

17 September 2018

Napier City Council  
Private Bag 6010  
**NAPIER**

Attn: Kathryn Hunt

Dear Kathryn

**Proposed District Plan Change 12 – Mission Special Character Zone (MSCZ)**

1. This statement is provided to you for referral to the Hearings Commissioners hearing submissions on PC12.
2. The submission by the Hawke's Bay Regional Council (HBRC) was lodged on 9<sup>th</sup> March 2018. HBRC supports in part proposed PC12, particularly insofar as PC12 will enable provision of different forms of housing and living environments to meet some of the demands for residential housing in the wider Napier/Hastings urban area.
3. Since lodging that submission, on 21<sup>st</sup> May HBRC issued a discharge permit (DP180163L) to Marist Holdings Greenmeadows Limited. That permit is for the diversion of stormwater *from a 246 hectare residential precinct within the Marist Special Character Zone and to discharge this stormwater to land and to water*. This is noted in section 14 of the s42A report. With that discharge permit having been applied for and granted, HBRC now has greater reassurance that the rezoning and associated overall stormwater infrastructure to be put in place will be sufficiently sound.
4. PC12 proposed amending Rule 6.1.3.4 in Volume 2 of the district plan in a way that would entirely remove the requirement for any esplanade reserve along the Taipo Stream within the MSCZ. In our submission, HBRC did not support that proposed amendment. The Taipo Stream is Napier's only remaining largely natural waterway with many other urban streams having been heavily modified by past generations.
5. Regarding esplanade reserves within the MSCZ, the s42A reporting officer had recommended a *"minor change to the wording [to] provide clarity to the Taipo Stream easement requirements in the MSCZ."* With respect, the easement requirements have been a proposal struck between the City Council and the landowners – not HBRC. The HBRC is a local authority having flood control and draining responsibilities and interests for the Taipo Stream, yet HBRC was not party to earlier negotiations regarding any easement in lieu of an esplanade reserve.
6. We urge the Commissioners to consider another alternative to what the s42A reporting officer has recommended in her pre-circulated report at Recommendation 7. In the form of an advisory note, the amendment would have at least, some dubious enforceability issues. The easement is clearly not the same as an esplanade reserve. The operative district plan already requires an esplanade reserve upon subdivision of land adjoining the Taipo Stream. However PC12 proposes deleting that entirely in lieu of an easement. HBRC does not support that proposal.

We do not believe the case has been made in s32/s32AA terms for removal of the operative plan's requirement for an esplanade reserve with an easement instrument.

7. Late last week, discussions on this very matter took place between representatives for the City Council, MSCZ landholders and myself. A pragmatic alternative was discussed that would see the district plan retaining requirements for an esplanade reserve adjoining the Taipo Stream. I understand that the s42A reporting officer was intending on presenting an amendment to her Recommendation #7 at the hearing today. We would support further amendments to PC12 that would **retain** the operative district plan's requirements for esplanade reserves upon subdivision of land adjoining the Taipo Stream within the MSCZ.
8. In terms of natural hazards, the s42A report authors have considered a number of natural hazard types in relation to the MSCZ, including HAIL list records. We encourage the Commissioners to do likewise in their own deliberations.
9. Thank you for the opportunity to present the Regional Council's submission and present this statement to you for your consideration.

Yours sincerely,



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