

Your ref: RM170155

1 February 2018

Resource Consents
City Strategy
Napier City Council
Private Bag 6010
NAPIER 4142
Attention: Shane Lambert

Dear Mr. Lambert

Submission to Application for Resource Consent at 25 and 35 Ulyatt Road, Napier for Retirement Village and Care Home Complex

Hawke's Bay Regional Council wish to make the following submission in respect of the proposed development at 25 and 35 Ulyatt Road for a retirement village and care home complex submitted to the Napier City Council by Wasley Knell, on behalf of Bupa New Zealand.

Prior to making this submission independent discussions have been held with the Consents Officer, Mr. Shane Lambert and Mr. Greg Knell, of Wasley Knell. As a consequence the Regional Council has determined that it is necessary to make a formal submission to the application at this time, in order to highlight the following matters of import, and ensure the regional council's functions and responsibilities are actively considered during the consent decision making process.

HPUDS

The development site is identified within the Heretaunga Plains Urban Development Strategy 2017, as being within the South Pirimai Reserve Growth Area. The provision of these Reserve Areas within HPUDS was designed to ensure that there is sufficient flexibility to ensure adequate supply of new sites, whilst avoiding ad-hoc development contrary to the Strategy and the preferred settlement pattern therein. HPUDS describes the reserve areas as being intended to 'act as replacements if any greenfield growth areas identified in HPUDS are deemed unviable for residential development, or in circumstances where the area is not able to be progressed in a timely fashion when required, or when other issues become insurmountable'.

The resource consent application states that the discretionary activity status of the District Plan provides a distinction between a Retirement Complex and other forms of residential development, and in turn the retirement complex should not be considered as presenting any threat that any residential subdivision and development does to the pattern of urban development as set down by District Plan zoning and HPUDS. As one of the joint council partners having adopted the HPUDS, HBRC do not agree with the Application's statement. We do not consider that HPUDS disassociates a retirement complex from overall urban growth.

The planning report supporting the application has not provided any detail in respect of an assessment of the HPUDS Residential Greenfield sites and their respective suitability for the retirement complex proposal. There is a comment under the 'Site Selection' heading (page 16) that Bupa has considered other areas of Napier for the location of the complex, but no supporting analysis has been provided as to which sites these are, nor has any assessment been provided to detail why they are deemed to be inappropriate in the Applicant's view.

We accept that HPUDS provides for some flexibility for retirement villages to be accommodated within the Reserve Areas, however the Strategy is quite clear that these Reserve Areas will only act as replacements, and may be advanced if

- there is a rapid and significant change in growth demand - this has not been demonstrated within the application, or
- retirement village needs cannot be reasonably be met within the preferred greenfield areas – again, this has not been demonstrated within the application.

We would conclude that without this evidential base, the proposal as it currently stands would be contrary to the Heretaunga Plains Urban Development Strategy, and in the Regional Policy Statement¹.

We also note that the application does not make any reference to the NPS Urban Development Capacity. Napier is a newly identified 'medium growth' urban area for purposes of that NPS.

Reverse Sensitivity

Objective UD1 of the Regional Policy Statement states that Urban Form should be established so that it is compact and strongly connected, and that also avoids remedies or mitigates reverse sensitivity effects. The application references Objective UD1 (page 25), but there appears to be a lack of analysis or assessment around how this particular objective is being met by the proposal. The site is located near existing non-residential uses which have the potential for reverse sensitivity issues to arise e.g. spray drift, dust, odour. We would suggest further assessment is required prior to the Regional Council holding a view either way as to whether there is a reverse sensitivity issue.

Stormwater

The proposed site is located within a floodable zone located adjacent to the Cross Country Drain (CCD). HBRC were of the understanding from previous discussions with Napier City Council asset managers that the CCD is to provide stormwater capacity for further development in upstream areas and not specifically development within the Meeanee area, i.e. directly to the south of the CCD, unless the development was considered to be hydraulically neutral. We note that in a recently approved development in nearby Jervoistown (Claudatos), a detention storage pond was constructed as part of the development to ensure that it provided a neutral stormwater solution.

It is apparent within the submission that discussions have been held between the applicant's agent and the Napier City Council in respect of stormwater attenuation. The civil servicing report assessment notes in Section 6.0 that 'NCC have stated that the site is not required to be designed to incorporate stormwater attenuation...'. It is not clear from this statement whether NCC have evaluated the effects of additional stormwater both from the additional runoff generated from the development, as well as the effects from removing the floodable area from existing storage. HBRC consider that a neutral stormwater solution should be attained as part of the Bupa development.

Further to this the report states that the impact of the additional 195.3 l/s from the 1 in 10 year rainfall event is expected to be negligible, however, the rationale stating how this decision was reached is not evident in the application. We note also that there is no mention of the impact of the additional 284.8 l/s from the 1 in 50 year event, and how that might affect flood levels in the area.

HBRC are concerned that there appears to have been no attempt to evaluate the effects of the additional runoff and change in storage on upstream locations, and on this basis we are not currently in a position to support this element of the application.

Consequently consent may be required from the Regional Council for stormwater discharge if Rule 42 'Diversion and discharge of stormwater' cannot be complied with. This will largely be dependent on whether the discharge will cause any permanent reduction of the ability of the receiving channel to convey flood flows.

Lastly, the report states that Stormwater360 stormfilter cartridges (or similar) are to be used to treat the stormwater runoff prior to discharge into the CCD. There is no mention of who will maintain these devices within the application, and how any consent conditions will be determined and monitored. Further discussion with the applicant's agent in January 2018 has confirmed that the

¹ As a point of clarification it is worth noting that the Regional Policy Statement, and in particular Chapter 3.1B will remain as is, despite some locations being re-classified out of the 2017 HPUDS Review as appropriate/inappropriate/reserve. On this basis the assessment of the application under the existing RPS objectives and policies is expected.

stormfilter system would be maintained by the consent holder, and as such we would expect that this would be reflected within the conditions of the consent.

In respect of any structures such as outfall we would advise that consent will be required from the Regional Council if these are proposed to be constructed in or within 6m of the drain (please refer to Rule 71 of the RRMP).

Natural Hazards

Of key concern is the tsunami inundation risk. The Hawke's Bay joint hazard strategy for local authority land-use planning (adopted by the HBCDEM Group Joint Committee of which NCC are a partner) recommends provisions that support minimising risk to human lives including restricting location of critical facilities within these areas, and design, enhancement and protection of evacuation routes taken into account during new development such as roading infrastructure.

A care-home complex and retirement village with elderly people of limited mobility/severe disability would be difficult to evacuate in a timely manner from this location. A geotechnical report has been provided by RDCL in support of the application but there is no detail submitted that considers the risk associated with situating the retirement complex in this location and the impacts on the vulnerable occupants who would reside there. We would suggest to NCC that an assessment of the scheme design should account for appropriate evacuation, considering the consequences of tsunami.

It is also important to acknowledge that the site is at risk of liquefaction. An initial geotechnical report has been provided from RDCL which identifies the "site is at "very high" risk of earthquake induced liquefaction under serviceability limit state (SLS) and ultimate limit state (ULS) conditions, also with expected lateral displacements given the proximity of the property to open drains. This report considers the site suitable for the proposed development from a geotechnical perspective, provided design of foundations takes into consideration the geotechnical issues identified, particularly the risk of liquefaction. As such it appears the consequences of liquefaction have been considered.

In any instance we would recommend that the applicant review the Natural Hazards Property Report on the HB Hazard Portal should they require further information <http://www.hbemergency.govt.nz/hazards/portal>

Soil Contamination

The information submitted within the NESCS report suggests that sufficient sampling has been undertaken and the comments and conclusions provided appear reasonable, however there are some queries in respect of the information provided, which we would appreciate further clarification to these points if possible.

- Under heading 5.6, paragraph 2 the analyte name is missing for the eco-SGV of 90mg/kg,
- The conceptual model notes ethofumesate and DDT pose a risk to future users through direct contact and produce consumption. The testing undertaken does not specifically target these agrichemicals and the commentary does not justify why the risk is low with regard to DDT and ethofumesate.

Loss of Productive Soils

Subsequent to notification of the application, Mr Lambert forwarded a report from AgFirst which had been commissioned by the NCC. This report has assessed the effects of the proposal on the soil resource. It concludes that the loss of the site to urban development will have minimal impact on the life supporting capacity of the wider plains soil resource. This report would appear to align with

the identification of the site within HPUDS as a reserve area broadly suitable for residential development in the future.

Closing comment

Thank you for the opportunity to make a submission to this application for resource consent. The Regional Council does wish to be heard in support of this submission, but do not wish to present a joint case with other submitters.

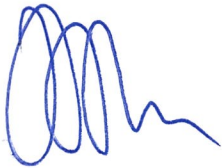
Regional Council representatives are willing to have further discussions with Napier City Council and/or the applicant (or applicant's agent) in respect of those matters raised within this submission. In January, we reiterated that willingness to both Mr Lambert and the Applicant's lead planning agent.

The Regional Council's address for service in relation to this submission is:

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Should you have any queries with regards to the content of this submission please do not hesitate to contact Ceri Edmonds, as above.

Yours sincerely



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