

27 June 2024

Liam Wang
Hastings District Council
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By E-mail: liamw@hdc.govt.nz

Dear Liam

RE: S92 Response – RMA20240068 147 Napier Road, Havelock North

I refer to your request for further information dated 4 April 2024 and our subsequent meeting of 16 April 2024. As set out below, all the information requested is provided in this response letter and the attachments to it. The numbering, subheadings, and information requested in your letter of 4 April 2024 are repeated below, followed by an explanation of the response provided on behalf of Sun Properties Limited.

National Policy Statement for Highly Productive Land (NPS-HPL)

1. *Please update the existing landvision report to include an assessment against Section 3.8, 3.9 and 3.10 of the NPS-HPL.*

Response

As requested, please find attached further assessment from LandVision including specific assessment against Clause 3.10 of the NPS-HPL, with key conclusions being:

- › Clause 3.10(1)(a) – Despite the site being classified as class 1 under the NZLRI classification, physical evidence gathered onsite shows that the site does not have the same primary production potential as class 1. This is because the site has previously been heavily modified as part of a packhouse development. The result of this development is that the soil on site has been replaced with gravel and concrete. Therefore, the site has both permanent and long-term constraints to primary productivity that cannot be feasibly overcome rendering the site unviable in a primary productivity context.

- Clause 3.10(1)(b)(i) – When considering the state of the site has prevented primary production on site for decades the loss of this site is insignificant.
- Clause 3.10(1)(b)(ii) – This site is highly modified, small and on the margins of the Heretaunga plains adjacent to Havelock North. The development of this site will not cause further fragmentation of the HPL in the Hastings District.
- Clause 3.10(1)(c) – The provision of housing on the edge of havelock North (with its existing services) is a gain for the local community and economy. The development of the site will involve significant local investment over the short and long terms. The site is currently underutilized.
- Clause 3.10(2) – As the site is highly modified to the point of being nonproductive there are no viable or reasonably practicable options to retain the sites productive capacity

The Advice Note under Item 1 includes the following statement:

Council also notes that considerations under the NPS-HPL are related but not the same as an assessment on the effect of 'versatile land' as defined by the District Plan, which encompasses more than soil quality. The applicant may also wish to further review this assessment in the updated AEE.

The definition of 'versatile land' in the District Plan is:

In relation to the Heretaunga Plains sub-region means contiguous flat to undulating terrain within the Heretaunga Plains Sub-region that acts collectively to support regional (and nationally) significant primary production and associated secondary services on the Heretaunga Plains, based around:

- (a) An exceptionally high proportion of versatile Class 1-3 soils (comprising almost 90%); or*
- (b) Class 7 soils that are internationally recognised as having a very high value for viticultural production (comprising almost 7%);*
- (c) Its proximity to a cluster of national and international processing industries and associated qualified labour force; and*
- (d) Its proximity to the Port of Napier and other strategic transport networks providing efficient transport of produce.*

This District Plan definition of versatile land adopts the equivalent definition used in the Regional Resource Management Plan. In my opinion this definition is setting out in a macro-context the key features expected of versatile land in the Heretaunga Plains. The preamble of the definition describes generic locational features of the Heretaunga Plains being flat to undulating land supporting primary production and secondary services. Similarly, with Clauses (c) and (d) the

Heretaunga Plains are located around the cities of Napier and Hastings, therefore being located in proximity to industrial zonings, processing facilities located on rural land, the labour force within the urban settlements, and with access to the arterial roading network, railway, and port.

Clauses (a) and (b) relate to specific soil productivity values, with LUC Class 1 – 3 soils being relatively unconstrained for a variety of orchard, viticultural, horticultural, cropping, and livestock production activities resulting in ‘versatility’. As is demonstrated in the two reports produced by LandVision, despite the generic land inventory mapping, the subject site has lost its former LUC1 classification with its development as a packhouse and coolstore complex and is now assessed as ‘non-productive’. It is therefore my opinion that the subject site should not be considered as versatile land under the District Plan. I note that Commissioner Bill Wasley accepted such an interpretation of ‘versatile land’ in his decision on RMA20220082, where the specific site was assessed to be not suitable for the production of produce for human or animal consumption.¹

It is on the above basis that the term ‘versatile land’ has been used in the assessment of District Plan objectives and policies in the AEE, and I stand by that assessment.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

- 2. Section 9 of the Detailed Site Investigation recommends a condition requiring a Remedial Action Plan (RAP), including validation procedures, to be prepared and implemented prior to site works. However, the recommendation also notes that the RAP can only be prepared if additional sampling and testing are undertaken once the existing buildings are on site are removed.*

Please provide further explanations on whether the demolition works would result any significant risk to human health, and how such risks, if any, could be managed through conditions of consent.

Response

Comment was sought on land contamination specialists EAM on this matter, with their response being:²

¹ *Decision of Hearing Commissioner Dated : 24 August 2022 – In the matter of an objection by Drainways Contracting Ltd to the Hastings District Council’s decision to decline consent of the establishment of an industrial activity and associated educational activity, in the Plains Production Zone at 2570 Omaha Road Hastings legally described as Lot 1 DP 11200 (RMA20220082), pages 9 – 12.*

² E-mail from Karen Toulmin, EAM to Philip McKay, dated 12 April 2024.

All of the soil samples collected were reported below the commercial/industrial standards under the NES. Therefore, risk to site workers is considered low. I don't think there needs to be any conditions of consent in regards to safety from contaminated soils.

Please find attached the e-mail from EAM setting out this conclusion. Accordingly, as the expert advice is that there is no risk to human health from demolition works, conditions of consent are not necessary in this regard.

Flooding Assessment

- 3. The existing flood model from the Hawke's Bay Regional Council does not include climate change and is completed on the outdated ground model, and levels are in HB Vertical Datum. Please provide an updated version of the flood model.*

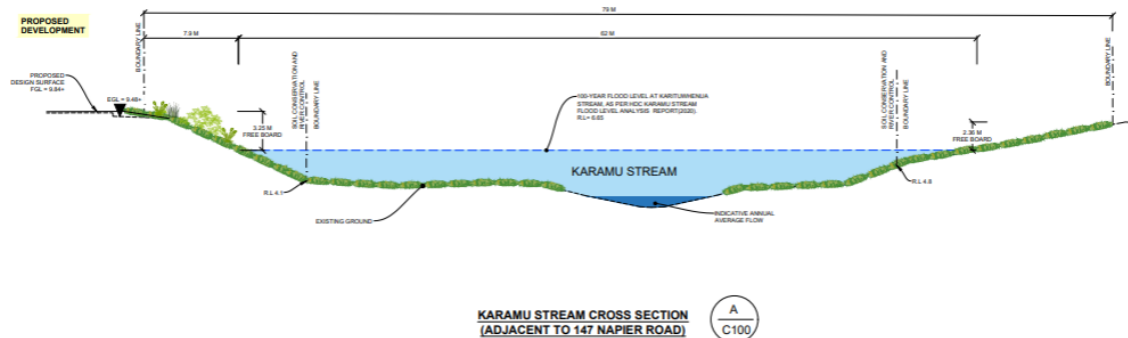
Response

An updated version of the Flood Model is not able to be provided. Simon Gabrielle, Strata Group (the Applicant's civil engineer) has been in communication with Council Development Engineer, Andre Magdich on this matter, and the attached e-mail correspondence between the two, with the final e-mail dated 29 April 2024 confirms that the information on flood levels from Mr Gabrielle is sufficient. That information adopts a Karamu Stream flood level of 16.9m (Hawke's Bay Datum) at the Karituwhenua Stream confluence, which converts to a flood level of RL 6.7 at the subject site.

- 4. Please provide a cross-section of Karamu stream showing flood level in relation to the building platforms.*

Response

Strata Group have prepared the following Karamu Stream cross section:



Please see the attached Strata Group Sheets C100 and C101 for the full-size plans of the above cross section and development site design surface plans.

5. Please show the extent of the flooding in comparison to the site and building platforms.

Response

This matter is addressed by the above cross section and attached Strata Group Sheets C100 and C101.

Transport

6. Currently, the layby area provides for a motor home dump station and a water tanker filling hydrant. The TIA has not considered how the proposed development will affect these activities, including:
- The location of the main access point in close proximity to these facilities;
 - Additional demand on parking spaces within the layby;
 - Potential safety risks, particularly in relation to pedestrian access.

Please update the TIA to include an assessment on how the proposal will affect the existing users of this layby section.

Response

This matter is addressed in the attached TIA from Urban Connection Ltd, with the facilities in the 'layby area' identified in section 2.2.3 (pages 6 & 7); alternative options to access from the layby are discussed in section 6.4 (pages 16 – 18); access performance is discussed in section 7.1 (pages 19 & 20); the proposed service lane layout is discussed in section 8.2 (page 21); and the proposed marked and redesigned layout is shown in Appendix B.

7. Council considers that access by means of a single road intersection nearer to the northern end of the site may be preferable to the proposed layout as this would be likely to provide safer and more efficient interaction with Napier Road and it should help isolate the residential traffic from the existing users of the layby.

Please consider a rearrangement of the development layout in consultation with your traffic advisors. The updated TIA should take any layout revisions into account.

Response

As mentioned above the attached Urban Connection Ltd TIA includes assessments of alternative access options in section 6.4 (pages 16 – 18); and access performance is discussed in section 7.1 (pages 19 & 20). This has been taken into consideration in recommending the most appropriate access layout.

8. Council has concerns that the internal access layout may not be able to safely and effectively accommodate the proposed development due to:
- a. The narrow width of the one-way access way, particularly with respect to refuse collection
 - b. The indication in the TIA that the tracking required for a medium rigid truck conflicts with parking spaces in the proposed turning head.
 - c. The indented parking bays which will likely be associated with individual properties rather than being seen as available to all residents and their visitors.

Response

The internal layout is discussed in section 8.1 of the attached Urban Connection Ltd TIA and supported by the vehicle tracking paths in Appendix A. Some minor amendments have been made to the site plan to ensure tracking of a medium rigid truck can be accommodated in the southern hammer head road end. This has been achieved by the removal of three on-street car parks. See amended Site Layout Plan from Fat Parrot Architecture ('Site Layout Plan June 2024').

9. In conjunction with and in addition to the above requests please provide a further assessment of how safe pedestrian access between the site and adjoining roads and amenities can be achieved.

Please address these matters in the updated TIA and in any revision of the subdivision layout.

Response

Pedestrian connectivity and safety is addressed in section 8.1 of the attached Urban Connection Ltd TIA.

10. *The TIA has only assessed weekday morning peak traffic. This does not account for possible local anomalies.*

Please update the TIA to include plausible afternoon scenarios, potentially but not limited to:

- *Congestion at the intersection of Napier Road and Karanema Drive;*
 - *Saturday sports activities at Guthrie Park or Romanes Park.*
- a. The narrow width of the one-way access way, particularly with respect to refuse collection*
 - b. The indication in the TIA that the tracking required for a medium rigid truck conflicts with parking spaces in the proposed turning head.*
 - c. The indented parking bays which will likely be associated with individual properties rather than being seen as available to all residents and their visitors.*

Response

The requested additional modelling has been incorporated into the Urban Connection Ltd TIA at section 7.1 (pages 19 – 20).

Urban Design

11. *Please provide an urban design assessment detailing how the proposed development is designed to meet the criteria outlined in the Hastings Residential Intensification Design Guide 2020.*


Response

A revised Architectural Statement has been prepared by Pierre du Toit of Fat Parrot Architecture, including a new section addressing each of the matters listed in “The Design Checklist” of the ‘Hastings Residential Intensification Design Guide 2020’. Please find this document attached.

Processing of Resource Consent – Notification Decision

Sun Properties Ltd request that once a decision is made that there is adequate information to complete the processing of the application, that the application be placed on hold prior to the public and limited notification assessments being completed. After reviewing the Draft Future Development Strategy, Sun Properties Ltd will decide whether the processing of the application should recommence and will likely seek a meeting with yourself and the consents manager in making this decision.

Yours sincerely,



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