

If calling ask for David Bishop
File Ref: RMA20230145#0027

22 June 2023

Oderings Nurseries ChCh Limited
c/- David Clark, Saddleback Planning Limited (Agent)
Level 2, 104 Fanshawe Street
Auckland Central
Auckland 1010

Sent via email: david@saddleback.nz

Dear Sir/Madam

Application for Resource Consent: 55 Brookvale Road, Havelock North, RMA20230145

An initial assessment of your application for resource consent has been completed.

Council received the above resource consent application from Oderings Nurseries ChCh Limited (Oderings) on 31 May 2023. The application is for a non-complying residential development for 35 dwelling units (land use, subdivision), development of a new carpark to service the existing commercial garden centre and consented café on the site (land use – commercial activity), and the necessary enabling works (land use – earthworks), as well as consent under the NESCS, in Brookvale Road, Havelock North, within the Plains Production Zone.

Under Section 92 of the Resource Management Act (RMA) 1991, the Hastings District Council requires further information to fully assess your proposal, its effect on the environment, and the ways in which any adverse effects on the environment might be mitigated, as follows:

1. Application of the NPS-HPL to the Proposal

The application is supported by a desktop soil and Land Use Capability classification assessment of the site by Dr Reece Hill of Landsystems (dated 21 April 2023) that concludes the land is most appropriately classified as non-productive land and that, as such, the NPS-HPL does not apply. However, this is not considered sufficient to address the application of the NPS-HPL to the land in question.

As indicated in the assessment of effects accompanying the application, the land is shown as being LUC 3, as mapped by the New Zealand Land Resource Inventory.

Clause 3.5(7) of the NPS-HPL requires that until a regional policy statement containing maps of highly productive land in the region is operative, land classified as LUC 1-3 and not identified for future urban development must be treated as 'highly productive land'.

Under the NPS-HPL, LUC 1, 2, or 3 land means '*land identified as Land Use Capability Class 1, 2, or 3, as mapped by the New Zealand Land Resource Inventory or by any more detailed mapping that uses the Land Use Capability classification*' [underline added].

The land meets this interim definition and must therefore be treated as 'highly productive land' under the NPS-HPL.

On the basis that the land in question must be treated as 'highly productive land', the proposal seeks to subdivide and build housing which appears to be contrary to the following policies of the NPS-HPL, notably:

Policy 7: The subdivision of highly productive land is avoided, except as provided in this National Policy Statement.

Policy 8: Highly productive land is protected from inappropriate use and development.

Clause 3.8 of the NPS-HPL requires avoidance of subdivision, except in limited circumstances which do not appear to be applicable to the proposal.

Clause 3.9 of the NPS-HPL requires avoidance of inappropriate use and development of highly productive land, where any use is inappropriate unless listed in clause 3.9(2). None of the matters listed in clause 3.9(2) appear to apply to the proposal.

Clause 3.10 of the NPS-HPL provides a limited exemption to clauses 3.8 and 3.9.

It is considered that there is insufficient information for Council to assess and be satisfied that the exemption provided for in clause 3.10 of the NPS-HPL is applicable to the proposal.

To assist with this assessment, please provide the following information:

- an assessment of the proposal against each of the matters in clause 3.10 of the NPS-HPL, with appropriate technical evidence (noting that they are cumulative); and
- as part of the above assessment, it would be useful to include an economic assessment as to economic viability of the land to be used as a land-based productive site over the next 30 years (which may address clause 3.10(1)(a)).

It is likely that Council will commission a peer review of this assessment.

The above information will assist with the assessment of the proposal against the relevant provisions of a national policy statement (section 104(1)(b)(iii) of the RMA).

2. Proposed Carpark (ancillary to Commercial Activity)

To assist with a full understanding of the proposal, and to assist with the assessment of the transportation and amenity effects of the construction and operation of the proposed carpark on the environment:

- 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.
- 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.
- 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.

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.

3. Urban Design, Landscaping & Visual Effects

To assist with the assessment of landscape and visual effects of the proposal, and with assessment of how the proposed development aligns with the design guidance contained in the Hastings Residential Intensification Design Guide 2020, which link to the District Plan assessment criteria:

a. **Design Statement** – Please provide an updated Design Statement to include an assessment of the layout options investigated and the philosophy behind the design concept lodged.

Note: Council policy planners have carried out an initial assessment of the proposal against the Hastings Residential Intensification Design Guide 2020. Their assessment is attached to this letter for your information, as it may provide some useful insight in preparing an updated Design Statement.

b. **Reserve Edges** – Council staff consider the Guthrie Park interface as being particularly important as it fronts a public open space with high amenity values and public uses.

Please identify on the plans provided, the specific treatment proposed for the reserve edges (Guthrie Park and Karituhenua Stream).

Specific front-on 3D perspectives would further assist in this regard – the inclusion of colour would be beneficial (in accordance with their cladding design statement) along with a front on, closer up, rather than oblique view from a distance.

Further, a 3D perspective view into the connection from the Reserve would be useful for assessment purposes, along with one from within the development looking out to the park along the pedestrian access, as this would assist in assessing how it feels in terms of public access from within the development to the reserve.

c. **Materials** – The Design Statement (pg 5) states:

'While a colour scheme is not provided for the development, a cladding design statement included in the masterplan document notes the following:

- *Too much colour variation within the development should be avoided as this contributes to a visually cluttered urban environment and detracts from a cohesive identity.*
- *Dwelling types painted the same colour are not discouraged as variation will develop over time through occupier preference and landscaping.*
- *Cladding Type A should typically be a darker, more recessive colour to anchor the buildings to their site. This should support reducing the visual dominance of garages.*
- *Cladding Types B and C can be the same colour as the material difference and building form will provide visual variation. Where these are different colours they should be natural, neutral, or tones of the same base colour. no colour palette has been provided, instead opting for the use of a cladding design statement.'*

Please advise how the applicant anticipates effectively and practically implementing the above e.g. through offering consent conditions (consent notices).

- d. **Typology A** – Please review the zero lot boundary features for Type A (i.e. proposed Lots 7 & 16) as there is a window to the side wall (refer E2, drawings A105 and A106). Please provide updated drawings.
- e. **Landscaping** – District Plan performance standard 8.2.6F(5) – which Council uses as a guide for assessment of comprehensive residential developments in the Havelock North General Residential Zone – anticipates a minimum of 20% of the exclusive use area for each residential building be landscaped with mixed vegetation cover and specimen trees. Please demonstrate whether the concept complies with this.
- f. **Outdoor Living Space / Service Areas** – It is difficult to assess from the drawings and information provided whether outdoor living space / service area is adequate for each lot. Please provide a site plan(s) showing service areas and outdoor living spaces for each individual lot, rather than the overlay onto one plan for particular typologies.

In relation to outdoor living space, please demonstrate this not only in relation to size of the space but also whether or not they meet other aspects of District Plan performance standard 8.2.6F(4) – e.g. 2.5m minimum dimension, 4m diameter circle, north facing etc – which Council uses as a guideline for assessment of comprehensive residential developments in the Havelock North General Residential Zone. Refer District Plan performance standard 8.2.6F(7) in terms of guidance around service areas.

- g. **Managing Flood Risk** – The Infrastructure Report accompanying the application states (section 4.3, pg 6):

‘The proposed development intends to fill and raise the northern areas of the site to be above the flooding levels and finished floor levels (FFL’s) to be above the flood levels plus a 200mm freeboard (using the 0.20m accuracy tolerance mentioned in 4.2). It is anticipated that by raising the ground here, this would decrease the capacity of the Karituwhenua Stream during flood events. To prevent this from happening, it is proposed to cut existing ground material from above the southern bank of the Karituwhenua Stream at the northern boundary. This will increase the capacity of the stream during flood events and thus offset the earthworks filling of the new lots in the north.

...

Proposed dwellings along the northern boundary that are near the 8.44m flood level will have minimum FFLs of 8.95m, while proposed dwellings along the northern boundary that are near the 8.74m flood level will have minimum FFLs of 9.25m. These FFLs have been chosen as they will provide a 200mm freeboard to compensate for the 0.20m accuracy tolerance from the HBRC flood hazard maps, as well as an additional 300mm as a margin of safety. It is assumed that the finished ground levels around these new dwellings will be around 150-250mm below FFL.’

However, the Landscape & Visual Effects Assessment accompanying the application does not address the visual effects of these measures. Please provide an updated Landscape & Visual Effects Assessment addressing the visual effects of the flood mitigation proposed.

- h. **Bin Storage** – It is noted that some of the lots propose bin storage location within the front yard (e.g. Lots 8 & 9, 27-29). Council prefers not to have outdoor storage areas provided within the front yard, especially where there are alternatives which there appears to be in this instance. Please reconsider the location of these areas or provide information to show what this will look like from a visual perspective.
- i. **Lighting** – Please provide a Lighting Design and assessment showing street lighting and any illumination proposed for access lots and public pedestrian areas, sufficient and appropriate to the anticipated residential setting.

- j. **Common Space Management (where held in Private Ownership)** – The AEE accompanying the application (pgs 14 & 15) states that the maintenance obligations for the underground stormwater infrastructure within the proposed commercial carpark, and within the private jointly owned access lots, will be met by the owners and a Residents Association (or similar entity).

Please provide further information addressing, more fully, how infrastructure in private ownership is to be managed and maintained (including any connections to Reserves).

4. Engineering/Serviceing

To assist with the assessment of the proposal in terms of design and operation of servicing infrastructure, and its effects on the environment, including on public infrastructure and receiving environments:

- 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.
- 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.
- 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.
- 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).
- 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.
- 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. Please provide the following:

- i. Clause 4.3.4.1: System Design of the Hastings District Council’s Engineering Code of Practice (ECoP) states that an assessment of the effects of a 100-year storm needs to be carried out. The Infrastructure Report does not demonstrate compliance with this requirement such that the proposed stormwater solutions, earthworks levels/finished floor levels (FFLs) etc can be deemed adequate, and that there will be no adverse impacts on the receiving environment and the proposed development during a 1 in 100-year event, with any confidence.

Furthermore, clause 4.3.5.2 of NZ4404:2010 states a minimum freeboard height of 500mm above the computed 1 in 100-year storm is required for habitable dwellings. The Infrastructure Report has considered the 1 in 50-year storm event as the basis for determining FFLs across the site. Hazard mapping from HBRC indicates the site is inundated with flood waters along the northeastern edge during a 50-year event.

Please provide an assessment of the effects of a 1 in 100-year storm for review and consideration.

- ii. Further to point i, please provide pre/post overland flow path analysis demonstrating overland flow behaviour (depth and direction etc) both up to and exceeding a 50-year event.
- iii. Please provide an assessment of the impacts (if any) on the relationship between the Crombie, Karituwhenua, and School streams and how this development proposal may impact the relationship between these streams. This includes the outlet into the Karituwhenua Stream and the concentrated flows from a series of discharge points and sheet flow to one primary and one secondary discharge point.
- iv. Please provide further detail on the proposed reshaping of the bank of the Karituwhenua Stream, including:
 - In principle approval from HBRC that they are not opposed to the proposal including earthworks within 20m from the stream, approval for installation of the 2 culverts and stormwater discharge for development into the stream.
 - Evidence to suggest compliance with clause 4.3.9.1 'Location and Alignment of Public Mains' of the ECoP. This may include geotechnical evidence against lateral erosion risk and degradation erosion risk.
 - Calculations and cross/long sections demonstrating this will create the required volume replacement required to offset any lost storage space due to earthworks.
- v. Please amend the plans where applicable to show compliance with requirement for minimum 6m setback from the top of the bank, for any building, fence, or other structure (refer Rule 71 of Hawke's Bay Regional Resource Management Plan), or a copy of any Regional Council consent that reduces this width.
- vi. Recent site visits indicate the site is not fully impervious as stated in the Infrastructure Report for determination of pre vs post development flows (refer section 4.5, pg 7), noting that a considerable portion of the site is covered in grass and weeds.

Please revisit the neutrality calculations to match current site conditions and demonstrate how site neutrality will be met including any mitigation measures required to achieve this.
- vii. Stormwater calculations are missing the 1 in 5-year event. Please amend the Infrastructure Report accordingly and provide for review.
- viii. From the engineering plans (refer drawings 400-403), it appears that all drains located on the public road (Lot 500) and private roads (Lot 100 and Lot 102) are proposed as public, and drains located under private roads (Lot 101 and Lot 103) will be private. This does not appear to correlate with the Memorandum of Easements in Gross on the Scheme Plan for Lot 102. Please indicate clearly on the plans what is public / private and update where required.

Also, the pipe and treatment/rain gardens on Lot 50 which will serve the commercial activity is classed as private infrastructure not to be vested with Hastings District Council. Please amend the plans to label these as private.
- ix. The AEE accompanying the application (pg 14) indicates the obligations for maintenance and upkeep of the underground proprietary device (Hynds Up-Flo Filter) proposed for the northern end of the private road will be via a residents'

association (or similar), however it is shown as 'public' on the plans. Please confirm if this is a public or private asset.

- 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.

- 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.

- 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 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.

Note: Council's Landscape Architect, Bart Leslie, has indicated he would be happy to discuss or provide a recommendation on a suitable streetscape treatment for this small length of street frontage e.g. tree species selection and location.

5. Below are additional comments from Council's Landscape Architect on the proposed planting plans, included for your information and consideration:

- *It appears there are trees proposed between property boundaries and footpaths. Suggestion is for an upright tree species in suitable root directors, between the footpath and road as being a better long-term option to avoid complaints about shading, leaf & debris.*
- *Strongly advise against Quercus palustris (Pin Oak) which are a very large deciduous tree within the subdivision as this will likely lead to complaints about leaf & debris & shade in autumn/winter, not to mention root damage to surrounding property & infrastructure. Trees of this scale really belong in parks or much wider road reserves where they have the space to grow to maturity.*
- *Plant palette: Pachysandra terminalis, Ligularia reniformis, Carpet Roses are not the best selections as they struggle in the Hawke's Bay climate, and carpet roses are fairly high maintenance and do not look great through winter when dormant.*

- *The amount of verge planting, including alongside the access road to be vested, is considerable. Council does not carry sufficient maintenance budgets to support extensive plantings. While Council supports green streets initiatives, this needs to be realistic in terms of how much maintenance costs the ratepayer can afford – suggest that more grass area with well-placed street tree plantings is a more affordable option.*
- *Street lighting layout and proposed street tree layout needs to align so that do not end up with trees directly under lights impacting light levels and causing black spots. This is an easy task to get right but is often overlooked in new subdivisions.*

In accordance with section 92A of the Act you must within 15 working days of the date of this request, take one of the following options:

1. Provide the information; or
2. Inform the Council in a written notice that you agree to provide the information; or specify a reasonable timeframe for providing the information for agreement of Council, or;
3. Inform the Council in a written notice that you refuse to provide the information.

While section 95C(2) of the Resource Management Act requires Council to publicly notify your application if:

- i) the information is not received within either 15 days, or;
- ii) the information is not received within any agreed timeframe, or;
- iii) if you decline to provide the information,

it is noted that the applicant has requested that the application be publicly notified.

Public notification of your application has been placed on hold awaiting your response to this request, in accordance with section 88B of the Act. Where possible however, the application will continue to be processed as allowed by the information already supplied.

Please contact me if you have any questions regarding the above information request or the further processing of the application.

Yours sincerely



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Authorised by:



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