

**IN THE MATTER of the
Resource Management
Act 1991;**

AND

**IN THE MATTER of
Variation 3: Howard
Street Residential
Rezoning, to the
Proposed Hastings
District Plan.**

**RECOMMENDATIONS FROM THE HEARING COMMISSIONER PANEL TO THE
HASTINGS DISTRICT COUNCIL IN RESPECT OF VARIATION 3 TO THE
PROPOSED HASTINGS DISTRICT PLAN**

1. INTRODUCTION

This report identifies the decisions that the Hearing Panel recommends the Hastings District Council make in relation to Variation 3 to the Proposed Hastings District Plan.

The report provides an account of the process leading to the overall recommendation, recommended decisions on submissions, and recommended amendments, to Proposed Variation 3.

We have considered the details of proposed Variation 3, all of the submissions received, the evidence and presentations of the submitters at the hearing, the section 42A report presented by the Council's reporting officer, and other relevant matters.

Our recommendation is that proposed Variation 3 be approved with some modifications and that the submissions be accepted, accepted in part, or rejected, in line with our overall recommendation.

2. BACKGROUND

We were advised that the Council, in November 2015, decided to proceed with a Variation to the Proposed Hastings District Plan to enable the investigation of the area of land for the Howard St Rezoning area identified in the Heretaunga Plains Urban Development Strategy (HPUDS) for rezoning.

The Council is undertaking the variation due to the high demand for greenfield residential land, and the reducing supply available in other new urban development areas.

The variation seeks to vary the Proposed Hastings District Plan, as relates to a 21.2 hectare block of land, located between Havelock Rd and Howard St, and extending to the south east of the existing Hastings General Residential Zone. The variation will enable 21.2 hectares of land to be rezoned from Plains Production to Residential with appropriate servicing and road access, to enable provision for residential development.

3. VARIATION 3

3.1 Variation Description

The Proposed Hastings District Plan is currently being finalised and the Council is promoting some variations to it.

Proposed Variation 3 is fully described in the section 32 report but is summarised as follows in the section 42A report;

“Proposed Variation 3 rezones an area of land on the eastern side of Hastings City to provide for future greenfield residential growth. This area was identified in HPUDS in 2010 as one of a number of areas for greenfield residential growth to 2045, and subsequently in the RPS as being an appropriate residential greenfield growth area within the Heretaunga Plains.

The area was then included in Hasting’s District Council’s prioritisation of greenfields residential areas adopted by Council in 2011 and was scheduled for development in the 2026 to 2031

period – on that basis, because the Howard Street development area was not anticipated within the 10 year life of the District Plan, it was not included in the recent Proposed Hastings District Plan as part of its 10 year review.

Recent issues with unsuitability/unavailability of growth areas scheduled for earlier release (namely, the planned Arataki Extension) has resulted in a reconsideration of the timing of the release of the Howard Street area for greenfield residential development. These recent sequencing issues are also being fed into the current review of the overarching HPUDS strategy itself.

Coincidentally, at the end of 2015, Council was also approached by a bona fide developer with substantial land interest within the Howard Street area, indicating a desire and readiness to progress a substantial development as soon as possible. This has given further stimulus for bringing forward the sequencing of the Howard Street development area.”

3.2 Variation 3 – Howard St Residential Rezoning – An amending proposal

We were advised that the proposal was a variation to the proposed Hastings District Plan (PHDP). The PHDP (as amended by decisions) was notified on 12th September 2015. There were 42 appeals received on the Plan, with 17 having either been withdrawn or agreed upon through Court Order. It was noted that the PHDP will likely become fully operative in 2017.

As a variation to a proposed plan, this is an ‘amending proposal’ in terms of section 32(3) of the RMA, therefore it is the provisions of the Variation that require evaluation. Those provisions of the General Residential and Plains Production Zone sections of the PHDP that are not being altered by the Variation, do not require further evaluation.

The reason for this is that section 32(3) of the RMA states:

- (3) *If the proposal (an amending proposal) will amend a standard, statement, regulation, plan, or change that is already proposed*

or that already exists (an existing proposal), the examination under subsection (1)(b) must relate to—

- (a) the provisions and objectives of the amending proposal; and*
- (b) the objectives of the existing proposal to the extent that those objectives—*
 - (i) are relevant to the objectives of the amending proposal; and*
 - (ii) would remain if the amending proposal were to take effect*

Under the Act, a further evaluation is required under section 32AA, for changes (relief sought in submissions) to the ‘proposal’ since the initial section 32 evaluation report was prepared. The further evaluation is subject to the same requirements as the original section 32 evaluation (being section 32(1) to (4)).

4. SECTIONS OF THE PROPOSED DISTRICT PLAN SUBJECT TO CHANGE

Variation 3, ‘Howard St Residential Rezoning’ introduces changes to the following sections of the Proposed Hastings District Plan:

- Section 2.4 Urban Strategy
- Section 7.2 Hastings Residential Environment (specifically Hastings General Residential Zone)
- Section 25.1 Noise
- Section 26.1 Transport and Parking
- Section 30.1 Subdivision and Land Development
- Appendices
- Planning Maps

Key changes advised were:

- The inclusion of a new structure plan as Appendix 80, Figure 2
- Including Howard St as an Urban Development Area within Section 7.2 and Appendix 80, Figure 1
- Restriction of access to Havelock Rd under Section 26.1
- Noise requirements for properties located close to Havelock Road under Section 25.1

- Average net site size of 600m² with a minimum of 400m² under Section 30.1
- Inclusion of Howard St Urban Development Area under comprehensive residential development provisions.

5. COMMISSIONER PANEL APPOINTMENT & DELEGATION

The Council appointed and delegated authority to us pursuant to section 34A of the Resource Management Act (“the RMA”), to hear and consider all matters related to the proposed variation including submissions and the Council’s section 42A report (“the planning report”), and to then make appropriate recommendations in respect of the submissions, and any associated amendments to the proposed variation, to the Council.

The hearing panel comprised of:

- William Wasley (Chair)
- Peter Kay
- Kevin Watkins

We were supported during the hearing and deliberations process by Christine Hilton of Hastings District Council.

6. NOTIFICATION AND SUBMISSIONS

- Original Submissions

Proposed Variation 3 was publicly notified on 16 July 2016 in accordance with Schedule 1 to the Act. The closing date for submissions was 12 August 2016.

A total of fourteen (14) submissions, covering 33 separate submission points were received. Of the submissions we note that:

- 1 is in total support
- 9 are in support subject to amendment or clarification
- 1 is Neutral but seeks amendments

- 1 is in opposition subject to amendment
- 2 are in total opposition

- Further Submissions

A summary of submissions was publicly notified and further submissions were called for on 3 September 2016, with a closing date of 16 September 2016.

A total of six (6) further submissions were received.

- Late Submissions

No late submissions were received as part of this Variation process.

7. ISSUES RAISED THROUGH SUBMISSIONS

A range of issues were identified by submitters and are outlined as follows:

Issue	Submitter
1. Support for proposed General Residential Zone	#02 Brian Bixley #03 Chris and Lorraine Burns #04 Ken and Eileen Gee #06 Boyes, Stone & Whiting #07 Tony and Heather Masters #08 Richard & Mandy Fyfe #09 K Cooper #11 Cam Ward & Simon Tremain #12 Ian Kelly #13 Progressive Enterprises
2. Opposed to proposed General Residential Zone	#01 Hawke’s Bay Fruitgrowers Assn #10 Maree & Vincent Costello #14 Geoff Crawford – Telegraph Hill

3. Access to Havelock Road	#04 Ken & Eileen Gee #12 Ian Kelly #13 Progressive Enterprises
4. Howard St/Windsor Avenue Intersection	#02 Brian Bixley
5. Cycleway/Walkway Links	#04 Ken & Eileen Gee #05 Ministry of Education
6. School Concerns – General	#05 Ministry of Education
7. Supermarket – General	#05 Ministry of Education #13 Progressive Enterprises
8. Reserve Location/ Size and Landscape Strip	#04 Ken & Eileen Gee #05 Ministry of Education #08 Richard & Mandy Fyfe #09 K Cooper #11 Cam Ward & Simon Tremain #13 Progressive Enterprises
9. Reverse Sensitivity/ No Complaints Covenant	#01 Hawkes Bay Fruitgrowers Assn #04 Ken & Eileen Gee #14 Geoff Crawford – Telegraph Hill
10. Extension of Zone	#06 Boyes, Stone & Whiting
11. Internal Road Corridor Location	#08 Richard & Mandy Fyfe #09 K Cooper #11 Cam Ward & Simon Tremain #13 Progressive Enterprises
12. Medium Density Provisions/General Design	#01 Hawke’s Bay Fruitgrowers Assn #08 Richard & Mandy Fyfe #09 K Cooper #11 Cam Ward & Simon Tremain #13 Progressive Enterprises

13. Stormwater Detention Area	#07 Tony and Heather Masters #08 Richard & Mandy Fyfe #09 K Cooper #11 Cam Ward & Simon Tremain #12 Ian Kelly
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8. STATUTORY CONTEXT

Section 74 of the RMA sets out the matters to be considered by a territorial authority in preparing or changing its district plan. These include doing so in accordance with its functions under section 31, the provisions of Part 2 and its duty under section 32 and further, having regard to other documents to the extent that their content has a bearing on resource management issues of the District.

Section 75 of the RMA, in addressing the contents of district plans, requires that a district plan must give effect to any regional policy statement and must not be inconsistent with a regional plan.

Section 31 addresses the functions of territorial authorities under the RMA and includes:

a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district;

b) the control of any actual or potential effects of the use, development, or protection of land, ...

Section 32 of the RMA provides for the consideration of alternatives, benefits, and costs and requires that an evaluation must be carried out and that an evaluation must examine:

a) the extent to which each objective is the most appropriate way to achieve the purpose of this Act; and

b) whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.

For the purposes of this examination, an evaluation must take into account the benefits and costs of policies, rules, or other methods.

Part 2 of the RMA, being the purpose and principles of the statute, is the overarching part of the Act. Regard is to be given to all matters within it.

Clause 29 of the First Schedule states that after considering a variation, a local authority may decline, approve or approve with modifications that variation and shall give reasons for its decision. Clause 10 of the First Schedule states a local authority shall give its decision which shall include the reasons for accepting or rejecting any submissions.

9. RECOMMENDATION REPORT

For convenience, this report generally follows the format of the planning report prepared by Craig Scott, the Councils' reporting officer, who reported on the Variation for the Council. That planning report provided an analysis of the submissions on an issues basis and made recommendations as to whether the submissions should be accepted or rejected.

Following the hearing, we found agreement with much of the analysis in the planning report and accordingly have largely adopted it in this report. We also provide additional commentary where appropriate to take into account some of the matters raised in the submissions and at the hearing.

This decisions report has been structured to respond to submissions in a logical order. The decisions and associated responses are the recommended decisions of Council as per Part 10 of the First Schedule of the RMA.

10. HEARING

The hearing took place in the Hastings District Council Chambers in Hastings on Friday 13 December 2016. A site visit was undertaken by us prior to the

commencement of the hearing. We were accompanied by Junior Tuakana, who did not have any role in respect of reporting on Variation 3 or advising us in respect of this matter.

Prior to the hearing, we had the opportunity to peruse the details of the proposed Variation together with the submissions received and the section 42A report prepared by Mr Scott.

10.1 Appearances

At the hearing there were the following appearances from Hastings District Council and submitters:

- **Hastings District Council**

- Mr C Scott – Reporting Planner, Environmental Planner (Policy)

- Mrs R Macdonald – Consultant Planner

- Mr R Wallis – Environmental Policy Manager

- Mr S Turner – MWH, National Specialist in Road Safety, Traffic

- Mr M Kneebone – Stormwater Manager

- Mr D James – Wastewater Manager

- **Submitters**

- Progressive Enterprises Limited

- Ms B Carruthers – Counsel for Progressive Enterprises Limited

- Mr BR Nixon – Development Manager for Property, Progressive Enterprises Limited

- Mr R Knott – Urban Designer, Heritage Specialist and Town Planner

- Mr AJ Thompson – Director of Urban Economics Limited, Consultant

- Mr MG Georgeson – Traffic Engineer, Traffic Design Group Ltd

- Ms K Panther Knight – Principal Planner, Civitas Limited

- Ms D Vesty – Executive Officer, HB Fruitgrowers Assn

- Mr T and Mrs H Masters

- Ministry of Education

- Mr A Dibley – Regional Property Advisor, Ministry of Education

- Mr K Frenz – Planner, Beca

- Mr K Gee
- Mr M Lawson, Counsel – appearing for S Tremain and C Ward
- Mr M Holder – Development Nous Limited – representing S Tremain and C Ward and supporting Ms K Cooper
- Mr S Tremain
- Ms K Cooper
- Mr R and Mr M Fyfe

10.2 Summary of Evidence

A summary of the evidence is provided to assist explaining the position of the parties in relation to the proposed variation.

10.2.1 Hastings District Council

- **Mr Scott** provided an overview and the main points highlighted included:
 - Background to Proposed Howard Street Variation 3 – to rezone approximately 21.2ha from Plains Production Zone to Hastings General Residential Zone.
 - The Proposed Hastings District Plan, as amended by decisions on submissions, was notified on 12 September 2015.
 - Throughout 2016 mediation has occurred to resolve the appeals that had arisen and now only a small number of appeals were outstanding.
 - The Howard Street Urban Development Area had been identified in HPUDS in 2010 as one of a number of areas for greenfield residential growth to 2045.
 - Subsequently in the Regional Policy Statement the area had been identified as an appropriate greenfield growth area within the Heretaunga Plains.
 - In 2011 the area was included in the prioritisation of greenfields residential areas Council adopted to be scheduled for development in 2026 to 2031.
 - The area was not included in the recent 10 year review of the District Plan, as its development had not originally been anticipated within that period.

- The rezoning of this area had been brought forward due to issues with unsuitability/unavailability of growth areas scheduled for earlier release and high demand for greenfield sites over the 2015/2016 period.
- While it has some relatively similar provisions, as an urban development area this area had some differences to other general residential rules, with some specific rules applying.
- The key provisions of Variation 3 were outlined.

Mr Scott and Mr Wallis, made some additional background comments in terms of the HPUDS Review, the Draft Strategy and the submissions received. The main points that were highlighted included the following:

- As part of that review, a submission had been received from Ms K Cooper, supporting the extension of the boundary of the Howard Street area.
- Once the subsequent HPUDS recommendations had been released, in early 2010, they were ratified by all three Councils who were part of the process (being HDC, NCC and HBRC).
- Officers clarified the area covered by Variation 3, as in HPUDS 2010.
- There had originally been a line taken from the existing residential area on the opposite side of Howard Street and a line taken across the street.
- Another additional 6ha (approximately) had been identified, through the Section 32 review process, prior to notification.
- Officers explained the process in respect of prioritisation noting that a prioritisation assessment undertaken by the Council had ranked the areas identified by the HPUDS process and noted their preferred development timeframe
- The other key area identified in HPUDS was the Arataki Extension. Development of this area had been delayed for reverse sensitivity reasons.
- The timeframe for the further development of Howard Street had been identified as 2026 to 2031 and has been brought forward as a result of the delay in development of the Arataki Extension area.
- The provision of infrastructure etc for this area would link into the Long Term Plan.

10.2.2 Submitters

- **Ms Carruthers** read her legal submissions on behalf of Progressive Enterprises Ltd. She also tabled copies of the Environment Court Decision *Well Smart Investment Holdings (NZQN) Limited v Queenstown Lakes District Council* [2015] NZEnvC 214. The main points that were highlighted in her submissions included:
 - Acknowledgement of the points presented by Mr Scott in his overview.
 - Progressive supported the timeframe being brought forward for the sequencing of the development of the Howard Street area.
 - In paragraphs 1.3 and 3.14 of her Submissions, she referred to the last page of the evidence (Appendix 4) circulated for Mr Knott to present. This showed an Updated Alternative Structure Plan, with the road connection through to Howard Street which it was proposed to move across to the reserve area.
 - She noted the differences between this Proposed Structure Plan and the Council’s original Structure Plan as notified.
 - Paragraph 2.2 of her Submissions – noting the *Well Smart* decision that had been circulated with her Submissions.
 - Paragraph 3.13 – she noted she was not speaking on behalf of the Ministry of Education. She was simply stating her understanding of the situation.

- **Mr Nixon** highlighted the main points in his evidence which included:
 - The demographics and trade data for the population catchments was a very complex process to analyse.
 - The only supermarket brand Progressive has is “Countdown”.
 - The value of sites, improvements on the sites and existing tenures are all factors that are taken into account.
 - While it may be easy to locate suitable land, it can be difficult to purchase it before their competitors who may purchase and hold onto land.

In response to questions, Mr Nixon commented as follows:

- The supermarket land shown on the Alternative Structure Plan was disconnected from the other commercial centres and would be largely surrounded by residential development.
 - He felt it was common for supermarkets to be located in residential areas.
 - He advised that the important factor was to avoid the risk of trade licensing as this would go against the spirit of the Resource Management Act (RMA).
 - The RMA provides mechanisms for alternatives to be addressed, as situations could always arise which the planning framework has not provided for.
 - Mr Nixon was asked whether, if Progressive's submission was supported, would it provide the catalyst for other commercial activities wanting to locate in close proximity to the supermarket and by default, would it create an ad hoc commercial centre? Mr Nixon confirmed that it may do so in some cases, but there were other factors that also come into play.
 - Notwithstanding the outcome of this Variation hearing, Progressive would continue with the resource consent application. However, the type of status that applies may differ, as a result of this Variation outcome.
- **Mr R Knott** read his evidence and main points highlighted included:
 - That having a school and a supermarket within the area can help create a new community.
 - The area is well serviced by a cycle and pedestrian network.
 - At this stage he did not feel that the compatibility of a supermarket with an adjoining residential development was an issue. He gave examples of this type of situation – e.g. Kelvin Grove, Palmerston North.
 - The land identified as a permanent school playing field could be formalised and retained for school use.
 - He did not believe that having a link road would necessarily mean that people would use it to drive through the area at high speeds.

In response to questions Mr Knott noted:

- The opportunity for the school to use part of the surplus land.

- He confirmed that the roundabout would be fully on Progressive land within their boundary. It would not encroach on the land across the road.
- There was already a high density of development in the surrounding area. He did not believe the Commissioners should get “hung up” on lot sizes as such. A development can be designed not to look like it was a high density development.
- The need to ensure there would be good walking and cycling access. Whether this would be within the road or adjacent to it, was still a question to consider as well as how it would affect Mr Gee and the use of his property.
- He noted the whole road would be accommodated within the Progressive land, so there would not be a specific impact on the Gee land.
- It was appropriate to apply the mixed use neighbourhood at this level/scale of community, without having an effect on the CBD area. The consideration of commercial activity should be the starting point when considering this type of neighbourhood.
- There had not been any discussion with other submitters and specific landowners about the changed location of the road, away from the school.
- They did not want a link that used too much land and made inefficient use of the overall land. There were four titles involved and Progressive believed that this would also be the view of those landowners.

Ms Carruthers advised from a jurisdictional point of view she did not see any issue with what was being proposed. The Council’s notified version of the Structure Plan had not shown a connection through to Havelock Road. The fact that Progressive was seeking an alternate roading configuration was made clear to the submitters and that they could make further submissions on this issue if they wished to do so. In terms of the road through to Howard Street to the east, Progressive would not “die in a ditch” over this. While the location of the link would affect the other landowners, she did not believe that any parties would be caught unawares. She also noted that all affected parties had been involved with this hearing.

- **Mr AJ Thompson** read his evidence. In response to questions he noted:

- A minimum turnover of \$30 million per annum was needed for a supermarket to be viable.
 - The Four Square shop on the corner of Windsor Avenue had not been mentioned, as this was considered to be used more for day to day purchases.
 - While there were general shopping benefits from having a supermarket in the CBD, is it a good principle not to have all the supermarkets within the CBD?
 - The CBRE report commissioned by the Council demonstrated there was a demand, stating that Hastings can support another large supermarket.
 - The report had been focussed on the Hastings CBD, so he had done the same and had not spent time on a district wide analysis.
 - While land value drives the decision as to whether there is land available, other factors can also play a part.
 - A certain hierarchy approach can be maintained and an out of centre location can be used if the centre of a city can withstand the competitive impact. In this way each situation is on its own merits and would not set a precedent.
 - He believed the proposed out of centre location will have little or only a temporary impact on the overall commercial centre.
 - He stated that through the PHDP process there had not been an adequate amount of commercial land provided.
 - The National Policy Statement on Urban Development Capacity 2016 (NPS-UDC) also required consideration of the cost and value of land and other associated factors.
- **Mr Georgeson** read his evidence and responded to questions that included:
 - There had been no intention that the main road connecting Howard Street and Havelock Road would act as a “through road” as such.
 - There would be design considerations to follow in relation to form and style.
 - The Alternative Structure Plan shows dual connection to Howard Street.
 - From his transport perspective it was not paramount to have that ability to connect to Howard Street and Havelock Road. The road next to the school’s boundary was not critical to the Structure Plan.

- There was flexibility around the way in which the Structure Plan may be delivered.
- Having regard to possible effects of any supermarket traffic back onto Howard Street, he noted that the analysis showed that a roundabout can perform well to address traffic other than vehicles from the supermarket.
- Given where the proposed supermarket and carpark would be located, he expected that the vast majority of people would access on and off the Havelock Road – depending on the internal roading layout on the land in question.
- The internal roading was less material at this point.
- If there was no supermarket proposed on the subject site, he still felt there needed to be access off Havelock Road and Howard Street.
- The MWH report; in regard to residential rezoning aspect observed the same issues regarding safety and congestion.
- The volume of traffic associated with 250-300 lots, especially in peak hours, into this environment and the resultant effects.
- Use of a standard roundabout with give way signs versus a reverse priority design (e.g. give way signage on circulatory area of roundabout, rather than on the main road itself). In this way, the main traffic could keep circulating.
- Land would not need to be acquired on the opposite side of Havelock Road in order to construct the roundabout.
- The connection would need to be in the location shown on the Alternative Structure Plan.
- **Ms Panther Knight** read her evidence and the main points highlighted or addressed in response to questions included:
 - This is a proposal that will try to work seamlessly with the Structure Plan that includes a supermarket, rather than the approach she feels the Council has assessed in its Section 32 and 42A reports in considering a supermarket in isolation.
 - She noted that Progressive had control over 3.1 ha of the overall area involved - associated with the supermarket.
 - She believed the relief sought by Progressive achieves the outcome more effectively than the Council’s proposed variation.

- The new rule proposed to be inserted by Council for minimum site sizes at 30.1.6A, needs to be amended so that the minimum site size does not apply where comprehensive residential development is proposed.
 - They were not proposing any changes to the District Plan provisions regarding access onto Havelock Road. She supported the suggestion by Mr Georgeson of addressing such situations on a case-by-case basis.
 - She felt the Structure Plan had to identify the roading layout and supported Mr Georgeson’s evidence.
 - Policy UD4.3 of the HBRC’s Regional Policy Statement (RPS), Howard Street had been identified for residential greenfield growth and Progressives proposal provided an opportunity to deliver a new community, while matching a broader objective to the RPS regarding residential and commercial growth in that area.
 - She stated that the Structure Plan was an opportunity to look at the broader issues enshrined in the RPS.
- **Ms Vesty**, circulated and read her evidence on behalf of the Hawke’s Bay Fruitgrowers Association, and the main points that were highlighted in the evidence or addressed in response to questions included:
 - Hastings was in LUC Class 1 land.
 - The submitter had acknowledged this land was identified by HPUDS and that the timeframe for development on this land had been brought forward and an additional area had been added.
 - The Association had never supported the variation 100%, but supported the definite boundary – this land was too good to be buried under houses.
 - A lot of negotiations were part of the formulation of such strategies and the shaping of more definite boundaries.
- **Mrs Masters** circulated and read evidence, on behalf of herself and her husband. The main points that were highlighted in the evidence or addressed in response to questions included:
 - The acknowledgment in the HB Regional Council submission, there had needed to be a lot of work in this area.
 - Supported Development Nours proposal.
 - Concerned that there was no real line to show how big the drain will be.

- The Council plan showed a larger amount of their land would be required for drainage.
- They supported the Development Nous proposal as it showed definite lines and was proposing to take a lot less of their land for drainage. This proposal gave them more certainty, but neither proposal showed exactly how much of their land would be taken.
- **Mr Frentz and Mr Dibley** circulated a copy of power point slides and spoke to those:
 - The Ministry agreed with the Reporting Planner’s report and supported his recommendations, insofar as it related to the Ministry’s submission.
 - The Ministry acknowledged there had been some discussions with Progressive, but said that it was neutral or ambivalent to the Progressive proposal. The latest Progressive Structure Plan has been included in the presentation at this hearing
 - Parkvale School. There were now 585-590 students at Parkvale School.
 - In this area, one would expect a large residential zone of this nature and that additional students would be coming to the school.
 - The effect of the proposed road, on noise and its traffic impact.
 - Supports offsetting the carriageway so a greater distance between the road and the school.
 - The Ministry noted that the 20m of road reserve was not enough setback and wanted this to be 20m plus 2m or 5m to accommodate the services that would assist the functions of the school and allow for some landscape mitigation and a shared cycle/pedestrian footpath (3m wide) plus a limited time drop off/pick up zone – or, as on the Cooper (Development Nous) Structure Plan, some angled parking and a right turn bay, off Howard Street, into a pick up zone.
 - They supported the 40km/hr speed limit; retaining the reserve area; and retaining all the traffic movements from Howard Street into the proposed road.
 - They reiterated that the Ministry did not support the road connection between Havelock Road and Howard Street.
 - Regardless of where any connection was located, the Ministry’s position is to oppose any connection between Howard Street and Havelock Road.

- The Ministry would support an approach where students were able to walk and cycle to get to the school.
- **Mr K Gee** read the original submission made on behalf of himself and his wife and also circulated and read their evidence. The main points that were highlighted in the presentation or addressed in response to questions included:
 - Concerns about the location of the cycleway and wanted to see this moved to the Hastings side of their boundary instead of 18m away. Otherwise this would leave them with 18m of virtually unusable land on their property.
 - He strongly disagreed with the approach that existing sites without an entry or exit point would not be permitted to exit onto Havelock Road due to potential for accidents on this high traffic route.
 - They had already lost approximately half their land.
 - They did not want to give up any more land past the Lot 41 boundary. If a bigger park was wanted, he suggested that land could be used towards the Tremain Block or alternatively shift the park behind the school fence.
 - He opposed the landscape strip along Havelock Road.
 - He opposed the 10m wide cycleway.
- **Mr Lawson**, appearing on behalf of S Tremain and C Ward and read a synopsis of submissions being made on their behalf. Matters raised included:
 - A further Structure Plan, from Progressive, had been received at the hearing. This had been discussed with the Ministry of Education the previous day, but it had not been discussed with Tremain/Ward nor Messrs Lawson and Holder.
 - They take the view as submitters, that it was a matter of “live and let live”. But they made the point that they had not made a submission regarding a supermarket in the residential zone.
 - They felt there were “scope” issues in regard to the further Alternative Structure Plan being presented at this point, but will leave it to the Commissioners to decide if this is within scope.
 - Traffic access to supermarket, via a roundabout, with three points of access.

- They took issue with the Progressive Updated Alternative Structure Plan as it which would cause effects:
 - The Tremain/Ward land would effectively be bisected and no discussion had been held with those parties.
 - Substantial additional effects would result and this whole rezoned area would effectively be subject to the traffic generated by the supermarket.
- He submitted that the 20m proposed width was considered ample for a standard road reserve area.
- The proposed variation was also consistent with the National Policy Statement (i.e. every area considered for residential rezoning did not have to provide industrial and commercial land within that rezoning).
- HPUDS provided that region wide focus.
- **Mr Holder** read his evidence and the main points that were highlighted in his evidence or responses to questions included:
 - He noted that evidence from the HB Fruitgrowers Association stated that there was plenty of residential land available – including parts of Lyndhurst. There had been a high level of uptake and there was no more land available until those areas had been built on.
 - They did not agree with the Association and felt there should be a variety of land available.
 - Submitters did not support a road connection from Howard Street to Havelock Road in terms of the Structure Plan.
 - The aim has been to avoid additional roads connecting onto Havelock Road.
 - Having additional roundabouts onto Havelock Road would not be desirable.
 - It would not be good to have this connection road used as a thoroughfare for traffic wanting to get off Havelock Road.
 - They had no issues if Progressive could make a case for a roundabout in relation to the suggested supermarket. But if that roundabout enables the customer traffic or other traffic to travel through the residential area, then it was opposed.
 - They supported a 20m wide legal road adjacent to the school boundary but no further width should be taken.

- Any additional width equated to more encroachment onto productive land.
 - 20m road was an ample width – being an 8m wide dual carriageway width; plus angle parking of 3m; leaving a further 4 or 5m on either side.
 - The road would be separated from the classrooms once there was a 2m wide footpath; plus 1m between the boundary and existing school building.
 - The Structure Plan also included provision for a landscaping strip.
 - Mr Holder was confident that any separation distances being sought could be achieved.
- **Mr Fyfe** made some verbal comments which included:
 - Mr Fyfe opposed Progressive’s new Structure Plan and the proposed location of the connection road.
 - They have property on the Havelock side of the Tremain Ward property.
 - The parents of the school children park in the drain area when picking up/dropping off students.
 - They supported the Tremain view of having the road against the school boundary and supported the Tremain/Ward Structure Plan.
 - They fully supported the rezoning of the whole block – not what the HB Fruitgrowers Association was seeking, as that would put the proposed road against their boundary.
- **Ms K Cooper** circulated and read her evidence. She also referred to the Indicative Structure Plan prepared by Development Nous. The main points highlighted in her evidence included:
 - She had practical experience in regard to reverse sensitivity matters.
 - She identified the area referred to in her evidence and noted the normal front yard setback requirements that she felt should apply (being 3m).
 - She supported the earlier noted Development Nous Structure Plan.
 - She concurred with the comments made regarding the Progressive Structure Plan that the connection road location will create a rat race and an undesirable level of traffic in that area.
 - She objected to that amount of land being taken, in respect of her property.

- The use of a tee-intersection (at the corner of the legal road corridor and Howard Street, as shown on the Development Nours Structure Plan).
- Would encroach a little onto her land and this has to be a safe right angle turn at that point (i.e. not to the extent shown on the HDC Structure Plan).
- She did not want to see an odd shaped land resulting from implementing the HDC Structure Plan which was disconnected from her property.
- She envisaged a “gated community” type of development.

10.2.3 Other Submitters

Copies of the written evidence which had been received from submitters unable to attend the hearing, was circulated to the Commissioners to be read and to form part of the record. Written evidence had been received from Julie Boyes, Kerry Stone and Denis and Keryn Whiting and written evidence from the Hawke’s Bay Regional Council.

10.3 Adjournment, Deliberations, and Closure of Hearing

The hearing was adjourned on 13 December 2016 to allow consideration of all information provided to us including matters highlighted at the hearing, and after considering that we had sufficient information to make recommendations to the Council on the Variation.

The panel re-convened on Friday 13 January 2017 in public excluded session to deliberate on the submissions received. The reasons we deliberated in a public excluded session were that a right of appeal exists against the final decision of the Council and that the Council is required to make a recommendation in respect of the matter that is subject to those proceedings.

This report reflects the recommendations that the Panel wishes to make to the Council.

The hearing was closed on 15 March 2017.

11. STATUTORY CONSIDERATIONS

11.1 Resource Management Act 1991

- **Part 2 Matters**

In respect of Part 2 of the Act (Purpose and Principles), we find that the Plan Change is in accordance with its sustainable management purpose. It directly relates to the provision of land for urban purposes due to grow in the District. It will enable people and communities to provide for their social wellbeing and for their health and safety whilst sustaining the potential of the land and property resource to meet the foreseeable needs for future generations and will avoid, remedy or mitigate any adverse effects of related activities on the environment.

This purpose is achieved through the provision of land for residential purposes that is appropriately provided with infrastructure to support such uses. It will allow for the provision of housing for the social well-being of future residents together with open space, transport infrastructure and water, wastewater and stormwater services. Requirements contained in the variation will assist in avoiding, remedying or mitigating any adverse effects through the change in land use to residential purposes. The need for land for urban purposes in this locality has been identified in HPUDS and the RPS and proposed to be implemented through Variation 3.

Section 6 refers to the recognition and provision for matters of national importance. No such matters were brought to our attention.

Section 7 of the Act outlines matters of relevance to the efficient use and development of natural and physical resources and to the maintenance and enhancement of amenity values and the quality of the environment.

In considering section 7 matters, we note that most of the land covered by Variation 3 has been identified through HPUDS and provided for in the RPS as an 'Appropriate Greenfield Residential Development Area'. Both planning

documents indicate its suitability in terms an efficient use and development of the land resource, maintaining and enhancing amenity values, and having taken into account the effects of climate change particularly through appropriate provision for management of stormwater. Provision is made for increased densities through the provision of comprehensive development opportunities and therefore promoting an efficient use of the land resource.

Section 8 of the Act outlines the requirement to take into account the principles of the Treaty of Waitangi. No matters of concern were raised with us and it is noted that there were no submissions highlighting any issues.

We are of the view that appropriate provision has been made through the Variation for managing land use and infrastructure provision, and that it therefore aligns with the “sustainable management of natural and physical resources” being the purpose of the RMA. Overall, we are of the opinion that the Variation is in accord with Part 2 matters.

- **Section 31 – Functions of Territorial Authorities**

As noted in section 4 (Statutory Context), section 31 outlines the statutory role of the Council in giving effect to the RMA. The section provides a mandate for addressing land use and infrastructure issues in a District Plan. Variation 3 seeks to amend provisions to achieve the integrated management of the effects of the use and development of land for residential purposes. Such effects have been assessed as part of the process of preparing and notifying the Variation and seeking of submissions. Generally we are satisfied that any effects of the change in land use for residential purposes can be adequately mitigated, avoided or remedied to meet the requirements of section 31 of the RMA.

- **Section 32 Report**

We have considered the section 32 report and note that the Council having considered it, decided to proceed with notification of the Variation.

- **Section 75 : Contents of District Plans**

This section outlines the contents of District Plans, and of particular relevance to our consideration of the Variation is that any district plan must

give effect to the RPS. We note that the section 32 report provides a detailed assessment of the variation in respect of the RPS, and we have considered that assessment.

We concur with the assessment contained in the section 42A report.

11.2 Operative Regional Resource Management Plan

We were advised that the Hawke's Bay Regional Resource Management Plan (RRMP) became operative in August 2006.

The purpose of the RRMP is to enable the Regional Council and the inhabitants of the region to promote the sustainable management of the natural and physical resources of Hawke's Bay. It sets out a framework for managing resource use activities in an integrated manner throughout Hawke's Bay region.

We note that the District Plan needs to have regard to the RRMP to ensure that approaches to activities across the region are dealt with consistently. We were advised that there were no particular matters in respect of the Variation that were inconsistent with the RRMP.

11.3 HPUDS and the Hawke's Bay Regional Policy Statement

We note that HPUDS provides a strategic framework for urban growth in respect of the Heretaunga Plains for the period 2015-2045. The strategy takes a long-term view of land-use and infrastructure and is implemented through planning instruments such as the RPS, and District Plans.

A change was made operative in 2014 that incorporated key elements of HPUDS into the RPS including policies that provide guidance and direction to the local authorities in the region when making decisions on urban activities, infrastructure and associated effects with a particular focus on the Heretaunga Plains sub-region. The specific policies include the HPUDS settlement pattern and principles, which are implemented through regional plans and district plans.

The Hastings District Plan must therefore give effect to the RPS. The RPS is explicit in its criteria for rezoning and this is detailed in section 11.4 of this report.

We were advised that HPUDS identified specific areas to accommodate urban growth to the year 2045. The preferred settlement pattern involves moving to a more compact approach to development over time and aims to:

- *Avoid encroaching onto the Heretaunga Plains*
- *Increase densities and intensification in suitable locations*
- *Reduce the spread of both Napier and Hastings*
- *Provide for a range of housing types*
- *Encourage walking, cycling and public transport as an alternative to the private motor vehicle*

Whilst we note that the preferred settlement pattern is for a more compact development within existing boundaries, there is the need to continue to provide a range of section typologies, albeit on a more limited basis, including the provision of additional land for urban purposes.

11.4 Operative Regional Policy Statement

As outlined in the previous section of this report a District Plan must give effect to the RPS. We are required under section 75(3) of the RMA to have regard to any proposed or operative Regional Policy Statement (RPS), and a District Plan must give effect to such. The existing RPS was made operative in August 2006 and is contained in the Regional Resource Management Plan. A subsequent RPS change was made operative on 1 January 2014 to anchor the outcomes of HPUDS.

The following extracts from the RPS provide a context and framework for our consideration of the variation against the RPS provisions.

- **RPS Policies**

Policy UD4.3 - Appropriate Residential Greenfield Growth Areas (Heretaunga Plains Sub-Region)

Within the Heretaunga Plains sub-region, areas where future residential greenfield growth for the 2015-2045 period has been identified as appropriate and providing choice in location, subject to further assessment referred to in POL UD10.1, POL UD10.3, POL UD10.4 and POL UD12, are (in relation to Hastings District):

- e) Arataki Extension*
- f) Haumoana (south of East Road) / Te Awanga*
- g) Havelock North Hills (lower extension)*
- h) Howard Street*
- i) Irongate Road / York*
- j) Kaiapo Road*
- k) Lyndhurst*
- l) Lyndhurst Road extension*
- m) Maraekakaho rural settlement*
- n) Middle Road / Iona / Hills*
- o) Murdoch Road / Copeland*
- p) Omahu / Bridge Pa (marae-based)*
- q) Waimarama*

Policy UD4.4 - Inappropriate Residential Greenfield Growth Areas (Heretaunga Plains Sub-Region)

Within the Heretaunga Plains sub-region, areas where future residential greenfield growth has been determined as inappropriate, beyond existing settlements are:

- a) Waipatiki Beach*
- b) Tangoio*
- c) Whirinaki*
- d) Puketapu*
- f) Clive*
- g) East Clive*
- h) Clifton*
- i) Ocean Beach – apart from the potential for appropriate growth of the existing Waipuka bach settlement on Maori land inland of areas at risk of coastal hazards*
- j) Natural detention areas (50 year flood ponding areas).*

k) Haumoana (north of East Road)

Policy UD4.2 - Residential Greenfield Areas not identified in Policy UD4.3

Under Policy UD4.2 Residential Greenfield Areas that are not already identified in Policy UD4.3 above are subject to the following policy criteria:

In determining future Residential Greenfield Growth Areas, not already identified within Policy UD4.3, for inclusion within urban limits in the Heretaunga Plains sub-region, the following general criteria shall apply:

a) Must form an extension contiguous with existing urban areas and settlements.

b) Land is identified as having low versatility, and/or productive capacity has been compromised by:

- i. Size and shape of land parcels that mitigates against productive use;*
- ii. Surrounding land uses and reverse sensitivity;*
- iii. Lack of water and/or poor drainage.*

c) Clear natural boundaries exist, or logical greenbelts could be created to establish a defined urban edge.

d) Supports compact urban form.

e) Can be serviced at reasonable cost.

f) Can be integrated with existing development.

g) Can be integrated with the provision of strategic and other infrastructure (particularly strategic transport networks in order to limit network congestion, reduce dependency on private motor vehicles and promote the use of active transport modes).

h) An appropriate separation distance from electricity transmission infrastructure should be maintained in order to ensure the continued safe and efficient operation and development of the electricity transmission network.

i) Promotes, and does not compromise, social infrastructure including community, education, sport and recreation facilities and public open space.

j) Avoids or mitigates the following locational constraints:

i. projected sea level rise as a result of climatic changes

ii. active coastal erosion and inundation

iii. stormwater infrastructure that is unable to mitigate identified flooding risk

iv. flood control and drainage schemes that are at or over capacity

v. active earthquake faults

vi. high liquefaction potential

vii. nearby sensitive waterbodies that are susceptible to potential contamination from on-site wastewater systems or stormwater discharges

viii. no current wastewater reticulation and the land is poor draining

ix. identified water short areas with the potential to affect the provision of an adequate water supply.

Explanation and Reasons of Policy UD4.2

Policy UD4.2 allows for the creation of new greenfield growth areas in the Heretaunga Plains sub-region. Any new greenfield growth areas within the urban limits must promote the overall transition to the compact settlement philosophy adopted in the Regional Policy Statement; be economically, socially and environmentally sustainable; and provide for locational choice.

All new greenfield areas proposed under Policy UD4.2 will be subject to the HPUDS review process, whereby greenfield growth areas, other than those identified in Policy UD4.3, will be decided in collaboration with Hawke's Bay Regional Council, Napier City Council and Hastings

District Council as per the HPUDS 2010 review process, prior to re-zoning taking place. This process applies to both private and council led plan changes, and ensures the consequences and actions of re-zoning new greenfield areas are adequately considered in the context of the whole of the Heretaunga Plains sub-region.

The HPUDS review process, means the creation of new greenfield areas under Policy UD4.2 is only likely to occur in the following circumstances:

Firstly, if one of the greenfield growth areas specified in Policy UD4.3 is deemed unviable for development, a new area will need to be proposed to compensate for the 'lost lots' in that area.

Secondly, if reporting in Policy UD14.1 suggests the future development trends for the Heretaunga Plains sub-region have changed, and more growth areas are required than initially anticipated.

The provisions in our view gives clear direction on the matters that the Variation is required to give effect to. We have considered all relevant matters in our consideration of the Variation, submissions received to it, the evidence and matters outlined in the section 42A report.

- **Growth Area Selection**

We were advised that sites for potential urban development were selected where;

- Soils are of lesser versatility, or
- Productive capacity is compromised by size and shape of land parcels that mitigates against productive use, surrounding land uses and reverse sensitivity and lack of water/poor drainage
- Clear natural boundaries exist, or
- Logical urban edge greenbelts could be created, or
- Greenbelts could provide opportunities for walking and cycling connections, or

- Sites support compact urban form, can be serviced at reasonable cost and integrated with existing development.

Mr Scott advised us that the Howard St area has been identified within HPUDS and the RPS as an appropriate area for Residential Growth for Hastings City, beyond 2015.

- **Sequencing of Planned Urban Development Areas**

We note that both the HPUDS and the RPS (through policies POL UD9.1 & POL UD9.2), leave it up to the territorial local authorities to determine the prioritisation and sequencing of the release of greenfield growth areas within their respective districts and the relevant policies are as follows:

SEQUENCING (HERETAUNGA PLAINS SUB-REGION)

POL UD9.1 In the Heretaunga Plains sub-region, district plans shall provide for the strategic integration of infrastructure and development through the staged release of new greenfield growth areas.

SEQUENCING DECISION-MAKING CRITERIA (HERETAUNGA PLAINS SUB-REGION)

POL UD9.2 In the Heretaunga Plains sub-region, the sequencing of development for greenfield growth areas shall be based on the following criteria:

- a) Availability and costs of infrastructure services (water, wastewater, stormwater, transport and electricity distribution);*
- b) The operational capacity of strategic infrastructure (particularly strategic transport networks); and*
- c) Balanced supply and locational choice across the sub-region.*

Other factors that may be taken into account include (but are not limited to):

- d) The accessibility and capacity of social infrastructure (particularly community, education, sport and recreation facilities and public open space);*
-

-
- e) The sustainable management of natural and physical resources;*
 - f) The availability of employment opportunities in and near the greenfield growth areas;*
 - g) The willingness and timeframe of landowners to participate in greenfield growth plans;*
 - h) The opinion of developers regarding land for greenfield growth to ensure the sequencing is feasible and will result in positive growth and investment.*
-

The section 42A report highlighted that the Howard St area was originally sequenced to be developed in the period 2026-2031. However for several reasons, including the high demand for residential land, and the unavailability of other areas identified in HPUDS, the Council considered it appropriate to bring the sequencing of the Howard St area forward. The basis for progressing the Howard Street Urban Development Area was outlined in the section 32 Report as follows:

“When assessed against the criteria in POL UD9.2 above, the Howard Street urban development area represents a suitable greenfield growth area for advancing ahead of other urban growth areas, given the following:

- it has already been identified as a suitable greenfield growth area for Hastings in HPUDS and the RPS;*
- confirmation of available strategic infrastructure services in the vicinity, that can be extended to provide sufficient capacity;*
- provision of additional locational choice for urban residential development for Hastings, with strong appeal in the market – being located in Hastings East, where there is currently limited greenfield residential land provision, and as an alternative to the current development occurring on the western side of Hastings at Lyndhurst;*
- presence of accessible social infrastructure in Hastings East, including community, education, sport and recreation facilities and public open space, particularly with the presence of Parkvale School, Karamu High*

School, and Windsor Park, as well as suburban shops on Heretaunga Street East between Windsor Ave and Lumsden Road, all within easy walking distance;

- *a Hastings City location providing nearby employment opportunities;*
- *the presence of a landowner/developer with a strong desire to progress a sizeable residential development within the area.”*

11.5 HPUDS: Current Situation

We were advised that HPUDS is undergoing review, although the review had not reached the stage where it can be considered by the three participating Councils. It was outlined to us by Mr Scott and Mr Wallis, that the Howard Street area subject to the variation was included in the draft review.

Whilst no weighting can be placed on the draft HPUDS review given it has yet to be formally considered by the Councils, it was helpful as background to understand the future direction in respect of providing for urban development in the Hastings district, has not changed substantially from the 2010 HPUDS.

11.6 Proposed Hastings District Plan

As previously discussed section 75 of the RMA states that a district plan must give full effect to any RPS. We note that an assessment of the Variation against the RPS is provided in the section 32 report. We are required to examine the amending proposal (Variation 3) and not any District Plan provisions that are not subject to amendment by the Variation.

11.7 National Policy Statement on Urban Development Capacity 2016 (NPS)

We were advised that the NPS took effect on 1 December 2016 and we are required to give consideration to it. We note that the Hastings District is not identified as either a Medium or High Growth Area, as defined in the NPS. Therefore consideration of those objectives and policies that apply to all areas that experience urban growth has been undertaken.

We were advised that the relevant objectives and policies focus on Councils having regard to the provision of opportunities for development of housing and business land, to meet demand and associated choices that meet the needs of people and communities. This includes the provision for a range of dwelling types and places to locate businesses. In particular Objective A2 (Outcomes for planning decisions) which is as follows;

“Urban environments that have sufficient opportunities for the development of housing and business land to meet demand, and which provide choices that will meet the needs of people and communities and future generations for a range of dwelling types and locations, working environments and places to locate businesses”;

and is supported by Policy PA3;

“When making planning decisions that affect the way and the rate at which development capacity is provided, decision-makers shall provide for the social, economic, cultural and environmental wellbeing of people and communities and future generations, whilst having particular regard to:

- a) Providing for choices that will meet the needs of people and communities and future generations for a range of dwelling types and locations, working environments and places to locate businesses;*
- b) Promoting the efficient use of urban land and development infrastructure and other infrastructure; and*
- c) Limiting as much as possible adverse impacts on the competitive operation of land and development markets.”*

The NPS is directed at “urban environments “ as noted above, and it defines such environments as to mean *“an area of land containing, or intending to contain, a concentrated settlement of 10,000 people or more and any associated business land”*.

We have taken an overall view of the needs of Hastings District and in particular the Hastings urban area, which has a population greater than 10,000 people. Therefore we have considered all of the urban area, and not just how the Variation on its own, measures up against the NPS. In our view consideration of an urban environment in its totality is required.

In our consideration, we note that HPUDS states that there is no new commercial land required within the District until 2045. This is outlined on page 62 of the strategy where it states:

...“specific on the ground assessment that has been done as part of the commercial strategies and Large Format Retail plan changes signal that the allocation of additional Commercial land is not considered to be necessary within the period as it is considered that this can be accommodated within the existing commercial environments”.

The strategy is reflected in the RPS and this is discussed elsewhere in this report.

We have had regard to the relevant provisions of the NPS in our consideration of Variation 3 and conclude that it provides for the needs of people and communities through the provision of land for housing, and different housing types within the subject area. It also promotes an efficient use of land and infrastructure.

In respect of our wider consideration of the application of the NPS, we were advised that the Council has a commercial hierarchy contained within the proposed District Plan and we have had regard to it. The NPS in our view does not require business land to be provided in every situation, where rezoning of land for residential purposes occurs. As outlined previously, the definition of an urban environment is a settlement of over 10,000 people and this reinforces our view that in considering such matters, an overall view needs to be taken in respect of an urban settlement and not just a discrete part of it that is only likely to provide for approximately 700 people.

In addition, matters as outlined in the NPS relating to the provision of opportunities for housing and business land do not override where there are

constraints in respect of infrastructure provision, or matters that may compromise the efficiency of existing infrastructure.

12. DISCUSSION

12.1 Issue 1 – Support for General Residential Zone

There were several submissions in support of the rezoning of the Howard Street area to residential.

Most submitters wished to see some amendments to the Variation provisions. We note that none of the submitters who supported Issue 1, wished to see the rezoning not proceed if the relief sought did not occur.

We also note that the submissions support the recommendations of the section 32 report which stated the land is suitable for rezoning to General Residential.

The panel observe that there is considerable support for the rezoning notwithstanding many submissions wish to see the Variation amended in various ways.

12.2 Issue 2 – Opposed to Proposed General Residential Zone

Three submissions had been received in opposition to the rezoning.

The Hawkes Bay Fruitgrowers Association (HBFA) and Costello submission are discussed under this issue heading whilst the Crawford submission is discussed under the reverse sensitivity issue.

The section 42A report summarised why the HBFA opposed the Variation as follows:

“The there are no provisions in the variation to:

- *Avoid or mitigate land banking*
- *Ensure that the type of development will provide the range of housing to satisfy demand for low income housing, family homes, single households and retirement options.*

- *Ensure the subdivision provides the anticipated outcomes outlined in the HPUD strategy; 80 households*
- *Afford protections to the adjoining Plains Production Zone sites to be able to continue with the necessary permitted day to day activities.” (This issue is addressed under Issue 9)*

The HBFA also requested that until the target allocations of HPUDS are achieved then Variation 3 be placed on hold.

Mr Scott, through his section 42A report, outlined the situation in respect of the Lyndhurst and Arataki subdivisions which are still being developed. He further noted that both subdivisions were in progress prior to the development of the HPUDS and the subsequent RPS target of 15 dwellings per hectare being put in place.

We were referred to the section 32 report which concluded that the proposed rezoning met the objectives and policies of the RPS, and was consistent with HPUDS, which had identified the Howard Street area for future rezoning.

We were also advised by Mr Scott through his section 42A report as follows:

“HPUDS does not state that the development of one urban development area should be put on hold until existing areas have been completed, rather that residential land should be supplied in a controlled and efficient manner, to ensure that Plains Production Land is not developed in an ad hoc manner. As mentioned these HPUDS requirements have been assessed through the Section 32 report, and it is considered that the rezoning is consistent with the outcomes.”

In respect of land banking and the desire expressed by the HBFA submission that measures be put in place to avoid it, we are of the view that it is difficult to achieve this with the current suite of RMA tools.

Accordingly we concur with the section 42A assessment in respect of this matter.

In respect of a desire to see a range of housing provided for, we are of the opinion that Variation 3 will provide such an opportunity. This is through the ability to have a range of lot sizes by allowing a 400m² minimum net site area with a 600m² minimum average. This would allow a mixture of site sizes and therefore variable dwelling sizes.

In addition we were advised that there is an ability to establish a Comprehensive Residential Development within the Howard Street area. The associated provisions would allow for medium density developments of between 250m² and 350m², with applicable criteria related to, among other things, design, and landscaping requirements to assist in producing a high level of amenity.

In response to the submission request regarding the provision of ‘low cost housing’, we consider that the provision of a range of housing types may provide a variation in house prices depending on size of the lots and associated dwellings.

The Variation in our view does not directly address ‘low cost housing’ nor in our view was it intended to.

The submission highlighted a further concern that if a supermarket was established in the area to be rezoned, whether the 80 dwellings required through the HPUDS could be achieved. We note Mr Scott’s advice was as follows:

“This concern is valid, however the density will be greater than original HPUDS expectations, thus even with a supermarket taking 3.1 hectares of land out of the supply for Residential dwellings, the yield is still expected to be significantly higher than 80.”

We concur with that advice. However this view does not pre-suppose that a supermarket is supported as proposed by Progressive Enterprises. This matter will be considered as part of the Issue 7 discussion.

The Costello submission sought that the Variation be rejected as the subject area was one of the few remaining rural blocks near Hastings. Furthermore there was concern that it would reduce the green corridor between the urban areas of Hastings and Havelock North. In addition the submission considered that the land was of greater value for horticultural and agricultural purposes.

We note the commentary in section 7.6 of the section 32 report which concluded:

“The long term strategy for urban growth over the Heretaunga Plains adopted through HPUDS and the RPS recognizes that the loss of productive land will inevitably occur on the fringe of Hastings City in order to provide for urban growth that does not compromise the greater Heretaunga Plains soil resource for food production. Given this, the loss of this (arguably somewhat already compromised) area of versatile soils is a necessary and unavoidable consequence of providing for long term urban growth in Hastings.”

We note that HPUDS identified the Howard Street area for urban development in 2010 and the section 32 report highlights some unavoidable loss of land to urban development, and in this situation the area is compromised by a range of smaller lots.

In respect of the green belt, as noted above the area was already identified by the HPUDS. We note that the Awahou Stream is considered to provide a “strong” boundary to the south-east and will act certainly in the near future to further extension of urban development along Havelock Road.

12.3 Issue 3 – Access to Havelock Road

Several submitters requested that additional access be available to Havelock Road, however the form and location of access varies (between individual access, single road intersections, and multiple road ways).

We were advised by Mr Scott that a Transportation Assessment Report (TAR) had been commissioned which examined any effects additional access would have on Havelock Rd. It is noted that this assessment was in addition to a previous Transport Impact Assessment (TIA) and the Section 32 Report.

The section 42A report notes that “Havelock Road is a busy two lane road with a traffic volume of approximately 19,000 vehicles per day (vpd), which connects Hastings with Havelock North. It is already close to reaching capacity levels, so additional traffic and new intersections have potential to cause congestion issues, particularly if the corridor is subject to future traffic growth or new traffic from the development. These congestion issues will become particularly pronounced as vehicles travel closer to Hastings CBD, through the already poorly performing intersections to the north-west of the proposed development”.

We were advised by Mr Scott that in respect of strategic planning considerations, both the TIA and TAR identify that the proposed development aligns well against the ‘Heretaunga Street – Havelock Road Corridor Management Plan’ (CMP) 20, by not providing for additional access onto Havelock Road.

As noted elsewhere in the section 42A report the “CMP was adopted by Council in 2011, and encompasses a ‘vision’ for the route as a ‘multi-modal transport corridor’. It outlines a comprehensive plan for the management of the corridor to achieve this vision and ensure the continued effective and efficient operation of the corridor to 2045. Careful consideration of the appropriateness of adjacent land use, and in particular traffic entry and egress to the corridor, is seen as critical to achieving this vision”.

Furthermore the CMP describes the route as follows:

“The Heretaunga Street East-Havelock Road corridor is Hastings District’s second busiest commuter corridor and a key strategic link important to the local community and the economy. This corridor is coming under increased pressure from traffic growth and in addition is in the middle of areas identified by future growth planning as likely to accommodate significant population growth and development.

Without planned management cognisant of project land use changes, development, and growth, the corridor is likely to become less efficient and increasingly deliver a reduced level of service”.

Whilst the CMP is a plan adopted by the Council, it is not an RMA document. We have however considered it as a relevant ‘other matter’, particularly given its significance in providing guidance to Council in respect of managing its transportation responsibilities.

Overall we concur with the advice contained in the section 42A report that additional property access points onto Havelock Rd should be restricted, given the transportation significance of the corridor.

It is our view that the addition of a roundabout to mitigate any effects of the supermarket proposal would potentially compromise the safety and efficiency of Havelock Rd.

12.4 Issue 4 – Howard Street / Windsor Avenue Intersection

The Bixley submission highlighted concerns about the ability of the Howard Street/Windsor Avenue intersection to cope with the additional traffic generated by the proposed Howard St residential area particularly during school pick up/drop off times.

We were provided with advice that was contained in the TAR that proposed that two carparking spaces be removed from the northern end of Howard St and that the Kea Crossing on Windsor Avenue be relocated.

It is considered that these actions would alleviate the traffic safety concerns outlined in the submission and we concur that they be implemented by the Council.

12.5 Issue 5 – Cycleway / Walkway Links

The Gee submission requested that the cycleway shown on the notified proposed structure plan be relocated either along his property boundary or create another cycleway along Parkvale School to the proposed park. It is

noted that the Ministry of Education has opposed any relocation of the cycleway as it may affect a potential link to the school.

In considering this matter we agree with Mr Gee that the cycleway could be relocated to run along his property boundary, which involves relocation of the cycleway approximately 5 metres to the north. We note that the Ministry of Education does not oppose this adjustment.

It is not proposed that the width of the proposed cycleway be changed to that defined on the structure plan. This allows for the cycleways to be open and minimise safety concerns.

We note that it is intended that cycleways be integrated into the design of the proposed roads, the detail of which would be negotiated and agreed during the development of the structure plan area.

In respect of pick up and drop off areas, we were advised by Mr Scott in his section 42A report, that there is no appropriately sized area on Havelock Road for this to occur in a safe manner and therefore are of the view that no pickup/ drop off area be provided on Havelock Road.

12.6 Issue 6 – School Concerns - General

The Ministry of Education (‘the Ministry’) has raised a number of submission points to assist in ensuring the safety of children going to the school is maintained, as well as requesting that measures be put in place to help ease traffic congestion during pick up and drop off times.

We note the concerns raised regarding the relocation of the Kea crossing on Howard St but note that this Kea crossing is proposed to remain in its current location as only the pedestrian crossing on Windsor Ave has been proposed for relocation.

The Ministry has also requested that the speed limit be reduced to 40km/h for the Howard St development area. We note that there is already a school zone set up for Howard St that requires a 40km/h speed limit between 8am - 9.30am and 2pm – 3.30pm. We also agree that the school zone in respect of

the 40km/h speed limit, be extended into the new internal road, on the basis that this road will contain a pick up / drop off area.

Specific roading requirements and how this and other matters are accommodated, can be addressed through additional consultation as part of more detailed discussion at design stage.

The submitter further raised the potential to incorporate car parking adjacent to the school on the proposed internal road corridor, given current parking issues associated with the school. The new road adjacent to the school is capable of accommodating the car parks which will be lost along Howard Street.

In respect of a pickup / drop off area, we are satisfied that this could be provided in respect of the new internal road adjacent to the school, and recommend that such an area be incorporated into the internal road layout.

The Ministry had also requested some sort of buffer zone be provided between the proposed road and school buildings. There is an opportunity to provide for a landscape strip if a 20 metre road corridor was established.

In considering this matter, we have proposed a 22 metre road corridor to provide adequate space for the landscape strip, carparking and drop off area to be provided and assist in maintaining the safety of cyclists, pedestrians and vehicles using the road.

12.7 Issue 7 – Supermarket - General

The Progressive Enterprises (“Progressive”) submission primarily relates to the establishment of a supermarket within the Zone. Progressive has also provided an alternative structure plan for Howard St, which would provide access to Havelock Road through the development, and raises a number of other urban design matters. We have discussed access to Havelock Road in general, in section 12.3 of this report.

The submission outlines several reasons for the location of a supermarket in the residential zone as follows;

- The Variation does not provide for an appropriate mix activities, as sought by the Draft National Policy Statement on Urban Development Capacity (“NPS”), as it does not provide sufficient land to cater to business demand.
- A supermarket activity would meet the relevant Anticipated Environmental Results of the RPS.
- The supermarket activity would not adversely affect the commercial feasibility of the Hastings and Havelock CBD’s.
- The site can be safely accessed off Havelock Road.

As outlined in section 11.7 we have given consideration to the relevant provisions of the NPS. Specifically we note that the NPS is directed at urban environments which either have or are intended to accommodate more than 10,000 people. On that basis it is necessary to look at the wider context beyond just the Howard St urban area. We do note as outlined in the section 42A report, that Howard St is regarded as being part of an overall urban area with potential links to existing commercial/business areas and suburban commercial activities. The section 42A report observes as follows on this matter;

“Within a few hundred metres of the development, along Havelock Road there is an established Four Square supermarket, a café, a hairdresser and a fish and chip shop. Within 1.5km, there is a full size supermarket, fruit & vege shops, butchery, petrol station and multiple other shops. It was considered that the strong economic anchor of Havelock Rd/Heretaunga St would provide sufficient business land for the Howard St Urban Development Area”.

We note that the Hastings District Plan had been recently reviewed. That review had regard to the provisions of the RPS which we note promotes “utilisation, redevelopment and intensification of existing commercial land” as outlined by Pol UD2. We further note that HPU DS outlines that no new commercial land is required in the District until 2045. The Hawkes Bay Regional Council further submission (FS6) states that the proposal to establish a supermarket would not achieve the outcome of the RPS; that the residential area as identified by the Variation was identified for greenfields residential development rather than commercial activities.

The policies and objectives of the proposed District Plan seek to discourage commercial land being established outside of the CBD. The relevant policies and objectives were traversed in the section 42A report and by witnesses.

Policy CSP1 provides for commercial development within the nominated Commercial Zones in the District, and Policy CSP3 outlines the maintenance of the three tier commercial hierarchy which includes the Hastings Central Commercial Area, Havelock North and Flaxmere and neighbourhood shops. Having considered the policy and objective framework, there is very clear direction on this matter contained both in the proposed District Plan and the RPS supported by HPU DS.

Given the clarity and direction of this framework we are of the view that the proposal to provide for commercial activity such as a supermarket in the Howard St area, is not supported or intended by either the RPS or the proposed District Plan.

We note the evidence of Mr Thompson that Hastings could support an additional supermarket but that a fourth supermarket in the CBD would unlikely be commercially feasible.

Mr Thompson outlined that in evaluating all commercial properties in the Hastings CBD and Havelock North CBD, he could not find one site that met the size and price requirements for a '*commercially feasible supermarket development*'. In his view this was because of the costs and practical difficulties of aggregating one hectare of land.

Also, given the existing network of supermarkets, Mr Thompson concluded that there would be no adverse economic effects on any existing centre as all existing supermarkets would continue to trade.

Whilst Mr Thompson notes there is potential within the CBD to accommodate growth in the retail sector particularly in respect of small and medium size retail firms. However, he stated that the CBRE report, referred to in his evidence, did not evaluate the potential for large retail firms such as supermarkets to be developed in the CBD, and that there was a mis-match between what commercial land was available, and what the market required.

We were advised that the Council had commissioned a peer review of the Urban Economics report that had been submitted with Progressives submission. A number of matters had been raised by Mr Colegrave that were outlined in the section 42A report. In considering the economic evidence and responses to it we conclude that the witnesses for Progressive and the advisers to Council have quite distinct opposing views and opinions.

There are differing views in respect of the application of the policy and objective framework; differing views on the availability or otherwise of commercial land for activities requiring a large floor space; lack of information to adequately assess the economic impacts of allowing a supermarket in the Howard St area; and any associated impacts on the CBD.

We are left with a feeling of discomfort in respect of these matters and conclude that we do not have sufficient information to definitively state that there are no effects greater than minor in respect of making provision for the establishment of a supermarket in the Howard St area.

There are differing views on the availability of land in the commercial areas between Progressive witnesses and Council advisers.

Mr Thompson outlined the investigations he had undertaken to ascertain the availability of appropriately zoned sites and commented that the cost of purchasing a number of sites was too high to be commercially feasible. What we take from that, is that even if sites were available and noting that the aggregation of sites for large format retail activity is not a new occurrence, it is more an issue of what potentially Progressive may or may not wish to pay for a bundle of aggregated sites. We do not know what those thresholds are, or if indeed the challenges of aggregation are such that no large format retail premises can be established.

We note that the section 42A report outlines that there is land available in the commercial zones.

In considering this issue we are of the opinion that the lack of available land because of what an applicant may perceive as being not economically

feasible to purchase, is not a reason to provide for the establishment of a supermarket outside of the established commercial areas. This is particularly so where there is land available. We have therefore taken a cautious approach to this matter and believe that more in depth analysis of this issue is required before there is any deviation from the commercial hierarchy and policy and objective framework of the proposed District Plan.

Mr Knott was of the view that as the Variation was only to cater for residential activity, it would not deliver anticipated benefits for the well-being of residents. He was of the view that the location of a supermarket would enable a significant number of existing and new residents to walk or cycle to a supermarket for small trips. He believed it would become a focus for the new community.

In considering the matters raised and including Progressive's structure plan, we are of the view that it is not necessary for a supermarket to be located in the proposed development area, particularly given there are retail activities located in close proximity to Howard St to serve the day to day needs of residents.

It is not in accord with the commercial hierarchy, and not every area that is rezoned for residential development requires the location of a supermarket within it. In addition, we are uncertain of the effects of a supermarket locating in the Howard St area on the social and economic well-being of people and communities, particularly those operating current retail activities on appropriately zoned or consented land, and we are not satisfied that it would be appropriate to grant the relief sought by Progressive in these circumstances.

In respect of access, it is our view that an access onto Havelock Road is not desirable from a traffic safety perspective, and that it would also result in increased traffic through a residential area and adjacent to a school.

Notwithstanding Mr Georgeson's opinion, levels of connectivity as proposed by Progressive through a linkage of the internal road through to Havelock Road have the potential to create potential adverse effects greater than minor. Whilst traffic safety issues can be addressed in respect of additional

traffic generated from the proposed residential area, we are not of the opinion that they have been addressed if a connection occurred through to Havelock Road.

We have considered the traffic implications of the Progressive proposal, the assessments commissioned by the Council, Progressive's assessment including the evidence of Mr Georgeson. Notwithstanding that a roundabout was proposed by Progressive as providing mitigation for any traffic effects associated with the supermarket proposal, we are not convinced that this is so. We are concerned that the size and location of any potential roundabout could impact on landowners across the road from the Progressive site, who have not been party to these proceedings. The design of the roundabout has yet to be fully determined so we are of the view that not all potential effects of the establishment of a roundabout have been fully outlined and considered.

We are also aware of the significance of Havelock Rd as a major road corridor between Hastings and Havelock North. Traffic safety and efficiency effects of a connection from the Howard St area and the addition of a roundabout on this route have not in our opinion, been fully addressed.

Furthermore our discussion in respect of additional access onto Havelock Rd (Issue 3) is also applicable in regard to this matter.

We note that Progressive has primarily focussed on amenity design and amenity values through the provision of an alternative structure plan, which allows for a linkage through to Havelock Rd, a range of urban design features and a mix of housing typologies. However there was no information as to how specific amenity effects on the adjacent residential area will be addressed such as noise and traffic safety.

Having considered the relevant policies and objectives we conclude that the Progressive proposal to amend the Variation to provide for a supermarket as a Restricted Discretionary Activity, is not in accord with the clear and recently reviewed policy and objective framework of the proposed Hastings District Plan. The framework is quite definitive in that there is sufficient

commercially zoned land, and provides a clear hierarchy of the nature of commercial activities in the three tiers of that hierarchy.

In addition we believe that further analysis is required regarding the perceived shortage of commercial land for large retail activities and that it is not economically feasible to develop such activities in the existing zoned commercial areas.

12.8 Issue 8 – Reserve Location / Size and Landscape Strip

We heard from Mr Gee who raised concerns about the amount of land that has been earmarked for cycleways, roads and reserves, and that he does not wish to provide more land for the reserve than what is shown on the structure plan.

We were advised that the central reserve is an approximate location and an indicative size and this is outlined in section 13 of the section 42A report.

We note that it is intended that the final size and location of the reserve will be determined as the area is developed, but that the indicative location is considered to be appropriate. In addition, we were advised that any public reserves would need to be purchased from the land owner.

We are of the view that the Variation should proceed with the indicative reserve node in its current location on the structure plan, however it should be noted that there is some flexibility in the location of the reserve, if it is agreed by parties when the area is developed.

The alternative structure plan provided by Development Nous as part of the submissions of Cooper, Fyfe, and Tremain & Ward proposed a reserve area between the reserve node the and storm water detention area.

We heard from both Mr Lawson and Mr Holder on the reasoning behind such a proposal and in their view the need for this linkage to assist with storm water disposal, and pedestrian access and connection of the reserve areas. Whilst we acknowledge this proposition, linkages can be provided by the internal road which is only servicing the proposed residential

development. In addition, it is considered appropriate that there is sufficient land to provide for the storm water detention area as noted on the Council structure plan.

We note that Mr Lawson outlined in his opening submissions that his clients did not oppose the reserve node location or need for it.

We conclude that the main reserve node does not require amendment from the notified version, that there are appropriate opportunities to provide for pedestrian and cycle linkages between the reserve and the stormwater detention area, and to lots in the area generally through use of the internal road corridor.

12.9 Issue 9 – Reverse Sensitivity / No Complaints Covenant

Three submitters have raised the issue of reverse sensitivity. The Hawkes Bay Fruitgrowers and Geoff Crawford have requested mechanisms to protect existing Plains Production Activities outside the proposed Howard St Urban Development Area. The Gee submission has requested that the right to farm be protected if other developments commence ahead of developing their own land.

We note at this point that the issue of Reverse Sensitivity was extensively addressed as part of the Section 32 Report. The report identified a number of provisions in the Proposed Hastings District Plan, as well as in HPUDS and Policy POL UD12 of the RPS which recognise the 'Right to Farm' and the need to address Reverse Sensitivity. In effect these provisions recognise there is reasonable expectation that existing rural activities are able to continue to operate within the applicable environmental limits.

The conclusion of the Section 32 Report states:

“The policy direction and open space buffer requirement in the Proposed Plan is expected to sufficiently mitigate any potential urban/rural interface issues associated with the rezoning and subsequent residential development of the Howard Street development area”.

The specific sections of the District Plan which seek to address reverse sensitivity and promote the right to farm were outlined in the section 42A report and we do not repeat them here.

It is not considered that the submitters have raised any new concerns that were not already adequately covered in the Section 32 evaluation.

We were advised that there are many areas around the outer urban limits of Hastings where conflicts between urban and rural activities exist. In general, the District Plan successfully manages these conflicts through the 'right to farm' principles mentioned above and the imposition of open space buffer requirements.

In conclusion, it is considered that the existing provisions of the proposed Hastings District Plan provide adequate protection for rural activities and that no new or additional measures are required.

12.10 Issue 10 – Extension of Zone

The submission of Boyes, Stone and Whiting involved a request to rezone the land adjoining the Howard Street area on the opposite side of Howard Street, to east of the proposal. The area of land proposed for rezoning is approximately 13.8 hectares and has a current zoning of Plains Production. We note the land is physically separate from the land that is subject of the variation.

We were advised that the submitter had made a submission to the proposed District Plan making a similar request. The relief sought was rejected and the matter ended up at the Environment Court. The appeal was subsequently withdrawn after mediation.

The section 42A report outlined an Environment Court decision *Environmental Defence Society Inc v Otorohanga District Council* [2014] NZEnvC 70 which addressed the matter of scope in respect of the submission process. In considering this matter we are of the view that the submission is not 'on' the variation and therefore we are unable to consider it, notwithstanding any merits it may have.

Matters of relevance to our consideration having regard to the abovementioned case as summarised in the section 42A report include:

- *“The Variation proposes the rezoning of an area land which, while it is close to, it does not does not directly adjoin, the proposed development area (that is, the areas are separated by a road).*
- *The Variation does not propose to change the “management regime” of the Site, in that neither it’s zoning, nor the rules applicable to that zone, are proposed to be affected.*
- *Consideration has not been given in the Section 32 report as to the merits, costs or benefits of rezoning the Boyes, Stone and Whiting Site from Plains Production to General Residential. Such consideration would be expected given the importance placed on the Plains Production Zone in the Hastings District Plan and the relatively large area of the site;*
- *The suggested rezoning is not an “incidental or consequential extension of zoning changes” proposed by the Variation but rather seeks a substantial extensions to the rezoning proposed;*
- *There is a risk that potentially affected persons may not have been alerted to the possibility of a change of zone to the Boyes, Stone and Whiting Site.”*

For the avoidance of doubt and if our conclusions regarding our interpretation of case law in respect of the proposal to extend the zone are challenged, we further outline reasons why in our opinion the current Variation should not extend to the rezoning of the submitter’s land.

12.11 Issue 11 – Internal Road Corridor Location

Several submitters supported the alternative structure plan developed by Development Nous.

An issue raised by submitters was that the notified version of the structure plan had the potential to result in properties being landlocked as the internal road does not provide access to all properties.

In considering this matter it is appropriate to amend the structure plan to ensure all relevant lots have access to the main internal road. Whilst access needs to be provided to the Progressive Land, we do not consider it necessary to provide a loop road through the Gee property. Detailed design and connections to the internal collector road will be considered when subdivision and development occur.

The section 42A report discusses and assesses the alternative structure plan prepared by Development Nous, and we generally concur with that discussion and recommendations. Those recommendations are outlined in recommendations in respect of 12.11.1. (Schedule 1).

We note that the alternative structure plan (Development Nous) provides links to all properties, retains cycleways and walking links to Havelock Road, and two linkages onto Howard Street.

In considering this matter there are elements of the Development Nous structure plan that should be incorporated into the Council Structure plan. This will address some of the concerns of submitters. The amended structure plan is shown in our recommendation.

12.12 Issue 12 – Medium Density Provisions / General Design

We note that the Variation provides an opportunity for different residential typologies. This is intended to be achieved through having variable lot sizes by allowing a minimum of 400m² lot size with a 600m² minimum average.

It is also intended that provision be made to establish Comprehensive Residential Development which would allow for medium density development between 250m² and 350m² with relevant criteria to ensure appropriate design, and landscaping to achieve quality design and high level of amenity.

We concur with the section 42A report assessment of matters related to this issue.

The submissions of the Hawkes Bay Fruitgrowers Association, Cooper, Fyfe, Tremain and Ward support more intensified development and apart from the Hawkes Bay Fruitgrowers Association, requested provision for more intensified development of an average of 350m² with a minimum lot size of 250m².

The proposal is to provide a mechanism for Comprehensive Residential Development by way of resource consent. This is considered to be an appropriate mechanism to ensure that any effects on amenity are avoided or mitigated. Such provision would include Comprehensive Residential Development having restricted discretionary activity status subject to performance standards and assessment criteria. The section 42A report makes the following observation which we concur with;

“It is considered that this will provide for a greater density of residential development, as requested by the Submitters, as well as allowing the quality of the amenity for the overall Howard St area to be assessed on a case-by-case basis. The 600m² average site size was addressed through the Section 32 Report and was concluded to be appropriate for this urban development area, thus any higher density should reasonably require additional assessment to ensure the environment can be protected.”

In respect of the three waters the following comments from the section 42A report are pertinent:

“In terms of the 3 waters, for stormwater and wastewater in particular, the network is at or near capacity in this part of the City. This had been outlined in the Service Infrastructure Overview report for Variation 3. Further discussion with Council Engineers have indicated that stormwater capacity issues can be overcome by requiring any comprehensive development to require a higher level of onsite detention, to compensate for the additional stormwater runoff anticipated from higher density development. Provided the

stormwater runoff from the site is maintained at what would be required for a 600m² density development, this should not present any issues.

Wastewater is a more difficult issue to overcome. The preferred option for servicing Variation 3 for wastewater was detailed in the Service Infrastructure Overview report as follows:

The preferred solution is to pump wastewater to the Park Road sewer rising main which necessitates a local pump station within Howard Street and a rising main along Howard Street and St Aubyn Street East ultimately discharging at Park Road. Discharge to Park Road is necessitated due to the lack of any spare capacity in the Louis Street and Hood Street (downstream) network and the extent of new or upgraded infrastructure that would be required to facilitate this option. While existing wastewater infrastructure is within close proximity to Howard Street, it is at capacity and the ability to accept any increase in flows is not possible with sewer overflows being an inevitable outcome. Council has, as part of its renewals programme, a number of network upgrades in the Park Road system and this has provided an opportunity to include additional capacity to cater for increased flows from Howard Street and from infill housing that has been occurring over time. This is considered to be an efficient use of existing infrastructure as there is minimal cost involved in upsizing pipes due to the construction costs already being accounted for in the intended renewals work.

The proposed infrastructure has only been sized to accommodate wastewater flows from the new Howard Street development area. Consideration was given to upsizing the infrastructure to provide for further expansions in the immediate area however there are no plans by Council to allow residential growth beyond

Howard St. It is important to note that the wastewater assessment did consider the opportunity of developing a more extensive and entirely new wastewater route to provide a long-term future option, potentially improve existing network connectivity and avoid having to rely on pumping but this would have required a significantly greater upfront capital investment, extended the timeframes for being able to establish services to Howard St and was not deemed to be financially viable”.

In considering this matter there appears to be minimal opportunity to provide an additional level of service in respect of wastewater to what has been indicated for the overall Howard St area. Further, increasing the density indications from the 600m² average density will be difficult to provide for. However, the opportunity for some higher density development within the Howard Street Urban Development area is not ruled out. It will likely be a case of determining the network capacity at the time of development to determine the level of Comprehensive Residential Development that could occur with the area covered by the variation area.

We note that any Comprehensive Residential Development will be required to adhere to Standard 30.1.7B – D (servicing standards), and will be a Restricted Discretionary Activity, so there would be an opportunity to decline a consent should servicing availability be constrained, and if an applicant is unable to provide alternative means to service the site.

We also consider that a similar standard of that within the subdivision section should also be included within the Comprehensive Residential Development standards of Section 7.2.6E. This would ensure that Comprehensive Residential Developments undertaken without subdivision are assessed against the same servicing requirements as if they were. This is particularly relevant with the activity status recommended to be changed from Discretionary to Restricted Discretionary Non-Notified in the General Residential Section (7.2) of the Proposed District Plan.

Whilst the Tremain and Ward submissions requested that the land shown as proposed lifestyle village on the Development Nours structure plan be

subject to a controlled activity status, given the potential restrictions on development particularly in respect of waste water servicing as outlined earlier in this section, we are of the view that restricted discretionary activity status should be retained, with an opportunity to refuse consent if considered appropriate if services cannot be adequately provided.

12.13 Issue 13 – Stormwater Detention Area

The submissions of Fyfe, Cooper, Ward and Tremain have all provided the same (or similar) alternative structure plans.

We were advised a report had been requested to be undertaken by MWH. This report 'Stormwater Management Assessments' (SMA) was attached to the section 42A report. It involved assessing the Development Nours structure plan in terms of its merits for stormwater management and provided a brief analysis as to the overall appropriateness of the submitter's structure plan compared to that as notified.

The assessment also provided a direct comparison of each proposal and has been generally discussed in the section 42A report. However it is useful to outline relevant recommendations as a result of the comparative analysis undertaken in the report which included the following;

-The stormwater infrastructure proposed in the HDC Structure Plan is the preferred solution. It is the preferred solution as it provides stormwater infrastructure that will minimise the impacts on the downstream network, while minimising land usage. It also does not affect the use of the proposed reserve node. There is no perceived significant difference in the cost of infrastructure for both proposals.

-A stormwater detention area, as shown on the HDC Howard Street Structure Plan, is recommended to provide a long term drainage solution which accounts for the additional stormwater runoff from the urban development, and the effect of climate change on rainfall intensities, and avoids increasing the existing flood risk to adjacent and downstream properties.

-Further refinement of the HBRC Karamu Stream catchment model to better understand flood risk to the development, the storage requirements and storage solutions in the preliminary design is recommended.

The Council engineering advice supported the notified option, compared to the submitters' alternative, as it takes up less land for the overall development, (based on overall design assumptions) and provides a more complete long term option in respect of future flooding effects on downstream properties.

One issue not examined through the SMA is the location of the overland flow path/reserve corridor shown on the alternative structure plan. The Cooper submission stated that the alternative structure plan provides a better use of land, as it removes the expanded detention area from the Cooper property, and instead provides an alternative reserve corridor, which it is assumed will be utilised for some form of detention. This in effect appears to be removing the detention area off the Cooper property, and placing it through the middle of the Zone on the Gee, Burns and Kelly properties.

The submitter has stated that the alternative design will provide an attractive open space within the Zone that would provide the necessary storage for stormwater.

Whilst this proposition has some merit it does not remove the need to provide for a detention area in the Zone per se, rather the primary location of stormwater detention area is proposed to be shifted from adjacent to the Awahou Drain, to now being distributed through the middle of the Zone. The submitter has stated that this would provide an attractive open space within the Zone, however the primary focus of the open space will be as a stormwater overland flow path and retention area. To be utilised effectively, it will need to be free from trees and other vegetation and is proposed to have an indicative depth of 0.75m.

While there is potential to create a walking/cycling pathway along the stormwater corridor, it would appear inefficient to create such a pathway

when the internal road would provide the same function within a close proximity.

The section 42A report does not recommend that the reserve node be used for dual purposes of a neighbourhood reserve and stormwater retention area, in that it takes away the amenity value and practicality of the reserve area for recreational use.

The detention area as proposed, next to the Awahou Drain, on the notified structure plan can provide for dual purpose use. This recognises that the primary function for the area would be for stormwater detention, and that provided there is a dedicated park within the urban development area, the functionality of the detention area for recreation purposes would not be an issue.

The submissions of Fyfe, Cooper and Tremain/Ward have also raised the option of requiring a greater level of onsite stormwater attenuation for all properties located within the Howard Street Urban Development Area.

We were advised that the current stormwater modelling has been based on the new onsite stormwater provisions of the Proposed Hastings District Plan. Standard 7.2.5B requires that peak stormwater run-off coefficient does not exceed 0.5 in a 5 year Average Recurrence Interval (ARI) event, and 0.6 in a 50 year ARI event. This standard was incorporated into the plan to ensure that there is some obligation on property owners to reduce the level of stormwater entering the reticulated network. We note that this standard is not under appeal and thus considered appropriate to base development on within the plan.

Increasing the levels of onsite retention required by individual property owners, to reduce the area of land required for the detention area, would increase development costs at Building Consent stage. It is not considered that individual property owners should bear the costs of a reduction of the stormwater detention area. Standard 7.2.5B should be retained as the required level of stormwater attenuation that new properties should meet.

Given that the alternative stormwater design is not supported by MWH advice through their stormwater assessment, nor does it provide for the best outcomes in terms of amenity and efficient land use for Variation 3, it is recommended that the engineering detail of the notified structure plan should be retained.

The Masters and Kelly submissions have raised a number of concerns about the stormwater detention area, including the following:

- *The desirability of, or need for, the retention pond was challenged.*
- *A long term solution for drainage, especially downstream of the property, is required if more stormwater from the residential development is to be diverted to the Riverslea drain.*
- *The proposed retention pond might have an adverse impact on the pipe drainage system that runs along Havelock road and subsequent adverse effects on their property.*
- *The possibility of water escaping from the retention area onto their property.*
- *Access to their land and prevention of access to their property from the stormwater ponding area.*

We have considered the MWH advice provided to us which responds to the specific issues raised by the submitters. No alternative expert evidence and opinion was provided to us.

We note that the stormwater detention area provides a long term drainage solution which is intended to take account of runoff from urban development and the effect of climate change on rainfall intensities. We further note that the proposal avoids any adverse impact of the pipe drainage system along Havelock Road by not increasing flood levels in the Riverslea Drain or any increased flood levels or frequency of flooding. The advice was that there would be no increased flood risk to the Masters' property.

13. CONCLUSIONS

In considering this matter, we have given consideration to;

- the relevant provisions of; the Resource Management Act 1991, the National Policy Statement for Urban Development Capacity 2016, the Hawkes Bay Regional Policy Statement, and the Proposed Hastings District Plan
- the actual and potential effects on the environment, of the proposed variation and the management of those effects;
- the evidence of Hastings District Council as the proponent for the proposed Variation 3, the submissions and the evidence in support of those submissions at the hearing of the variation and all submissions, and the analysis of alternatives in respect of the requirements of section 32 of the RMA;

and acting under a delegation from the Hastings District Council to hear and make recommendations on the proposed variation and the submissions, and for the reasons set out in this report, we recommend approval of proposed Variation 3 subject to the modifications outlined in Schedule 1 to this report.

14. **RECOMMENDATIONS**

That pursuant to Clauses 10 and 29 of the First Schedule of the Resource Management Act 1991,

- ***THAT the Proposed Variation 3 to the Hastings District Plan is approved with modifications; and***
- ***THAT those submissions which support the Proposed Variation are accepted to the extent that the proposed Variation is approved with modifications; and***
- ***THAT those submissions that seek further changes to the proposed Variation are accepted to the extent that the Variation is approved with modifications; and***
- ***THAT except to the extent provided above, all other submissions are rejected.***

The consideration of the decisions in respect of each submission is set out in the attached schedule (Schedule 1)

A handwritten signature in black ink, appearing to read "Bill Wasley". The signature is fluid and cursive, with a small "w" at the beginning.

Bill Wasley (Commissioner, Chair)

On behalf of Commissioner Panel

Date: 15 March 2017

SCHEDULE 1

1. ISSUE 1 - SUPPORT FOR PROPOSED GENERAL RESIDENTIAL ZONE

1.1 RECOMMENDATION – Support for General Residential Zone

a) That the submissions of

- #03 Chris and Lorraine Burns**
- #04 Ken and Eileen Gee**
- #06 Boyes, Stone & Whiting**
- #08 Richard & Mandy Fyfe**
- #09 K Cooper**
- #11 Cam Ward & Simon Tremain**
- #12 Ian Kelly**
- #13 Progressive Enterprises**

In demonstrating support for the rezoning of this area of land as a General Residential Zone (Howard Street Urban Development Area) subject to the Variation *be accepted* insofar as they support the variation to rezone this area of land for residential purposes, supporting the Section 32A analysis.

1.2 REASONS

1. The submissions support the rezoning of Howard St for residential use, demonstrating that overall there is support for the rezoning to occur, and that it is appropriate to rezone the area to cater for an ongoing residential land demand in proximity to Hastings.
2. That this land was previously identified in HPUDS and considered to be suitable for greenfield residential growth.

3. That a thorough Section 32 analysis was undertaken for Variation 3, which found the Howard St area to be appropriate for urban residential development.

2. ISSUE 2 – OPPOSED TO THE PROPOSED GENERAL RESIDENTIAL ZONE

2.1 RECOMMENDATION – Opposed to the Proposed General Residential Zone

- a) That the submissions of Hawkes Bay Fruitgrowers Assn – Diane Vesty (Submission 1) and Maree & Vincent Costello (Submission 10) opposing the Variation 3 *be rejected*.
- b) That as a result of Recommendation A above, the further submissions of Karen Cooper (Further Submission 4) and Simon Tremain & Cam Ward (Further Submission 5) opposing the Original Submissions of Hawkes Bay Fruitgrowers Assn and Maree & Vincent Costello be accepted.

2.2 REASONS

1. That this land was previously identified in HPU DS and considered to be suitable for greenfield residential growth.
2. That a thorough Section 32 analysis was undertaken for Variation 3, which found it to be appropriate for urban residential development.
3. That the Section 32 report also addressed the inclusion of the additional 6 hectares of land to the Awahou Drain, and the Awahou Drain was considered the most appropriate option for achieving a clear and enduring urban boundary.
4. That development is capable of providing a range of housing opportunities through provision of minimum and average site sizes, as well as the potential for comprehensive residential development.

5. It is not considered that land banking can be controlled through measures within the RMA process, and it is considered that there has remained a steady flow of building consents to establish new residential dwellings to the market. In addition green field land is being brought on for development through its identification in HPUDS and the RPS and subsequent re-zoning in the District Plan.
6. That development of this urban development area is capable of meeting HPUDS indicative yield of 80 dwellings and due to the more intensive development framework is likely to be capable of an increased density than that envisaged by HPUDS.

3. ISSUE 3 – ACCESS TO HAVELOCK ROAD

3.1 RECOMMENDATION – Access to Havelock Road

- a) That the submissions of Ken Gee (Submission 4) and Ian Kelly (Submission 12) requesting that sites and future development fronting Havelock Road be permitted to access their properties from Havelock Road ***be rejected***.
- b) That the submissions of Progressive Enterprises Ltd (Submission 13) requesting that the development be redesigned to incorporate multiple road accesses onto Havelock Road ***be rejected***.
- c) That as a result of Recommendation B above, the further submissions of the Ministry of Education (further submission) opposing the Original Submissions of Progressive Enterprises Ltd to incorporate road accesses onto Havelock Road ***be accepted***

3.2 REASONS

1. Additional property access-ways onto Havelock Road should be restricted, including restriction of any additional traffic onto existing access-ways in order to minimise the number of conflict points. It is noted that the Havelock Rd/Heretaunga Street Corridor Management Plan 2011, seeks to reduce the number of accesses and egresses onto Havelock Road to reduce the potential number of accidents on both

existing car traffic and cyclists and pedestrians from the side friction effects of multiple access onto Havelock Road. Whilst this is not an RMA document, it is an adopted policy direction of the Council, and has been had regard to as a Management Plan prepared under another Act (s 74(2)(b)(i)) of the RMA. The proposed additional access onto Havelock Rd is considered to be inconsistent with the corridor management plan.

2. The potential restriction on traffic flow of a two-laned roundabout connection from the proposed development onto Havelock Road and restriction resulting from a roundabout and increased side friction, could have significant effects on traffic flow along Havelock Road. Traffic evidence stated that Havelock Road was close to capacity and likely upstream / downstream effects on the already poorly performing Havelock Road intersections. In addition there is potential for increased safety risk in terms of traffic, cyclists and pedestrians moving through and across the roundabout and connections to it.
3. It is considered that the evidence presented by Progressive Enterprises Ltd is unclear in regard to the full potential effects of the proposed roundabout and the scale and extent of it. The impact on neighbouring properties and whether safety would be compromised, was unclear.
4. Any access onto Havelock Road would be cost prohibitive compared to any benefits that may be gained from creating greater urban design through link roads. It is considered more appropriate to access the development off Howard St.
5. Restriction of multiple road connections of any intersection form, from the proposed development onto Havelock Road is appropriate, due to increased safety risk and disrupted traffic flow.
6. Additional connections to the development would have potential adverse effects on the safe environment of Parkvale School and its students.

4. ISSUE 4 – HOWARD STREET/ WINDSOR AVENUE INTERSECTION

4.1 RECOMMENDATION – Howard Street / Windsor Avenue Intersection

- a) That the submissions of Brian Bixley (Submission 2) requesting that the pedestrian crossing be relocated and Howard St be made left hand only *be accepted in part* insofar as the following measures are recommended:
- *Removal of 2 car parks from the northern end of Howard Street.*
 - *Relocation of the Kea Crossing on Windsor Avenue to the east of the Howard Street intersection.*
- b) That as a result of Recommendation A above, the further submissions of the Ministry of Education (further submission) opposing left turn only egress from Howard St as part of the Original Submissions of Brian Bixley, *be accepted.*

4.2 REASONS

1. That the removal of the two car parks and relocation of the Kea crossing are considered the most appropriate measures to alleviate traffic build up during peak times on the Howard/Windsor Intersections.
2. That the traffic delays associated with school drop off and pick up times only occur for short periods.
3. Whilst the development will increase traffic in the Howard St area, this can be safely catered for by relocation of the Kea crossing, and the development is not proposed to be connected with Havelock Rd, hence removing the potential for increased through traffic.
4. That the side roads as part of the internal roading network servicing the development will provide some ability to further alleviate parking issues on Howard Street

5. ISSUE 5 – CYCLEWAY/ WALKWAY LINKS

5.1 RECOMMENDATION – Cycleway / Walkway Links

- a) That the submissions of Ken Gee (Submission 4) requesting that the cycleway be relocated be accepted insofar as the cycle/walkway is relocated to follow the northern boundary of the submitter's land. As shown below:



- b) That as a result of Recommendation A above, the further submissions of the Ministry of Education (further submission) opposing the relocation of the cycleway be rejected.
- c) That the submissions of the Ministry of Education (Submission 5) requesting that the cycleway be integrated into the design of the roads be accepted insofar as performance standard HSSP-S3 (I) is retained.
- d) That the submissions of the Ministry of Education (Submission 5) requesting that the cycleway be maintained to ensure it can act as a drop off area for parents be accepted in part insofar as this may occur along part of the cycleway, but no pick up/drop off area is proposed on Havelock Road itself.
- e) That the cycleway to the east shown on the Structure Plan between the indicative roading corridor and Havelock Rd, be relocated to

adjoin the indicative stormwater detention area, and to join with the proposed cycleway between the indicative road corridor and the indicative stormwater detention area.

5.2 REASONS

1. That two cycleway/walkway paths (recommended in the Howard Street Housing Development Transport Impact Assessment provided by MWH in April 2016 but with a relocated eastern cycleway) are required at either end of the Howard St Urban Development Area to enable the efficient movement of pedestrians and cyclists, and provide for permeability through the proposed development area, for residents and those living in adjoining areas.
2. That relocating the cycleway/walkway a few metres so that it is adjacent to the Northern boundary of Mr Gee's land is not expected to affect the usability and connectedness of the overall development area.
3. The relocating of the eastern cycleway to adjoin the indicative stormwater detention area will provide for the more efficient use of land for residential purpose and allow the integration of the cycleway with green space and providing for a better level of amenity for pedestrians and cyclists
4. That the primary internal road should integrate cycleways to ensure connectivity of the Howard St Urban Development Area to adjoining cycle/walkway links and transportation nodes.
5. That a pick up/drop off area should be incorporated within the internal corridor road proposed within the structure plan, but no such area should be located on Havelock Road, as this cannot be achieved safely.

6. ISSUE 6: PARKVALE SCHOOL

6.1 RECOMMENDATION – Parkvale School Concerns - General

- a) **That the submissions of the Ministry of Education (Submission 5) requesting a 40km/h speed limit are noted insofar as there is an**

existing school zone speed limit of 40km/h for between 8.00 - 9.30am and 2.00 – 3.30pm for Parkvale School.

- b) That the submissions of the Ministry of Education (Submission 5) requesting that the Kea Crossing on Howard St not be relocated be accepted insofar as there is no intent to relocate this crossing as part of Variation 3 (only the Kea crossing on Windsor Ave).
- c) That the submissions of the Ministry of Education (Submission 5) requesting that the collector (internal) road be setback from the school be accepted insofar as a buffer area of landscaping and car parking be accommodated within a 22m road corridor.
- d) That the submissions of the Ministry of Education (Submission 5) requesting that a pickup/drop off area be incorporated into the internal road layout be accepted insofar as the road corridor can accommodate a pickup/drop off area.
- e) That as a result of recommendation C and D above, the further submissions of Karen Cooper (further submission) supporting the buffer area and additional car parking on the internal road be accepted in part insofar as it is proposed that the internal road adopts similar car parking measures as what their alternative structure plan has proposed.

6.2 REASONS

1. That there is an existing school zone speed limit of 40km/h for between 8.00 - 9.30am and 2.00 – 3.30pm for Parkvale School and Council agrees in principle that this school zone should be extended along the internal road corridor. It is considered this can be negotiated at a later date outside of the RMA variation process.
2. Only the Kea crossing on Windsor Ave is recommended to be relocated as part of Variation 3. The crossing on Howard St is proposed to remain as is.

3. That establishing a pickup/drop off area on the new internal road is desirable and appropriate, and this, along with landscaping, will help provide a buffer for the existing classroom buildings.
4. It is considered that widening the road corridor to 22 metres adjacent to Parkvale School will provide adequate width to accommodate the road, car parking, and landscaping and provide an appropriate buffer between residential development to the east and the school

7. ISSUE 7: SUPERMARKET – GENERAL

7.1 RECOMMENDATION – Supermarket – General

- a) That the submission of Progressive Enterprises Ltd (Submission 13) requesting that provision be made to establish a supermarket within the Howard Street Urban development Area as a Restricted Discretionary Activity ***be rejected***
- b) That as a result of Recommendation A above, the further submission of the Hawkes Bay Regional Council (further submission 6) opposing the submission of Progressive Enterprises Ltd **be accepted**
- c) That the submission of the Ministry of Education (Submission 5) opposing any supermarket proposal due to noise and traffic safety concerns and particularly opposing any through road ***be accepted*** insofar as the supermarket proposal is recommended to be rejected.
- d) That as a result of Recommendation C above, the further submission of Progressive Enterprises Ltd (further submission 1) proposing to work together with the Ministry of Education ***be rejected*** on the basis that the supermarket is recommended not to be provided for.

7.2 REASONS

1. That the original Section 32 report assessed the potential to establish an area for large commercial activities within the Howard Street Urban Development Area and found it to be ineffective in achieving the

objectives and policies of the RPS and the Proposed District Plan, and was not the most appropriate option compared to full Residential Rezoning for Variation 3. No information has been received which changes that assessment.

2. That approving the relief sought in the Progressive submission would be inconsistent with, and would fail to implement, the objectives and policies of the proposed Hastings District Plan.
3. That enabling a supermarket in this location would have potential adverse effects on the amenity of the existing and proposed surrounding residential properties which cannot properly be avoided, remedied or mitigated by conditions of any later resource consent.
4. That enabling a supermarket in this location would have potential adverse effects on the amenity of Parkvale School which cannot properly be avoided, remedied or mitigated by conditions of any later resource consent.
5. That enabling a supermarket in this location would have potentially significant adverse effects on the local roading network, in particular Havelock Rd and place additional pressure on a road that is nearing capacity, for which the impacts of the mitigation proposed are uncertain.
6. That the proposed roundabout may potentially have adverse effects on property owners adjoining Havelock Rd to the south, who have not been part of the hearing process and have not had the opportunity to consider Progressive's proposal to construct a roundabout to address traffic issues.
7. The alternative structure plan proposed by the Progressive submission has not demonstrated that safe and efficient access can be provided from and to Havelock Road, in respect of the supermarket activity.

8. ISSUE 8: RESERVE LOCATION & LANDSCAPE STRIP

8.1 RECOMMENDATION – Reserve Location / Size and Landscape Strip

- a) That the submissions of Ken & Eileen Gee (Submission 4) requesting that the reserve node area be no larger than what is shown on the notified structure plan *be accepted in part* insofar as the reserve node is indicative at around 3500m² in area.
- b) That the submissions of the Ministry of Education (Submission 5) and Progressive Enterprises (Submission 13) requesting that the reserve area be relocated adjacent to Parkvale School on the structure plan *be rejected*.
- c) That as a result of Recommendation B above, the further submissions of the Progressive Enterprises (Further Submission 1) supporting the submission of the Ministry of Education also *be rejected*.
- d) That the submissions of Richard & Mandy Fyfe (Submission 8), K Cooper (Submission 9) and Simon Tremain & Cam Ward (submission 11) requesting that provision be made for a linkage reserve between the reserve node and the Awahou Drain storm water retention area to provide for both storm water and pedestrian access purposes *be rejected*.

8.2 REASONS

- 1. That although 3500m² is likely to be near the final size of the Reserve area on the Gee's property, some flexibility is required through the land purchase process to ensure the most appropriate outcomes are reached. As such no hard limits should be place on the reserve area.
- 2. That the notified location of the Reserve Area is considered the most appropriate location as it is central, provides excellent road frontage, visibility and access to cycle and walking links.

3. Utilising the reserve area for school purposes during school hours would reduce the functionality and desirability of the reserve for the general public. The primary function of the reserve is to serve the entire neighbourhood, not just the school. This would be exacerbated if the reserve was to be utilised for playing field purposes. Provision of school play areas is primarily the responsibility of the Ministry of Education and the school itself, although contribution of land to create a larger dual purpose reserve is worth consideration.
4. It is not considered necessary that a linkage reserve be provided for storm water and pedestrian access purposes, as any effects in respect of storm water arising from development are appropriately addressed through the provision of the retention area, and that no additional pedestrian linkage is required as the internal road corridor is able to fulfil this role.

9. ISSUE 9: REVERSE SENSITIVITY

9.1 RECOMMENDATION – Reverse Sensitivity / No Complaints Covenant

- a) That the submissions of Hawkes Bay Fruitgrowers Assn – Diane Vesty (Submission 1), Ken and Eileen Gee (Submission 4) and Geoff Crawford (Submission 14) requesting further measures to protect the ‘right to farm’ and to address potential reverse sensitivity ***be accepted in part*** insofar as the existing District Plan provisions protect against Reverse Sensitivity and promote the right to farm.
- b) That as a result of Recommendation A above, the further submissions of Hawkes Bay Fruitgrowers (Further Submission 2), Karen Cooper (further submission 4) and Simon Tremain & Cam Ward (Further Submission 5) supporting the need to protect existing activities from reverse sensitivity also ***be accepted in part***

9.2 REASONS

1. That POL UD12 of the RPS and Section 2.8 (Rural Strategy) of the Proposed District Plan provide for the ‘right to farm’ already within the Policy Direction and Outcomes of these documents.

2. That Section 6.1 (Plains SMA) and Section 25.1 (Noise) of the Proposed District Plan provide additional Policy direction which protect general plains and rural activities from Reverse Sensitivity effects. The Objectives, Policies and Standards in these Sections allow for greater levels of noise and amenity effects from day to day land-based primary production activities, such as cropping, when they are located nearby Residential Activities.
3. That there is a minimum setback of 30m for any dwelling where it is to locate on General Residential land where adjacent to Plains Zoned land. This setback will help mitigate any cross boundary effects such as spray drift from existing Cropping/Farming activities located in the surrounding area.

10. ISSUE 10: EXTENSION OF ZONE

10.1 RECOMMENDATION – Extension of Zone

- a) That the submissions of Julie Boyes, Kerry Stone and Denis Whiting (Submission 6) requesting that their land between Ada St and Howard St be included as part of the rezoning ***be rejected***.
- b) That as a result of Recommendation A above, the further submissions of Hawkes Bay Fruitgrowers Assn (Further Submission 2), opposing this submission ***be accepted***.

10.2 REASONS

1. That the Boyes, Stone and Whiting submission is not considered to be within the scope of the variation.

2. That this land was previously assessed for rezoning during development of the original HPUDS and the most recent Hastings District Plan Review cycle, where it was found not to be appropriate for rezoning. This submission has not provided sufficient evidence to justify and support any re-zoning for residential purposes.
3. That the land in question was also assessed as part of the HPUDS review undertaken this year, and while this process is still ongoing, initial assessments have determined that this area of land was not appropriate to be included in the HPUDS review, even as a reserve area.
4. That the extension of the Howard St Urban Development Area to the Awahou Stream, does not automatically infer that the Zone should also extend to incorporate the Boyes et al land. It is considered that Howard St provides a strong, defensible physical boundary to the North-East to delineate the urban edge.
5. That the Boyes et al land contains an additional 13.8 hectares of land which is a significant addition to what has been notified through the Howard St Urban Development Area. The submitters have provided no assessment of how this may be serviced, nor have they provided a structure plan to show an approximate layout or potential site size requirements for the development area.

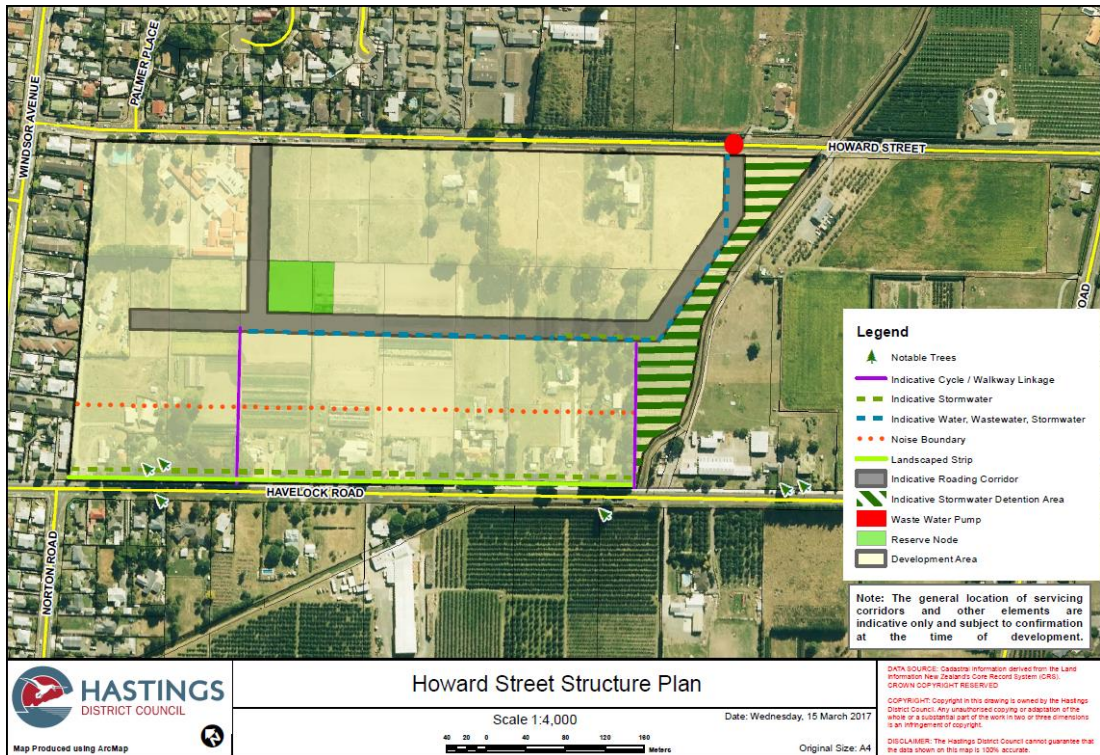
11. ISSUE 11: INTERNAL ROAD CORRIDOR LOCATION

11.1 RECOMMENDATION – Internal Road Corridor Location

- a) That the submissions of Richard & Mandy Fyfe (Submission 8), K Cooper (Submission 9) and Simon Tremain & Cam Ward (Submission 11) requesting that the internal road layout be amended to what has

been shown on their alternative structure plan *be accepted* insofar as the road corridor shown within their alternative structure plan provided with the submission will be adopted by Council, as shown below (also attached as Appendix 12) and provided the following specific recommendations by roading engineers for the intersection onto Howard St are adopted:

- *Reconfigure angle of intersection to 90°*
- *Install right turn bay to service right turning traffic into the development*
- *Reduce operating speeds at new intersection to 50km/hr*
- *Extend 50km/hr speed zone to the location of the new intersection*
- *Implement traffic calming measures over new 50km/hr section of Howard Street to create a self-explaining road.*
- *Locate the intersection of the internal road corridor and Howard St as far as practicable to the east toward the stormwater detention area, but without compromising the functionality of the stormwater detention area, and still providing for an intersection angle of 90° and the installation of a right hand turning bay*



- b) That as a result of Recommendation A above, the further submissions of Progressive Enterprises Ltd (Further Submission 1), supporting the submission with the addition of a roading link to Havelock Road also **be accepted in part.**
- c) That the submission of Progressive Enterprises Ltd (Submission 13) requesting an alternative interior roading layout with multiple access points to Havelock Road **be rejected.**
- d) That the part of the submission of Ian Kelly (Submission 12) requesting that his property have measures to avoid it being landlocked from other development **be accepted** insofar as the amended structure plan shown in A will ensure internal road access to the submitters property.

11.2 REASONS

1. The alternative structure plan provided by Development Nous provides an appropriate layout for the road corridor within the development, the intersection point onto Howard Street is considered appropriate by Roading engineers, provided specific traffic calming measures on Howard St are implemented. The intersection is located as far as practicable toward the stormwater detention area to ensure that there is no land between the road and detention area that is not required for stormwater detention.
2. That the benefits of increased efficiencies of the alternative roading layout as proposed in the Development Nous alternative structure plan, outweigh the costs of the extension of the lower speed limit on Howard St and associated engineering works.
3. That the intersection point proposed in the Development Nous structure plan is not considered safe due to it not entering Howard St on a 90° angle. The recommended structure plan has been amended to recognise this.
4. That the alternative structure plan attached to recommendation A, will provide for access to all main properties within the Howard St Urban

Development Area, and further ensure no properties will end up landlocked.

5. That the alternative structure plan provided by Progressive Enterprises Ltd requires multiple road access points onto Havelock Road, which is not considered appropriate due to the potential traffic safety effects it would have on the safety and efficient functioning of Havelock Road.

12. ISSUE 12: MEDIUM DENSITY PROVISIONS

12.1 RECOMMENDATION – Medium Density Provisions / General Design

- a) That the submissions of Hawkes Bay Fruitgrowers Assn (Submission 1) requesting that the type of development provide the range of housing to satisfy demand for low income housing, family homes, single households and retirement options ***be accepted*** insofar as the general subdivision flexibility and the provisions for comprehensive residential development should provide for a range of housing opportunities.
- b) That the submissions of Karen Cooper (Submission 9), Richard & Mandy Fyfe (Submission 8) and Simon Tremain & Cam Ward (Submission 11) requesting a reduction of site size requirements to 350m² average with 250m² minimum ***be accepted in part*** insofar as Comprehensive Residential Development will be provided as Restricted Discretionary Non Notified for land use (as currently applies in respect of subdivision) across the Howard St Urban Development Area, but the average site size will not be reduced to 350m² as shown in C below.
- c) That the submissions of Progressive Enterprises Ltd (Submission 13) requesting that Rule GR17 in 7.2.4.1 be amended to include reference to Appendix 80 (Howard St Structure Plan) so that Comprehensive Residential Development is provided for as a Restricted Discretionary Non Notified ***be accepted*** insofar as the following amendments are made:

7.2.4.1 Hastings General Residential Zone

GR17	Comprehensive Residential Developments on land identified in Appendix 27 Figures 1-3 and Appendix 80 Figure 1	RD-NN
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7.2.6E Comprehensive Residential Development

Availability of Reticulated Services on sites within Appendix 80

Comprehensive Residential Developments within the Howard Street Urban Development Area (Appendix 80) shall be required to connect to public reticulated services for water, wastewater and stormwater systems, where capacity is available.

Outcome

A means of Supply and Disposal for Water, Wastewater and Stormwater that can meet the potential needs of activities on the site and avoid significant adverse effects on the environment

Outcome

Comprehensive Residential Developments occurring within the capabilities of the reticulated service capacity. This should not adversely impact on the ability to service complying developments within the Howard Street Development Area (Appendix 80)

- d) **That the submission of Progressive Enterprises Ltd (Submission 13) requesting that Standard 30.1.6A (B) be amended to clarify that the 600m² average site size for the Howard St Development Area does not apply when undertaking Comprehensive Residential Development be accepted insofar as the following amendments are made:**

30.1.6A

A	General Residential i. Comprehensive Residential Development (on land identified in	350m ² 250m ² minimum site size, 350m ² maximum site size
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	Appendices 27 and 80)	
B	General Residential (Urban Development Areas) i. Howard St Urban Development Area	400m ² with a minimum average site size of 700m ² 400m ² with a minimum average site size of 600m ² except where Comprehensive Residential Development is proposed

12.2 REASONS

1. That amending the activity status for Comprehensive Residential Development from Discretionary to Restricted Discretionary Non Notified, will ensure a consistent approach in the Plan in line with the corresponding subdivision provisions, and will ensure a range of development options are available for developers.
2. That while there is limited capacity with regards to wastewater for higher density development as part of the Howard St Urban Development Area, the existing standards within the subdivision section of the Proposed Hastings District Plan, as well as the Restricted Discretionary status, will help ensure that developments are adequately assessed, and can be declined if wastewater capacity is unavailable.
3. The incorporation of a standard to ensure service (water, wastewater & stormwater) capacity is available throughout the Howard St Development Area, will ensure that developments are adequately assessed and can be declined, when undertaking Comprehensive Residential Development through the land use provisions. This will ensure consistency with the subdivision provisions.
4. That by providing for a 400m² minimum site size, with 600m² average, as well as allowing for some Comprehensive Residential Development that would have a minimum lot size of 250 m² and a maximum lot size

of 350 m², it is considered that the Howard Street Urban Development Area can provide for a wide range of dwelling typologies and sizes.

13. ISSUE 13: STORMWATER

13.1 RECOMMENDATION – Stormwater Detention Area

- a) That the submissions of Richard & Mandy Fyfe (Submission 8), K Cooper (Submission 9) and Simon Tremain & Cam Ward (Submission 11) requesting that the stormwater detention be amended to what has been shown on their alternative structure plan ***be rejected***.
- b) That as a result of Recommendation A above, the further submissions of Hawkes Bay Regional Council (Further Submission 6), supporting in part the submission of K Cooper by commenting that the proposed structure plan is indicative and subject to some amendments ***be accepted***.
- c) That the submission of Tony and Heather Masters (Submission 7) that the Stormwater Detention Area be removed from their property at 180 Havelock Road ***be rejected*** insofar as it is recommended that the Stormwater Detention Area remains as notified, however it is considered that the concerns raised by the submitter have been addressed.
- d) That as a result of Recommendation C above, the further submissions of Hawkes Bay Regional Council (Further Submission 6), supporting in part the submissions of Tony and Heather Masters by commenting that the proposed structure plan is indicative and subject to some amendments ***be accepted***.
- e) That the part of the submission of Ian Kelly (Submission 12) requesting confirmation that the proposed Stormwater Detention Area is suitable for coping with increased rainfall from global warming ***be accepted insofar*** as global warming expectations were incorporated into the initial stormwater capacity calculations.

13.2 REASONS

1. That the alternative stormwater design is not supported as advised by MWH, as it does not address the impacts on the downstream network.
2. That the stormwater detention area, as shown on the HDC Howard Street Structure Plan, is the preferred option in terms of providing a long term drainage solution which accounts for the additional stormwater runoff from the urban development, and the effect of climate change on rainfall intensities, and avoids increasing the existing flood risk to adjacent and downstream properties.
3. That the alternative stormwater design provides a reduced level of amenity as it creates a stormwater corridor area which is inefficient for use as both a walking/cycling track and for conveying overland flow, given that the main internal collector road runs parallel, and is located within 50m of the stormwater corridor, and can perform the same functions.
4. The stormwater detention area avoids the potential for an adverse impact on the pipe drainage system that runs alongside Havelock Road by not increasing flood levels in the Riverslea drain. As such, there will be no increased flood risk to the Masters' property from the pipe drainage system that runs alongside Havelock Road.