

Before the Napier City Council

In the matter

of the Resource Management Act
1991 (**the Act**)

And in the matter

of the Napier City Proposed District
Plan

Hearing Stream 1 – Subdivision

**Statement of Planning Evidence of Cameron James Drury on Behalf of
Emeral Hills Joint Venture**

18 November 2024

INTRODUCTION

Qualifications and experience

- 1 My name is Cameron Drury. I graduated from Massey University with a Bachelor's degree in Environmental and Resource Planning in 2003 and have 20 years' professional planning experience.
- 2 I am currently a Principal Planner and Director of Stradegy Planning Limited. Prior to this I have worked for a number of private consultancies as an Environmental Planner and both the Hawke's Bay Regional Council and Napier City Council as a Consents Planner.
- 3 I am a Full Member of the New Zealand Planning Institute.
- 4 I confirm I have read the applicable Section 42A Report.

Expert witness Code of Conduct

- 5 I have been provided with a copy of the Code of Conduct for Expert Witnesses contained in the Environment Court's Practice Note dated 1 January 2023. I have read and agree to comply with that Code. This evidence is within my area of expertise, except where I state that I am relying upon the specified evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

SUMMARY OF SUBMISSION POINTS AND SCOPE OF EVIDENCE

- 6 Relating to Subdivision, Emerald Hills Joint Venture (EHJV) submitted:
 - 6.1 It is not clear from either the "How the plan works" section or the Subdivision activity table that precinct specific subdivision provisions override the district-wide provisions in the subdivision chapter and that amendments are required to clarify that rules pertaining to subdivision in the Precinct Rule Tables apply over rules applying to subdivision in the SUB Rules Table - I am not sure if this matter has been specifically addressed but I consider greater clarity is required for Plan users, and to where possible, avoid a

plethora of provisions for proposals to be considered under/against.

- 6.2 That (rule) SUB-R1A should be amended to remove 'the purpose and objectives and policies of a zone, precinct, and development area' from the matters of control. The Officer's recommendation in the s42A report proposes amendments to the rule to provide for this, which I support.
- 6.3 That the matters of control in (rule) SUB-R1A should be amended to be more specific - I am not sure if this matter has been addressed but find these matters to be far reaching and there to be limited certainty around the nature of conditions to be applied to what would be expected to be an anticipated outcome - as validated by the Controlled Activity status. My concern is that there appears to be no limit to the extent that conditions could be applied.
- 6.4 That (standard) SUB-S3 be amended to reduce the minimum lot size for the Mission Rural Residential Precinct to 1,000m² with no average control. While the Officers recommendation is to remove the average control, EHJV remains to hold views on the minimum net site area control.
- 6.5 That (standard) SUB-S6 either be removed from applying to the Mission Development Area or deleted - Paragraph 75 of the Section 42A Report recommends that (standard) SUB-S6 be deleted. I support this recommendation, but note the amendments are not shown in Appendix A. The recommendations in Paragraph 264 are contrary to this, however. Here SUB-S6 remains, but Development Areas are excluded - noting amendments are again not shown in Appendix A. While clarity is required, EHJV supports the outcomes associated with both.
- 6.6 That (standard) SUB-S7 be deleted to avoid unnecessary duplication.

- 6.7 That (standard) SUB-S13 pertaining to stormwater servicing be amended to not apply to the Mission Development Area on the basis that there is already an approved stormwater discharge permit for the Development Area.
- 6.8 That (standard) SUB-S17 pertaining to indicative public access routes be amended to not apply to the Mission Development Area.
- 6.9 That (standard) SUB-S18 be amended to accord to new lot and zone/precinct references. The Officer's recommendation in the s42A report proposes amendments to the standard to provide for this, which I support.
- 6.10 That consideration of subdivision within the Mission development Area should be excluded from the SUB assessment criteria on the basis of the array of assessment criteria in DEV3-AC1, PREC2-AC1, PREC5-AC2 and PREC7-AC1 (reflecting the design outcomes derived from the original Structure Plan process) that an application will be subject to.
- 6.11 That (a) of Assessment Criteria SUB-AC1 should be deleted. The Officer's recommendation in the s42A report proposes amendments to provide for this, which I support.
- 6.12 That (assessment criteria) SUB-AC1(d) (SUB-AC1(c) in the recommendations version) should be amended to allow flexibility based on site specific characteristics and not so prohibitive of cul-de-sac options.
- 6.13 That (assessment criteria) SUB-AC2(a), SUB-AC2(d) and SUB-AC2(n)(ii) should be deleted or amended. Paragraph 73 of the Section 42A Report recommends that (assessment criteria) SUB-AC2 be deleted. I support this recommendation.
- 7 Further submissions were made to support the relief requested above.
- 8 In this evidence I will provide planning analysis of the relief sought by EHJV in relation to:

- (i) (standard) SUB-S3,
- (ii) (standard) SUB-S7,
- (iii) (standard) SUB-S13,
- (iv) (standard) SUB-S17,
- (v) Excluding the Mission Development Area from the SUB assessment criteria,
- (vi) (assessment criteria) SUB-AC1(c).

(Standard) SUB-S3

- 9 (Standard) SUB-S3 as it applies to rural zones sets down a 5,000m² minimum net site area for the Mission Rural Residential Precinct. In its submission EHJV submitted that this be reduced to 1,000m² on the basis that:
- 9.1 The Mission Rural Residential Precinct presents opportunity for a greater development.
 - 9.2 It would provide for additional housing choice in the city by enabling sites that still retain an open character but have less maintenance requirements (than larger lifestyle sites).
- 10 In paragraph 294 of the Section 42A Report, the Officer raises concern with the provision of reticulated services, preserving open space character values and questions the basis of the proposed minimum net site area.
- 11 Like the Large Residential, Settlement and Jervoistown Precinct Zones, the Mission Rural Residential Precinct largely, or will, border established urban areas and will be well serviced by the Mission Residential Precinct. These aforementioned zones carry a 1,000m² and 2,500m² minimum net site area control. In the case of the Large Residential and Settlement Zones, the minimum net site area (1,000m²) assumes a fully serviced site, while the Jervoistown Precinct assumes on-site servicing (2,500m²).

- 12 For clarity, connection to a municipal wastewater reticulation network was assumed by EHJV in making its submission.
- 13 In terms of preserving open space character values and the basis of the proposed minimum net site area, a focus of DEV3-O2 is the establishment of residential activities, while both PREC7-O1 and PREC7-P1 refer to enabling both residential development and ongoing farming and forestry activities.
- 14 Recognizing the precincts' location and connection with urban areas, it is EHJV's view that greater weight should be given to the 'residential opportunity' than preserving the opportunity for ongoing farming and forestry activities – and it was through this lens and taking guidance from the framework applied to areas with a similar basis of thought that the proposed minimum net site area was proffered.
- 15 In short, it is considered that the opportunity to accommodate additional housing demand and manage urban growth should be taken – noting that controls can be put in place to manage wastewater servicing in particular. In this regard, (standard) SUB-S3 as it relates to the rural zones is proposed to be changed as follows. These changes:
 - 15.1 Provide for a 1,000m² minimum net site area when connected to a wastewater reticulation network (like in the case of the Large Residential and Settlement Zones) or 2,500m² when un-serviced to align with the HBRC permitted Activity rule (like in the case of Jervoistown Precinct),
 - 15.2 Align and utilise similar management approaches to other zones adjoining urban environments in respect to servicing and amenity.

SUB-S3: Minimum allotment sizes - rural		
Rural Lifestyle Zone, Mission Rural Residential Precinct	5,000 m ² minimum net site area	Activity Status where standards are not met: Noncomplying

Rural Production Zone, Mission Productive Rural Precinct	4 ha	Activity Status where standards are not met: Noncomplying
Rural Special Control Area	50 ha	Activity Status where standards are not met: Noncomplying
Settlement Zone	1,000 m ² fully serviced sites 1,500 m ² other sites	Activity Status where standards are not met: Noncomplying
<u>Mission Rural Residential Precinct</u>	<u>1,000 m² when connected to a wastewater reticulation network</u> <u>2,500 m² other sites</u>	<u>Activity Status where standards are not met: Noncomplying</u>
Open Space Zones	No minimum	Activity Status where standards are not met: NA
Jervoistown Precinct	2,500 m ²	Activity Status where standards are not met: Prohibited

- 16 In terms of assessment, it is noted that the matters of control in (rule) SUB-RA1 are broad and include (assessment criteria) SUB-AC1 which includes a plethora of matters (some 65 matters), such that any resource consent assessment process would provide ample opportunity to effectively consider any such proposal – either under this assessment criteria or those pertaining specifically to the Mission Development Area and Mission Rural Residential Precinct.
- 17 In respect to s32AA, the following high-level analysis considers the costs and benefits of each of the options. Here it is considered that the relief sought by EHJV is aligned with the relevant Objectives and Policies of the Mission Development Area and Mission Rural Residential Precinct, and

that it would not be inappropriate to allow a shift towards providing more for residential uptake than preserving the opportunity for ongoing farming and forestry activities (which based on PREC7-O1 and PREC7-P1 seems to be the current basis for the minimum net site area) – particularly given the sites locational advantage and connection to residential environments.

Option	Costs	Benefits
Option 1 – retain the existing 5,000m ² minimum net site area control	<ul style="list-style-type: none"> Limits the ability of the precinct to accommodate residential development close to the urban areas. Risks the efficient use of land – particularly when the majority of land is LUC 6. 	<ul style="list-style-type: none"> Applies a consistent approach to the rolling hills area of Napier west of the existing suburban extent.
Option 2 – reduce the minimum net site area control to: 1,000 m ² when connected to a wastewater reticulation network 2,500 m ² other sites	<ul style="list-style-type: none"> The focus of the Objectives and Policies of the Mission Rural Residential Precinct is enabling both both rural residential development and ongoing farming and forestry activities. Greater provision for residential development will reduce the opportunity for farming and forestry activities (but this need not be a priority given the opportunity provided by the location and the extent of other Rural Lifestyle zoned land) in the city. 	<ul style="list-style-type: none"> Allows additional residential development to be accommodated close to urban areas in respect to DEV3-O2. Optimizes the efficient use of land where there is less production capability. Manages density and openness in a similar manner as it is managed for other zones near/bordering residential development in respect to RLZ-O3. Provides a suitable site area for on-site wastewater services if not reticulated (in line with HBRC

Option	Costs	Benefits
		requirements and other zones) in respect to RLZ-O4. • Remains to be subject to an array of assessment criteria to ensure positive outcomes in respect to RLZ-O2 and RLZ-O5, and also RLZ-P4.

(Standard) SUB-S7

18 (Standard) SUB-S7 requires subdivisions within development areas to demonstrate compliance with all provisions of the relevant development area. Unlike the Te Awa and Wharerangi Development Areas however, the Mission Development Area does not contain rules and standards – only Objectives, Policies and Assessment Criteria - ‘compliance’ with which should not be within a rule framework. (Standard) SUB-S7 can be amended as follows:

SUB-S7: Development areas		
Te Awa Development Area, Wharerangi Road Development Area, Mission Development Area	1. Subdivisions within development areas must demonstrate compliance with all provisions of the relevant development area.	Refer to the provisions of the relevant Development Area

19 The changes suggested are not considered to substantially change the outcomes sought by the provisions of the Plan, rather refine plan administration and implementation. I do not consider it necessary to undertake a s32AA evaluation for these amendments.

(Standard) SUB-S13

- 20 (Standard) SUB-S13 relates to stormwater treatment and disposal and sets down specific requirements with reference to the Code of Practice for Land Development and Subdivision Infrastructure.
- 21 On the basis that HBRC Resource Consent AUTH-122957-03 has already been granted to divert stormwater from a 246-hectare residential precinct within the Mission Special Character Zone and to discharge this stormwater to land and to water, and that compliance with this is already embedded in the District Plan in (rule) PREC2-R3, it is submitted that it is not necessary for the Mission Development Area to be subject to SUB-S13.
- 22 Indeed, stormwater treatment and disposal outcomes for the area are already defined as an outcome of the previous Structure Plan process, and it is not necessary to introduce change, or impose the implications of such change in respect to costs, time and additional consenting implications on the landowner.
- 23 (Standard) SUB-S13 can be amended as follows:

SUB-S13: Stormwater treatment and disposal		
<p>All zones <u>(excluding Mission Development Area)</u></p>	<p>1. For allotments capable of containing a building, each allotment must be designed to manage the treatment, containment, and disposal of stormwater from all impervious or potentially impervious surfaces in accordance with the Code of Practice for Land Development</p>	<p>Matters of discretion:</p> <ol style="list-style-type: none"> 1. Infrastructure servicing; 2. Public health and safety; 3. 3Compliance with the Code of Practice for Land Development and Subdivision Infrastructure, and 4. Environmental benefits (including ecological benefits)

	<p>and Subdivision Infrastructure.</p> <p>2. The means for treatment, containment, and disposal of stormwater must incorporate low impact design principles in accordance with the Code of Practice for Land Development and Subdivision Infrastructure. This will include the use of swale drains, rain gardens, rain tanks, detention tanks, re-use systems, and other methods to minimise stormwater run-off.</p> <p>3. Where the means of stormwater disposal is to ground, that area of disposal must not be subject to instability, slippage, or inundation or be used for the disposal of wastewater.</p>	<p>of the proposed design for stormwater treatment and disposal).</p>
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24 The changes suggested are not considered to substantially change the outcomes sought by the provisions of the Plan, rather refine plan administration and implementation. I do not consider it necessary to undertake a s32AA evaluation for these amendments.

(Standard) SUB-S17

- 25 (Standard) SUB-S17 relates to the provision of indicative public access routes.
- 26 On the basis that the Structure Plan for the Mission Development Area already contains public pathways, it is not considered necessary to introduce additional pathways. Further, the landowner has invested in the preparation of a Master Plan and Reserves Master Plan consistent with the Structure Plan design outcomes and has already obtained subdivision consent for portions of the area. Introducing change now would result in additional costs for no specific gain in terms of end-to-end connectivity.
- 27 While it is acknowledged that (standard) SUB-S17 focuses on the implementation of public access routes rather than their identification, until decisions on the Public Access chapter are made, it is EHJV's submission that (Standard) SUB-S17 can be amended as follows:

SUB-S17: Indicative public access route		
<p>All zones <u>(excluding Mission Development Area)</u></p>	<p>1. When land is subdivided containing an indicative public access route, Council will require:</p> <p>a. the provision of an easement or vesting of land to secure ongoing public access along the proposed walkway;</p> <p>b. the minimum width of the easement or land vested in a.</p>	<p>Matters of discretion:</p> <p>1. The extent to which key feature public access corridors are compromised;</p> <p>2. Safety, attractiveness, and connectivity of streets, public access ways, and public open spaces;</p> <p>3. Public health and safety, and</p> <p>4. Ecological, landscape, and cultural values.</p>

	<p>above must be 10 m;</p> <p>c. the provision of an easement, covenant, or other legally enforceable requirement on the land title restricting buildings from locating within the public access corridor, and</p> <p>d. the provision of a legal mechanism to protect council access to the easement or vested land under</p> <p>a. above to provide for maintenance and development of the indicative public access routes.</p>	
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28 The changes suggested are not considered to substantially change the outcomes sought by the provisions of the Plan, rather refine plan administration and implementation. I do not consider it necessary to undertake a s32AA evaluation for these amendments.

Excluding the Mission Development Area from the SUB assessment criteria

29 The planning framework for the Mission Development Area was developed through a specific Plan Change process which produced a specific assessment criteria to guide development.

- 30 These are reflected in Assessment Criteria in DEV3-AC1, PREC2-AC1, PREC5-AC2 and PREC7-AC1 – totalling some 120 matters/points consider.
- 31 Given the breadth of these matters, it is not necessary to introduce additional matters, nor is it considered necessary or reasonable to essentially review the Structure Plan outcomes/requirements.
- 32 (Assessment Criteria) SUB-AC1 can be amended as follows:
- SUB-AC1: General, applies to all subdivision (including boundary adjustments but excluding the Mission Development Area).
- 33 The changes suggested are not considered to substantially change the outcomes sought by the provisions of the Plan, rather refine plan administration and implementation. I do not consider it necessary to undertake a s32AA evaluation for these amendments.

(Assessment criteria) SUB-AC1(c)

- 34 (Assessment criteria) SUB-AC1(c) seeks to limit the use of cul-de-sacs, which I generally agree with. EHJV's concern however is that the current wording is somewhat prohibitive and could discount a short cul-de-sac option where amenity and connectivity outcomes would not be compromised.
- 35 Cul-de-sac options are enjoyed by the community and should not be limited to the circumstances stated, nor should the connectivity requirements referred to be pre-requisites for each cul-de-sac.
- 36 (Assessment Criteria) SUB-AC1 can be amended as follows:
- Limiting the use of cul-de-sacs unless constrained by topography, infrastructure, subdivision layout considerations or geotechnical factors. Where cul-de-sacs cannot be avoided, they should, where appropriate and where options for the following are not in close proximity, provide pedestrian and cycle links to other streets and/or open spaces to ensure connectivity and accessibility.
- 37 The changes suggested are not considered to substantially change the outcomes sought by the provisions of the Plan, rather refine plan

administration and implementation. I do not consider it necessary to undertake a s32AA evaluation for these amendments.

Cameron James Drury

18 Novmeber 2024