

17 September 2021

Napier City Council
Via online submission
Attn: Dean Moriarity

Dear Dean

SUBMISSION ON THE DRAFT NAPIER DISTRICT PLAN

Thank you for the opportunity to make a submission on the Draft Napier District Plan. Firstly, we would like to congratulate the team for the effort that has gone into this review. District Plan reviews are a huge undertaking and there are ongoing challenges being presented with the release of new and revised national policy statements and national planning standards.

Considering this is a draft district plan, we have kept our submission at a high level in consideration that there is time for more editing and cross checking of provisions before a more formal proposed plan is notified. The feedback and requested amendments are from staff across a variety of Council teams.

The contact person for our submission is Kim Anstey, kim.anstey@hbrc.govt.nz or 06 835 9200.

We welcome the opportunity for discussion on the matters raised.

Yours sincerely



Katrina Brunton
POLICY AND REGULATION GROUP MANAGER

SUBMISSION ON THE DRAFT NAPIER DISTRICT PLAN

PART 2 – DISTRICT WIDE MATTERS

Strategic Direction

- *That the district plan outcome of 'greenfield growth in the hills' is more clearly linked to the strategic objective for housing supply*

The strategic direction chapter accurately describes the competing development pressures Napier faces. There are no easy solutions and some tough choices to make in ensuring the ongoing development and vitality of Napier is enabled within Napier's unique environmental and physical constraints.

As jointly responsible partners in implementing the NPS-UD for the Tier 2 Napier-Hastings urban area, we are cognisant of the issues around housing supply and subsequent demand for housing land from the development community, and from central government. The Regional Council also offer their support in addressing issues associated with the pressure that ongoing development places on the Ahuriri Estuary and urban waterways, the need to recognise and celebrate mana whenua values, the protection of our key infrastructure of the Port and Airport and the need to address the low levels of indigenous biodiversity within our urban areas.

In regard to urban growth, we support the District Plan outcomes of 'greenfield growth in the hills' and 'city living for a vibrant CBD'. These outcomes provide suitable growth alternatives that address the compounding risks that continued development into the rural zoned areas to the south of Napier places on Napier residents due its low elevation, proximity to the coast and limited options for Tsunami evacuation. It recognises that there are suitable areas outside of these identified tsunami risk zones within Napier for development. The outcome of 'city living for a vibrant CBD' supports the Regional Policy Statement objectives of a compact urban form with higher density residential development in suitable areas.

Urban development (outside of tsunami hazard areas) should be contingent on these being designed to meet long term climate change projections, have confirmed funding and developed in consultation with HBRC.

Objective SD-O5: housing supply meets demands, reflects the demographic needs of Napier's community *and is located in areas away from the risk of natural hazards* (or words to similar effect)

As detailed above, we support Objective SD-O5 in principle but consider it is overly simplistic. It fails to mention the importance of locating development away from natural hazard risks and in areas that ensure the natural resources of the region are protected. The impact of climate change also need to be considered first and foremost.

Energy, Infrastructure and Transport - Stormwater

- *General support for stormwater chapter, in particular the provisions to manage stormwater quality*
- *Need to ensure integrated planning/infrastructure management for stormwater to improve outcomes*
- *Designations for stormwater management mitigation options could be done through district plan*
- *Some concerns for rule framework and accuracy of stormwater management areas*

HBRC commend Napier City Council for taking steps to manage stormwater quality through the District Plan. In regard to stormwater quantity, the Asset Management team has reviewed the stormwater chapter in respect of the provisions to moderate peak stormwater flows when redevelopment occurs. The Asset Management team has shared responsibility with NCC for flood protection works within Napier. HBRC are in support of these provisions as drafted, however, while the regulation for individual sites is sound, the impact of intense rainfall on wider areas needs to be managed holistically to ensure levels of service are maintained and improved. Since the existing level of service in the stormwater

management areas is dated, or below par, we suggest that techniques that moderate peak flows would also need to be applied to public spaces in existing open space areas and/or road reserve to improve management of peak flow events.

The key to successful planning/infrastructure integration is ensuring all plans are aligned (District Plan, Long Term Plan, Infrastructure Strategy) and this doesn't seem to be the case with the timing of the Napier infrastructure strategy projects and proposed District Plan areas for intensification in terms of stormwater management. The current ad-hoc development occurring in rural zones south of Napier is also compounding this issue. Considering the long timeline for mitigation projects in the Infrastructure Strategy, shorter term mitigation in the form of stormwater management plans for Stormwater Management Areas 2 & 3 may be required to guide this work. Both areas 2 & 3 were impacted in the November 2020 event. The ability to deploy temporary pumps quickly to at least keep peak water levels within the road reserve would provide an improved level of service for these areas until the long-term projects are completed.

We would expect the Council to use the district plan review to request designations in some parts of Stormwater Management Areas 2 & 3 to plan for future mitigation options for stormwater management and look at potential easement or procurement options. We also consider it important to develop a Council policy to guide floor level requirements to mitigate risk from flood events. Refer to the discussion on this in the Natural Hazard section.

Rule SW-R6: Development of new or redevelopment of existing impervious areas within the Stormwater Management Area 3

We question the workability of Rule SW-R6. It is unclear whether it is the intention for every site redevelopment within Area 3 to need a consent as a controlled activity. If so, this rule would likely invoke a consent for every redevelopment over a fairly large portion of Napier. Or is it the intention that a consent would only be necessary if there are plans to increase the impervious area beyond what is allowed for in the zone? If the latter applies, the rule needs to be reworked to reflect this. We would envision that the standard SW-S1 would also apply to this zone and question whether a consent is necessary to achieve this standard.

The impervious area standard

The stormwater chapter activity rules refer to compliance with the impervious area standard set in each zone as a condition, yet not all zones have an impervious area standard, some only have a building coverage standard and it is not clear whether this is the equivalent. There needs to be clearer links from the rules in the stormwater chapter to the impervious area standards in each zone.

APP20 – Napier Stormwater Management Areas

The origin of how the stormwater management zones are defined needs more robust analysis. The risk is that some properties will have to manage stormwater when in fact there may be no issue, and in other areas they may not be required to manage stormwater when it would be beneficial. This is the risk when zones are defined in this way and therefore there needs to be a high level of accuracy with the zones.

Energy, Infrastructure and Transport - Transport

- *Request a new objective to assist in implementing the RTLP goal of a modal shift (cars to buses and active transport modes and Electric Vehicles) to further reduce GHG emissions and impacts of climate change.*
- *Need to ensure provision for public transport infrastructure (e.g. bus stops and transportation route designs) with high trip generating activities*

We are seeking some minor amendments to the transport chapter to align it more closely with the 2021 Regional Land Transport Plan (RTLP). Napier City Council are key partners in the RTLP that seeks a reduction in the use of private vehicles by 20% and delivery of a transport network that is safe for all users. The Transport chapter requires a new objective or amendment to the proposed objectives to state that a modal shift from cars, to carbon neutral options of buses, walking and cycling is the desired

outcome. The provision of Electric Vehicle infrastructure also needs to be included. This wording could also be worked into TPT-I5 and TRT-P5.

Rule TPT-R2: New or modified vehicle access and crossings onto a state highway or arterial road

High trip generating activities need to be made to provide infrastructure to support new bus stops and cycle lanes, or to ensure this infrastructure is able to be provided for in public spaces at the time of redevelopment. For example, the Kmart development would have benefited from the inclusion of a bus stop within or adjacent to the site and more obvious infrastructure to encourage cycling.

The Regional Council are in support of TRT-P2 that requires high trip generating activities (not provided for as permitted activities) to prepare an integrated transport assessment including provisions for public transport, walking, cycling, private vehicles and the movement of freight (where relevant). However, TRT-R2 (and the corresponding assessment criteria TPT-AC1) only applies to vehicle accesses onto state highways or arterial roads and we question whether this would include all high trip generating activities. In addition, high trip generating activities are not defined so it is unclear what land use activity these provisions apply to. We request that the provisions are amended to ensure that all large commercial and residential developments that would benefit from public transport are required to consider how public transport and cycling infrastructure will be provided for early in the development stage. The assessment criteria TPT-AC1 could also be extended to require the inclusion of electric vehicle infrastructure for multi-unit residential developments, providing this is not already a requirement in the Residential and Mixed Use Zones. We also request you consider carparking maximums as a way to encourage alternative forms of transport to be taken.

Hazards and Risks - Natural Hazards

- *Re draft this chapter after undertaking risk-based assessment of Napier's natural hazard risks*
- *Provide options for specific land-use controls to reduce natural hazard risks*
- *Provide new wording to describe flood hazard risks*

Napier faces a number of specific hazard risks. History and recent events have demonstrated that earthquake induced liquefaction and landslides, and rainfall resulting in flooding and landslides are all very real risks to the Napier community. In addition, recent research has determined a 26% probability within the next 50 years of an earthquake of at least magnitude 8 on the southern end of the Hikurangi subduction zone which is our largest source of tsunami risk. The Council request that these well documented risks are more clearly identified and managed in the Natural Hazards chapter and linked with other provisions elsewhere in the plan. While both regional councils and territorial authorities have responsibilities under the RMA for the management of natural hazards, territorial authorities are required to assess risks at the 'district level of significance' and to control development and activities in hazard prone areas through district plans and resource consents.

The District Plan review provides the opportunity for important discussions to be held with the community on the land use planning tools available to reduce risks from natural hazards. This process will importantly determine what level of risk the community is prepared to accept, and what development restrictions will need to be introduced to reduce risks to life and property. There are a number of resources¹ available and examples from other Councils (Porirua and Queenstown) that would provide guidance on the use of risk-based planning framework.

While we will not provide specific feedback on each objective and policy as drafted, we request redrafting of the natural hazards chapter taking a risk-based approach for specific hazards. The objectives and policies need to link more clearly with the management of activities. Some land use activities and subdivision will need to be restricted by rules in the district plan in order to reduce risk to life and property. The following provides feedback and ideas on where we see improvements need to be made for specific hazards.

Strategic Direction - Strategic Objective SD-O15 - Resilient Napier

¹ <https://www.gns.cri.nz/Home/RBP/Risk-based-planning/A-toolbox>

Objective SD-O15: Risk and vulnerability of people and property from natural hazards is minimised.

The Regional Council strongly support this strategic objective but would like to see it translated into hazard specific provisions for Napier's key natural hazard risks. We note that the stormwater chapter does include an objective for managing stormwater to mitigate flood risk with provisions to control water through redevelopment of sites in identified areas. However, there needs to be better integration of the stormwater chapter to the natural hazard chapter which is largely silent on flooding as a natural hazard risk.

Hazards and Risks – Natural Hazards Introduction

The following track changes to the proposed wording in the introductory section of the Natural Hazards chapter provide the scope to manage flooding as a natural hazard risk. Flooding is one of Napier's most pressing natural hazard risks and therefore we believe a comprehensive introduction is required.

Flooding Hazard

Napier is flat with low-lying alluvial soils that are subject to flood paths and ponding areas. The most common urban flooding issue involves localised intense rainfall causing surface ponding in low areas. Most of Napier's urban stormwater is serviced by a network of pipes and overland flow paths which lead to pumping stations. Limitations in topographic fall, pipe size and pump size result in ponding when the rainfall has exceeded the design capacity of the system.

The gravity drained Taipo catchment area (Taradale) is serviced by the stormwater pipe network leading to the Taipo Stream. The lower reaches of the Taipo Stream are subject to flooding due to tidal influences. Two detention dams assist in delaying the runoff from the hills to the west of the city.

Low lying rural areas of the Meeanee basin have ground levels starting at 0.25 m above sea level, and are serviced by a network of open drains leading to storm water pump stations in the Napier urban area. The Cross Country Drain (CCD) has modified catchment drainage along the southern urban boundary for rural Meeanee catchment areas south of the CCD into the Purimu stream with overflow into the CCD. Surface flooding in rural areas is common and generally accepted for short periods of time.

Considerable river flood protection works have been undertaken especially on the Tutaekuri River in order to prevent major flooding from rainfall originating in the mountainous upper river catchments. However large rainfall events could exceed the design standards for these works and the potential for flooding exists. The Heretaunga Plains Flood Hazard Study 1999 was carried out by the Hawke's Bay Regional Council on the flood risk from a breach of stop banks along the Tutaekuri River. Major breach scenarios at Taradale and Brookfields indicate that most of the Napier urban area (excluding the Hill areas) would become inundated.

The Brookfields/Awatoto area is serviced by open drains leading to two pump stations operated by Hawke's Bay Regional Council. These stations discharge to the Tutaekuri River. This area also suffers from ponding due to flat slopes and ground levels being just above sea level. The stopbanks on the Tutaekuri River protect the Brookfields/Awatoto area from major river flooding.

Flooding in the Esk Valley (part located in Napier City Council Boundary) occurs from river flows as well as surface runoff from the hills to the south of the Esk River. No flood control system is in place in this area, and the residents rely on early warning of flooding from the HBRC telemetry network of rainfall and water level recorders.

Bay View and the Airport/Landcorp areas are mainly subject to flooding from localised rainfall. Drainage paths have very flat slopes, and flooding solutions generally involve large storage areas, wide drains and a single pump station.

Flood paths and ponding areas have been identified for the majority of Napier and this information has been used in considering Napier's urban growth options and for the provision of suitable pumping

systems to ensure that ponding will not have a significant impact. This type of flooding is an effect that can be mitigated through infrastructure planning, regular regional flood modelling, effective environmental data monitoring, building regulations (where minimum levels for building floor height are required), and provision of adequate ponding/detention areas in area planning.

Changing climate models and land use for residential, commercial and rural production purposes require periodic plan reviews to manage older areas where drainage level of service is impacted as design assumptions change. Change within existing catchment areas impacts on existing drainage level of service requirements that need to be addressed in infrastructure plan reviews.

Flooding – General Comments

The Draft Napier District Plan is largely silent on managing flooding risk through regulating floor levels and proposes to manage floor levels through the Code of Practice as freeboard heights. HBRC are concerned that this proposed method and the floor levels stipulated in the Code are not comprehensive enough considering Napier's flooding risks. The option of mapping risk areas and regulating floor levels through the District Plan need to be considered, or alternatively a more comprehensive solution developed for the Code of Practice.

Stormwater modelling is an integral part of the design of the stormwater network. It is generally accepted that a freeboard should be added to the calculated design flood levels derived from a network model to account for items such as:

1. Calibration variations in the model results,
2. Variations due to the method of determining design rainfall depths and patterns used in the modelling, and
3. Variations that may occur in the efficiency of the network (e.g. debris on pump screens, blockages of inlet grates, power outages to pump stations).

Most councils in New Zealand stipulate a freeboard level which varies between 300-500mm. The NZ Standard 4404: 2010 section 4.3.5.2 indicates a minimum freeboard on top of the 1% AEP (100 year) design storm as follows:

- 0.5 m for Habitable dwellings (including attached garages)
- 0.3 m for Commercial and Industrial buildings
- 0.2 m for Non-habitable residential buildings and detached garages.

The freeboard stated above is measured from the top water level to the building platform level or the underside of the floor joists or the underside of the floor slab.

The Draft Napier Code of Practice proposes to use 0.3 m above the 2% AEP (50 year) flood level, or 0.4 m freeboard where there is no secondary flow path. The description from the Code of Practice is as follows:

4.3.5.2 Freeboard (replaces NZS 4404: 2010 section)

4.3.5.2.1. Urban areas

The following freeboard heights are considered 'mandatory' in residential areas, and 'recommended' in commercial/industrial areas:

- For flood-prone areas, Finished Floor Level (FFL) shall be set 300 mm above anticipated 2% AEP flood level.
- For flood prone areas where there is no secondary flow path at the 2% AEP flood level, then FFL shall be set 400 mm above the 2% AEP flood level.
- For areas which can be shown to be not prone to flooding, the Finished Floor Level will be set at 150 mm minimum above ground level.
- Making adequate provision for public health and safety and for minimising disruption to main transport routes.

The Regional Council are concerned that the freeboard allowed in NCC clause 4.3.5.2 is not adequate on several accounts:

1. NZ Standards suggest to use 1% AEP (100 year) flood level, whereas NCC proposes to use 2% AEP (50 year) flood level. The 2% (50 year) was a standard set many years ago when the housing stock was lower in value and the cost of damage from flooding was not excessive. We believe the increase in value of housing, including contents, along with a general expectation from the public and insurance companies of reduced risk from flooding indicates the design standard should be set at 1% AEP level as opposed to 2% AEP level.
2. The NCC Code of Practice for subdivision and land development uses design rainfall derived from a NIWA study (AKL-2008-033, April 2008; "Impacts of climate change on high intensity rainfall in Napier"), and we understand the recent computer model developed by NCC used these values for the design rainfall. An update to these values in 2018 showed little difference between the new and old values, and the 2008 values were used in the current modelling. The severe rainfall event in November 2020 was an event which, when included in the rainfall statistics, produces a significant change to the statistics of rainfall intensities derived by standard methods, such as from 2008 or 2018. This is a common problem, in particular for durations less than 24 hours, where the length of rainfall records is relatively short. The variations can be seen, for example, using the statistics from the NCC COP rainfall, the 6 hour rainfall total from November 9, 2020 has an estimated return period ranging from 100 years to over 2000 years. Incorporating the November 2020 rainfall in the statistical analysis will result in larger rainfall depths for any given return period, which in turn will result in a greater (deeper) flood level. We believe the incorporation of a freeboard of 500 mm as opposed to 300 mm is a method to account for some of the variability in the rainfall statistics.
3. The efficiency of the drainage system is subject to several variables that are sometimes impossible or impractical to control, for example, debris build up at pump screens, blockages of drainage inlets, inadvertent blocking of overland flow paths, power outages at pump stations, disruptions to fuel supplies, etc. While every effort goes in to minimise such occurrences, history has shown that they do occur. Incorporating a freeboard of 500 mm above the design flood level provides an adequate buffer to account for the change in efficiency that may occur during a flood.
4. The NCC proposal appears to state the finished floor level (FFL) shall be set 300 mm above the flood level. We read this to be exactly 300 mm, with no allowance for a floor level to be greater than 300 mm above the flood level. We believe the sentence should indicate the freeboard (300 mm or other) should be stated as a 'minimum', which would allow greater freeboards to be utilized. Including the word 'minimum' is also consistent with NZ Standards 4404.
5. We believe the clause "For flood prone areas where this is no secondary flow path at the 2% AEP flood level, the FFL shall be set 400 mm above the 2%AEP flood level", is not practical, as there is no definitive resource to indicate whether an area has a secondary flow path, and it adds uncertainty to persons wanting to set a FFL. Our suggestion is to eliminate this line and maintain the NZ 4404 standard of 500 mm above the 1%AEP flood level.
6. The clause "For areas which can be shown to be not prone to flooding, the FFL will be set at 150 mm minimum above ground level" appears to be too vague to be practical. The reference to "not prone to flooding" does not specify at what return period the flooding criteria is for. We suggest rewording as such "For areas which have ground levels which are minimum 500 mm above the 1% AEP flood level, the FFL shall be 150 mm above the ground level". We accept that the freeboard of 500 mm and 150 mm does not need to be cumulative, i.e. if the 500 mm freeboard is already applied, there does not need to be an additional 150 mm, however, if, for example, a site is, say 2 m above the 1% AEP flood level, a FFL should be 150 mm above the local ground level.

We note there are areas in the Meeanee and Kenny Road catchments which have very low ground levels, some as low as 0.25 m above mean sea level, and these areas may be locations for proposed

residential developments. Other recent developments in these areas have utilised minimum ground levels for residential sections to ensure flood levels do not impede on the sections. Where land is zoned for development, we suggest continuing this practice, and for NCC to consider whether incorporating a minimum ground level to be applied to these areas. HBRC will be available to assist in determining an appropriate minimum ground level if this approach is desirable.

Christchurch City Council have developed a comprehensive response for regulating floor levels through the natural hazard chapter in their district plan. They have both a fixed floor level area mapped and a more extensive flood management area where properties are required to gain a minimum floor level certificate. The requirement is to design a floor level that is higher than flooding predicted from either a 0.5% AEP rainfall or tidal event concurrent with a 5% AEP tidal or rainfall event, including a 1 m sea level rise plus 400mm freeboard. Alternatively, floor levels need to be 12.3m above the Christchurch Datum (2.3m above sea level).

Considering that large parts of the Napier urban area have been identified for further residential intensification, the Regional Council deem it appropriate to develop a strong policy and regulatory framework for ensuring freeboard levels are set appropriately for both infill and green fields areas zoned for development.

Tsunami (note this should be read conjunction with the comments made to the Spatial Picture)

The Regional Council is concerned that the draft District plan is largely silent on Tsunami other than to point out that predictions are difficult, and the primary response is undertaken through Napier City Council's role in a civil defense response.

Tsunami is now the number one hazard risk for the region. Earlier this year, Hawke's Bay CDEM Group commenced a review of the Hawke's Bay Group Plan, of which Napier City Council are a key partner. The review of hazard risks was the first step completed over April/May 2021. This review has resulted in Tsunami replacing Earthquakes as the number one hazard in the Hawke's Bay Risk Register² The Group Plan commits the region to the goal of hazard 'reduction' with an outcome of "sound integrated planning, which results in risks being reduced to an acceptable level".

Effective land use planning to reduce natural hazard risks requires a thorough understanding of the specific hazard risk. In accordance with the HB 10-year hazard research plan, HBCDEM has commissioned GNS to undertake Level 3 modelling for tsunami risk along the coast from Clifton to Tangoio. Level 3 modelling will provide more accurate mapping of tsunami inundation areas than what currently exists and is due to be completed in early 2022. HBCDEM will involve the relevant NCC staff as the assessment progresses. This work will provide the foundation for an integrated risk-based assessment where likelihood and consequence can be properly evaluated against the sensitivity to tsunami hazards to particular land use activities.

Based on this work, we would expect to see more detailed provisions introduced in the district plan that map tsunami risk areas and provides corresponding restrictions on development beginning with the most sensitive of land uses such as schools, childcare facilities and retirement villages.

Tsunami Evacuation Towers

While it is not feasible to rely solely on evacuation towers as a Tsunami mitigation method, we request they are specifically provided for in the natural hazard objective and policies and as a matter of control for all multi-unit and large scale developments so that they can be considered as an option for buildings of suitable size and location. Alternatively, evacuation towers could be provided for as a district wide activity, subject to suitable standards for bulk and location. This is especially important for the proposed higher density residential areas that are located a fair distance from Tsunami Evacuation zones.

Tsunami Evacuation Routes

² <https://www.hbemergency.govt.nz/assets/Documents/Plans-Procedures-and-Strategies/Hawkes-Bay-Hazard-Risk-Register-July-2021.pdf>

There has been considerable work done by HB CDEM on tsunami evacuation route planning. A risk based analysis of tsunami risk should include consideration of whether evacuation routes need to be mapped in the district plan with corresponding provisions to ensure these routes remain clear of development.

Landslides

The Hawke's Bay Strategy for Land Use Planning³ makes a recommendation for the management of landslides. Areas of potential risk need to be identified and mapped in District Plans with rules requiring geotechnical investigation of instability as part of consent processes. Since the last review of the Napier District Plan, research has mapped earthquake induced landslide risk for Napier Hill. This report identifies areas vulnerable to landslide events based on earthquake risk but as the Napier floods in 2020 demonstrated, another common trigger for landslides that pose a threat to life, property and infrastructure is prolonged and/or intense rainfall. While the HB Hazard Portal also shows land at risk from high rainfall events in the Landcare Highly Erodible Land (HEL) research, more detailed work needs to be commissioned to link the earthquake induced landslide risk areas with rainfall induced landslide risk. A risk based approach then needs to be undertaken to determine what ongoing development is appropriate in these areas. These areas need to be mapped and corresponding provisions developed to ensure any further development and use of buildings is consistent with the level of risk posed.

Liquefaction

We recognise that there are provisions in the subdivision chapter for assessing liquefaction through the consenting process at the time of subdivision. However, subdivision is not always the precursor to development and therefore liquefaction regulation from the Council needs to be consistent across both building consents and resource consents issued under the District Plan. To ensure a consistent approach across Council, the Natural Hazards chapter needs to include liquefaction as a specific risk with objectives and policies that define the approach taken to manage liquefaction in areas of existing development and greenfield development. The methods for delivery on the policies can be both within the District Plan via subdivision consent or sit outside the plan with internal Council building consent processes. MfE and GNS have both published best practice guidelines for managing land use on liquefaction prone land.

NH-R10 Buildings and structures within the River Hazard Area not otherwise provided for

- *Amend the rule status for buildings in the river hazard zone from discretionary to non-complying to align with Hastings District Council*

Land use in the river hazard zones of the Tūtaekuri and Esk Rivers are managed on one side of the river by Hastings District Council and on the other by Napier City Council. Regulation should therefore be aligned as much as possible. This is mostly the case, apart from the rule for buildings and structures which is discretionary in the Napier District Plan and non-complying in the Hastings District plan. We request this is aligned and changed to non-complying as this is a more appropriate activity status for buildings in flood risk areas.

Natural Environment Values - Ecosystems and Indigenous Biodiversity

- *Support this chapter but recognise that more work needs to be done once the NPS-IB is released*

The Regional Council are in full support of the introduction of 'significant natural areas' in the District Plan in preparation for the upcoming NPS for Indigenous Biodiversity (NPS-IB). We support the location and extent of the areas as mapped. Having already completed the ecological survey of Napier places the City Council in a good position for implementing the NPS-IB's likely content in a timely manner. The Regional Council also support the reference to native plant species throughout the plan. We note that there is still further work to do by all Councils in the region once the Government eventually approves

³ <https://www.hbemergency.govt.nz/assets/Documents/Plans-Procedures-and-Strategies/iPlan20for20HB20Joint20Hazard20Strategy20for20land20use20planning20HBRC20Plan20439720v3.pdf>

the NPS-IB for gazettal, (possibly by the end of 2021 or early 2022) and we look forward to further work with the TLAs once this comes into force.

Natural Environment Values - Natural Features and Landscapes

- *Support for this chapter but question the appropriateness of container storage in an area of high landscape value*

The Regional Council support the identification and protection of areas of high landscape value in and around the Ahuriri Estuary and the Western Hills. In conflict with this, however, is the proposal in the Spatial Picture to zone the expressway end of Lagoon farm as un-serviced industrial land for container storage. While we recognise that container storage sites are much needed, this particular location would have a significant impact on the landscape values of Te Whanganui-ā-Orotū detailed in Schedule 2 of the District Plan. In addition, the Special Purpose Zone - Te Whanganui-a-Orotū (Ahuriri Estuary) Ecology and Stormwater Treatment Zone has a prohibited status for industrial activities that the HBRC are in support of.

Natural Environmental Values - Public Access

- *HBRC welcome the opportunity to further input into the draft public access routes*

The Regional Council support the intent of this chapter to provide for improved connectivity across Napier for walking and cycling. This is especially important from both a transport and natural hazard perspective. We fully support opportunities to safely substitute off-road options for cycling and walking, and to provide for evacuation routes in times of emergency.

The Regional Council Open Spaces team would welcome the opportunity for further input into the public access routes identified before the proposed plan is notified. This will ensure the proposed District Plan Public Access routes align with the Regional Cycling Plan. It will also provide the opportunity to advocate that public access is available for both walking and cycling to assist with the development of the iWay (urban shared cycling/walking network) and Hawke's Bay Trail network.

Subdivision - Subdivision

- *Request additions to be made to subdivision design guide to include natural hazard mitigation requirements*

Following on from the comments on natural hazards, the Council have identified some improvements to be made to the subdivision design guidelines in relation to natural hazards. The objective at SUB-05 is clear, yet the corresponding design guidelines do not mention the importance of good design for natural hazard mitigation. A new section should be added that specifically provides design ideas such as building elevations to be considered at the early stage of subdivision and the use of hard structures and spaces between buildings. Linkages can also be made in the connectivity section to the importance of improved connectivity for the purpose of Tsunami evacuation.

PART THREE – AREA SPECIFIC MATTERS

Rural Zones - Rural Production Zone

- *Request change in rule status to control ad-hoc development in the rural plains zone in accordance with the policies as drafted, the RPS and to align with similar provisions in the Hastings District Plan*

To prevent the continuation of ad-hoc development in land not yet zoned there needs to be consideration of applying the same approach of the Hastings District Plan by moving activities of 'places of assembly' and 'retirement complexes' from discretionary to non-complying classifications. This will

also prevent non-rural activities from establishing in areas with highly productive soils. The Regional Policy Statement is very clear in OBJ-UD 4 and POL-UD 10.2 that ad-hoc development on land not yet zoned is to be avoided.

OBJ UD4

Enable urban development in the Heretaunga Plains sub-region, in an integrated, planned and staged manner which:

- a) *allows for the adequate and timely supply of land and associated infrastructure; and*
- b) **avoids** *inappropriate lifestyle development, ad hoc residential development and other inappropriate urban activities in rural parts of the Heretaunga Plains sub-region.*

POL UD 10.2

*In the Heretaunga Plains sub-region, **avoid** inappropriate ad hoc urban development within the residential greenfield growth areas identified in Policy UD4.3 or created under Policy UD4.2 prior to rezoning taking place.*

The policies as drafted already support a more stringent rule status. The Regional Council supports policy RPROZ-P7 in the rural production zone that seeks to control urban development in rural areas that is not consistent with HPUDS and the RPS. We also support policy RPROZ-P8 that seeks to prevent residential activities and other development from occurring in rural zones where the activity does not have a functional, technical, or operational need for a rural location and are not ancillary to rural activities.

The Regional Council also support RPROZ-P9 Protection of rural values and in particular note that this seeks to locate development away from versatile land most suited to primary production. This reflects the position of the joint submission (HBRC, NCC, HDC and CHBDC) to the NPSUD and NPSHPL in October 2019. We note that there is still further work to do by all Councils in the region once the Government eventually approves the NPS-HPL for gazettal, and we look forward to further work with the TLAs once this comes into force.

However, these policies are not well reflected in the rules. Currently large scale residential development in the form of retirement complexes (where subdivision does not occur) fall under 'activities not otherwise provided for' (RPROZ-R12) and are only a discretionary activity. The Regional Council submit that the NCC District Plan aligns with HDC to move 'places of assembly' and 'retirement complexes' from discretionary to non-complying. Lessons learnt from HDC are that marae may need to be considered separately as currently they are included in the definition for places of assembly.

The ad-hoc development currently occurring south of Napier is in the absence of a structure plan to guide development. Structure plans provide the mechanism for integrating new development with existing urban areas, ensure urban growth is accommodated in a sustainable way, and ensures that all constraints are investigated and addressed at the time of initial zoning for urban purposes.

Rural Zone - Rural Specific Control Area

- *Remove the permitted activity rule for feedlots and the standard for outdoor storage*

The Rural Control Area covers a large area of land adjacent to Ahuriri Estuary. The Regional Council support the objectives and policies as drafted, including the following policy:

RCA-P5: Inappropriate development

Activities that discharge contaminants, or require wastewater services, and/or do not have a functional, technical or operational need for a rural location are not located in the rural environment.

Considering this policy, we are concerned that rule RCA-R2 permits 'feedlots' providing they are set back 500m from the estuary. Feedlots are an intensive rural activity that results in the discharge of contaminants. We understand that feedlots have in the past been an activity managed by local authorities to control effects such as noise and amenity values that are within their jurisdiction. However, we note that the feedlot rule has been removed from the other rural zone chapters, but it still remains in this chapter. Feedlots are now regulated under the NES-Freshwater under a stricter discretionary status to provide controls over the discharge of contaminants which is the most important effect to be managed in this zone. Therefore we submit that this rule is deleted as the activity is sufficiently managed under the NES-Freshwater.

We are also concerned about the standard in this zone for 'outdoor storage areas'. This standard currently exists in the industrial zones but does not apply in any other rural zone. This makes the assumption that outdoor storage of refuse or stockpiles (i.e. car tyres) are considered appropriate permitted land use activities in this zone providing that it is not more than 200m from the estuary. This standard conflicts with RCA-I6, RCA-PO1 and RCA-O2 that recognise that land use activities need to be compatible with the sensitivity of the receiving environment. Again, the objectives and policies in this chapter need to align more closely with the rules for activities.

Special Purpose Zones - Te Whanganui-a-Orotū (Ahuriri Estuary) Ecology and Stormwater Treatment Zone

- *Remove rule that duplicates regulation provided by the regional council*
- *Re draft objectives and policies to ensure cycleways are provided for as an existing use*

The Regional Council are in support of this new zone that prohibits residential and industrial development and provides for 'stormwater treatment' while ensuring it complies with all district plan standards. This is an important zone to give effect to the Ahuriri Masterplan and Ahuriri Regional Park. However, we question the usefulness of Rule AESZ-R7 which creates a non-complying activity for any activity requiring a resource consent from the Regional Council for a discharge to water, land or air. We question whether this duplication of regulation was intentional and if so we request that rule AESZ-R7 is deleted.

We also seek clarification that any provisions in this zone do not impede on the existing cycle and walking network. The trails currently in this area are part of the Hawke's Bay Trail network and one of only 22 Great Rides for New Zealand Cycle Trail Inc, of which Napier City Council are one of the key stakeholders. There are various permissions from New Zealand Cycle Trail that would be needed to alter this network and standards to be met. They are very well used by the public for recreation, events, tourism operators, leisure, exercise and education.

A Hawke's Bay Trail counter that measures usage is located near the Taipo Stream at the entrance to Lagoon Farm. It counted 7,390 trips in August 2021. Last year 21,785 pedestrian trips and 33,669 cycle trips, a total of 55,454 trips were counted in 2020. Of these will be a number of cycle commuters and tourists using the trails to move about our region, choosing active transport and sustainable tourism – instead of using vehicles, thus reducing traffic congestion, creating more liveable cities and decreasing carbon emissions. HBRC request that the objectives and policies in this chapter are redrafted to clarify that this important existing use is maintained.

General Comments

We have noticed some inconsistency in the way the rules have been drafted across the plan and make the following comments:

1. The industrial and rural zone activity rules have a condition that links the rules to the standards of that zone i.e. a condition of the rule is that the zone standards have been met. The residential zones do not follow this pattern and the standards sit separately to the rules. Consistency of rule format throughout the plan is required.

2. The first three activities in the industrial zone fall to discretionary if the conditions of the rule are not met. One of the rule conditions are meeting the zone standards, yet when a standard is not met, matters of discretion are listed. This makes it seem that when a standard is breached the rules status is restricted discretionary, not discretionary. There needs to be a separate rule status for when particular standards are breached to ensure the regulation is coherent.