

4 October 2023

55 Brookvale Road, Havelock North, RMA20230145 – Complete response to request for further information

Rowena Macdonald
Consultant Planner
Sage Planning

Dear Rowena,

Thank you for your letter, dated 22 June 2023, setting out additional information to you request in relation to our application for land use and subdivision consent. This letter is a partial response to some of the queries while our engineering team gathers information to respond to further flooding queries.

1. Application of the NPS-HPL to the Proposal

The attached letter prepared by James Gardner-Hopkins sets out why the assessment provided by Dr Reece Hill qualifies as a site specific “more detailed mapping” exercise to demonstrate that the land can no longer be considered LUC 1, 2 or 3 land. Additional commentary is also provided by Mr Gardner-Hopkins, setting out other Part 2 RMA matters that should be considered alongside the NPS-HPL.

As a further precaution, and in response to your request, an assessment of Clause 3.10 of the NPS-HPL is provided below:

3.10 Exemption for highly productive land subject to permanent or long-term constraints

(1) Territorial authorities may only allow highly productive land to be subdivided, used, or developed for activities not otherwise enabled under clauses 3.7, 3.8, or 3.9 if satisfied that:

(a) there are permanent or long-term constraints on the land that mean the use of the highly productive land for land-based primary production is not able to be economically viable for at least 30 years; and

The site was previously fully comprised of buildings and hardstand areas that were associated with a wholesale nursery that was established on the site in the 1960s. The buildings have since been removed, along with some of the concrete building platforms and hardstand areas.

Dr Hills’ assessment was based on previously completed geotechnical data that assessed core logs from three locations across the site. All three cores showed fill overlying fill material (anthropic soil) and possibly some excavation before placement. In Mr Hills opinion, the entire site is most appropriately classified as non-productive land.

Based on the above (and further points below), there are permanent or long-term constraints on the land that mean the use of the highly productive land for land-based primary production is not able to be economically viable for at least 30 years.

(b) the subdivision, use, or development:

Contact Us

021 076 7668
joe@saddleback.nz



- (i) avoids any significant loss (either individually or cumulatively) of productive capacity of highly productive land in the district; and*
- (ii) avoids the fragmentation of large and geographically cohesive areas of highly productive land; and*
- (iii) avoids if possible, or otherwise mitigates, any potential reverse sensitivity effects on surrounding land-based primary production from the subdivision, use, or development; and*

Based on Mr Hills advice, the proposal will not result in any loss (either individually or cumulatively) of productive capacity of highly productive land in the district.

There are no adjacent rural properties, therefore the proposal will not result in any fragmentation of highly productive land or reverse-sensitivity effects on surrounding land-based primary production.

- (c) the environmental, social, cultural and economic benefits of the subdivision, use, or development outweigh the long-term environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.*

Because there is no loss of productive land, the environmental, social, cultural and economic benefits of the proposed development outweigh the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.

- (2) In order to satisfy a territorial authority as required by subclause (1)(a), an applicant must demonstrate that the permanent or long-term constraints on economic viability cannot be addressed through any reasonably practicable options that would retain the productive capacity of the highly productive land, by evaluating options such as (without limitation):*

- (a) alternate forms of land-based primary production:*
- (b) improved land-management strategies:*
- (c) alternative production strategies:*
- (d) water efficiency or storage methods:*
- (e) reallocation or transfer of water and nutrient allocations:*
- (f) boundary adjustments (including amalgamations):*
- (g) lease arrangements.*

Permanent long-term constraints on economic viability cannot be addressed through any reasonably practicable options that would retain the productive capacity of the highly productive land. In particular:

- Because of the poor soils in-place and more sensitive residential land uses adjoining, there are no feasible alternate forms of land-based primary production.
- Any improved land-management or alternative production strategies would require removal of the remaining hardfill, significant rehabilitation of underlying soil and/or importing additional topsoil which is not practicable given the small size of the site and more sensitive residential land uses adjoining.

Contact Us

021 076 7668
joe@saddleback.nz



- There are no additional water efficiency or storage methods that could improve the productive capacity as water availability does not appear to be a limiting factor to the sites' productive capacity.
- There are no boundary adjustments or lease arrangements that could improve the productive capacity of the site as there is no adjoining rural land.

(3) Any evaluation under subclause (2) of reasonably practicable options:

- (a) must not take into account the potential economic benefit of using the highly productive land for purposes other than land-based primary production; and
- (b) must consider the impact that the loss of the highly productive land would have on the landholding in which the highly productive land occurs; and
- (c) must consider the future productive potential of land-based primary production on the highly productive land, not limited by its past or present uses.

The assessment of subclause 2 above does not consider the economic benefits of the proposed development. There are no productive soils within the landholding and because of the existing soil constraints identified previously, the site has limited (if any) future productive potential.

(4) The size of a landholding in which the highly productive land occurs is not of itself a determinant of a permanent or long-term constraint.

While the site is small and therefore difficult to convert into an economically feasible productive unit, the lack of adjacent rural land, poor quality soils and sensitive residential uses are also critical constraints to current and future productive use.

- 2. (a) Please confirm the number of parking spaces proposed for the proposed carpark is 40 parking spaces, inclusive of the two accessible spaces – this relates to a numerical inconsistency between section 9.3, pg 16 of the Transportation Assessment Report (40 carparks), and section 3.2, pg 3 of the Infrastructure Report (43 carparks). Please provide revised report(s) accordingly.

There are 40 car parking spaces, inclusive of two accessible parks. The infrastructure report has been updated accordingly.

- (b) Please advise the construction standard proposed for the carpark, and supply a lighting plan, a landscape plan (including details of the proposed rain gardens shown on Drawing No: 1938-01/402/RC-1 dated 26.05.2023 supplied by Envelope Engineering in the Infrastructure Report), and advise any fencing or screening of the carpark proposed.

Car parks will be constructed in accordance with the Hastings District Council Engineering Code of Practice (2020). A concept lighting plan is attached.

The landscape plans have been updated to show the proposed planting within the raingardens.

Contact Us

021 076 7668
joe@saddleback.nz



There is no fencing proposed immediately adjacent to the car park, however specimen trees (x4) and low planting is proposed along the southern boundary of Lot 101, which provides access to Lots 7-9.

(c) Please advise the number of existing on-site parking spaces (sealed and marked out) serving the existing garden centre and consented café that will be removed as a result of this proposal, and how that number correlates (or not) with the number of parking spaces in the proposed new carpark.

If there are fewer parking spaces proposed than currently supplied, please provide an updated Transportation Assessment Report from East Cape Consulting Limited, outlining the effects of the proposed parking supply on the ability of the proposed carpark to continue to adequately cater for the anticipated parking demand associated with both the operation of the existing garden centre and that associated with the yet-to-be built consented café.

There are 35 existing car parks (including 2 accessible) for the garden centre that are available for garden centre customers. The proposed development will therefore result in a gain of 5 additional car parks.

(d) Further, I note page 13 of the AEE accompanying the application states:

‘...the new carpark that will be constructed to service the garden centre and new café is proposed to be used as after-hours carparking for visitors to the proposed residential development. As such, this additional use is considered part of the proposal.’

Please provide an updated Transportation Assessment Report from East Cape Consulting Limited, that includes an assessment of the effects of after-hours use of the carpark for visitors to the proposed residential development on the environment.

In addition, please outline the mechanism proposed to enable use of the proposed commercial carpark for residential parking outside of business hours, and how this is intended to work.

Following further discussions with East Cape Consulting, the need for over-flow parking from the proposed residential development is no longer considered necessary.

The position expressed in the TAR was that the internal road network provided eight on-street parking spaces which could be used by visitors to the residential area. This supply rate (1 space per 4.4 dwellings) exceeds typical demand for visitor parking (1 per 5 spaces, based on the RMS Guide (from NSW, Australia, used because no visitor rate is given in the NZ guide).

Therefore, it is not necessary that the garden centre/café parking be available to residents and their visitors.

3. Urban Design, Landscaping and Visual Effects

Please find attached a response to the urban design queries raised, along with updated architectural plans with additional detail to respond to the queries.

Contact Us

021 076 7668
joe@saddleback.nz



4. (a) **Public Infrastructure Easements** – Any infrastructure that is proposed to be vest to HDC that falls within private roads and/or property will need to be protected by an easement. This includes any easements required for overland flow and pipes within Guthrie Park. Please provide amended plans to show easements, where required.

Please find an updated scheme plan attached. Easements are shown on the Envelope 100 series drawings.

- (b) **Geotechnical Investigation** – The Infrastructure Report (section 2.2, pgs 2/3) outlines a summary of the findings of a geotechnical investigation for the proposed development undertaken by Initia, and states this report is attached. The Geotechnical Investigation Report has not been provided with the application. Please provide a copy of this report.

Please find the Geotechnical Report attached.

- (c) **Services Plans** – Please provide an overall plan showing all services, planting, and lighting to demonstrate that there is enough space for all services proposed.

Please find a revised set of engineering drawings attached. New sheets 600, 601 and 602 show all services combined, including street lighting (from lighting design provided by Techlight) and raingardens/berms.

- (d) **Vehicle Manoeuvring** – Please provide the tracking curves for manoeuvring for critical points e.g. Lot 31 – it does not appear possible to manoeuvre within Lot 103. Please also confirm manoeuvring the legal road and private vehicle access lots is sufficient for fire appliances to access the lot(s).

Tracking curves are attached that demonstrate that the access arrangement can support vehicle tracking from a large rigid truck (11.5m long). This is more than enough for pumping appliances (8m long) and aerial appliances (12.6m long) as they have rear steering.

Updated tracking curves to demonstrate that Lot 31 is workable will be provided in an updated package by Envelope.

- (e) **Engineering Plans** – Please review the scales on engineering plans – some appear to have incorrect scales (e.g. drawings 401, 402 & 403). Please provide a revised set of engineering plans with corrected scales.

Please find a revised set of engineering drawings attached. Scales have been updated and are now correct.

- (f) **Stormwater** – The Infrastructure Report does not provide the level of detail required. Considering the recent natural disaster event in Hastings, which had a particularly devastating impact on parts of Havelock North, robust and well-designed stormwater solutions are required.

A stormwater management report has been prepared in response to items f(i)-(ix). Specifically:

Contact Us

021 076 7668
joe@saddleback.nz



- i) Refer to stormwater report for 1 in 100-year flood event investigation and effects.
- ii) Refer to stormwater report for flow path analysis of the 1 in 100yr event.
- iii) Refer to stormwater report for relationship of Crombie, Karituwhenua and School Streams.
- iv) The existing bank will no longer be re-shaped, additional cross sections have been added to show the stream shape with RL's.
- v) The 6m offset from the bank has been included on sheet 302. Lot 09 is the only lot with the proposed dwelling sitting within the 6m offset, and we intend to apply for a resource consent with HBRC at a later stage.
- vi) The site was largely impervious with greenhouses and footpaths, and we believe it is fair to calculate the pre vs post development flows on this basis, as the greenhouses and other impervious surfaces were only removed due to the client not being aware of the stormwater neutrality requirements for the future development.
- vii) The 1 in 5yr event has been included in the stormwater report.
- viii) New drainage mains & Infrastructure has been better distinguished between private and public ownership on the 400 series plans. The rain gardens and stormwater on lot 50 has been updated to be privately owned drainage.
- ix) The new underground proprietary device shown on the drawings will become a public asset upon completion of the works.

(g) **Wastewater** – The need for a pump station is understood, however the proposed location of the pump station (at the northern end of the private road) is unlikely to be acceptable. Please amend proposal (and associated reports and plans) to show a more suitable location where safe access for operations and maintenance is achieved, following consultation with Council engineers.

The wastewater pump station has been moved to a more suitable location, following discussions with Council engineering staff. The revised plan is shown on the updated engineering drawings attached.

(h) **Rubbish Collection Points** – As Council does not collect the rubbish from private roads and all roads after roundabout are proposed as private, please outline what the recycling/waste arrangements will be and indicate where the rubbish collection points will be. If agreements are reached to collect within the private road(s), please supply tracking curves to ensure it will accommodate a 12m truck.

Attached are emails from both JJ's Waste and Recycling and Kerbside Services confirming that the site can be serviced by the two private waste companies if necessary.

The tracking curves provided demonstrate that Council rubbish trucks can also service the site if agreement can be reached.

(i) **Roading** – Council supports the proposed development incorporating a new kerb and channel and new footpath along the northern boundary of Brookvale Road, connecting to the existing concrete footpath at Guthrie Park in the west, and to the existing concrete footpath at the

Contact Us

021 076 7668
joe@saddleback.nz



Romanes Drive roundabout in the east (section 3.2, pg 4 Infrastructure Report).

However, there appears to be some discrepancy between the Infrastructure Report and the Traffic Assessment Report – the latter proposes a new footpath along only half of the site frontage, from the western boundary to the access road (section 6.2, pg 12).

Further, the Earthworks Plan (drawing 210) and the Utilities Plans (drawings 500 & 501) in the Infrastructure Report and the Landscape Concept plans (drawing LMP01) indicate footpath layouts along Brookvale Road that differ again from either of the above.

Please confirm what is proposed in terms of new kerb and channel and footpath along the northern boundary of Brookvale Road. Please indicate clearly on the relevant engineering and landscape plans.

In addition, please advise what the proposed streetscape treatment is along the full length of Brookvale Road frontage (i.e. street tree planting, undergrounding remaining overhead wires etc) to ensure it is appropriate in terms of integrating the development with the surrounding residential streetscape character.

At a meeting with Council staff on 10 July 2023 it was expressed that Council prefers that a footpath be established along the Brookvale Road frontage. One of the key drivers is to accommodate a pedestrian connection to a future pedestrian crossing of Brookvale Road (opposite Legorne Lane) that Council plans to establish.

Oderings do not wish to construct and establish a footpath along Brookvale Road because:

- pedestrian access has been provided for future residents travelling north or west via Guthrie Park
- it is safe for pedestrians to cross Brookvale Road immediately opposite the entry for future residents travelling south or east
- the cost of the new footpath is not insignificant; and
- the footpath would accommodate a wide public catchment from beyond the site.


However, it is proposed to install a new kerb and channel between proposed Lot 35 and the main entrance to reduce stormwater runoff from Brookvale Road into the neighbouring property at number 53.

5. Council's Landscape Architect comments.

An updated landscape plan is attached that has sought to address the matters raised by Council's landscape architect.

Should you have any questions, please do not hesitate to contact me.

Yours Sincerely,



Joe Gray
Principal Planner
Saddleback Planning Ltd

Contact Us

021 076 7668
joe@saddleback.nz



- Attachment 1 – Letter prepared by James Gardner-Hopkins re NPS-HPL issues
- Attachment 2 – Lighting Concept Plan
- Attachment 3 – Urban Design RFI Response
- Attachment 4 – Revised Architectural Plans
- Attachment 5 – Geotechnical Report
- Attachment 6 – Large rigid truck tracking
- Attachment 7 – Advice from JJ’s Waste and Recycling and Kerbside Services
- Attachment 8 – Revised Scheme Plan
- Attachment 9 – Revised Engineering Drawings
- Attachment 10 – Revised Civil Infrastructure Report
- Attachment 11 – Stormwater Management Report
- Attachment 12 – Revised Landscape Plans

Contact Us

021 076 7668
joe@saddleback.nz

