

20 June 2016

Hastings District Council
Private Bag 4156
Hastings 4156

Attention: Megan Gaffaney

Dear Megan,

SUBMISSION ON OMAHU INDUSTRIAL VARIATION #1 AND NOTICE OF REQUIREMENT

1. Thank you for the opportunity to submit on Variation 1 and the associated Notice of Requirement. Having reviewed the documents, the Regional Council supports in-part the intent of the Variation and the Notice of Requirement ('NOR') to provide an appropriate greenfield dry industrial growth zone within the Hastings District.
2. The Regional Council make several points in this submission. In particular:
 - a) the relationship between Variation 1 and the Regional Policy Statement parts of the Hawke's Bay Regional Resource Management Plan; and
 - b) the proposed servicing of the new zone, in particular the discharge of contaminants over the Heretaunga Plains unconfined aquifer.
3. Section 75(3)(c) of the Resource Management Act states that a district plan must give effect to a regional policy statement. On balance the Regional Council is satisfied that Variation 1 and the associated Notice of Requirement, as proposed, gives particular effect to Chapter 3.1B of the Regional Policy Statement ('RPS') for the reasons addressed in paragraphs 4-8. However, we are not entirely satisfied that the stormwater servicing proposal underpinning Variation 1 and the NOR does give effect to other policies in the RPS, particularly Objectives 21 and 22 and associated policies. This is discussed further in paragraphs 9-16 of this submission.

Managing the Built Environment

4. As you will be aware, historically Hastings and Napier have planned for growth independently. However in recognising the interrelationship of key urban zones and the pressures on shared resources and infrastructure, the Regional Council, Napier City Council and Hastings District Council embarked on a collaborative approach to urban development on the Heretaunga Plains for the planning period 2015-2045. This cumulated in the three partner councils adopting the Heretaunga Plains Urban Development Strategy (HPUDS) in 2010.
5. The purpose of HPUDS is to assist in a collaborative approach to planning and managing urban development on the Heretaunga Plains. HPUDS takes a long-term approach to addressing the key issues facing the Heretaunga Plains in an integrated way, and focuses on a preferred settlement pattern that will in time, lead to more compact development through gradual restrictions on urban boundaries to allow for improved planning and design.

Omahu Road is identified in HPUDS as an appropriate location for industrial development in the Business Land Staging for 2010-2045.

6. Chapter 3.1B of the RPS sets out objectives and policies for managing urban development and the strategic integration of infrastructure at a regional level. Managing urban growth and development is a regionally significant issue because what occurs in one area will inevitably have an effect on other locations. The RPS embeds HPUDS' general principles and settlement pattern into the statutory regional planning document. In this way, the outcomes of the HPUDS process align with the statutory functions of the Regional Council and subsequently, the RPS's policy framework drives territorial authorities to ensure decisions on development proposals also align with the common policy direction adopted in HPUDS 2010.
7. The provision of land for the appropriate expansion of industrial activities is provided for in Objective UD3, as long as the development is in line with the settlement pattern specified in Objective UD1. Policy UD4.5(b) of the RPS names the Omahu Road area as an appropriate industrial greenfield growth location. Regional Council notes that the Omahu North area has previously been identified by the Hastings Industrial Development Strategy 2003, for industrial rezoning and development. Furthermore the location of the Omahu industrial area is integrated within the transportation network (Objective UD6) and is adjacent to the existing industrial development on the south side of Omahu Road.
8. The Regional Council notes that the Variation proposes an expansion of the proposed industrial zone from the 36 hectares originally anticipated through the 2010 HPUDS process, to now 63 hectares. We understand that the additional land extent is, in part, to accommodate the stormwater soakage swale and service corridor that defines the rear of the zone.

Discharges over the Heretaunga Plains unconfined aquifer

9. Chapter 3.8 of the RPS sets out objectives and policies for Groundwater Quality. Objective 21 states:

“No degradation of existing groundwater quality in the Heretaunga Plains and Ruataniwha Plains aquifer systems.”¹

Objective 22 states:

“The maintenance or enhancement of groundwater quality in unconfined or semi-confined productive aquifers in order that it is suitable for human consumption and irrigation without treatment, or after treatment where this is necessary because of the natural water quality.”²

10. Both Objectives 21 and 22 were the focus of a recent Environment Court decision (refer *Ngati Kahungunu Iwi Incorporated v Hawke’s Bay Regional Council [2015] NZEnvC 50*).
11. The most significant groundwater resource in Hawke’s Bay is the Heretaunga Plains aquifer system. Overall present groundwater quality is high. For instance, high enough that Napier

¹ Change 5 to the HB RRMP proposes an amendment to Objective 21, but that amendment is not material in relation to the Heretaunga Plains aquifer system. Change 5 is not yet fully operative, but provisions regarding Objective 21 are beyond challenge.

² Change 5 to the HB RRMP proposes an amendment to Objective 22. Change 5 is not yet fully operative, but provisions regarding Objective 22 are beyond challenge and so it would read: “*The maintenance or enhancement of groundwater quality in aquifers in order that it is suitable for human consumption and irrigation without treatment, or after treatment where this is necessary because of the natural water quality.*”

and Hastings councils use this groundwater for municipal water supply with very little treatment. However there remains a relatively high risk of groundwater contamination from infiltration of contaminants such as bacteria, nutrients and chemicals into the unconfined aquifer.

12. The proposed Omaha industrial zone is situated over parts of the Heretaunga Plains unconfined aquifer. High risk activities that can lead to contamination include the use, transportation and storage of hazardous substances, industrial discharges and stormwater discharges. It is the Regional Council's policy to regulate discharges into the aquifer or onto land that may enter the Heretaunga Plains unconfined aquifer system.
13. The Hastings District Council currently holds resource consents granted by the Regional Council for the discharge of stormwater for the originally proposed (36 hectares) zone. Those consents (refs DP120072L and DP120073W) and the associated plans include a detailed description of that consented stormwater treatment and disposal system and its potential effects on the environment. Those consents would not cover the methods of stormwater treatment and disposal now being proposed to service industrial development contemplated by Variation 1. A new consent application or a variation to the existing consents will be required in the event that industrial development and stormwater servicing is implemented as proposed within Variation 1 and the NOR. The Regional Council's consents staff welcome a pre-application meeting to discuss Hastings District Council's options in this regard.
14. The Regional Council's Asset Management Team is responsible for flood control and drainage schemes in and around the Heretaunga Plains area. Senior staff from the Asset Management team have been involved in HDC's assessment of stormwater servicing options for the proposed Omaha industrial area (and incidentally also the Irongate industrial area). Regional Council engineers are satisfied with Hastings District Council's proposal for on-site stormwater disposal. However this approval is on the basis that there is only light industrial activity to take place in the zone, and that contaminants are collected in pre-treatment devices prior to discharge into the 'swale' drain managed by Hastings District Council. Please note that any stormwater not discharging into the Hastings District Council system from the proposed industrial area will likely require resource consent under the Region Resource Management Plan.
15. The Regional Council considers that the proposed swale is not a typical 'swale' in terms of stormwater engineering design and function. Rather, it is in fact a storage trench with infiltration through a sand filter base. It appears that the storage trench is appropriately sized, although Regional Council's engineers have not yet sighted calculations from the designer. These calculations have been requested from Hastings District Council engineers and will ultimately form part of the stormwater discharge consent conditions. Approval of the calculations by Regional Council engineers will be required before the issue of any discharge consent by the Regional Council consents team.
16. We note that management of potential contaminants through the use of pre-treatment devices is described in general terms in the report by O'Callaghan Design Ltd (OCDL) accompanying Variation 1 documentation. Specific details of the pre-treatment device will need to be matched with the particular industry and contaminants of concern. This will be required by Regional Council consent and can be achieved as the zone is developed, together with the requirements of the Hastings District Council Stormwater Bylaw. The OCDL Report also notes that the solution is not a 'fit and forget' solution and it is necessary for regular monitoring and maintenance. Monitoring and maintenance conditions will be part of any discharge consent issued by the Regional Council. That consent is likely to have a limited duration and so upon expiry, will need renewing, subject to whatever the regional rules are at that future point in time.

Other Matters

17. We do wish to be heard in support of our submission.
18. We would not consider presenting a joint case with other submitters.
19. Regional Council representatives are willing to have further discussions with Hastings District Council planning staff about matters raised in this submission over the coming weeks.
20. The Regional Council's address for service in relation to this submission is:

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21. Thank you for the opportunity to make this submission. If you have any queries on this submission, in the first instance please contact Esther-Amy Powell using the details above.

Yours sincerely

James Palmer
Group Manager Strategic Development