



**Omahu Road
Infrastructure Servicing Corridor**

Notice of Requirement

In support of Proposed Omahu Variation to the Hastings District Plan

May 2016

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PART 1 - NOTICE OF REQUIREMENT FOR A DESIGNATION FOR AN INFRASTRUCTURE SERVICING CORRIDOR AT OMAHU ROAD, HASTINGS

Notice of Requirement for a Designation under Section 168A of the Resource Management Act 1991

To: Hastings District Council (in its capacity as a Consent Authority)
Private Bag 9002
Hastings

From: Hastings District Council (in its capacity as a Requiring Authority)
Private Bag 9002
Hastings

1. **HASTINGS DISTRICT COUNCIL** gives notice of its requirement for the following designation for a public work to be included in the Hastings District Plan:

Infrastructure Servicing Corridor at Omahu Road, Hastings

The public work authorised by the designation is the construction, operation and maintenance of an infrastructure servicing corridor to provide reticulated water supply, waste water disposal and stormwater disposal to ensure that the new Industrial zone can be appropriately serviced.

2. **Land to which this requirement applies is as follows:**

The area to which the requirement applies is located on the north west side of Hastings City and is described as follows:

- A corridor of land extending in a north west direction from the corner of Omahu Road and Raupare Road to Kirkwood Road (which is on the southern side of Omahu Road);
- The corridor of land is approximately 3km long;
- The corridor is 24 metres wide at the points where there will be a swale;
- The corridor is approximately 7 metres wide where there is no swale, but provides for maintenance access, water and waste water pipes;
- The corridor will be set back between from Omahu Road at a distance varying from approximately 150 metres and 300 metres.

The properties subject to this Notice of Requirement are shown on Land Requirement Plan and Table presented in Appendix 1 which forms part of this Notice of Requirement.

3. The nature of the proposed work is:

- Council will construct the sewer, and water pipelines and the access road to service the proposed industrial zone;
- Council will purchase land for the services corridor (including stormwater swale corridor)
- Individual land owners will construct their stormwater swale within the corridor
- Easements will be provided for properties in the proposed industrial zone that do not have direct access to the infrastructure services corridor

HBRC resource consent for stormwater discharge to be retained by HDC for the corridor.

This is more fully described in the Servicing Report in Appendix 2 to this report.

4. The effects that the public work may have on the environment, and the ways in which any adverse effects will be mitigated, are set out in the attached Assessment of Environmental Effects.
5. Whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work.

This Notice of Requirement to designate a three waters servicing corridor is an alternative to that proposed in Plan Change 57 and the associated Notice of Requirement for the servicing corridor of that plan change (HDC reference RMA20120268). The relevant pages of the NOR (RMA20120268) are appended to this report.

Details as to the assessment of alternative sites, routes or methods is set out in Section 13 of the supporting Assessment of Environmental Effects.

6. The work and designation are reasonably necessary for achieving the objectives of the Requiring Authority for the following reasons:

Objectives of Requiring Authority

The objectives of the Requiring Authority are;

- to provide sufficient land for the infrastructure servicing of a new industrial zone on the northern side of Omahu Road, Hastings.
- To enable the efficient, effective and timely implementation of the physical infrastructure necessary to service the area.
- To manage stormwater via a Council owned service corridor.

The Work

The proposed work is a new servicing corridor that is 24m wide in all sections that require the stormwater solution i.e. at the rear of each site. However, there are some sections of the corridor (along the side boundaries of sites) where it is only necessary for water and gaste water services and is not required to have stormwater disposal.

The corridor will be reduced to 7 metres with width in these sections to enable waste water and water supply continuity. The corridor typically provides sufficient width to form a swale area for stormwater detention purposes, a formed access track to provide access to maintain the stormwater swale, the sewer reticulation system and to access the water main for both maintenance and for fire-fighting situations.

The work will achieve the above objectives in the following ways:

- by ensuring that there is sufficient land for the infrastructure servicing of a new industrial zone on the northern side of Omahu Road, Hastings.
- By enabling the efficient, effective and timely implementation of the physical infrastructure necessary to service the new industrial area.
- To effectively and efficiently manage stormwater via a Council owned service corridor.

The Designation

Designation is reasonably necessary for achieving the objectives because:

- It will allow the infrastructure required to service industrial development at Omahu North to be constructed, operated and maintained notwithstanding anything to the contrary in the operative or proposed Hastings District Plan. This work extends over various properties held in private and public ownership with different zoning under the District Plan;
- It will allow the land required to be identified in the Hastings District Plan, giving a clear indication of the intended use of the land;
- It will enable the construction of the servicing corridor to be undertaken in a comprehensive and integrated manner;
- It will protect the proposed servicing corridor from future development which may otherwise preclude the construction of the work.
- It is designed to recognise the servicing needs of individual sites and the environmental effects on adjoining properties.

7. The consultation undertaken with parties that are likely to be affected by this Notice of Requirement is as described in the Summary of Consultation (Appendix 3)
8. Hastings District Council hereby requests that the requirement for an outline plan be waived under s. 176A(2)(c), on the basis that sufficient information has been provided and will be incorporated into the designation.
9. Hastings District Council provides the following information which relates to this Notice of Requirement:
 - Part A – RMA requirements
 - 1) Notice of Requirement (this document)
 - 2) Supporting Information including Assessment of Environmental Effects
 - 3) Summary of Consultation
 - Part B – Appendices
 - 1) Water, Waste Water and Stormwater Servicing Report – Author Ray O’Callaghan
 - 2) Soils Assessment
 - 3) HBRC Resource Consent – DP120072L and DP120073W
 - 4) Proposed Omahu Road North Industrial Zone Land Extension for Industrial Development and Servicing/Other Purposes – Economic Impact Assessment

Dated this 5th day of May 2016

Signed on behalf of Hastings District Council:

Group Manager: Asset Management, Craig Thew

Address for Service:
Hastings District Council
Private Bag 9002
Hastings
Attention: Megan Gaffaney
Telephone: (06) 871 5000
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PART 2 - SUPPORTING INFORMATION

1.0 INTRODUCTION

- 1.1 The proposed Omahu North Industrial Area is a 3.2km long strip of land located on the north-western fringe of Hastings, on the northern side of Omahu Road. The land is zoned 'Plains' under the Operative Hastings District Plan but is located immediately opposite General Industrial zoned land. The area currently contains a mixture of horticultural, lifestyle residential and industrial land use activities. This land has been identified for industrial rezoning since 2003.
- 1.2 A key objective of this project is the efficient, effective and timely implementation of the physical infrastructure necessary to service the area. As such it is proposed to establish, operate and maintain a service corridor that contains stormwater disposal, and reticulated water supply and a waste water systems. The corridor will also provide a formed access for emergency and maintenance vehicles.

Plan Change 57 and Proposed Hastings District Plan 2013

- 1.3 The identification of this strip of land for industrial use was actioned in 2012 with Plan Change 57 seeking to rezone some 36 hectares of land 'Deferred Industrial 2 (Omahu North)'. The deferred zoning was intended to be lifted in two stages. Deferment on Stage 1 was to be lifted once the planned service infrastructure had been constructed. The deferment on Stage 2 was projected to occur 10 years after the rezoning of Stage 1.
- 1.4 The stormwater solution proposed for Plan Change 57, which was to convey the water via a swale system to detention ponds, necessitated a staging approach. Rather than constructing the system for the whole length of the zone in one go, the intention was to first construct the system for the catchments in the south eastern half of the zone, which formed Stage 1. As this swale system was dependent on an appropriate gravity fall, there was little flexibility for the alignment to be amended in response to submissions.
- 1.5 Submissions were heard on Plan Change 57 in 2013 with two appeals resulting from the decisions. Plan Change 57 was largely rolled over into the Proposed Hastings District Plan (notified in November 2013). With the Plan Change 57 appeals still outstanding and similar submissions lodged on the Proposed Plan (with the primary concerns being the cost of the development contributions, largely due to the proposed stormwater solution, and the narrow depth of the rezoning from Omahu Road), the hearing of submissions on the Proposed Plan was deferred until a solution acceptable to both the submitters and Council could be identified.

Variation Proposal

- 1.6 A resolution to the issues identified above is now proposed via a variation to the Proposed Hastings District Plan (Variation 1 - Omahu Industrial). In summary this involves rezoning a larger 63ha area of land. This Variation does not involve any staging or 'deferred zonings'. It is based on a stormwater soakage swale and service corridor defining the rear boundary of the zone. The swale is designed to accommodate stormwater up to a 50 year rainfall event

by infiltration to the ground (soakage). There is no need therefore for stormwater to be conveyed along the swale. This means that development of any given property can occur by construction of the section of swale for that property, with no dependence on the swale also needing to be constructed on neighbouring properties. This is explained in more detail in this report.

2.0 BACKGROUND

Hastings District Industrial Growth Strategy

- 2.1 The idea of rezoning additional industrial land on the northern side of Omahu Road stemmed from the Hastings District Council's Industrial Growth Strategy, adopted by Council in September 2003. This strategy was informed by a 2002 Industrial Demand Review completed by Logan Stone and a 2003 Industrial Site Selection Report completed by Council officers.
- 2.2 Irongate and Omahu North were identified as future greenfield growth areas for dry and light industry. The location of these areas adjacent to existing industrial development, on comparatively lesser quality soil and with ready access to the arterial road network, was key to their selection. It was anticipated that Omahu North would be valued for its profile given its Omahu Road frontage.
- 2.3 This strategy was reviewed in 2009 based on an updated Hastings District Industrial Demand Review completed in 2008 by Logan Stone. The following table and map set out the updated 2009 Hastings District Industrial Strategy.

Table 1 – Hastings District Council Industrial Growth Strategy 2009

Location	Projected Development to 2019 in Hectares	Projected Development from 2020 in Hectares
Omahu Road	13	16
Irongate	68	42
Tomoana / Whakatu	Nil	25
Total	86	83

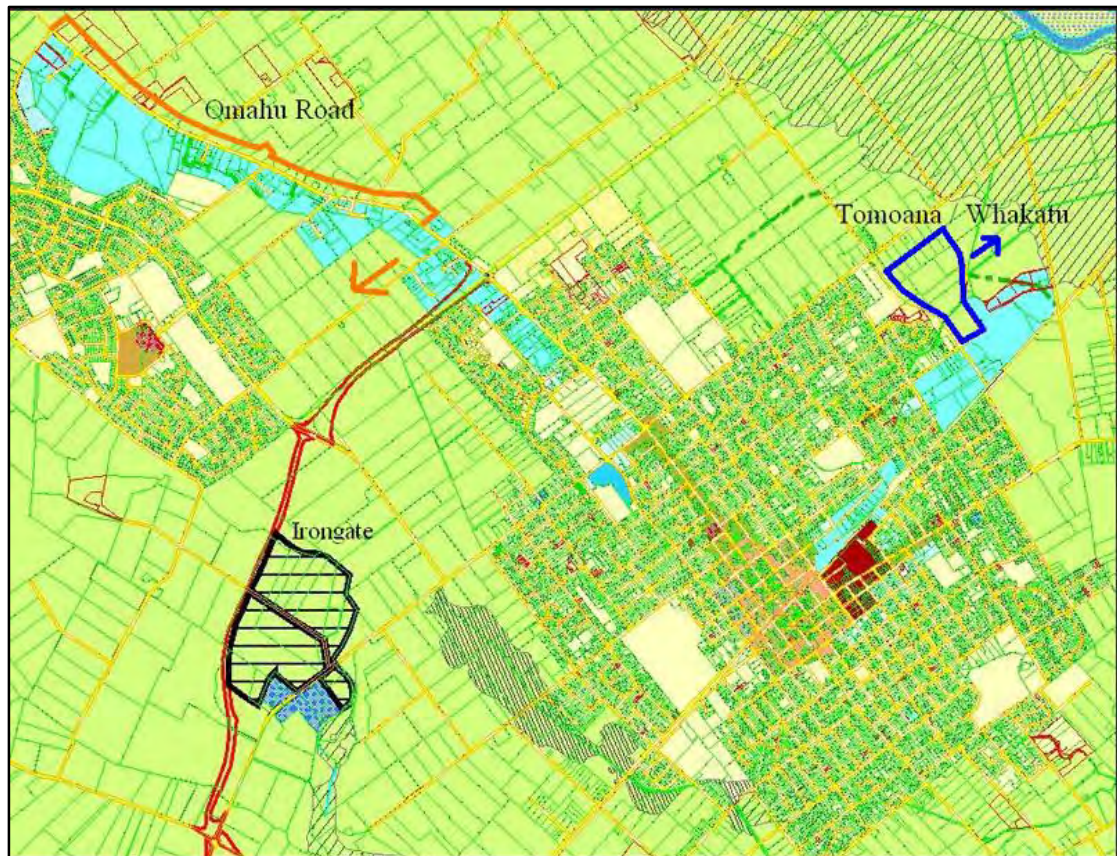


Figure 1– Map of the areas identified in the Hastings District Council Industrial Growth Strategy 2009

Plan Change 57

- 2.4 Work commenced on preparing a Structure Plan for the Omahu Road North industrial area in 2007. This process took some time with the principle constraint being to design a comprehensive stormwater solution to mitigate the effects of industrial development on both stormwater quality and quantity that would be able to gain a ‘stormwater discharge consent’ from the Hawke’s Bay Regional Council.
- 2.5 The stormwater consent was applied for in 2012 prior to Plan Change 57 being notified. Caution was taken in designing a stormwater system that would be acceptable to the HBRC due to delays that had occurred in the rezoning of the Lyndhurst residential area due to stormwater issues and also due to development constraints in parts of Whakatu where there is no access to a reticulated stormwater system.
- 2.6 The Omahu Road North Deferred Industrial Zone was introduced by Plan Change 57 which was notified for submissions in November 2012. The area included in the rezoning is identified by the light blue shading on the map shown as Figure 2 below. Jarvis Road formed the boundary between Stage 1, to its south east and Stage 2, to its north west. The reason for the staging is to reduce the holding costs for Council between constructing the services and recouping those costs via development contributions.

Figure 2 – Map of the area rezoned Deferred Omahu North Industrial Zone in Plan Change 57 (identified in light blue shading)



- 2.7 Hearings on the 19 submissions on Plan Change 57 (plus the further submissions) and the 13 submissions on the associated Notice of Requirement took place in February and April 2013.
- 2.8 Council made its decisions on submissions in June 2013 and two appeals to Plan Change 57 were subsequently received in August 2013 from Kevin Bayley & Associated Parties and Hustler Equipment Ltd & Currie Family, respectively.
- 2.9 These appeals did not challenge the objective of the Plan Change in rezoning the land from Plains to Industrial, but rather sought that a greater area of land be rezoned. The appeals included associated amendments to the servicing proposals and in particular, doing away with the proposed stormwater drainage swale and retention pond system, in favour of an onsite stormwater disposal system.
- 2.10 The timing was such that these appeals were received just prior to the Council adopting the Proposed Hastings District Plan for public notification in September 2013.
- 2.11 The Bayley appeal was subsequently resolved by consent.

Proposed Hastings District Plan

- 2.12 The provisions of the Omahu Road North Industrial Zone resulting from the decisions on submissions to Plan Change 57 were rolled over into the Proposed Plan which was notified for submissions in November 2013.
- 2.13 Five submissions requesting zoning extensions and amendments to the servicing provisions of the Omahu Road North Industrial Zone were received on the Proposed Plan. Included in the

five are submissions from the appellants to Plan Change 57, who essentially requested the same relief as requested in their appeals.

2.14 The five submissions and associated further submissions are summarised in Table 2 below.

Table 3 - Submission to the Proposed Plan, relating to the Omahu North Industrial Zone

Submitter	Area of additional Rezoning	Location of additional land sought to be rezoned	Further Submissions
Bayley et al (Also an appellant to PC57)	3 Hectares (approx. in regards to own land)	This land is in Stage 1 and stretches from 1215 Omahu Road through to the Currie property which fronts Jarvis Road, in terms of the submitters own land. The submission also seeks a general of widening of the zone over its full length to a minimum depth of 130m following soil and title boundaries where possible.	4 in support 0 in opposition
Hustler Equipment (Also an appellant to PC57)	1.9 Hectares	This involves one property in Stage 1 located at 18 Jarvis Road, being the corner of Jarvis and Omahu Roads (referred to above as the 'Currie property'). The submission seeks that the rezoning covers the entire property, rather than having the boundary bisect the property.	3 in support 0 in opposition
Golden Oak	3.3 Hectares	10 Ormond Road in a strip of land from Ormond Road through to the Expressway. The land is located behind a row of residentially zoned dwellings fronting Omahu Road. This land doesn't adjoin the rezoning area being separated by existing Industrial land in the Unison Depot and neighbouring sites.	1 in support 4 in opposition
Hamish Campbell and David Osborne (two separate submissions relating to neighbouring properties)	5.3 Hectares	The properties subject to these submissions are located in Stage 2 at 1393 Omahu Road and 1 Twyford Road respectively. An extension of 90m to the zone boundary is sought, to give a total depth from Omahu Rd of 225m. The submissions also seek that this land to the north west of Twyford Road not be subject to the staging restrictions amongst other amendments sought.	8 in support 2 in opposition (most of these further submissions were made on both of these respective submissions)

2.15 The five submissions identified above and associated further submissions were not heard as part of the 2014 / 2015 submission hearings and were therefore excluded from the decisions on submissions to the Proposed Plan made by Council on 27th August 2015. Where a variation to a proposed plan is notified (as is proposed here), submissions to the proposed plan automatically become submissions to the variation, with those submitters also having the opportunity to lodge fresh submissions on the variation.

2.16 Given the background outlined above, the current zoning situation applying to the Omahu Road North area is complicated. The underlying zoning in the Operative District Plan is Plains

Zone, with the Deferred Industrial 2 (Omahu North) Zone sitting over this via Plan Change 57. This Plan Change has never been made operative due to the two (now one) outstanding appeals, meaning that the underlying Plains Zone would still have some status in the consideration of any resource consent application. In addition to this is the Deferred General Industrial (Omahu North) Zone applying under the Proposed District Plan, which is now proposed to be amended by the variation to which this Notice of requirement will support.

Consent Order

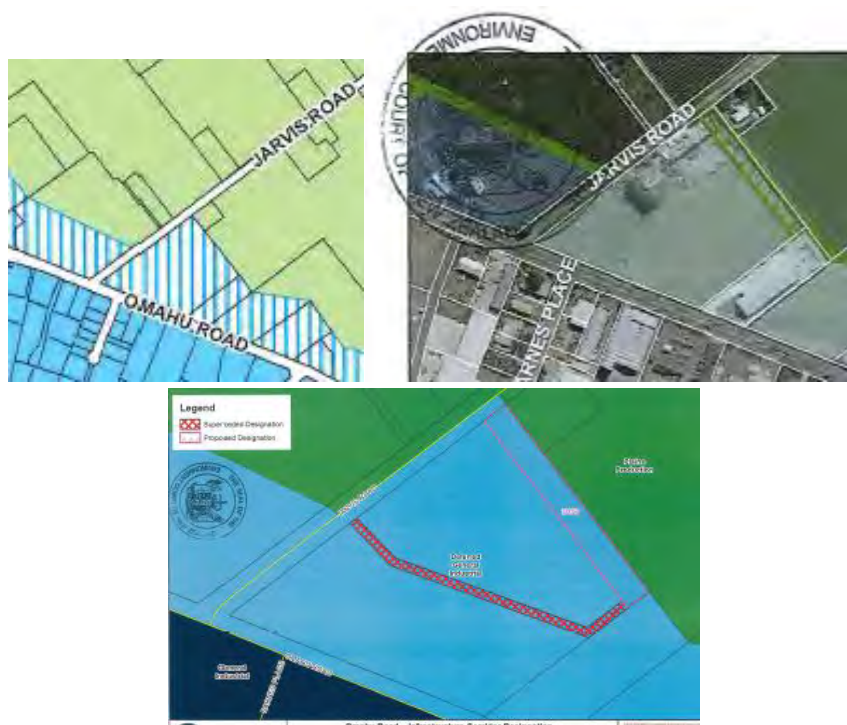
2.17 It should be noted that there is a Consent Order regarding the Currie Appeal (env-2013-wlg-000061) to HDC Plan Change 57 to the Operative Hastings District Plan. As a result of this consent order the Operative Hastings District Plan is amended as follows:

“(a) The entire site comprising 3.5547 hectares more or less at 18 Jarvis Road be zoned for industrial purposes, as shown on the attached plan titled ‘Plan Change 57 Zoning – Currie Consent Order’;

(b) The services corridor (swale drain) is relocated, as shown on the attached plan titled “appendix 15.1-9 Omahu North structure Plan – Curries Consent Order”;

The Notice of Requirement for and Infrastructure Corridor is modified such that the corridor through the site at 18 Jarvis Road is realigned, as shown on the attached plan titled “Omahu Road – Infrastructure Corridor designation – Currie Consent Order”.

2.18 A and B of the consent order are shown on the maps below.



2.19 As this consent order was not issued until December 2015, over two years after the proposed plan was notified in 2013. Therefore the proposed plan 2013 still has the ‘old’ and disputed

zone and designation alignment. On the approval of the Variation the Proposed Plan 2013 alignment will be superseded by the variation and new designation.

The Alternative Stormwater Solution

- 2.20 Under Plan Change 57, the proposed stormwater reticulation system for the 36ha industrial area was based on a swale drain running to retention ponds. This was opposed by submitters and appellants and the proposed variation seeks to resolve the appeals and submissions with the new alternative stormwater solution.
- 2.21 As the swale is intended to form the boundary of the zone it is implicated in any decisions regarding the extension of the zone. There has been ongoing discussion between Council engineers and the appellant's representatives since Environment Court mediation on the Plan Change 57 appeals in late 2013. The purpose of these discussions has been to explore whether or not an alternative and consentable stormwater solution that does not rely on reticulation to retention ponds that would allow the zone boundary to be shifted further back from Omahu Road.
- 2.22 A Council workshop was held in July 2015 in which a report by Beca which investigated the options for servicing the zone was presented to Council and interested parties. A presentation was also made on an alternative servicing solution applying to an expanded area at Omahu Road North by consultant engineer, Ray O'Callaghan of Cardno on behalf of the Plan Change 57 appellants.
- 2.23 The solution put forward by Mr O'Callaghan and supported by Council Water Services Manager, Brett Chapman (being the culmination of discussions between the appellant's representatives and Council engineers), was received favourably at that July 2015 workshop and has ultimately evolved into the Plan 'variation' that is the subject of this report. This solution was also generally consistent with the relief sought by four of the five outstanding submissions to the Proposed Plan. See the map below in Figure 3 for a plan depicting the extent of the rezoning initially proposed under this alternative stormwater solution.
- 2.24 Hawke's Bay Regional Council engineering staff have also been consulted in regards to the alternative. Council's Water Services Manager, Brett Chapman, has advised that he has met with the Regional Council who is comfortable with either a variation to the current consent or a new consent. Both being a Controlled Activity.
- 2.25 Either way the proposed alternative swale solution does not result in any additional stormwater entering the Regional Council's network except for overland flow from rain fall events exceeding a 50 year return period. This is in contrast to the consented system which did propose some discharge from the retention ponds.

Figure 3 – The extent of rezoning under the alternative stormwater solution as proposed July 2015



- 2.26 This proposal as at July 2015, involved an expansion of the zone from an area of 36ha to an area of 63ha. This alternative stormwater solution involves the use of a 24m wide detention and soakage swale located to the rear of the zone. The principle of this approach is that stormwater would be both treated and disposed of by the soakage swale. There is not therefore any requirement for reticulation of stormwater along the length of the swale. Properties fronting Omahu Road that do not extend as far back as the proposed swale would have their stormwater conveyed to the swale via piped service connection corridors through the neighbouring property. The swale would also function as a services corridor for reticulated sewer and water services.
- 2.27 This stormwater disposal method also does away with the need for staging. This is significant as the ongoing industrial development that has established via resource consent within Stage 2 in anticipation of a future industrial zoning, would have made the enforcement of a delay in the development of Stage 2 very difficult.
- 2.28 This designation is required to ensure that the proposed industrial area can be adequately serviced. It is anticipated that this Notice of Requirement will be heard concurrently with the Variation.
- 2.29 The Council holds a resource consent for the discharge of stormwater from the proposed zone from the Hawke's Bay Regional Council. That application for the consent (DP120072L and DP120073W) includes a detailed description of the proposed system and of the potential effects on the environment. This proposal will continue to meet the outcomes of that consent, but Council has the option to either vary this consent or apply for a new consent. The Regional Council indicated at a meeting with the Councils Water Service Manager that with was acceptable.
- 2.30 The preparation of both the Variation and the Stormwater resource consent application have included the commissioning of specialist reports to assess and evaluate the potential for

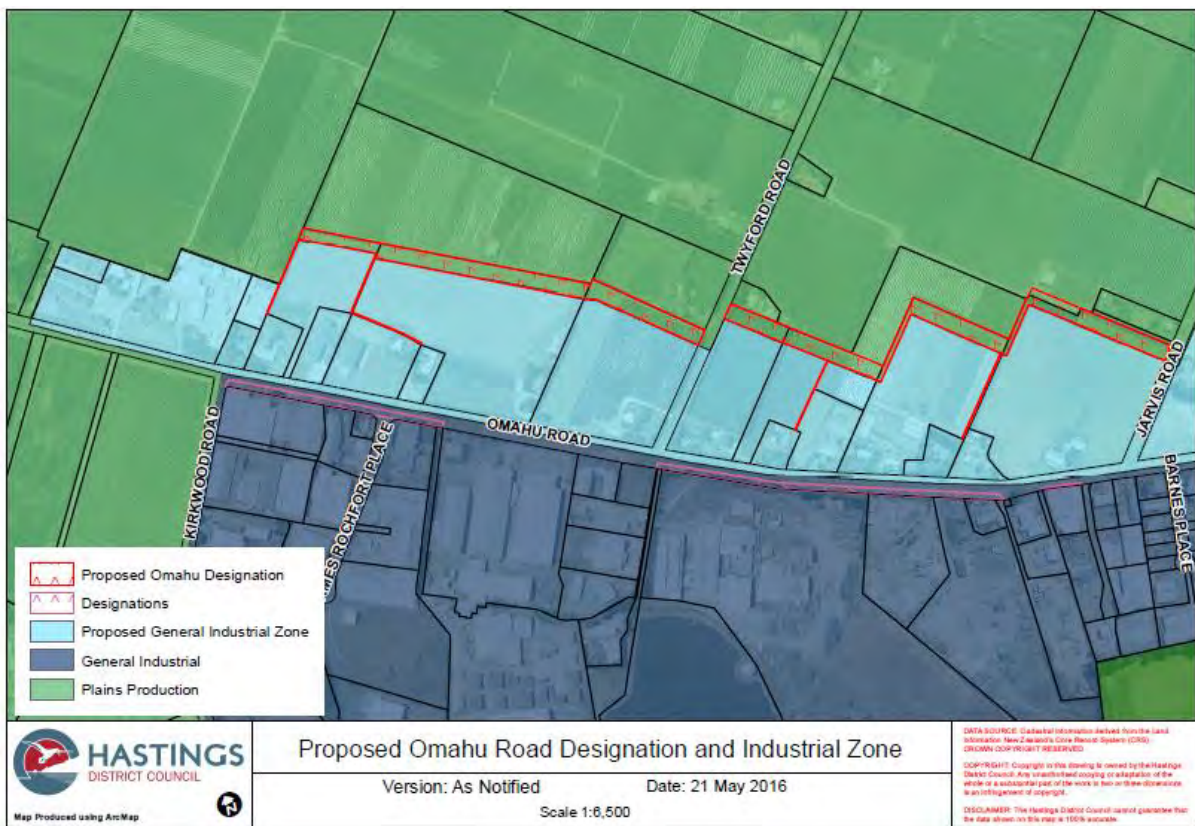
adverse effects on the surrounding environment and confirm the feasibility of providing for the new industrial area, in particular in relation to the essential servicing infrastructure.

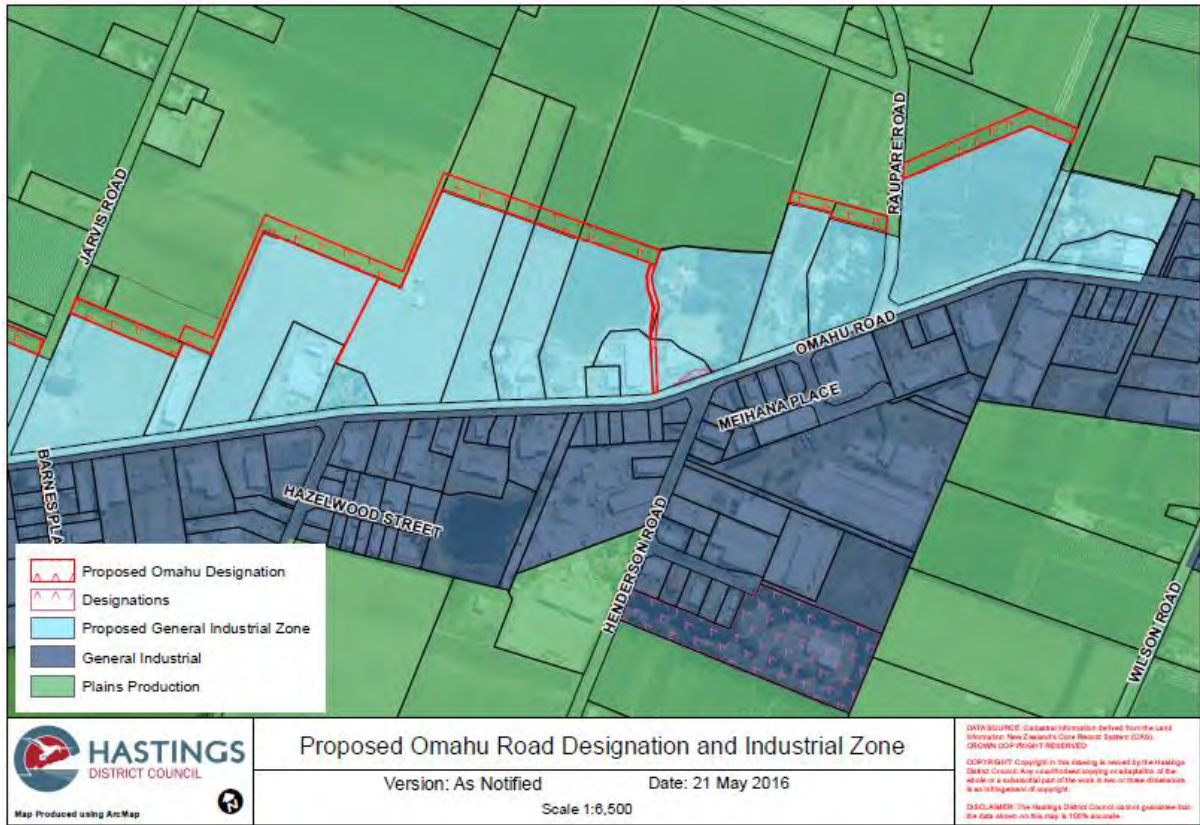
3.0 SITE DESCRIPTION

Wider Plan Variation

3.1 The proposed new zone is located on the northern side of Omahu Road, immediately opposite and to the west of the existing General Industrial zone. The proposed zone is identified in Figure 1 below. The zone consists of a long narrow strip that is generally between 150m to 300m depth from Omahu Road. It has an approximate area of 63ha. The area is currently zoned 'Plains' and is used for a variety of activities including: horticulture, pasture, lifestyle residential, and commercial / industrial uses.

Figure 4 – Proposed planning map new industrial zone and designation – 1 & 2





4.0 PROJECT DESCRIPTION

- 4.1 The intention is for the infrastructure service corridor to be in Council ownership which will allow for consistent maintenance of the services for the industrial zone.
- 4.2 The infrastructure corridor is 24 metres wide at the points where the stormwater swale is to be located; and 7 metres wide where there is no swale drain, accommodating a maintenance access and water and wastewater pipes. The corridor abuts Raupare Road, Jarvis Road and Twyford Road and will be set back from Omahu Road at a distance of between 150 metres and 300 metres.
- 4.3 A ten year lapse period is requested because the implementation of the swale drain is dependent on the adjoining industrial land owners to construct it, and this is dependent on when they choose to develop their land for industrial use. Predictions are that the uptake of this zone is 2 hectares per year which is a total estimate of 27 years. The water and waste water will however be constructed in a single exercise at Year 1 of the implementation of this zone.

General Description

- 4.4 In terms of depth back from Omahu Road, the zone will be over 300m at its widest point, but will range in depth from 200m – 250m for most of its length. The range in depth is due to the nature of the existing property boundaries, which are used as zone boundaries where possible and also to use 'square boundaries' where the zone boundary does cut across existing titles to making horticultural activities more efficient on the remaining Plains Production Zone land.
- 4.5 This Variation is intended to provide a General Industrial Zone most suited to 'dry industries' seeking profile from Omahu Road, as was also intended by both the Proposed Plan and Plan Change 57. Due to the additional depth of the Zone back from Omahu Road now proposed, the rear of the zone would be suitable for dry industries that are not dependant on profile, but still require easy access to an arterial road. The 'Dry industries' includes those industries that are not dependent on access to a 'trade waste' sewer system.
- 4.6 The swale is designed to accommodate stormwater up to a 50 year rainfall event by infiltration to the ground (soakage). There is no need therefore for stormwater to be conveyed along the swale. This means that development of any given property can occur by construction of the section of swale for that property. This means that each property can develop independently at a timing of the owner's choice.

Infrastructure Corridor

- 4.7 An infrastructure corridor which is the subject of the designation, extends along the majority of the northern boundary of the proposed zone generally parallel with Omahu Road. In addition, there is one corridor for access water and waste water that extend generally south west through the proposed industrial zone to Omahu Road (near Henderson Road intersection).
- 4.8 The corridor of land is 24 metres wide at the points where there will be a swale; and 7 metres wide where there is no swale, operating as a maintenance access and location for water and

waste water pipes. The corridor will abut Raupare Road, Jarvis Road and Twyford Road and will be set back from Omahu Road at a distance varying between 150 and 300 metres.

Stormwater

- 4.9 The proposed stormwater swale will be designed to both treat and dispose of stormwater. Treatment will be via filtration through an upper layer of stones (100-150mm in size) which will provide a coarse filter. Below this layer will be a 300mm thick layer of uniform sand to provide final filtering as the stormwater enters the ground below. This treatment system will ensure that the underlying groundwater system is not at risk from contaminants discharged into the swale. This system needs on going monitoring and performance and regular maintenance of the vegetation to both identify operational problems and avoid clogging of the surface above. These issues will be managed through a combination of the use of pre-treatment devices on the discharge from car park/sealed areas prior to the swale and Council maintaining the swales once they have been formed and accepted by Council. This solution has been developed to provide an appropriate level of service for the zone to achieve sound engineering and environmental outcomes. Details of this are in the attached Servicing Report.
- 4.10 The concept for the full width of the swale / access corridor is explained by the cross section diagram in Figure 4 below. It is intended that Council purchase and retain ownership of the stormwater swale and access corridor, although individual landowners / developers will be responsible for constructing the length of the stormwater swale adjacent to their property upon subdivision or development.
- 4.11 Construction of the swale will be required to be to Council specifications. The swale design will need to satisfy the conditions of the stormwater discharge consent (required from the Hawke's Bay Regional Council), which will be applied for and held by the Hastings District Council.
- 4.12 Council would be responsible for constructing the sewer and water services and access way. The actual landscaping design of the swale is still to be confirmed by Council and would not be able to be put in place until such time as all the necessary construction of services (stormwater swale, water and wastewater pipes and access track) has taken place. The diagram in Figure 4 is therefore conceptual in terms of aesthetics, but accurate in depicting the location of the proposed services.

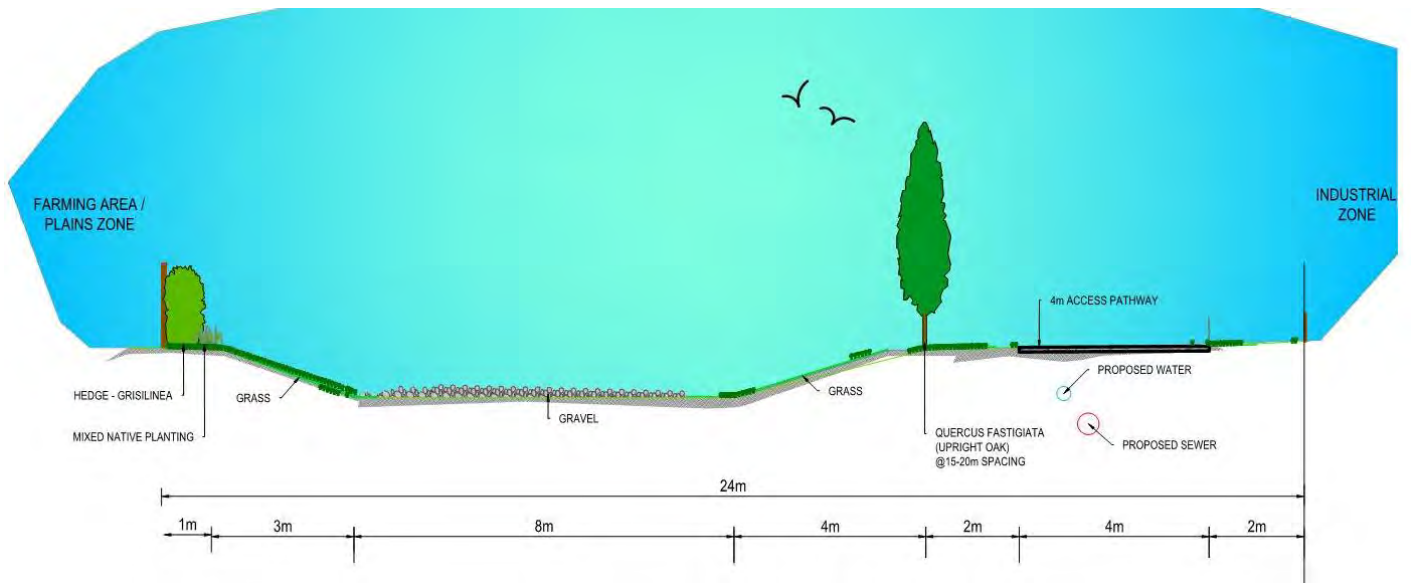


Figure 4 –Cross Section of Stormwater Swale and Access Corridor Strip.

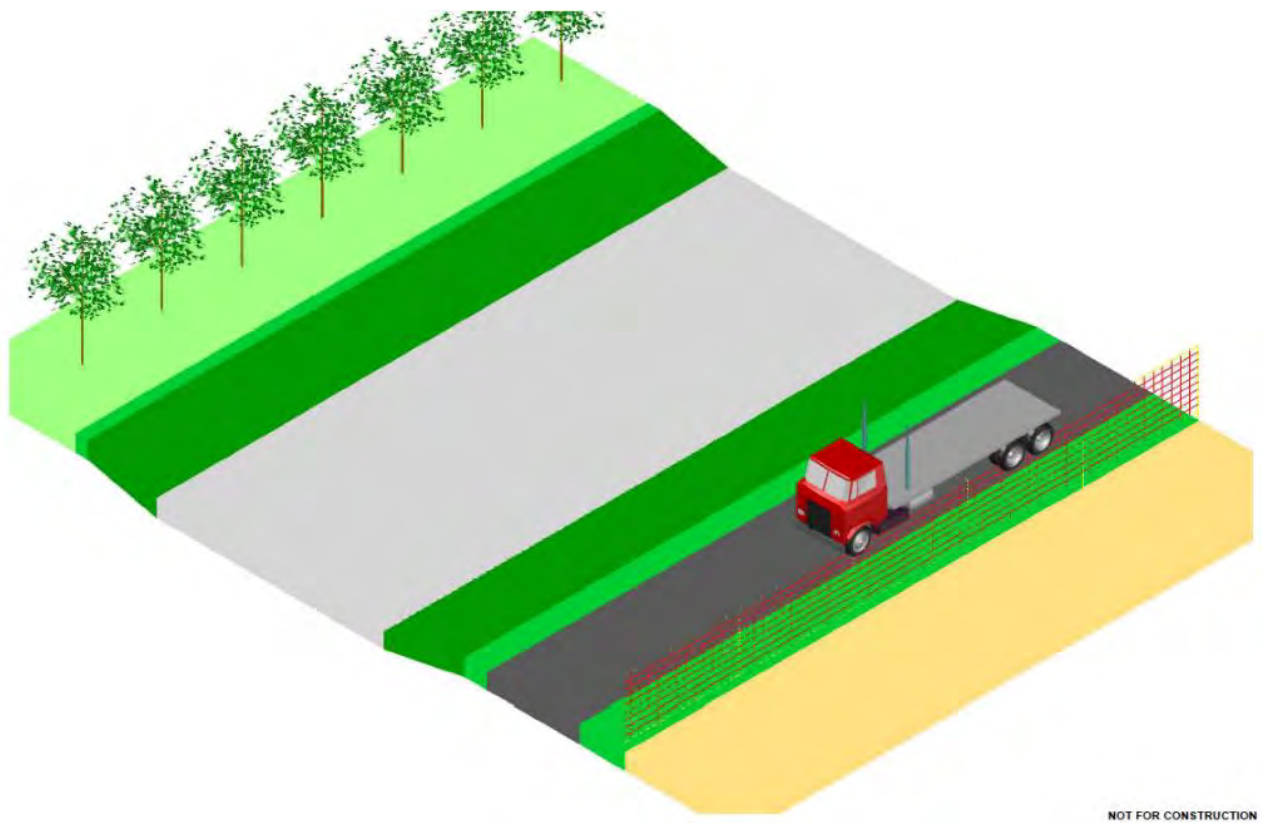
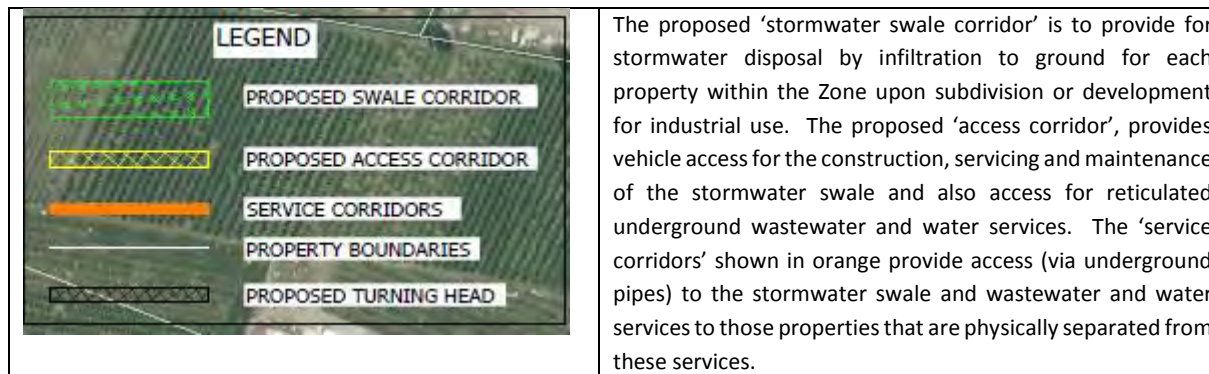


Figure 5 – Aerial Conceptual Diagram of the Proposed Stormwater Swale and Services and Access Corridor to Service the Omahu North Industrial Zone

4.13 The stormwater swale is shown in the light grey shaded area.

Figure 6 – Stormwater servicing plan for the Omahu North General Industrial Zone



- 4.14 A full technical description of the stormwater, water and waste water servicing proposed to service the Omahu North Industrial Zone is provided in a report from consultant engineer, Ray O’Callaghan. This is attached in Appendix 2.

Water & Wastewater

- 4.15 The design and location of the water and wastewater services is summarised in Figures 4 - 6 above. A full description of these services is provided in Mr O’Callaghan’s report in Appendix 2.
- 4.16 It is intended that the water and wastewater services will be constructed as soon as possible so as not delay intending industrial development. Confirmation of the Notice of Requirement (following the submission and hearing process) to designate the access strip and then subsequent land purchase would be required before constructions of these services was legally possible. In the meantime however, construction of sections can occur with the agreement of individual landowners to provide these services through their properties.

5.0 OBJECTIVES FOR THE PROJECT

- 5.1 In considering and responding to a Notice of Requirement, particular regard must be had to:

“Whether the designation is reasonably necessary for achieving the objectives of the ... project or work for which the designation is sought.” (section 171(3)(c) RMA)

- 5.2 The Hastings District Council seeks to establish a new industrial zone to the north of Omahu Road, Hastings. This objective has been expressed within both the 2003 Industrial Expansion Strategy and in HPUDS 2010. The Hastings District Council 2012/22 Long Term Plan also identifies the development of stage 1 of the Omahu North Industrial Area as a major capital project to be completed in the next 10 years (programmed for 2014-2016). The accompanying Variation to the Proposed Plan also seeks to change the use of 51ha of land (to be serviced by the proposed infrastructure) from ‘Plains’ to Industrial. The proposed Variation will not however be able to be given effect to unless the area can be adequately serviced.
- 5.3 A key objective of this project is the efficient, effective and timely implementation of that physical infrastructure necessary to service the area. Extensive studies carried out as part of the preparation of the Proposed Variation identified the infrastructure necessary to appropriately avoid or mitigate the potential adverse effects of the proposed re-zoning. This included a new stormwater infrastructure swales and a corridor to access (for emergency and maintenance vehicles) water and waste water that could not be accommodated within existing Council owned land. A primary method for achieving this objective is hence the protection of sufficient land (via designation) to enable the construction, operation and maintenance of these.

5.4 The designations will assist in the achievement of the objectives of the project by:

- Protecting the land within the designated area from future development which may preclude the construction of the proposed network;
- Allowing Council and/or its authorised agents (which, in the case of swales will include landowners) to undertake the project or work, and its maintenance and operation, in accordance with the designation, notwithstanding anything to the contrary in the Hastings District Plan;
- Clearly and accurately identifying and describing the use of the land in the Hastings District Plan; and
- Enabling the project or work to be undertaken in a comprehensive and integrated manner

6.0 STATUTORY ASSESSMENT

Notice of Requirement by Territorial Authority

6.1 A Notice of Requirement enables a requiring authority to establish a new designation for a public work over parcels of land that are directly affected by a proposal. This is a process where a recommendation is sought from the Council which is then accepted by the requiring authority (providing they agree with the recommendation), and in this case will provide a cost effective stormwater, water and waste water system for the Variation to the Proposed Hastings District Plan.

6.2 Section 168A (Notice of Requirement by territorial authority), RMA states:

(1) This section applies if a territorial authority decides to issue a notice of requirement for a designation—

- (a) for a public work within its district and for which it has financial responsibility; or*
- (b) in respect of any land, water, subsoil, or airspace where a restriction is necessary for the safe or efficient functioning or operation of a public work.*

(1A) The territorial authority must decide whether to notify the notice of requirement under sections 95A to 95F (but without the time limit specified by section 95), which apply with all necessary modifications and as if—

- (a) a reference to a resource consent were a reference to the requirement; and*
- (b) a reference to an applicant or a consent authority were a reference to the territorial authority; and*
- (c) a reference to an application for a resource consent were a reference to the notice of requirement; and*
- (d) a reference to an activity were a reference to the designation.*

(1B) Section 168 applies to the notice of requirement with all necessary modifications.

- (1) *Sections 96, 97, and 99 to 103 apply to the notice of requirement with the modifications described in subsection (1A).*
- (2A) *When considering a requirement and any submissions received, a territorial authority must not have regard to trade competition or the effects of trade competition.*
- (3) *When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to—*
 - (a) *any relevant provisions of—*
 - (i) *a national policy statement;*
 - (ii) *a New Zealand coastal policy statement;*
 - (iii) *a regional policy statement or proposed regional policy statement;*
 - (iv) *a plan or proposed plan; and*
 - (b) *whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if—*
 - (i) *the requiring authority does not have an interest in the land sufficient for undertaking the work; or*
 - (ii) *it is likely that the work will have a significant adverse effect on the environment;*
and
 - (c) *whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and*
 - (d) *any other matter the territorial authority considers reasonably necessary in order to make a decision on the requirement.*
- (4) *The territorial authority may decide to—*
 - (a) *confirm the requirement;*
 - (b) *modify the requirement;*
 - (c) *impose conditions;*
 - (d) *withdraw the requirement.*
- (5) *Sections 173, 174, and 175 apply, with all necessary modifications, in respect of a decision made under subsection (4).*

6.3 Although the Designations in their own right may not require public notification under 95A of the RMA, notification is requested in conjunction with the Omahu Variation so both aspects can be considered simultaneously.

7.0 PART 2 OF THE RMA ‘PURPOSE AND PRINCIPLES’

- 7.1 The RMA has as its sole purpose the promotion of the sustainable management of natural and physical resources.
- 7.2 Part 2 sets out the purposes and principles of the RMA within sections 5 to 8.
- 7.3 Section 5 of the RMA incorporates the following description of sustainable management.
“... ‘sustainable management’ means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well being and for their health and safety while –
- a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - b) Safeguarding the life supporting capacity of air, water, soil and ecosystems; and*
 - c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*
- 7.4 As well as this stated purpose, people exercising powers and functions under the RMA must recognise and provide for a range of matters of national importance. These are set out in section 6 of the RMA and are (paraphrased):
- a) Preserving the natural character of the coastal environment, wetlands, lakes, rivers and their margins and protecting them from inappropriate subdivision, use and development*
 - b) Protecting outstanding natural features and landscapes from inappropriate subdivision, use and development*
 - c) Protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna*
 - d) Maintaining and enhancing public access to and along the coastal edge, lakes and rivers*
 - e) Recognising the relationship between Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga*
 - f) Protecting historic heritage from inappropriate subdivision, use and development*
 - g) Protecting recognised customary activities*
- 7.5 Further matters to which particular regard must be had when exercising functions and powers are set out in section 7 and are:
- a. Kaitiakitanga*
 - aa. The ethic of stewardship*
 - b. The efficient use and development of natural and physical resources*
 - ba. The efficiency of the end use of energy*
 - c. The maintenance and enhancement of amenity values (as defined in the RMA)*
 - d. Intrinsic values of ecosystems*
 - f. Maintenance and enhancement of the quality of the environment*
 - g. Any finite characteristics of natural and physical resources*
 - h. The protection of the habitat of trout and salmon*
 - i. The effects of climate change*

j. The benefits to be derived from the use and development of renewable energy

- 7.6 Section 8 of the RMA requires recognition of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).
- 7.7 All the above matters are directly relevant to a Notice of Requirement, as the mandatory considerations under section 171 of the RMA are “subject to Part 2”.
- 7.8 While the RMA provides for district and regional plans to be prepared to guide use, protection and development, it also includes specific provisions which enable requiring authorities (i.e. central and local government and network utility operators who are approved as requiring authorities) to issue Notices of Requirement for designations. These follow processes similar to resource consent applications and, if approved by the requiring authority, become incorporated in district plans. As they address essentially land use matters, they do not replace the need to obtain any necessary consents from regional councils. These usually relate to water use, discharges, the coastal marine area, land disturbance, and air quality.
- 7.9 Part 2 of the RMA sets out specific processes and considerations for designations. These have been described as forming a “separate code”, in recognition that designations often involve locally or even nationally important projects.

Requirement Considerations

- 7.10 Notices of Requirement are evaluated through the statutory process of the RMA in terms of a range of criteria set out under the RMA. Section 168A(3) sets out the matters to be considered when a notice of requirement by a territorial authority is being evaluated.
- 7.11 The considerations are, in summary:
- *Matters set out in Part 2, including the RMA’s purpose and the principles of sustainable management; matters of national importance (such as the protection of historic heritage from inappropriate subdivision and development); other matters to which decision makers must have regard (such as the efficient use and development of natural and physical resources, amenity values, environmental quality); and the principles of the Treaty of Waitangi (Te Tiriti o Waitangi);*
 - *The effects on the environment of allowing the requirement;*
 - *Provisions of any relevant national policy statement, and the New Zealand Coastal Policy Statement;*
 - *Provisions of a relevant Regional Policy Statement;*
 - *Objectives, policies or other provisions of relevant plans or proposed plans;*
 - *Whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work (if the requiring authority does not have interest in the land, sufficient for undertaking the work, or the work is likely to have significant adverse effects);*
 - *Whether the work and designation is reasonably necessary to achieve the objectives of the requiring authority for which the designation is sought; and*
 - *Any other matters the territorial authority considers relevant and reasonably necessary in order to make a recommendation on the requirement.*

- 7.12 These matters are all assessed in making an overall judgement as to whether a proposal promotes or is contrary to Part 2 of the RMA, and the conditions or restrictions that should apply.
- 7.13 The following is therefore a brief assessment of the Variation in regards to Part 2 of the Act focusing on those aspects of the Notice of Requirement that differs from the Plan Change 57 / Proposed Plan version of the Omahu North Industrial Zone.
- 7.14 As detailed previously this Notice of Requirement seeks to achieve sustainable management by providing an efficient, effective and timely implementation of the physical infrastructure necessary to service the area. This in turn will provide for a strategic and planned approach to industrial development. The greater land area for the zone and different approach to infrastructure services proposed for the Variation has been in response to the wishes of landowners and submitters so as to provide an industrial zoning that they are prepared to invest in in terms of industrial development. In this way the Variation and the method of servicing the area seeks to enable people and communities to provide for their social and economic wellbeing. The industrial rezoning has the potential to generate significant economic benefit for the community and wider region.
- 7.15 In terms of section 5(2)(a) – (c), the Service Corridor involves a loss of versatile land from the Heretaunga Plains for growing purposes. This is relevant both in terms of (a) with regard to the natural resource of the versatile soils and (b) in terms of the life supporting capacity of the soil. The encroachment onto this land is however necessary to provide long term certainty in land supply for new industrial development in a location where there is existing industrial infrastructure, particularly in terms of transportation, in Omahu Road with ready access to the Expressway. The location of the zone also provides for the economic benefits of the clustering of like activities and will help to take away the need for industrial activities to locate out of zone due to a scarcity in land supply. The previous attempt at rezoning a lesser area of land with a correspondingly lesser encroachment onto versatile soils was not considered by the landowners involved to be workable.
- 7.16 With regard to section 6 of the Act ‘Matters of National Importance’, the Notice of Requirement does not trigger the need to consider any of these matters, due to the area being devoid of those matters that section 6 is seeking to protect. For completeness however it is noted that in consultation with tangata whenua, the potential adverse effects of industrial development on the Heretaunga Plains Unconfined Aquifer and the Raupare Stream catchment have been raised. This is a relevant issue in terms of section 6(e) being: *“the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:”*
- 7.17 As outlined in the assessment above and in the Servicing Report, the district plan rules, the design of the proposed stormwater swale and the provision of a reticulated waste water disposal system; combine to ensure that the Variation will not result in development that adversely effects either the Heretaunga Plains Unconfined Aquifer or the Raupare Stream and catchment.
- 7.18 With regard to section 7 and ‘Other Matters’ to be given particular regard, the relevant provisions to the Variation are listed as follows:

(b) the efficient use and development of natural and physical resources:

(ba) the efficiency of the end use of energy:

(c) the maintenance and enhancement of amenity values:

(f) maintenance and enhancement of the quality of the environment:

(g) any finite characteristics of natural and physical resources:

- 7.19 In terms of 7(a) the consolidation of dry industrial activities and industrial related businesses requiring profile to a busy road, into the Omahu Road area is an efficient use of the physical resource of the arterial road network and existing wastewater and water mains (from which the new services are to extend from). Some loss of the versatile soil natural resource will result, although the rezoning will encourage the consolidation of industrial activities, which could otherwise locate in a dispersed pattern across the Plains Production Zone versatile soil resource (albeit subject to resource consent).
- 7.20 As with 7(a), the consolidation of industrial activities resulting from the rezoning, adjacent to the existing industrial zone on the southern side of Omahu Road, is positive in terms of 7(ba) and the 'efficiency of the end use of energy'. Transport efficiencies result from such clustering. Omahu Road is already an established location for the same of farm machinery and equipment and the rezoning will enable this to develop further. In terms of dry industry, the rezoning is central to the produce grown in the Heretaunga Plains and the arterial road network, which is beneficial in reducing transportation costs for produce packhouses and coolstores. Land will also be available in the new zone to enable companies specialising in industrial logistics to locate near to potential users of their services, which is again beneficial in regard to transport efficiencies and the end use of energy.
- 7.21 The maintenance and enhancement of amenity values in terms of s7(c) is relevant both in terms of the amenity values of neighbouring residents to the zone and to the amenity of those travelling through or to the zone. The design of the storm water drainage swale and access corridor, provide an opportunity for the enhancement of amenity values through landscape plantings. Concepts showing such plantings are listed in Figures 4 and 5 previous. These areas to be vested in Council also provide a physical open space buffer between the edge of the Industrial Zone and the Plains Production Zone.
- 7.22 These same matters are also relevant in terms of section 7(f) and the maintenance of the quality of the environment. Also of relevance to 7(f) is the protection of the Heretaunga Plains Unconfined Aquifer and the Raupare Stream water quality. Both of these matters are addressed at various places in the above report and are mitigated by a combination of the Proposed Plan rules and standards in section 29.1 and the design of the stormwater swale system.
- 7.23 In terms of section 7(g) and the finite characteristics of natural and physical resources, both the versatile soils resource of the Heretaunga Plains and the quality of the unconfined aquifer water resource are relevant considerations. The potential effects on these finite resources has been discussed above in section 4 of this report. It is concluded that although some of the versatile land resource will be lost to urban encroachment, the extended rezoning will

achieve sustainable management in a manner that can mitigate any adverse effects on the unconfined aquifer water resource.

Section 8 ‘Treaty of Waitangi’

7.24 Section 8 of the RMA ‘Treaty of Waitangi’, is as follows:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the [Treaty of Waitangi](#) (Te Tiriti o Waitangi)

7.25 Consultation with the iwi authorities has identified that the most significant issue in regards to the proposed Variation is that it does not impact on the quality of the water resources of the Heretaunga plains unconfined Aquifer or Te Raupare stream. As explained above mitigation measures are in place through both the Plan rules and standards regulating activities over the aquifer and the design of the stormwater swale, to ensure that these resources are protected.

8.0 THE REGIONAL POLICY STATEMENT (PART OF THE HAWKE’S BAY REGIONAL RESOURCE MANAGEMENT PLAN)

The Hawke’s Bay Regional Policy statement (‘RPS’) is incorporated into the Hawke’s Bay Regional Resource Management Plan (RRMP) as Chapter 2 of that document. It is intended to provide an overall framework for the management of natural and physical resources in Hawke’s Bay. The RPS identifies a number of significant resource management issues for the region. Those most pertinent to this proposal are:

- *The risk of contamination of groundwater arising from*
 - (a) *horticultural, agricultural and industrial land use practices*
 - (b) *discharges of contaminants, including the cumulative effects of domestic sewage discharges from unsewered communities*
 - (c) *spills particularly in the Heretaunga Plains and Ruataniwha Plains aquifer systems, and coastal aquifers.*
- *The susceptibility of the region to flooding, droughts, earthquakes, volcanic ash falls, and tsunami, and the potential impact of these on people’s safety, property, and economic livelihood.*

8.1 The RPS identifies a number of objectives and policies to address these issues. Those of particular relevance to the proposed discharge are:

OBJ 1: To achieve the integrated sustainable management of the natural and physical resources of the Hawke’s Bay region, while recognising the importance of resource use activity in Hawke’s Bay, and its contribution to the development and prosperity of the region.

OBJ 2: To maximise certainty by providing clear environmental direction.

- OBJ 3: To avoid the imposition of unnecessary costs of regulation on resource users and other people*
- OBJ 21 No degradation of existing groundwater quality in the Heretaunga Plains and Ruataniwha Plains aquifer systems.*
- OBJ 22 The maintenance or enhancement of groundwater quality in unconfined or semi-confined productive aquifers in order that it is suitable for human consumption and irrigation without treatment, or after treatment where this is necessary because of the natural water quality.*
- POL 15 To use non-regulatory methods, as set out in Chapter 4, in support of regulatory methods for avoiding adverse effects on groundwater quality, including:*
- (a) Liaison with territorial authorities - future development - Advocating that any future urban residential or urban industrial development in areas of high groundwater contamination vulnerability (particularly within the Heretaunga Plains unconfined aquifer system as shown in Schedule Va) should include reticulated water, sewerage and stormwater systems.*
- POL 17 To manage the effects of activities that may affect the quality of groundwater in accordance with the following approach:*
- (a) To ensure that all activities, particularly discharges of contaminants onto or into land, comply with the environmental guidelines for groundwater quality, and the associated implementation approach, set out in Policies 75 and 76.*
 - (b) To encourage discharges of contaminants onto or into land where these are likely to have less adverse effect than discharges into water.*
-*
- (d) To prevent or minimise spills or other breaches of resource consent conditions causing contamination of groundwater, particularly in those areas of high contamination vulnerability for the Heretaunga Plains aquifer system as shown in the DRASTIC map in Schedule V, by requiring the preparation and implementation of site management plans and spill contingency measures for relevant activities.*
 - (e) To disallow any discharge activity which presents a significant risk of groundwater contamination in those areas of high contamination vulnerability for the Heretaunga Plains aquifer system as shown in the drastic map in Schedule V.*
- OBJ 32 The ongoing operation, maintenance and development of physical infrastructure that supports the economic, social and/or cultural wellbeing of the region's people and communities and provides for their health and safety.*

- 8.2 Chapter 3 of the RRMP outlines regionally significant issues, objectives and policies. Those that are considered to relate to the Notice for Requirement are listed below.

Effects of conflicting land use activities

OBJ 16: For future activities, the avoidance or mitigation of nuisance effects arising from the location of conflicting land use activities.

- 8.3 This objective relates more specifically to the Variation itself than the designations which are considered to be a consequential change. As determined in the Assessment of Environmental Effects in section 12 of this report, any nuisance effects can be avoided or mitigated.

Land

OBJ 38: The sustainable management of the land resource so as to avoid compromising future use and water quality.

- 8.4 There is a demand for industrial land within the Hastings District. Prior to the development this Variation and its predecessor Proposed Plan Change 57, an assessment of suitable locations in which to provide for that industrial demand was undertaken. It is considered that a planned development that has assessed the wider options to meet industrial demand is a suitable method to ensure the land resource is managed sustainably while providing for Industrial growth. The Notice of Requirement is ancillary to the wider Variation. As part of the Variation proposal, consideration has been given to the most efficient and effective methods of providing for the industrial growth. This process has identified the need for the Notice of Requirement for an infrastructure corridor that contains stormwater swale, access track, piped water and waste water to service the new zone.

Groundwater Quality

OBJ 42 No degradation of existing groundwater quality in aquifers in the Heretaunga Plains and Ruataniwha Plains aquifer systems.

OBJ 43 The maintenance or enhancement of groundwater quality in unconfined or semi-confined productive aquifers in order that it is suitable for human consumption and irrigation without treatment, or after treatment where this is necessary because of the natural water quality.

POL 75 To manage the effects of activities affecting the quality of groundwater in accordance with the environmental guidelines set out in Table 10.

Table 10. Environmental Guidelines – Groundwater Quality

CONFINED, PRODUCTIVE AQUIFERS IN THE HERETAUNGA PLAINS AND RUATANIWHA PLAINS AQUIFER SYSTEMS (as shown in Schedule IV)	
1. No degradation	There should be no degradation of existing water quality.
OTHER PRODUCTIVE AQUIFERS	
1. Human consumption	The quality of groundwater should meet the “Drinking Water Quality Standards for New Zealand” (Ministry of Health, 1995) without treatment, or after treatment where this is necessary because of the natural water quality.
2. Irrigation	The quality of groundwater should meet the guidelines for irrigation water contained in the “Australian Water Quality Guidelines for Fresh and Marine Waters” (Australian and New Zealand Environment and Conservation Council, 1998) without treatment, or after filtration where this is necessary because of the natural water quality.

- 8.5 A Designation is sought for an infrastructure corridor that contains stormwater swale, access track, piped water and waste water to service the new Omahu North Industrial Area. The stormwater swale is to capture and contain stormwater up to the 50 year ARI and discharge this stormwater to the ground via infiltration. The potential effects of the proposed stormwater discharge was assessed in detail within the Council’s resource consent application (HBRC Reference: DP120072L and DP120073W). The Council recognised that the urbanisation of the Omahu Road Strip would result in a change in the nature of the stormwater generated both in terms of quality and quantity. It however concluded:
- In terms of quantity that any effects on the Raupare Stream are anticipated to be minor (or indeed positive in most frequent events) and that any effects on the aquifer system downstream of this development are considered to be minor; and
 - In terms of quality that the water quality in both the receiving aquifer system and the Raupare catchment will not be adversely affected.
- 8.6 That application was approved by the HBRC in 2012. The conditions imposed on that consent will ensure that the water quality objectives of the RRMP will be met. HBRC are ambivalent whether Council applies to vary the existing consent (Controlled Activity) or apply for a new consent (Controlled Activity). This proposal has been developed to provide an appropriate level of service for the zone to achieve sound engineering and environmental outcomes consistent with Regional Councils water quality objectives.
- 8.7 The Hawke’s Bay Regional Resource Management Plan 2006 (RRMP) includes the regional policy statement for the Hawke’s Bay Region, which contains the following relevant objectives and policies set out in italic font with the evaluation of the proposed Notice of Requirement against them in plain font.

OBJ 1 To achieve the integrated sustainable management of the natural and physical resources of the Hawke's Bay region, while recognising the importance of resource use activity in Hawke's Bay, and its contribution to the development and prosperity of the region.

OBJ 2 To maximise certainty by providing clear environmental direction.

OBJ 3 To avoid the imposition of unnecessary costs of regulation on resource users and other people.

Explanation and Reasons

2.3.1 These objectives have been adopted by the HBRC to set the overarching resource management framework for the region's resources. Hawke's Bay Regional Council recognises the integrated nature and importance of both resource use and environmental quality and the need for this to be apparent in the Plan.

2.3.2 These objectives build on the sustainable philosophy of the RMA, while also incorporating the private sector's and the public's desire for efficient and accountable decision-making.

2.3.3 These are the key Regional Policy Statement objectives. ...

- 8.8 The Notice of Requirement and the Plan Variation seek to give effect to all three of the above objectives as the rezoning of the Omahu North Industrial area is seeking to provide land for new industrial development, which will contribute to the development and prosperity of the region. These potential economic benefits of the zone are documented in the February 2016 report from Sean Bevin titled 'Proposed Omahu Road North Industrial Zone Land Extension for Industrial Development and Servicing/Other Purposes – Economic Impact Assessment'. This report and is attached as Appendix 4.
- 8.9 No longer needing to have staging and deferred zoning helps to maximise certainty in terms of OBJ2. The rule structure based on providing for both industrial activities and suitable commercial services as permitted activities seeks to avoid unnecessary costs and regulation in terms of OBJ3.
- 8.10 There are a number of objectives and policies in the RPS relating to Urban Development. This part of the RPS was incorporated by 'Change 4' which provided the statutory implementation of the Heretaunga Plains Urban Development Strategy (HPUDS), which was adopted by the Hawke's Bay Regional Council, Napier City Council and Hastings District Council in 2010. The strategy seeks to ensure that urban growth occurs in the most sustainable manner avoiding the encroachment of urban activities onto the versatile soils of the Heretaunga Plains in ad hoc or unplanned ways.
- 8.11 With regard to the industrial growth areas HPUDS adopted the respective industrial growth strategies of the Napier City and Hastings District Councils. The Omahu North area has been identified for industrial rezoning and development since the Hastings Industrial Development Strategy was adopted in 2003. Objective UD3 and Policy UD4.5 are specific to the provision of industrial land and are listed as follows:

OBJ UD3 PROVISION FOR BUSINESS LAND (HERETAUNGA PLAINS SUB-REGION)

Identify and provide for the land requirements for the growth of business activities in the Heretaunga Plains sub-region in a manner that supports the settlement pattern promoted in OBJ UD1.

Principal reasons and explanation

The provision of adequate land for future business activities is important for long term economic growth and the provision of both employment and services to the sub-region’s existing and future communities. HPUDS2010 identified that there is already an adequate supply of commercial land within the Heretaunga Plains sub-region to accommodate projected demand and growth. In relation to industrial land, HPUDS2010 identified a limited number of areas appropriate for additional industrial land expansion and growth. These additional areas (identified in Policy UD4.5) are expected to accommodate projected growth and demand for industrially-zoned land out to 2045, and any additional growth in the event that the projections change from what was anticipated in HPUDS2010.

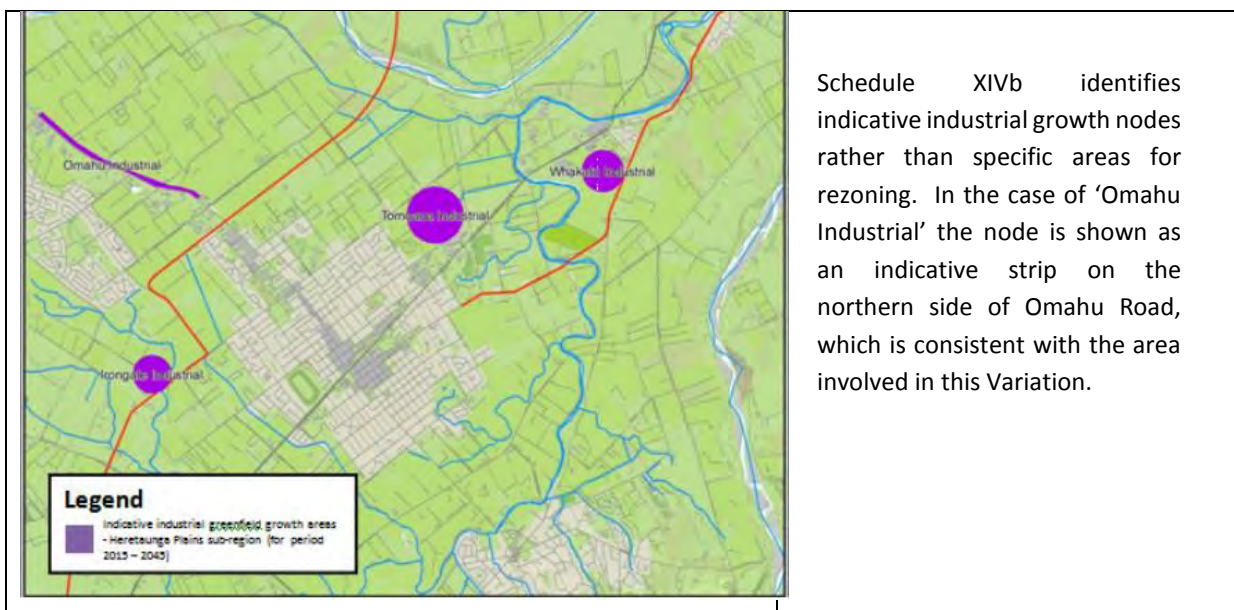
POL UD4.5 APPROPRIATE INDUSTRIAL GREENFIELD GROWTH AREAS (HERETAUNGA PLAINS SUB-REGION)

Within the Heretaunga Plains sub-region, areas where future industrial greenfield growth for the 2015-2045 period have been identified as appropriate, subject to further assessment referred to in POL UD10.1, POL UD10.3, POL UD10.4 and POL UD12, are :

- a) Irongate industrial area*
- b) Omahu industrial area*
- c) Whakatu industrial area*
- d) Tomoana industrial area*
- e) Awatoto industrial area. The indicative locations of the above areas are shown in Schedule XIVb.*

The relevant portion of the Schedule XIVb map is extracted as follows:

Figure 10 – Extract from Schedule XIVb of the RPS, ‘Heretaunga Plains sub-region – Indicative location map of industrial greenfield growth areas for period 2015 - 2045



POL UD10.1 STRUCTURE PLANS (HERETAUNGA PLAINS SUB-REGION)

In the Heretaunga Plains sub-region, development of urban activities within greenfield growth areas shall occur in accordance with a comprehensive structure plan. Structure plans shall be prepared when it is proposed to amend the district plan, and shall be included in the district plan to provide for urban activities.

- 8.12 The existing Omahu North industrial area in PC57 and the Proposed Plan is subject to a structure plan. The existing 'Omahu North Area Structure Plan' is broken into Figure 1 for Stage 1 and Figure 2 for Stage 2 and is included in 'Appendix 17' of the Proposed Plan.
- 8.13 This variation necessitates the replacement of the Proposed Plan's Appendix 17 Structure Plan with a new structure plan. The important issue in terms of giving effect to the RPS and Policy UD10.1 is that a structure plan is prepared for Variation 1 – Omahu Industrial. The structure plan proposed to replace Appendix 17 as part of this variation.
- 8.14 In comparing Appendix 17 of the Proposed Plan with that proposed in the Variation there are some key differences, these are summarised in the following bullet points:
- Removal of the staging
 - Removal of the infiltration areas
 - Relocation of the water and wastewater services to the rear of the zone
 - Increased width and amended alignment of the stormwater swale which is no longer continuous in its extent
 - The addition of an access and services corridor, either adjacent to or connecting the areas of stormwater swale
 - A generally increased depth of zoning back from Omahu Road
- 8.15 Similarities between the proposed and existing structure plans, include the location and extent of the zone along Omahu Road, the road intersection improvements and the connection links to properties that do not extend to the swale.

POL UD10.3 STRUCTURE PLANS (REGION)

Notwithstanding Policy UD10.1, structure plans for any area in the Region shall:

- a) Be prepared as a single plan for the whole of a greenfield growth area;*
- b) Be prepared in accordance with the matters set out in POL UD12;*
- c) Show indicative land uses, including:*
 - i. principal roads and connections with the surrounding road network and relevant infrastructure and services;*
 - ii. land required for stormwater treatment, retention and drainage paths;*
 - iii. any land to be set aside for business activities, recreation, social infrastructure, environmental or landscape protection or enhancement, or set aside from development for any other reason; and*

iv. pedestrian walkways, cycleways, and potential public passenger transport routes both within and adjoining the area to be developed;

d) Identify significant natural, cultural and historic or heritage features;

e) Identify existing strategic infrastructure; and

f) Identify the National Grid (including an appropriate buffer corridor).

- 8.16 With regard to a) the proposed Variation structure plan has been prepared as a single structure plan for the whole of the Omahu North industrial growth area.
- 8.17 In terms of b) the matters set out in POL UD12 are assessed under that policy below.
- 8.18 The land uses listed in c)i and ii are clearly shown in the structure plan. In terms of c)iii, the structure plan identifies the land area zoned for industrial (business) activities, while no land for recreation and social infrastructure is set aside as such facilities are relevant to residential and not industrial growth areas. As the area does not contain any significant landscapes or environments no such areas are set aside from development.
- 8.19 In terms of d) and f) there are no significant natural, cultural, historic or heritage features within the area identified in the Proposed Plan. Further to this as out lined in Appendix 5 ‘HDC Desktop Archaeological Assessment’ there are no archaeological or cultural sites in or within the vicinity of the area covered by the structure plan. Nor does the National Grid traverse this area.
- 8.20 Omahu Road could be considered to be ‘strategic infrastructure’ and is identified on the proposed structure plan as a ‘regional arterial’.

POL UD10.4 STRUCTURE PLANS (REGION)

Notwithstanding Policy UD10.1, in developing structure plans for any area in the Region, supporting documentation should address:

a) The infrastructure required, and when it will be required to service the development area;

b) How development may present opportunities for improvements to existing infrastructure provision;

c) How effective provision is made for a range of transport options and integration between transport modes;

d) How provision is made for the continued use, maintenance and development of strategic infrastructure;

e) How effective management of stormwater and wastewater discharges is to be achieved;

f) How significant natural, cultural and historic or heritage features and values are to be protected and/or enhanced;

g) How any natural hazards will be avoided or mitigated; and

h) Any other aspects relevant to an understanding of the development and its proposed zoning.

- 8.21 This report provides the supporting documentation for the Notice of Requirement. Items a) and e) have been addressed in this report. Items b), c) and d) have been addressed in the Servicing Report attached in Appendix 2.
- 8.22 As discussed above item f) is not relevant to this area.
- 8.23 With regards to g) and natural hazard effects there area to be rezoned is not subject to any identified natural hazards.

POL UD12 MATTERS FOR DECISION-MAKING (REGION)

In preparing or assessing any rezoning, structure plans, or other provisions for the urban development of land within the Region, territorial authorities shall have regard to:

- a) The principles of the New Zealand Urban Design Protocol (Ministry for the Environment, 2005);*
- b) New Zealand Standard NZS4404:2010 Land Development and Subdivision Infrastructure, and subsequent revisions;*
- c) Good, safe connectivity within the area, and to surrounding areas, by a variety of transport modes, including motor vehicles, cycling, pedestrian and public transport, and provision for easy and safe transfer between modes of transport;*
- d) Location within walkable distance to community, social and commercial facilities;*
- e) Provision for a range of residential densities and lot sizes, with higher residential densities located within walking distance of commercial centres;*
- f) Provision for the maintenance and enhancement of water in waterbodies, including appropriate stormwater management facilities to avoid downstream flooding and to maintain or enhance water quality;*
- g) Provision for sufficient and integrated open spaces and parks to enable people to meet their recreation needs, with higher levels of public open space for areas of higher residential density;*
- h) Protection and enhancement of significant natural, ecological, landscape, cultural and historic heritage features;*
- i) Provision for a high standard of visual interest and amenity;*
- j) Provision for people's health and well-being through good building design, including energy efficiency and the provision of natural light;*
- k) Provision for low impact stormwater treatment and disposal;*
- l) Avoidance, remediation or mitigation of reverse sensitivity effects arising from the location of conflicting land use activities;*
- m) Avoidance of reverse sensitivity effects on existing strategic and other physical infrastructure, to the extent reasonably possible;*

- n) Effective and efficient use of existing and new infrastructure networks, including opportunities to leverage improvements to existing infrastructure off the back of proposed development;*
- o) Location and operational constraints of existing and planned strategic infrastructure;*
- p) Appropriate relationships in terms of scale and style with the surrounding neighbourhood; and*
- q) Provision of social infrastructure.*

Principal reasons and explanation

These matters provide general guidance to territorial authorities and developers involved in the preparation and assessment of urban developments, recognising that good urban design will increase the efficiency and effectiveness of urban areas – both in terms of quality of life, and the efficient and effective provision of infrastructure and community services. These matters are considered especially important in achieving quality urban environments given the policy direction towards higher density development.

- 8.24 Many of the matters listed in Policy UD12 are relevant to the development of greenfield residential growth areas, but not to industrial areas, or are only relevant if the features listed are located in the area. The matters of Policy UD12 that are relevant to industrial growth areas and this Variation are f), k), l), m), n), o) and p), which are commented on in turn as follows.
- 8.25 With regard to f) the water bodies of concern for industrial development at Omahu North are the Heretaunga Plains Unconfined Aquifer and the Raupare stream catchment. As discussed above there are specific district plan provisions in place to mitigate any effects of land use activities over the Unconfined Aquifer. These provisions include standard 26.1.6A(ii) which states: *“Facilities shall be provided to prevent hazardous substances from being washed or spilled into natural ground or entering any storm water systems or storm water ground soakage up to a 1% AEP (Annual Exceedance Probability) rain event.”*
- 8.26 Given this requirement it would be a breach of the district plan for any hazardous contaminants to enter the stormwater swale. The stormwater solution proposed for this rezoning and Variation is also a filtration layer at the bottom of the swale system to prevent any adverse effects on the groundwater resource. This is explained in more detail by Mr O’Callaghan’s report in Appendix 2. In terms of stormwater quantity issues and the Raupare catchment, the swale system is designed to accommodate all stormwater from the Omahu North industrial area for up to a 50 year return period rainfall event. Beyond that the swale will over top and stormwater will flow into the Raupare via natural overland flow paths. The rezoning proposal and structure plan do therefore seek to mitigate any adverse effects on water bodies resulting from the proposed industrial development.
- 8.27 POLUD12 k) seeks provision for *‘low impact stormwater treatment and disposal’*. The disposal method proposed via a swale ground soakage system is exactly that. This is as opposed to more traditional methods of piping stormwater into drains and streams and increasing the flood flows and contaminant levels in these water bodies by doing so.

- 8.28 POL UD12 l) relates to avoiding or mitigating reverse sensitivity effects. This matter is discussed under OBJ 16 & 17 below which relate specifically to reverse sensitivity effects.
- 8.29 POL UD12 m) also relates to reverse sensitivity, but in relation to such effects impacting on strategic and physical infrastructure. The traffic on Omahu Road will increase as a result of the Variation, however the rezoning does not seek to provide for residential or other ‘sensitive’ activities that would be affected by any reduced amenity. In terms of other physical infrastructure, the swale and access corridor system proposed, as depicted in Figures 4 and 5 above, will actually be of benefit to neighbouring Plains Production Zone residents, by forming a largely green 24m wide physical buffer between their dwellings and industrial activities on the other side of this infrastructure.
- 8.30 With regards to n) and o) it has been a key principle of this Notice of Requirement to establish a more effective and efficient servicing solution for the Omahu North Industrial Zone to improve the affordability of development contributions and to remove interim infrastructure constraints. In terms of the later a ‘deferment’ was applied to the previous zone until services were constructed and available. The servicing proposed with the Notice of Requirement is much more responsive to those with immediate needs to commence development, with wastewater and water services able to be constructed to connect to that property and each section of stormwater swale being constructed independently by owners and developers when the wish to subdivide or commence development of a particular property.
- 8.31 Finally in terms of POL UD12 p), a strong reason for the selection of Omahu North as an industrial growth area was that it would be on the opposite side of Omahu Road to an existing industrial area. The ‘scale and style’ of development on either side of Omahu Road will now be similar. On the flipside the industrial zone boundary does now move closer to some Plains Zone residents. This issue has already been addressed in section 4 of this report above, see the mitigation measures listed in Tables 4 & 5.

OBJ 16 For future activities, the avoidance or mitigation of off site impacts or nuisance effects arising from the location of conflicting land use activities

OBJ 17 For existing activities (including their expansion), the remedy or mitigation of the extent of off site impacts or nuisance effects arising from the present location of conflicting land use activities.

- 8.32 Whilst directed at the effects from the new industrial zoning itself, a direct effect is that on existing residential activities. Reverse sensitivity effects however could occur from either new residential activities establishing within the Omahu North Industrial Zone or near to its boundary. The methods intend to mitigate these two potential forms of reverse sensitivity are discussed as follows. In the provisions of the District Plan for the General Industrial Zone in section 14.1.5.1 (which will apply to the Omahu North Industrial Zone) and more relevant to this is that the servicing corridor itself (in the form of the stormwater swale and access) will have the positive effect of providing a green physical buffer between the industrial zone boundary and any residential activities within the Plains Production Zone.

Given the assessment above, the Notice of Requirement will give effect to the Regional Policy Statement as required by section 75(3)(c) of the RMA.

9.0 HASTINGS DISTRICT PLAN

- 9.1 As explained in the Background, due to the unresolved status of Plan Change 57 under the Operative Plan and the provisions under the Proposed Plan (notified 2013 version), both are required for consideration for this NoR. The Operative Plan (Plan Change 57) is subject to two appeals, and the 5 submissions seeking inclusion of additional land in the Omahu Road North Deferred Industrial Zone have not been heard.
- 9.2 In the interim, the provisions of the Operative District plan for Industrial activity apply, but the provisions regarding the unconfined aquifer in the Proposed Plan have some legal effect (though they are subject to appeal).
- 9.3 The District Plan recognises the importance of the Heretaunga Plains Unconfined Aquifer to the sustainable management of the Heretaunga Plains through the inclusion of the following objectives:

Operative District Plan:

AQO1 To ensure that the life supporting capacity of the Heretaunga Plains Unconfined Aquifer Water Resource is not compromised by the effects of land use activities occurring above it.

Proposed Plan (notified 2013 version):

IZO2 To enable a diverse range of industrial activities within the Hastings District while ensuring adverse effects on the environment, human health and safety are avoided, remedied or mitigated.

IZP7 The Protection of the vital water resource contained in the unconfined aquifer from contamination risks from industrial uses and development.

Explanation

There is a need to give maximum protection to the sensitive unconfined aquifer which lies below large parts of the Omahu Road industrial area. This water resource is of vital importance for the horticultural activities of the District and also provides a clean drinking water supply for the residents of Hastings City and Flaxmere. Protection of the aquifer may well override other considerations, meaning that an activity may need to be excluded from the Omahu Road area if it is an unsuitable activity or adequate mitigation and risk management cannot be demonstrated (this issue is addressed in the Hazardous Substances Section 29.1).

HSO1 To protect the community and natural environment from the adverse effects associated with the manufacture, use, storage or transportation of hazardous substances. And policy:

HSP1 Ensure that where activities involving hazardous substances are located in proximity to the sensitive environment of the Heretaunga Plains Unconfined Aquifer, they are designed and managed to reduce risks to the environment and community.

Explanation

The protection of the quality of the drinking water, irrigation water and natural watercourses that emanate from the Heretaunga Plains Unconfined Aquifer is critical to the health and economic welfare of the Hawke’s Bay community. Industrial Zoned land and intensive horticultural and viticulture operations are located over the unconfined area of the aquifer. Additional protection to that provided by HSNO regulation is therefore considered appropriate to apply to this area to ensure that this critical ground water resource is not contaminated. For this reason the storage, handling or use of Arsenic (As) within the Heretaunga Plains Unconfined Aquifer is a Prohibited Activity via the adoption of Rule HS8.

9.4 The extent of the *Unconfined Aquifer*, in relation to Omahu Road, is shown below.



Heretaunga Plains Unconfined Aquifer (Proposed District Plan)

Industrial Zones

- 9.5 The area affected by proposed Designation is located within the Plains Zone currently, as is the new industrial zone. The Notice of Requirement and proposed Variation are to be dealt with simultaneously. The Notice for Requirement is only needed if the proposed Variation proceeds, so it is relevant to consider the proposed Industrial (Omahu North) zoning when considering this Notice for Requirement.
- 9.6 The provisions of both the Operative Plan and Proposed Plan (notified 2013) need to be considered for reasons explained previously.

9.7 Operative Plan - The majority of the Industrial Section of the Operative District Plan (except the provisions for Irongate Industrial area), were prepared in advance of the investigations undertaken for the preparation of the Council's 2003 Industrial Strategy. Some of the general observations made regarding the nature of industry in the district are hence considered somewhat dated.

9.8 The objectives and policies of the Operative Plan that are most pertinent to this application are:

IZO2 To ensure that adverse effects of industrial use, development or subdivision are avoided, remedied or mitigated.

IZO5 To enable the efficient and effective use of the District's resources by providing for the development of new industries.

IZP7 Protect the vital water resource contained in the unconfined aquifer from contamination risks from industrial uses and development.

9.9 Under the Proposed Plan (notified version 2013) Policies and provisions were developed for Omahu Road North (though no decisions have been made with respect to the submissions regarding the extent or plan provisions for the Omahu North Deferred or General Industrial Zone). The provisions for Omahu Industrial are likely to change as a result of the changes necessary for this proposal (expanded zone area, no staging of development, and changes to the servicing of the zone). That said, the objectives and policies pertinent to this application are:

IZO1 To facilitate efficient and optimum use and development of existing industrial resources within the Hastings District.

IZP4 Ensure the integrated and efficient development of the Omahu North Industrial Area through the use of a Structure Plan, a deferred zone, and staging.

IZP5 Avoid industrial development within Stage 2 of the Irongate Industrial Area and within Stage 2 of the Omahu North Industrial Area prior to the deferred zoning of each area being lifted and rezoned General Industrial.

IZO3 Industrial activities shall maintain acceptable amenity levels or be safeguarded from incompatible uses within surrounding environments.

10.0 OTHER RELEVANT DOCUMENTS

Plan Change 57

- 10.1 Plan Change 57 was the predecessor to this Omahu Variation. It was to create 36 hectares of industrially zoned land along Omahu Road Northern side in the similar location as this Variation, the difference being that this Variation is for 56 hectares and extends further back from Omahu Road.
- 10.2 Servicing of Plan Change 57 – This was to be achieved with a completely reticulated network. It involved a series of swales (shallow drains) being established, operated and maintained within a 6.5m corridor which was to run generally parallel with Omahu Road. Piped or open drain connections to the swale were to be established within the narrower (5m) corridors that extend into the 36 hectare zone. Combined these will direct stormwater generated from sites within the 36 hectare zone into one of the three infiltration areas that were also to be created.
- 10.3 The infrastructure corridor was also to be available for piped water and wastewater systems, were it needed in future. Designations have been put in place to achieve the servicing of that 36 hectare industrial zone proposal. They are referenced in the District Plan as D156 and D157. That proposal is consented by the HBRC for stormwater disposal.
- 10.4 Plan Change 57 is not Operative as it remains subject to appeal. Those appeals sought extension of the industrial zone and changes to the designations. Pursuing this option would require resolving the appeals. To be noted is that the relief being sought in those appeals is being addressed through the proposed Variation (extension of zone and changes to servicing).

The 2003 Industrial Strategy

- 10.5 The 2003 Industrial Strategy, and the subsequent Council decisions and directions on its implementation formalised in the 2009 LTCCP resolution, can be summarised as follows:

Industrial development to be progressed within ten years:

	The 2003 Strategy	Subsequent Direction
Omahu Road	39ha	Stage 1 – 13ha
Irongate	11ha	Stage 1 – Up to 68ha
Tomoana / Whakatu	38ha	Nil
Total	88	81

Irongate stage 1 is to be advanced in priority to Omahu Road stage 1.

Industrial development to be progressed beyond the ten year period:

	<i>The 2003 Strategy</i>	<i>Subsequent Direction</i>
<i>Omahu Road</i>	<i>Nil</i>	<i>Stage 2 - 16ha</i>
<i>Irongate</i>	<i>26ha</i>	<i>Stage 2 - Up to 42ha</i>
<i>Tomoana / Whakatu</i>	<i>60ha</i>	<i>25ha</i>
<i>Total</i>	<i>86ha</i>	<i>83ha</i>

Long Term Plan & 2015/16 Development Contributions Policy

- 10.6 The Long Term Plan (LTP) sets the Council's 10 year strategic direction. The following strategic objectives are of particular relevance to this project:

Moving Around

- *People move around safely*
- *Efficient movement of goods*

Our Economy

- *Responsive Council Services*

- 10.7 The financial strategy within this plan seeks to facilitate growth within the district. More specifically it seeks to respond to demand for new commercial, industrial and residential growth through the provision of funding for serviced land. "Major Industrial developments planned for the next 10 years include: Irongate and Omahu Road Industrial developments with further work to be completed in the Whakatu industrial area".

- 10.8 The current 2015/25 LTP and 2015/16 Development Contributions Policy includes the expenditure for the development of the infrastructure required for the Omahu Industrial zone in years 2016-17. This expenditure is to be funded by way of the development contributions collected within the Omahu Industrial Catchment. It is anticipated that Council will update its Development Contributions Policy and schedule of charges at the earliest opportunity, to reflect the revised catchment area, and the timing and quantum of the capital expenditure required to service the revised catchment.

Heretaunga Plains Urban Development Strategy

- 10.9 In August 2010 the Hastings District Council, Hawke's Bay Regional Council and Napier City Council adopted the Heretaunga Plains Urban Development Strategy ('HPUDS'). This strategy is intended to provide the strategic direction for the future urban development of the Plains area surrounding Napier and Hastings from 2015 until 2045. The settlement pattern / provision of land proposed for industrial activities within HPUDS reflect the current industrial strategies for Napier and Hastings. The table below indicates the industrial areas, their capacity, timing and potential activities.

Business Land Staging 2010-2045

Location	Capacity (ha)		Timing	Potential Activities
Napier Business Park – north of Prebensen Drive and west of the Hawke’s Bay Expressway		30	2009 - 2019	Technology
Napier – Redevelopment of existing sites and Awatoto area		36	2009-2029	Service Industry
Irongate Stage 1 ¹	36		2010 -	Dry Industry
Omahu Road Stage 1 ¹	13		2015 -	Service Industry
Irongate Stage 2		42	After Irongate 1	Dry Industry
Omahu Road Stage 2		16	After Omahu 1	Service Industry
Tomoana / Whakatu		60	After Whakatu full	Wet Industry
Total²		184 ha		

¹ Zoned and available prior to 2015 Strategy commencement period

Summary

10.10 In summary, the evaluation of the relevant statutory planning documents demonstrates that the proposed designations are consistent with the relevant objectives and policies of these documents. In particular, the proposed infrastructure will enable safe, efficient, and cost-effective servicing of this locally significant industrial area.

11.0 ACTUAL AND POTENTIAL EFFECTS ON THE ENVIRONMENT

11.1 When considering effects on the environment it is legitimate to consider the current state of the environment. The environment is formed by the existing environment that is physically present, but it is also legitimate to consider the environment that could be formed through permitted activities. As the designation will not proceed without the proposed Industrial zone proceeding it is considered valid to assess the designations against an environment that allows for industrial activities as a permitted activity, as this is the environment that will exist once the industrial plan change is operative.

Overall Positive Effects

11.2 The proposed designations will assist in enabling the Hastings community to provide for their social, cultural and economic well being by providing for reticulated stormwater system for land within the proposed industrial zone. This will provide for the economic wellbeing of the area by assisting to facilitate industrial growth in the district.

Water Quality Effects

11.3 The establishment of a new industrial zone creates the potential for adverse effects on water quality if stormwater discharges are not appropriately managed. The attached Servicing Report in Appendix 2 details water quality matters. The new proposed stormwater solution meets the following principles and design objectives (as did PC 57) as follows:

- The principle of low impact design;
- The specific characteristics of the potential stormwater receiving environment;
- Climate change;
- The HBRC Stormwater Guidelines;
- The Council's LTP, Engineering Code of Practice and Best Practice Design Guide for Subdivision and Development, and the;
- On-site Stormwater Management Guideline (NZWERF/MfE 2004).

11.4 The following are extracts from Mr O'Callaghans report:

These principles led to design objectives aimed at minimizing the extent of any off-site discharge, discharge at source as much as is reasonably feasible, effective management of contamination risks and use of infiltration disposal basins to reduce concentration effects. These objectives were to be met through the adoption of a design event of no overflow to surrounding areas in events up to the 50 year ARI, discharge of roof water for up to 10 year ARI to be on individual sites, management of potential contaminants through the use of pre-treatment devices and discharge to ground through a conveyance swale and large areas for detention and infiltration.

The new proposed solution meets these same principles and design objectives. The key difference being the use of a larger swale on each individual site to provide both storage and discharge to ground via infiltration without the need to convey stormwater to a separate location.

The proposed swale is sized to ensure that the run-off from a 50 year ARI is contained within the swale, associated with a specific site, without overflow to the surrounding

area. An assessment of the volume of storage and area of soakage for the proposed zone width was carried out using a uniform soakage rate for the zone. The soakage rate adopted for the design was the lower results found from site testing, with a factor of safety margin applied to further reduce the rate to a design soakage rate. This process is a conservative approach as the resulting swale size is over sized in areas where the actual soakage rate is higher. However, the use of a standard rate enables a uniform swale to be formed (by the land owner/developer) as a permitted activity. It also assists Council with managing any performance and maintenance issues on an individual basis.

Roof water is deemed to be clean and this will be discharged directly to the swale without any pre-treatment. Stormwater runoff from parking and hard stand areas is likely to contain grit and silt particles that could clog up the treatment element within the swale. The flow from these areas will be passed through on-site settlement devices prior to discharge to the swale servicing the specific site.

The base of the proposed swale and the bottom sections of the sides will be formed with an upper 300mm thick layer of stones ranging 100 – 150mm in size, which will provide a coarse filter. Below this layer will be a 300mm thick layer of uniform sand to provide final filtering as the stormwater enters the ground below. This treatment system will ensure that the underlying groundwater system is not at risk from contaminants discharged into the swale and thus provide an effective management of contaminants. The resulting wide filter/treatment zone in the base of the swale, which will eventually extend almost the entire length of the zone, will provide a distributed discharge across the area and thus avoid concentrated flows.

The use of swales to discharge stormwater to ground is not a “fit and forget” solution. Swales require monitoring of performance and regular maintenance of the vegetation to both identify operational problems and avoid clogging of the surface above the filtration/treatment zone in the base of the swale. In some instances, it has been found to be necessary to re-construct the filtration/treatment zone after several years of operation due to clogging from excess sediment discharge. These issues can, and will, be managed through a combination of the use of pre-treatment devices on the discharge from car park/sealed areas prior to discharge to the swale and Council maintaining the swales once they have been formed and accepted by Council.

The maintenance is expected to include regular mowing of the grass in the swales, monitoring of performance of individual swales, identification of any sediments discharged to the swales and/or clogging from inappropriate on-site discharges with associated corrective action demanded from the land owner (through Council’s Water Services Bylaws) and also achieving a uniform standard of monitoring and management of the swales through Council’s own maintenance performance.

If there are instances where a specific site is experiencing operational problems, then it is expected that site will be required to install larger and/or more efficient pre-treatment infrastructure upstream of the swale to protect the infiltration/treatment zone within the base of the swale. In addition, they could consider additional disposal facilities for the roofed area within the site to reduce the discharge to the swale. However, such steps are not expected to be necessary because, as described above, the proposed swale size has been based on infiltration rates that are lower than those observed during a comprehensive soakage testing program across the zone.

In 2012 HDC obtained consent from HB Regional Council for the discharge of stormwater across the current rezoned area and it is expected that HDC will apply for a variation (or new consent) to include the additional area and encompass the

proposed on-site disposal method. HDC's Water Services Bylaw will provide control of all stormwater discharges that occur across the proposed industrial zone and developers will apply to HDC for approval to discharge to the swale and to connect to water and wastewater services. HDC will be able to assess and apply mitigation measures consistent with the HBRC consent and impose monitoring measures and conditions.

The above describes the proposed solutions for the three water infrastructure services associated with the Omahu Road Plan Variation. The solutions have been developed to provide an appropriate level of service for the zone to achieve sound engineering and environmental outcomes. The expected cost of these solutions is within an acceptable range for the efficient and cost effective development of the zone and meet landowner expectations. The solutions will be maintained by Council to achieve an appropriate level of management of the services in the future.

Construction Effects

Noise

- 11.5 There will be noise generated from construction of the stormwater swales and infiltration areas, including construction traffic and earthworks. The noise from construction is likely to have minor potential effects on the residences within the immediate vicinity of the proposed works. The construction activities will be temporary in nature and will be managed to minimise effects of surrounding owners and occupiers through compliance with NZS 6803:1984 "Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work".

Dust

- 11.6 The earthworks associated with the construction of the proposed swales have the potential to generate dust, which may affect the surrounding environment. The construction phase will however be temporary in nature. Appropriate dust control measures will be put in place through best practice construction management processes. All excavated surfaces will be carefully managed by applying water where required during excavation to minimise dust. Following completion of the works any exposed soil will be stabilised to mitigate the effects of dust.

Landscape, Visual and Amenity Effects

- 11.7 The Hastings District Plan identifies both the outstanding natural features and significant landscapes within the District. This area is not identified as forming part of any of these.
- 11.8 The amenity values are predominantly determined by the visual qualities of the area and the nature of the noise, odour and general activity occur that occurs within it. The current amenity of this area is mixed. It is dominated by both its rural character, the activity occurring within the adjacent Omahu industrial area and the traffic traversing Omahu Road. Should the Variation become operative the amenity values of the area will also be strongly influenced by the industrial activities within the proposed Omahu North Industrial area.
- 11.9 The proposed works are to consist of swales (shallow drains) and basins and potentially piped water and wastewater infrastructure. Except in and following rainfall event, the swales and

drains will be dry. These grassed areas will not be out of keeping with the character of the surrounding area which, once the zone is established will be a highly modified environment on the urban – rural boundary.

- 11.10 Once the construction of the proposed works is complete, the only activity likely within the area will be periodic maintenance. The long term effects on amenity of this area are hence anticipated to be limited in nature. Construction effects were assessed for Plan Change 57 and still apply to the construction of the proposed servicing corridor. The effects from this Variation. This are to be mitigated by compliance with the New Zealand Standard for Noise and the use of best practice management protocols.

Cultural Effects

- 11.11 Early consultation undertaken with Ngati Kahungunu and Te Taiwhenua O Heretaunga has not result in any substantial issues being raised in relation to the proposed new industrial area. The site contains no sites identified as being of significance to Tangata Whenua. The desktop archaeological assessment undertaken for the proposed industrial area did not identify any archaeological sites. The potential for effects on sites of cultural or historic significance is considered to be low. No specific mitigation measures are hence proposed. However, a Section 12 Authority from the Historic Places Trust will be sought if an incidental discovery is made during the constructions works.

Ecology

- 11.12 The site of the proposed designations contains highly modified vegetation which offers little habitat value. The site is not within any of the RAP areas. No noticeable effects are anticipated from the proposed works on the ecological values of the area.

Natural Hazards

- 11.13 Under PC57 a review of the Councils records regarding natural hazards was undertaken to determine whether the susceptibility of this site to natural hazards. The area is not identified within any area identified as being at risk of flooding. In terms the potential for surface flooding as a result of the establishment of a new industrial area with the consequential increase in sealed areas, these effects have been assessed in detail and the proposed design of the stormwater swale is such that it is sized to ensure that the run-off from a 50 year ARI is contained within the swale, associated with a specific site, without overflow to the surrounding area. The conclusion is that with the mitigation measures proposed these effects will be satisfactorily avoided. Adverse flooding effects are hence not anticipated as a result of the proposed stormwater works.
- 11.14 The area is located in an area identified as having a moderate liquefaction susceptibility. Advice was sought from MWH consultants for PC 57 as to whether the establishment of the proposed stormwater infrastructure created any risks associated with liquefaction that should be further investigated. Their advice was

“We do not consider a 0.6m deep swale warrants attention with regard to lateral spreading and liquefaction due to strong shaking, unless the following conditions are all present:

- *High groundwater level i.e. within 1 m of surface – (area 1 only)*
- *Buildings or utilities are immediately next to the swale i.e. within a few metres – (not likely)*
- *The undercut channel carries water permanently (does not)*
- *The channel is cut into or just above liquefiable deposits (uncertain)*

As all the required conditions for significant liquefaction or lateral spreading are not present, it is considered that there is not a significant risk for the shallow swale from either liquefaction or lateral spreading”.

- 11.15 The Water Services Manager has confirmed that this still applies to the proposed stormwater solution even though detention is isolated to individual sites. The extent and frequency of water being held for anything other than a major event is low.

12.0 **ALTERNATIVES AND NECESSITY**

- 12.1 When considering an application for a Notice of Requirement and any submissions received a territorial authority must consider whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if the requiring authority does not have an interest in the land sufficient for undertaking the work.

- 12.2 The territorial authority is also required to give consideration to whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought.

Alternative – Plan Change 57 and Designations

- 12.3 Notices of requirement for designation to service the zone as proposed under Plan Change 57 are in place. However, they will not work for this zoning proposal at 63ha. There is an alternative is to continue with the Plan Change 57 proposal for the lesser 36ha. That alternative however is no longer endorsed by the Council, as a result of their decision to proceed with a Variation to the Omahu Industrial zoning in November 2015.

- 12.4 That said, extensive consideration was given to alternative sites, routes, or methods of undertaking the work throughout the development of Plan Change 57 and the servicing of that zone and that consideration of alternatives is relevant to the current works proposed.

Stormwater options under PC 57

- 12.5 The following demonstrates that considerable assessment of options to manage stormwater and services in PC57. The preferred option for PC57 was identified as one based upon infiltration to ground at locations adjacent to the zone. Other options explored included:

Southland Drain Options:

1. Direct flows to the Upper Southland Drain with detention pond
2. Direct flows to Omahu South infiltration basin
3. Direct flows from zone rear to Upper Southland with detention pond
4. Direct flows from zone rear to Omahu South infiltration basin

Raupare Catchment Options:

5. Direct to infiltration basins alongside zone
6. Detention and slow release to Raupare Catchment
7. Direct to Thompson Road infiltration basin

12.6 Options 1 and 2 were not considered technically feasible whilst Options 3 and 4 were considered so costly that their viability was compromised. All three of the Raupare Catchment Options (Options 5, 6 and 7) were considered to be simpler from a technical / network perspective. Issues and / or uncertainties were however identified with all of these options as a result of the relative sensitivity of the Heretaunga Plains Unconfined Aquifer and the Raupare Catchment (in terms of quality) and the flooding issues within the Raupare Catchment.

12.7 At that stage the Raupare Catchment Options were the only feasible options.

Infiltration vs. a discharge to the Raupare Catchment

12.8 The Council considered the factors that would be paramount in determining which of the Raupare Option should be pursued. In doing so it undertook a detailed analysis of the on-site treatment, attenuation and discharge options available. A key component of that work was an analysis of the extent of quality treatment and quantity attenuation that could be achieved on-site by way of readily available 'off the shelf' commercial systems.

12.9 Consideration was also given to the costs of implementing those systems (both in monetary terms and in terms of the use of the land) in comparison with a communal system. Amongst other things that assessment indicated that on-site systems could achieve levels of treatment that would be 'at least as good as residential'. As such, it was considered that a discharge to the ground from a Council system remained feasible. Accordingly, more detailed consideration was given to those option. Ultimately, the preferred option was one based upon infiltration to ground at locations adjacent to the zone.

Water and Wastewater Infrastructure for PC 57

12.10 A range of options were considered for the supply of water for and the disposal of wastewater from the Omahu North Industrial Area under PC57. The preferred option, and that proposed to be implemented has this infrastructure located within the existing Omahu Road, road reserve. This option provides a Level of Service appropriate to the proposed zone. It is however possible that the development of some sights may benefit from the location of these services within the proposed infrastructure corridor. Should a landowner wish to pursue this option, be prepared to fund it, and be able to demonstrate that the operation of the reticulated stormwater network will not be reduced, then this option may be appropriate.

12.11 Technical reports pertaining to this are available for viewing on the Council's website under Plan Change 57.

ALTERNATIVES TO DESIGNATION

- 12.12 Alternatives to designation as a planning mechanism would include:
- 12.13 Proceeding with the work by way of resource consent, with landowners being responsible for obtaining regional consents for swales on their own land. This is considered undesirable because it is a less appropriate method of meeting the objectives of the NoR which are:
- to provide sufficient land for the infrastructure servicing of a new industrial zone on the northern side of Omahu Road, Hastings.
 - To enable the efficient, effective and timely implementation of the physical infrastructure necessary to service the area.
 - To manage stormwater via a Council owned service corridor.
- 12.14 This process would be more lengthy and not integrated. It would require each landowner to enter the Resource Consent process individually. A risk associated with this is a delay the ability to commence industrial development.
- 12.15 Council using its powers under the Public Works Act to acquire the rights to land needed to implement the works. This is considered undesirable because resource consents would be required in addition, and this option would not provide for the required area to be clearly shown in the District Plan.
- 12.16 In conclusion, the Council has considered alternatives to the current works and to designation as a mechanism for achieving the works, but has concluded that the proposal is the most appropriate way to achieve the Council's objectives.

13.0 CONSULTATION

- 13.1 Ongoing consultation has been undertaken with respect to the development of the proposed Omahu North industrial area and the associated infrastructure. The general consensus from landowners and those representing the horticulture industry is that this Variation and the associated stormwater solution and corridor is supported and necessary to support the burgeoning growth in the horticulture industry that is happening now. A summary of this consultation is attached.

14.0 CONCLUSION

- 14.1 A Notice of Requirement have been issued for the following designation:
- A designation for an infrastructure corridor for stormwater swale, piped water, waste water and access for maintenance and emergency vehicles.***
- 14.2 This designation covers the physical infrastructure necessary to service the proposed new Omahu North Industrial Area that are located on land that is not currently owned by the Council.

Given the need for the designations (should the proposed Variation proceed); the limited potential for adverse effects; and the consistency of the proposal with the relevant planning documents, it is considered that the proposed designations satisfy Section 168A(3) of the RMA 1991. The Notices of Requirement sought can therefore be confirmed without amendment pursuant to Section 168A(4)(a) of the Act.