

14 August 2018

Napier City Council
Private Bag 6010
NAPIER

Attn: Shane Lambert (via shane.lambert@napier.govt.nz)

Dear Shane

Resource consent application (RM170155) for retirement complex at Ulyatt Road, Napier

As you know, the Hawke's Bay Regional Council made a submission on the application (**RM170155**) for resource consent by BUPA New Zealand. Since lodging that submission, you will also be aware that HBRC's senior engineering managers have met with yourself and the applicant's agents regarding stormwater management options.

We have read the s42A hearing report plus the documents recently circulated by the applicant in relation to stormwater management and natural hazard mitigation. We have also considered the assessment done by the reporting officer and also a similar assessment by the applicant in relation to the relevance of the Hawke's Bay Regional Policy Statement. We appreciate the applicant's effort to undertake a further assessment of the RPS's relevance and also the applicant's readiness to undertake works along the Cross Country Drain corridor to enhance biodiversity and stormwater quality outcomes in that vicinity.

In short, we are satisfied that if the five conditions offered by the Applicant are incorporated into the approved conditions of consent, then we no longer wish to be heard at the hearing and have no further objection to the application being granted. The five conditions offered by the applicant were presented in 'Appendix D' to the s42A report. Those are presented over page for ease of reference.

1. *That concurrent with the earthworks for the development of the land, the construction and landscaping planting of the adjoining land for stormwater management purposes shall be carried out in accordance with the Bonisch Consultants Plans 4505 dated 28 June 2018 and Regional Council Concept Landscape Plan Sheet 8 prior to occupation of the proposed village.*
2. *A detailed design of engineering and landscaping planting referred to in condition 1 above shall be submitted for approval by the Napier City Council prior to work commencing. The consent holder's contribution of landscape planting shall be to a maximum of \$30,000.00 (incl. gst).*
3. *Prior to the issue of building consent, confirmation shall be provided that roofing is constructed of inert material specific to potential water contamination.*
4. *Prior to the retirement complex becoming operative, a covenant pursuant to Section 108(2)(d) of the Resource Management Act 1991 shall be entered into by the consent holder and registered and retained against the Certificate of Title of the application site. The covenants shall be prepared by a lawyer (the Consent Holders, or Councils) at the cost of the consent holder. The covenant shall read as follows;*

No Complaints Covenant

This property is located in the Main Rural Zone, near a number of rural uses including turf production, where agricultural management practices can occur that may include spraying, use of machinery, the operation of bird scares and other effects associated with a range of permitted rural activities.

Where rural land use activities in this area are carried out in accordance with the relevant District Plan requirements or existing use rights, the property owner, or their successor in title shall not:

Bring any proceedings for damages, negligence, nuisance, trespass or interference arising from the use of that land; or

(I) Make nor lodge; nor

(II) Be party to; nor

(III) Finance nor contribute to the cost of;

a. Any complaint regarding the carrying out of any land based primary production activity on the surrounding land.

b. Any application to the Environment Court for a declaration or enforcement order regarding the carrying out of any land based primary production activity on the surrounding land.

c. Any application to the High Court for an injunction, declaration or other order concerning the carrying out of any land based primary production activity on the surrounding land."

5. *Prior to the occupation of the village, an evacuation plan for residents is provided to Council and maintained as part of the operation of the village.*

Yours sincerely,



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