

Before the Napier City Council Hearings Panel

IN THE MATTER Of the Resource Management Act 1991 (the Act)

AND IN THE MATTER Of the Napier City Proposed District Plan Hearing Stream 2 – Part 2,
Subdivision

Statement of evidence of Alison Francis, Bay Planning Limited

Introduction

1. My name is Alison Francis, I am the Director of Bay Planning Limited, based in Hastings, Hawke's Bay. I hold a Masters of Planning from the University of Auckland.
2. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and have complied with this when preparing this evidence. This evidence is within my area of expertise, except when I state that I am relying upon the specified evidence of another person. I have considered all material facts that I am aware of that might alter or detract from the opinions I express.
3. I am a full member of the New Zealand Planning Institute (NZPI). I have 20 years experience, mostly as a regulatory resource management planner, including large scale consents, notices of requirement and the management of planning teams.
4. My evidence has not been pre-circulated.

Submission 139.2:

5. The main point of my submission discussed in the 42A report prepared by Ms Mills, is the amendment to SUB-S3: Minimum Lot Sizes Rural Lifestyle Zone and to remove the average requirement from Rural Lifestyle Zone and keep the minimum lot size of 5000m².
6. I support Ms Mills' recommendation to remove the minimum average of 1.5ha and the requirement to calculate from the parent lot as at 11 November 2000.
7. The main points of my submission have not changed, but I would like to further reiterate why I made the submission:
 - a. The Rural Lifestyle Zone occupies a considerable amount of the western hills of Napier and up into Bay View. Development in these hilly areas will keep development off the highly productive land, along with flood prone land and land subject to hazards.
 - b. The release of the draft Future Development Strategy in the past few weeks has further highlighted the stresses that Napier City Council, along with their neighbour in Hastings and Hawke's Bay Regional Council have when determining where our future residential growth should happen.
8. I support the assessment carried out by Ms Mills as to why a minimum 5,000m² size is appropriate and further highlight that this minimum Lot size will allow for on-site servicing and is supported by the Council's Engineering Department (referenced in 8.1.3 of the s42A report).

Further Submissions:

FS250.210.12:

9. I submitted in support of Mr Panckhurst (210.12) who requested a definition of “flood free” in reference to building platforms in SUB-S8.
10. I concur with the assessment made by Ms Mills in her s42A report and welcome the proposed amendment to SUB-S8, noting that non-compliance with this standard elevates the consideration of the activity to Restricted Discretionary, thereby allowing for an appropriate assessment to be undertaken of the risks and mitigation measures.

FS254.124.2:

11. I concur with Ms Mills’ rejection of submission 124.2 and my further submission (FS254.124.2) with regards to enabling smaller lot sizes in the rural area that can be connected to reticulated water and wastewater to reduce to a minimum size of 3,000m².
12. Ms Mills’ justification is that 3,000m² is inconsistent with the Rural Lifestyle Zone’s purpose and there is no confirmation of availability of three waters services to support this reduction. I concur with these points and **withdraw** my further submission on this point.

FS251.189.2:

13. I submitted in support of Ms McFlynn (189.9) to amend SUB-O6 to clarify which zones within the rural areas are to be protected for rural farming activities. This submission is in line with the NPS-HPL which protects highly productive land only when in the Rural or Rural Production Zone, ie, outside of zones such as the Rural Lifestyle Zone.
14. I concur with and support Ms Mills’ assessment of this submission and the proposed changes to SUB-O6.

FS251.189.22:

15. I submitted in support of Ms McFlynn (189.22) who sought an amendment to SUB-S8 which requires the details of the extent and quantum of earthworks required to create a building platform and access.
16. Ms Mills has considered this request, and weighed it alongside that of HBRC (FS17.189.22) who opposes Ms McFlynn’s request. HBRC request that this performance standard remain in SUB-S8 as it considers that the scale and location of earthworks are important in assessing the suitability of a proposed building platform.
17. While I agree with HBRC that earthworks must be assessed, in some instances it can be that 2-3 viable building platforms are available on a property. I consider that this is an overly onerous requirement of an applicant if they are not going to install the building platform

themselves. Often times it will be the new owner of the Lot who will decide where the building platform will be located, and therefore the responsibility for design and further consenting for earthworks will fall on them.

18. Does requiring the applicant to provide the details of the “extent and quantum” of the earthworks require the applicant to also install the building platform? If not, but the consent has been granted based on the “extent and quantum” of the earthworks, who is then responsible for this part of the consent? I would welcome further discussion about this matter to ensure that this standard does not result in unintended issues for the consent holder.

Conclusion

19. Thank you to Napier City Council, the hearings panel and all officers involved in creation of the Proposed District Plan. I appreciate the time and effort you have all put in to be here today and the opportunity to allow me to come and talk to my submission. I wish you all the best for the next stages of this process.