the proposed entry stubs located within the General Residential Zone. The zone map is shown below and the proposal would be a Non-Complying activity overall:



The minimum lot size for the Plains Production Zone is 12 hectares (with minimal exceptions) and subdivision below that is a Non-Complying activity.

The Introduction to the Plains Strategic Management Area records:

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

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

Key objectives and policies for the PPZ include:

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

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

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

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

These objectives and policies are also reflected in higher order objectives and policies in the District Plan including the Urban and Rural Strategic sections.

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

The outcome sought through the Proposal would clearly be contrary to the objectives and policies of the District Plan, and there is a concern that, if granted, this would undermine the integrity of the Plan, and particularly the importance placed on protecting the integrity of the Plains Production Zone. The recently released Expert Consenting Panel decision to refuse consent to the Flints Park, Ladies Mile–Te Pūhahi Project (Queenstown), made 30 November 2022, confirms the objectives and policies of the District Plan as it stands need to be assessed. In that case, the land was similarly zoned for productive purposes (rural) and was identified for urbanisation in the near future in both the Queenstown Lakes Spatial Plan and the Te Pūhahi Ladies Mile Masterplan which had been adopted by the Queenstown Lakes District Council. The decision found that while the Panel has been mindful of, and has taken into account, these strategic growth matters, it was required to determine the application in terms of the current zoning and planning provisions applying to the Flint's Park site, and the applicable statutory framework. It concluded that the Project was contrary to a set of important and directly worded objectives and policies in the Proposed District Plan. Given the strongly worded policy framework for the PPZ in the Hastings District Plan, supported by previous legal decisions in favour of HDC, a similar approach could be expected here.

The decision also found the effects more than minor, which given the scale of what is proposed here by way of expansion of the Flaxmere community and at densities greater than currently provided for, could well be the case for the current proposal.

The decision also questioned the ability of masterplans to be successfully implemented by way of resource consent processes. Approval of Wairatahi by way of resource consent will result in a situation where the underlying zoning remains Plains Production. HDC will then need to advance a plan change to tidy this up, which is considered inefficient and not the most appropriate way to achieve the desired outcomes. HDC has recently notified Plan Change 5, Right Homes, Right Place. This plan change seeks to make residential intensification easier, with a focus on achieving positive design outcomes through the use of our Design Framework and the same set of provisions or a hybrid could be applied to the site.

If the Proposal is advanced by way of Covid Fast Track, then the entire site for a time (until a plan change catches up) will be developed by way of resource consents and it will be difficult to establish a suite of consent conditions that cover the development scenarios sought, particularly when the intent of the application is to provide a development framework. What could result is a situation where, upon purchase, individual property owners need to seek condition variations to undertake what they wish to do and may normally be allowed under a residential zoning.

HDC is supportive of urbanisation in this location subject to successful effects management, ultimately resulting in the provision of additional housing choice in an area that has a housing shortage. The process however needs to be carefully determined to ensure successful outcomes. The preference is to do it once and do it right. Given that what is proposed directly contradicts the current zoning, HDC's preference from a regulatory perspective would be for the proposal to be advanced by way of plan change, possible with a concurrent subdivision and development proposal.

Approach to Regional Strategic Growth Planning:

This site was originally identified for future growth as part of the Hastings Urban Development Strategy (Towards 2020) which was adopted by Council in 1993. This document was a strategic council document that directed future land use and financial planning. It was identified as a greenfield growth area capable of supplying around 320 residential dwellings at the more affordable end of the market. That document concluded:

...the Irongate/York area offers a practical solution for satisfying continued demand for lower cost sites in Hastings and can provide an alternative to Flaxmere West, while also helping to upgrade social and community infrastructure in this area

In 2009, HDC in conjunction with Napier City and the Hawke's Bay Regional Council began work on the Heretaunga Plains Urban Development Strategy (HPUDS). This was a collaborative strategy among the territorial authorities that looked at how growth across the Plains should be provided for through to 2045. HPUDS replaced HUDS in 2010. This site along with a number of greenfield sites were reviewed, tested against a number of criteria and retained within the HPUDS strategy 2010 (and as part of the review in 2017). Included among these was the Irongate/York site, as the provided opportunity for urban growth until many of the new greenfields growth areas identified in HPUDS could be implemented, as stated below:

The strategies identify growth scenarios that will provide for the needs of both Napier and Hastings up to and beyond the time that HPUDS commences in 2015. As an example the York/Irongate area may be meeting greenfield housing needs up to 2017 and in Napier, Riverbend/The Loop may provide for needs beyond 2020. It is intended that these growth areas will be filled before new greenfield areas would be rezoned.

While the assumption in HPUDS was "that these strategies will be fully implemented before any of the growth scenarios that are identified in HPUDS are needed" it also noted that "Hastings has limited options in Havelock North and in Hastings the Irongate/York option will be for the lower end of the market where demand is not currently evident." While HPUDS recognised the importance of sequencing development, it left this to the individual Councils to progress as part of strategy implementation as a matter of policy and programming through the LTPs and District Plans, given the considerable infrastructure spends involved and noting that balanced supply and locational choice across the Heretaunga Plains sub-region would be an important factor in such decisions.

HPUDS 2017 also identified characteristics for considering new greenfield growth areas as follows, with a) to f) reflecting the key criteria used in the selection of the growth areas identified in HPUDS 2010 (4.3.2):

2.2.1 Greenfield Growth Area Characteristics

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

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

All greenfield growth areas, other than those areas already deemed appropriate in Section 2.2.2 (residential) or Section 2.3 (business land) of this Strategy, will be assessed against the criteria listed below:

- a) Must form an extension contiguous with existing urban areas and settlements.*
- b) Land is identified as having low versatility, and/or productive capacity has been compromised by:*
 - i. Size and shape of land parcels that mitigates against productive use*
 - ii. Surrounding land uses and reverse sensitivity*
 - iii. Lack of water and/or poor drainage.*
- c) Clear natural boundaries exist, or logical greenbelts could be created to establish a defined urban edge.*
- d) Supports compact urban form.*
- e) Can be serviced at reasonable cost.*
- f) Can be integrated with existing development.*
- g) Can be integrated with the provision of strategic and other infrastructure (particularly strategic transport networks in order to limit network congestion, reduce dependency on private motor vehicles and promote the use of active transport modes).*
- h) An appropriate separation distance from electricity transmission infrastructure should be maintained in order to ensure the continued safe and efficient operation and development of the electricity transmission network.*
- i) Promotes, and does not compromise, social infrastructure including community, education, sport and recreation facilities and public open space.*
- j) Avoids or mitigates the following locational constraints:*
 - i. projected sea level rise as a result of climatic changes*
 - ii. active coastal erosion and inundation*
 - iii. stormwater infrastructure that is unable to mitigate identified flooding risk*
 - iv. flood control and drainage schemes that are at or over capacity*
 - v. active earthquake faults*
 - vi. high liquefaction potential*
 - vii. nearby sensitive waterbodies that are susceptible to potential contamination from on-site wastewater systems or stormwater discharges*
 - viii. no current wastewater reticulation and the land is poor draining*
 - ix. identified water short areas with the potential to affect the provision of an adequate water supply.*

The site meets most if not all of these requirements as the is majority LUC 7 soils, it is bordered by Flaxmere to the North and West, the Napier/Hastings Expressway to the East and Irongate Stream to the South and it provides a strong urban edge to Flaxmere West. It is considered the development could be integrated better into the existing Flaxmere residential area, although this is more to do with the design of sections near the fringe rather than the location of the development area itself.

Given this, and given the limitations on the site regarding its shape and size and potential reverse sensitivity issues, the proposal would appear to have key components which would encourage its development for residential use.

New Urban Growth Areas and Structure Planning Approach:

In 2020, the Hastings District Council agreed to collaborate with the Heretaunga Tamatea Settlement Trust facilitating the development of the Irongate York greenfield site by bringing forward the Structure Planning of the site and making it the number one plan change workstream priority for its environmental policy team with resourcing allocated. At the same time Council resolved to bring the land forward to 2026 if necessary to meet demand, particularly at the more affordable end of the market. Early work to inform structure planning objectives included engagement of Isthmus to prepare an early urban design document. This concept was used to inform the potential densities identified in the joint Infrastructure Acceleration Fund application, which was successful.

Typically, as required by the Regional Policy Statement, HDC's identified greenfield growth areas are progressed by way of structure planning processes and a subsequent residential rezoning, with a strong emphasis on achieving positive environmental, community and social outcomes. Irrespective of process, Council wishes to see development at Wairatahi achieve the same outcomes.

Due to timing and instructions from MfE not to send the application externally for inputs, there has been no opportunity for Council to seek independent urban design advice which we typically would for a development of this scale. However, HDC does have the following early comments to make regarding the proposed Masterplan submitted as part of the application and if appropriate in time would like to obtain independent design advice to inform development of the Masterplan concept:

- The Regional Policy Statement (RPS) sets out structure planning considerations and assessments, with rezoning's assessed against the criteria listed above. Irrespective of process these matters are still considered critical in assessing this proposal, resultant effects and establishing any consent conditions;
- Establishing urban limits and managing Reverse Sensitivity – the site generally has existing features which positively creates defensible urban boundaries (Irongate Stream and SH2) and assists in minimising reverse sensitivity effects which is a key consideration in the RPS. Where any greenfield site adjoins the PPZ a 30m buffer is required to mitigate reverse sensitivity effects;
- Explore options to achieve greater integration with the existing urban environment and connectivity with the proposed development. There are challenges as the site has no strong connections to the Flaxmere town centre, however opportunity exists to alter the positioning of the proposed high amenity North / South green link by shifting it to the west to align with the existing entry stub off Dundee Drive. This will create a stronger connection to the existing community while still creating a similar sight link to the amenity feature and stormwater ponds;
- There a number of principles to achieving complete communities but one is the creation of variety, including the provision of a range of site sizes, shapes and a variety of housing typologies and floor sizes. Some of these elements have been included, however there is concern regarding the uniformity of the Masterplan both in terms of block and road layout and the range of section sizes provided;
- Comments regarding the proposed reserves, their location, accessibility and functionality is covered in greater detail below. The proposed community feature suggested as possibly

a community vegetable garden in the application towards the Stock Road end of the proposed development, does not act as a true amenity feature due to its location. This needs to be centralised more towards the main entry or on the high amenity north / south green link, perhaps near one of the pocket parks;

- Greater thought needs to be given to the relationship between the commercial node and the proposed green space positioned to the rear. A higher level of visibility needs to be afforded this reserve, so it fronts a primary street;
- Greater detail is needed regarding the detention ponds including slope detail to inform vesting decisions. Thought also needs to be given in this regard to the positioning of detention ponds and amenity features near any play areas from a community safety perspective;
- The site has views towards Te Matā Peak which is seen as a huge opportunity for this site and should be maximised. The application suggests framing this view, but it would be useful to obtain a greater understanding of what is intended to achieve this;
- The application states that development will likely occur in 4-5 stages over 5 years under the consent sought but that the enabling works will be done as part of Stage 1 (page 5 of the application). Staging information including a plan is needed to inform the overall AEE and any resultant conditions, particularly pertaining to servicing; and
- At the westernmost end thought needs to be given to the creation of larger lots to provide a transition between this proposed development and the PPZ and those sites adjoining the General Residential Zone to Dundee Drive.

Housing Capacity Assessment (HCA):

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

RECONCILING SUPPLY AND DEMAND

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

The main findings for Hastings are:

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

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

Given this, it is accepted that additional growth capacity for Hastings District needs to be facilitated, although not necessarily in greenfields locations or remote from existing urban areas. Given the requirement to complete the Future Development Strategy by 2024, it was considered that this is the most appropriate mechanism to consider future development of the Region in a comprehensive

way, which also incorporates concerns and aspirations of mana whenua into the future development.

It is considered this development will make a significant contribution to the housing capacity for the Hastings District and the higher density development is encouraged provided that it can be undertaken in a manner that provides for high levels of neighbourhood amenity. The proposal will also provide for the lower end of the market which many of the greenfields development areas in Hastings and Havelock North will not provide. This should provide a market for lower income and first home buyers.

Reserves and Recreation Elements:

The reserves offering seems sparse and concentrates on offering modest reserve space at the periphery of the development. A revised approach should consider a larger more central open space that might offer a higher specified play/urban environment.

From a parks planning perspective, Council would seriously consider an alternative layout of the area involving 08, 09 and the open space to create a larger more elaborate recreation offering with a more attractive urban designed approach.

The proposed plan has small parks that mix stormwater detention with play offerings. The limited detail makes it hard to properly assess their value. A dedicated playscape of 2000m² would provide a positive recreation environment that could cater for the development area's community.

The reserves would be more accessible and share their positive attributes if they fronted onto the road network and were presented so dwellings could overlook (preferable) or in some instances if they were presented to the rear yards of houses how to best integrate these.

The concept of a natural walking track is supported as it will encourage active recreation for the local and wider community. The enhancement of the water way will also add to this element and improve the general landscape offering.

Infrastructure Provision:

Water:

Four connections are required for water infrastructure and resilience of supply needed through loop mains, provided with roads vested to Council.

Wastewater:

The report prepared by Strata Group indicates there will be three wastewater pump stations required. During initial discussions it was always anticipated that there would be the need for a large pump station and rising main to transfer wastewater to Omaha Road, however, the two additional pump stations have not been discussed with HDC. No justification or optioneering around the two additional pump stations including hydraulic details has been provided to demonstrate why these additional two pump stations are required. In the absence of this information, HDC does not support the vesting of two additional pump stations.

Staging information is required to inform not only the proposed development generally but how the development will be staged and how this impacts the delivery of proposed infrastructure including the three pump stations. The application states that enabling infrastructure will be constructed as part of Stage 1 but clarity around this would be helpful in understanding how the intermediate and ultimate wastewater deliverables will be delivered to ensure adequate assessment occurs.

Stormwater:

It should be noted that Hawkes Bay Regional Council (HBRC) are the regulatory authority responsible for the bulk of the proposed stormwater proposals including the piping and realignment of the Wellwood, the restoration and beautification of the Wellwood Drain and

Irongate Stream, stormwater detention areas, soakholes etc. However, the following comments are included where applicable.

The report by Strata Group indicates that 1% AEP will be restricted to 80% of the pre-development flow by restricting flow from the existing upstream catchments. The upstream catchment is the urbanised network of Flaxmere. It is unclear what measures will be put in place and if and how the restricting of flows will be achieved, and what impacts this might have on the existing upstream catchment. Without further detail HDC does not support this aspect of the design proposal.

It is understood that the natural overland flow path from the upstream catchment traverses through the site and to the Wellwood Drain and Irongate Stream. The development proposal seeks to pipe a portion of the Wellwood Drain. It has not been clearly demonstrated that the proposed piped section of the Wellwood will not negatively impact the upstream catchment by potentially restricting flows due to piping. This is a concern as the proposal is lacking detail.

The application is void of any urban SW network design including any piped networks, low impact stormwater devices etc. and it is therefore unclear how the relationship between the urban network and the receiving environment will work. This is a concern as there is no way to ascertain at a base level, the interactions of the urban network both within and outside the site (upstream catchment) and the receiving environment.

The development has proposed individual soak pits to collect roof water runoff for the properties located on the western side of the Wellwood Drain to help reduce the load on the remaining stormwater network. General best practice is to allow for soak pits where there is no public network to connect into, which does not have to be the case for this development. The average lot size is 260m², and HDC has concerns over the viability of this proposal given the small average lot size, and the potential for small soak pits to be inundated and discharging into our network. The site is also while not over the Heretaunga Plains Unconfined Aquifer is located within a Source Protection Zone, so this needs to be factored into the resultant stormwater assessment and solution.

Transportation Effects:

While there is general support for the proposed roading network, there are some issues that need to be considered further :

- The northern portion of the proposed development has only one roading link into the area which leads to a level of disconnection and also doesn't offer any resilience;
- Any roading network does need to be designed to accommodate Passenger Transport movements;
- The Green Link could be better oriented to tie in with the southwestern link to Dundee Drive;
- It may be more appropriate that the Laneway be designed as a Green Link (possibly a Green – Blue Link albeit with parking only on the residential side of the Link); and
- There is the need to consider servicing by refuse and recycling contractors and especially so where there are any cul-de-sacs where the vehicles would be required to turn around.

It is noted in the TIA that the development can be serviced by links only to Dundee Drive without the need for the link to Stock Road / Portsmouth Road. If this link is to be developed, it is noted that it will impact on the Irongate Stream and other stormwater discharge points from the Flaxmere area at this location with any works in the vicinity of Irongate Stream requiring HBRC consent. A preliminary culvert concept for this crossing has been provided to HDC which is not considered adequate; a bridge crossing will be required.

Development Density and Design Outcomes:

The proposal is seeking to achieve a density (260 m² net per site) that far exceeds the current minimum expected in the adjoining Flaxmere General Residential Zone (500 m² net per site). The Flaxmere General Residential Zone has a different density requirement to the remainder of our General Residential Zones to reflect existing character and amenity.

Council has prepared its intensification direction and policies via proposed Plan Change 5, assisting to give effect to the National Policy Statement for Urban Development. Proposed PC5 has been notified with initial submissions having closed. A summary is being prepared and will be notified for further submissions in due course. From the original submissions received, no weight can be placed on PC5 in considering medium density development proposals as none of the suggested provisions are beyond challenge. Included are provisions to help ensure CRD needs to be carried out to achieve quality design outcomes, through the use of different methods including the adoption of the Residential Intensification Design Guide. This document is currently a non-regulatory method but it is proposed to adopt it as a Framework and give it more weight in assessing applications and meeting key criteria. Generally, medium density developments are encouraged where the key principles of the Guide are met, resulting in a high quality residential environment, while minimising effects to both external properties, and internally between each residential unit.

It is specified in the application at page 4, that *“detailed design standards will be established that will provide an “envelope” for the detailed design of complying typologies, that can be certified by the Council (and/or a design panel) prior to obtaining building consent”*. The practicalities of this needs greater consideration but it is suggested upfront that development should be aligned with the key principles of HDC’s Residential Intensification Design Guide (Framework). Outcomes including design based ones need to be locked in, so the potential environmental effects do not exceed the level anticipated at the time of assessment. By way of preliminary comments, consideration needs to be had to the following:

- The development, including house typology, site layout and orientation need to be in accordance with the masterplan and any supporting plans agreed to. Plans need to be consistent and correlate and meet the key principles of the Residential Intensification Design Guide for this to successfully work;
 - Restricting additional household units through extension or internal alterations of the proposed buildings (except proposed minor dwellings);
 - Restricting further subdivisions of larger lots;
 - It appears as though minor dwelling on the “multigenerational” lots will have their own vehicle crossing and open parking space. The Residential Intensification Design Guide discourages this from occurring as it fragments frontages unnecessarily;
 - Those units will also have their own “private” outdoor living space – which is contrary to the approach required under the current District Plan where outdoor living is required to be shared between principal and supplementary units. Having separate spaces undermines the intention of those lots which is to allow for an extension of the indoor living space but on the basis that the site is to be used essentially by a single household unit;
 - The “family house” is essentially a dual key dwelling, which could potentially be turned into two residential units as well;
 - While the pocket parks adjoining proposed lots 12 and 13 are relatively central, they have limited broader benefits. Ideally dwellings should overlook these parks, so to avoid backyards looking or fronting into parks (refer to drawing number 220 as an example). It is suggested above that further consideration is given to reserves provision;
 - Fences adjoining any reserves needs to be open and transparent to ensure passive surveillance opportunities exist and a high standard of amenity is achieved;
 - Zero lots is a new concept for Hawkes Bay and consent notices should be used to inform owners that certain lots can be developed in this manner;
 - In the examples provided for CRD the outdoor living spaces do not meet the minimum proposed under PC5 which is 30m² with a minimum 4m dimension; and
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	Proposed visitor accommodation appears to be in the form of terraced housing, with up to five units of the same design in a single row. Careful design consideration is needed to achieve the best design outcome particularly given they are visible from Flaxmere Ave / SH2. It will be key for requirements to be enforced through enduring instruments such as land covenants or consent notices, especially given that the economic benefit of the proposal is partially based on the provision of affordable, compact housing, particularly where the development will be completely at odds with the underlying PPZ zoning.
4. Is Fast-track appropriate?	This site has many supporting attributes for development for residential purposes. HDC supports any process which delivers a high amenity outcome for the existing Flaxmere community and future residents at Wairatahi. In reaching a decision on process, HDC's preference from a regulatory perspective is for a plan change over a resource consent process. That preference is based on the fact that the proposal is fundamentally inconsistent with the current objectives and policies that apply to the site, and based on the recently released Flints Park decision, there appears to HDC to be a real risk that the proposal would not be able to be consented. Following a plan change process to ensure the plan framework matches the outcomes sought is considered to be a more efficient and certain approach. The stormwater component of the development is complex on many different fronts and requires a collaborative approach between the developer, the developer's consultants, HDC and HBRC to ensure the aspirations of the developer can be achieved whilst ensuring a robust and fit for purpose overall stormwater outcome. Critical to these outcomes is an understanding of how each individual component of the system (including contributing upstream catchments and receiving downstream catchments) will work that sits under different regulatory bodies and the need to ensure fit for purpose design outcomes can be achieved. This collaboration may be difficult under the FTCA process as there is no time to collaborate with HBRC during the 10 day assessment timeframe and we are unsure what involvement we will have once the MfE makes its decision. It is hoped in the interests of all parties and the community that under the FTCA process there is a genuine opportunity for collaboration and Council involvement during the detailed design review process, as this collaboration would usually take place under the normal Resource Consent process. This would ensure any HBRC consents for both individual and communal discharges to ground are understood by all parties and the delineation and vesting of stormwater infrastructure is transparent and captured.
5. Environmental compliance history	No compliance issues.
6. Reports and assessments normally required	A complete Assessment of Environmental Effects (AEE), covering: 3 Waters Infrastructure: some high level discussions have occurred between HDC and the applicants agents. The main areas where further investigations and assessment are needed is in relation to wastewater and stormwater. HDC has reservations particularly in relation to Stormwater. Vesting decisions cannot be made until an adequate level of information is provided. Any vesting of assets need to be certified and constructed in accordance with HDCs Engineering Code of Practice. Given the Wellwood and Irongate Streams are located within the development parcel, and the proposal to pipe and realign portions of the Wellwood drain and carry out extensive rehabilitation and planting of the two streams, and a 2ha stormwater management area, it would be expected that an AEE would provide detail on the short and long term effects, both positive and negative of

the stormwater design including any impacts on the upstream contributing and downstream receiving environments. The AEE would also outline what the adverse environmental effects are and what the mitigation measures are to lessen the effects. This has not been provided when it normally would. The *Irongate Stream* is a spring-fed watercourse that flows across the alluvial gravels of the Heretaunga Plains into the Karamū River, water quality is therefore a significant consideration for this proposal.

In addition to the AEE, any specialist supporting information would also be provided to support the application and its design principles. The geotechnical investigations include a report carried out by Wentz – Pacific which states that in section 6: Applicability and Limitations that the report is “solely intended to inform a due diligence assessment for land purchase, **and it is not to be used for design**”. A detailed geotechnical investigation would normally be required to underlay design principles and in particular, stormwater management including groundwater tables, suitability for site soakage, lateral spread along the banks of the two streams etc. This has not yet been provided.

A project of this scale and nature would require a detailed stormwater management plan that would identify stormwater risks including areas subject to flooding, overland flow paths, erosion and scouring of streams, peak flows, contaminate and pollution mitigation and control, the impacts of climate change, various management strategies, while accounting for Te Mana o te Wai principles. This would normally demonstrate an Integrated Stormwater Management Approach has been adopted within the design. Underpinning this would be flood risk assessment taking into account upstream/downstream catchments to understand any risks an implement sustainable and practicable low impact design principles to deliver a fit for purpose overall solution and may even include hydraulic model analysis. This has not yet been provided.

Acoustic Assessment (Hawkes Bay Expressway and Internal): Early engagement occurred by HDC with Waka Kotahi on the proposed rezoning of this site. HDC recommends Waka Kotahi New Zealand Transport Agency be further consulted on the proposed noise mitigation measures. This ensures that the adopted mitigation measure do not interfere with current and future operation, and potential expansion of the State Highway and any reverse sensitivity issues are adequately addressed.

If the acoustic barrier option is adopted, the decision should include mechanisms to ensure the barrier is continuously maintained by property owners to ensure its on-going effectiveness. A long, continuous 2 metre high fence may also lead to adverse visual effects, and the risk from graffiti, so this needs consideration. If internal noise requirements are proposed to address noise, then this needs considering against the requirements of the Building Code.

The proposed design incorporates medium density duplexes and “zero-lots”. HDC expects those units to achieve high acoustic performance in order to maintain residential amenities and minimise any potential conflict between land uses. This is particularly important given the overall development density proposed. Specific acoustic advice on this matter would be useful in setting minimum standards required between those units.

Agrichemical Assessment: the site is currently used for land based primary production purposes (part of the site is an orchard). Therefore is required to be assessed under the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health. The assessment ensures that land affected by contaminants in soil is appropriately identified and assessed prior to any development. If necessary the land is remediated or the contaminants contained to make the land safe for human use.

Cultural Impact and Values Assessment: A Cultural Assessment would usually be expected as part of an application for a development of this scale, and would be used to inform and refine the development of the Masterplan concept. This would document Māori cultural values, interests and associations with an area or a resource, an outline of discussions held and changes made as a result and the potential impacts of a proposed activity on these.

	Ecological Values Assessment: the applicant's preference is Option A which will involve reclamation or realignment of part of the existing Wellwood stormwater drain, and restoration and enhancement of the realigned drain and protection and enhancement of the Irongate Stream. Option A is reliant on an exchange of reserve and marginal strip land that would require approval from Hawkes Bay Regional Council, the Department of Conservation and the Minister of Conservation. If the applicant cannot obtain the required approvals in sufficient time, Option B involves retaining the Wellwood stormwater drain in its current location. To inform these options the ecological values assessment needs to include an assessment under the National Policy Statement for Freshwater Management. Geotechnical Assessment: while the application has provided a preliminary geotechnical investigation report for due-diligence purposes, a comprehensive geotechnical report is required to confirm the concept design including any change in ground levels. Tie in to the hydrological model assessment and stormwater management plan is recommended. Transportation Impact Assessment (TIA): discussions have already occurred between Councils transportation team and the applicant's consultant regarding the TIA completed. As a result of this discussion a passenger transport accessibility assessment was to be completed, then HDC was to hold a discussion with the HBRC regarding public transportation routes / catchments. As outlined earlier further considerations are required to address the issues raised and the TIA in time updated to reflect. Urban Design: a full urban design assessment would be required including consideration of Te Aranga Design and CPTED and principles. This assessment needs to include considerations as a result of any ground level changes.
7. Iwi and iwi authorities	Heretaunga Tamatea Settlement Trust are the mandated iwi authority in this area. It is noted that the applicant (Heretaunga Tamatea Settlement Trust) has commenced engagement with mana whenua for the Stock Road development across a number of contexts: • Te Taiwhenua o Heretaunga and Te Manaaki Taiao; • Local hapū of the immediate area; • Local marae, including the urban [Te Aranga] marae in Flaxmere; and, • It's own Board that comprises 23 marae representatives from 23 marae across Heretaunga and Tamatea, where Heretaunga Tamatea Settlement Trust will continue to engage with its beneficiaries through its own processes. Development discussion is on-going during the current inception phase to make sure and recognise that development plans are cognisant of local cultural narratives and history, are culturally appropriate and that they also reflect the four well-beings that impact not only Heretaunga Tamatea Settlement Trust beneficiaries but the wider community too. Local narratives are and will continue to inform design concept and design outcomes as well as be reflected in design assessments and resultant concepts. Narratives are and continue to be collated from a range of sources including the 'Whare Kōrero' established under the He Toa Takitini entity, oral/written history as provided, developed and or recording during the settlement journey, from marae and hapū members, as well as from a number of other sources.
8. Relationship agreements under the RMA	HDC is not aware of any relationship agreements but as part of engagement with mana whenua this can be confirmed by HTST.

9. Insert responses to other specific requests in the Minister's letter (if applicable)	Question 1 - Are there any reasons that you consider it more appropriate for the project, or part of the project, to proceed through existing Resource Management Act 1991 (RMA) consenting processes rather than the processes in the FTCA? Please refer to #4 above. As discussed above, HDC considers from a regulatory perspective that the appropriate approach would be for a development of this scale to be progressed by way of plan change, possibly with a concurrent subdivision and development application. Question 2 - What reports and assessments would normally be required by the Council for a project of this nature in this area? Please refer to #6 above. Question 3 - Does the applicant, or a company owned by the applicant, have any environmental regulatory compliance history in your district? Please refer to #5 above. Question 4 - How do you consider that the project aligns with the objectives and policies of the National Policy Statement for Highly Productive Land 2022? Council has received legal advice that the Irongate York area is not 'highly productive land' for the purposes of the National Policy Statement on Highly Productive Land (NPS-HPL) and therefore the NPS is not applicable. In summary, this is because: - The Irongate York area is identified in the Heretaunga Plains Urban Development Strategy (HPUDS) as a Residential Growth Area. - HPUDS is a 'strategic planning document' as defined in the NPS-HPL, as it is a non-statutory growth plan which was adopted by Hastings District Council, as well as Napier City and Hawke's Bay Regional Councils, in 2017. - The Irongate York Residential Growth Area is identified as "suitable for commencing urban development over the next 10 years", noting that although HPUDS identifies areas for growth to 2032, all such areas are 'suitable' for immediate commencement should the Council choose to progress them. - HPUDS includes a map of the Irongate York Residential Growth area which identifies the boundaries of the area. These match the area now sought to be developed. - As such, the Irongate York area was 'identified for future urban development' at the commencement of the NPS-HPL and clause 3.5(7) precludes it from being identified as highly productive land. Question 5 - When do you anticipate that the upgrades to the wastewater network required for the project will be delivered, and do you expect that the timing of these upgrades may impact on project delivery? The critical enabling bulk sewer infrastructure has been approved under a robust central government process and as per the funding agreement criteria under the IAF approval, HDC has committed to deliver this enabling infrastructure by the end of November 2023. Should there be any delays to the delivery of the project due to latent conditions, it is still anticipated that this will have no material impact on the development timing as there is very little likelihood that the occupation of houses will commence shortly after November 2023. Comments completed 22 December 2022.
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.

If calling ask for Anna Sanders

File Ref: by email

10 January 2023

The Fast Track Consenting Team
Ministry for the Environment

Dear Jacob

Wairatahi Project, Flaxmere

Please find attached comments from the Hastings District Council on the application to the COVID 19 Recovery (fast track consenting) process by the Heretaunga Tamatea Settlement Trust (HTST), for the Waratahi housing development at 238 Stock Road Flaxmere.

Council has been working with HTST to facilitate the development of the Stock Road site for housing for some time. New housing developments with the potential for more affordable typologies are much needed by the community and especially the Flaxmere community. In recognition of this, Council has made facilitating the development of this site its number one priority in the structure planning workstream.

While it is our number one priority to bring this land forward for development, we have made the point in our comments, that the Covid Fast Track process may not be the most effective or efficient method of achieving this and that our preference would be for a Plan Change or Streamline Planning Process. This does not alter the fact that we are fully supportive of this important housing development for the Hastings Community.

Yours sincerely



John O'Shaughnessy
Group Manager Planning and Regulatory

s 9(2)(a)

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

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

Organisation providing comment	Waka Kotahi NZ Transport Agency
Contact person (if follow-up is required)	Kathryn Millar-Coote, Team Lead Environmental Planning
	Environmentalplanning@nzta.govt.nz
	Our reference 2022-1838

Comment form

Please use the table below to comment on the application.

Project name	Wairatahi Project Flaxmere
General comment	Waka Kotahi NZ Transport Agency (Waka Kotahi) consider itself to be a key stakeholder to this project given the potential for adverse effects on the Hawkes's Bay Expressway (State Highway 2 [SH2]). <u>Multi-modal transport options</u> Waka Kotahi supports a multi-modal approach to developments to promote a range of transport options and avoid increasing the current reliance on private vehicles for travel. The proposed development is well located in terms of its proximity to retail, workplaces and schools and can take advantage of existing public transport and cycle networks enabling shared transport and active modes of transport to be utilised. It is noted that there is an existing bus service in the adjacent residential area. A future transit stop which enables the extension of the existing bus service into the site would help to reduce overall vehicle kilometres travelled (VKT) resulting from the development. It is noted that there are nearby off-road cycleways which provide good connections for cyclists from the site to the Flaxmere town centre and Hastings. The proposed inclusion of walkways, multimodal pathways, and connections to the existing cycleways on York Road and Flaxmere Avenue is critical to ensure safe and accessible multimodal travel options are provided for future residents and users of the development. <u>Noise and vibration</u> The proposal will introduce noise sensitive activities adjacent to SH2 which has a speed limit of 100 km per hour. Dwellings and other noise sensitive activities within the first 100m from the state highway road boundary will be impacted by noise and vibrations from the road and fall within the identified 'reverse sensitivity' buffer and effects areas. The road is constructed using a coarse chip seal rather than the asphaltic concrete road surface which has been used in the noise assessment provided by the applicant. Waka Kotahi notes that this is a relevant discrepancy as the noise produced by coarse chip seal is greater than that produced by an asphaltic concrete surface. Additional mitigation measures may therefore be required to those

	proposed in the application and additional areas of the development may be affected by unacceptable noise in addition to those already identified. In addition, the assumptions used to assess noise from the roundabout consider general traffic noise. It is not clear in the noise assessment provided whether this also takes account of additional noise disturbance such as vehicle braking and accelerating or truck body and loads rattling due to speed and direction changes which would result in increased noise effects. The discrepancy noted above appears to have particular impacts to noise sensitive activities in the North End of the development. Notwithstanding the above, Waka Kotahi considers that sufficient mitigations can likely be achieved to reduce noise within exposed parts of the development to a sufficient level however the noise assessment will need to be revised to ensure the correct identification of potentially affected land and appropriate mitigations are achieved, particularly for the north end of the development. Waka Kotahi would expect to be consulted on the suitability of conditions to address noise within the development should the project be referred to an expert consulting panel.
Other considerations	Waka Kotahi has agreed in principle to the installation of a wastewater pipe extending into the development on the boundary of State Highway 2. A Corridor Access Request Application, to obtain the written legal permission to work within the State highway corridor, as per the National Code of Practice for Utility Operators to Access the Transport Corridor will be required prior to physical works commencing. Waka Kotahi does not foresee any barriers to this approval being given.
[Insert specific requests for comment]	That Waka Kotahi is considered a key stakeholder to this project, given the potential for adverse effects on the state highway network. If referred, we would ask the expert consenting panel to direct the applicant to consult with Waka Kotahi, with the express requirement to gain approval from Waka Kotahi under the Government Roadway Powers Act 1989 for intersection design of the new local road connection with Main Road. If this project is referred to an expert consenting panel, we would expect the applicant to continue to consult with Waka Kotahi as part of their detailed application process. This would include engaging with us to ensure a revised noise assessment is completed which allows for the correct road surfacing and additional noise from the roundabout to be incorporated into the assessment as part of the detailed application. Prior to this assessment being prepared, we would expect the applicant's experts to consult with Waka Kotahi regarding possible noise effects and suitable mitigation for those effects.

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.