
Submission on Napier City Proposed District Plan

Form 5 Submission on publically notified proposal for policy statement or plan, change or variation

Clause 6 of Schedule 1, Resource Management Act 1991

To: Napier City Council - Planning Unit

Date received: 15/12/2023

Submission Reference Number #:228

This is a submission on the following proposed plan (the **proposal**): Napier City Proposed District Plan

Submitter:

Berkett Commercial 2021 Limited Brendon Berkett

Address for service:

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Attachments:

H20220091_Awatoto_PDP Site Mapping.pdf

I wish to be heard: Yes

I am willing to present a joint case: Yes

Could you gain an advantage in trade competition in making this submission?

- **No**

Are you directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

- **Yes**

Submission points

Point 228.1

Section: GIZ - General Industrial Zone

Sentiment: Amend

Submission:

1.1 Berkett Commercial 2021 Ltd (BCL) owns the 4 ha Rural Zoned property at 129 Awatoto Road, Awatoto Napier. This land is within the Main Rural Zone of the operative district plan and is part of a wider HPUDS indicative allocation for future industrial zoning. Until recently, the 129 Awatoto Road land has been occupied by Berkett Earthmovers 2012 Limited, an earthworks and civil construction company owned by the shareholders of BCL.

1.2 BCL, through Berkett Earthmovers 2012 Ltd, have an in-depth understanding of the demand for and the availability of suitable zoned land for earthworks and civil construction contractor yards. This contractor use does not generally have significant servicing demands but often requires relatively large yard areas to accommodate large plant and truck and trailer units, with sufficient internal manoeuvring capacity.

1.3 In BCL's experience, there is insufficient zoned land suitable for such use available within Napier. This absence of available zoned land has resulted in the tendency of earthworks and civil construction contractors to locate in rural zones.

1.4 BCL are aware of multiple contractors that have investigated options for relocation through 2023 after being displaced by Cyclone Gabrielle or through the loss of leased land tenancies to higher value users. It is apparent that there are few opportunities for these contractors to secure viable and planning compliant sites leading to continued use of non-industrial zoned land in contravention of district plan rules and NPS-HPL provisions.

1.5 BCL are aware that the Business Land Capacity Assessment (BLCA) prepared by Market Economics, which is a supporting document to the proposed district plan, has estimated that Napier requires an additional 47 ha of industrial zoned land over the long term scenario with an additional competitiveness margin increasing the industrial land requirement to around 55 ha.

1.6 BCL are of the view that the BLCA has not suitably considered the needs of earthworks and civil construction contractors in the demand and supply estimation. This user group has specific needs for large sites with low servicing and building floorspace requirements.

1.7 The BLCA concludes that the demand for industrial land can be met through reliance on future development of the land within the Deferred Airport Zone of the Operative Napier District Plan, and does not propose implementing the indicative HPUDS allocation for industrial extension at Awatoto.

1.8 The Deferred Airport Zone land referenced by the BLCA is located at the southern end of the wider Hawke's Bay Airport complex, generally extending from Watchman Road to the Te Whanganui-a-Orotū (the Ahuriri Estuary) boundary, on the eastern and southern sides of the main runway, with a smaller area to the west of the main runway.

1.9 The BLCA cautions that the proposed industrial land supply strategy is critically reliant on the Deferred Airport Zone land being available to provide 42 ha of plan enabled industrial land supply for future industrial development. The BLCA advises that if this land is not available, there is insufficient capacity across all of the industrial environment zones and a further 30.5 ha of industrial land capacity is required to address the minimum requirements of the NPS UD.

1.10 The Deferred Airport Land is within the wider Hawke's Bay Airport Limited airport complex.

1.11 Hawke's Bay Airport Limited have lodged a Notice of Requirement (NOR) with NCC as part of the Proposed District Plan. This NOR seeks designation of the overall Hawke's Bay Airport Limited land and provides an indication of the future masterplan aspirations for the airport.

1.12 The Hawke's Bay Airport Limited masterplan proposes extension to the main runway accompanied by a (parallel) taxiway. This runway and taxiway extension would extend from the existing southern end of the runway to the southern airport boundary with the Ahuriri Estuary. The runway extension will significantly limit the area of remaining available development land within the Deferred Airport Zone and access to the western area of the Deferred Airport Zone.

1.13 The industrial land supply strategy of the BLCA and the proposed district plan is therefore incompatible with Hawke's Bay Airport Limited's aspirations for airport growth and the related operational requirements as reported in their NOR lodged with NCC.

1.14 The BLCA and proposed district plan industrial land supply strategy is therefore at significant risk of being undermined and the Council failing to meet the minimum obligations of the NPS UD for industrial land.

1.15 BCL are also aware that existing zoned industrial land will likely be affected by the updated 2100 1% 8.5 ssp/rcp coastal inundation modelling.

1.16 The updated 2100 1% coastal inundation modelling recently released by Council indicates that much of the existing Pandora industrial land will be affected by future coastal inundation. It is inevitable that this will have an impact on development and investment decisions for this affected land, with industrial land not affected by this hazard becoming comparatively more attractive, thereby focussing demand on other industrial land, effectively reducing the available supply of land.

1.17 The fragmented ownership pattern across the Pandora industrial land will make individual site mitigation measures more difficult to implement,

thereby directing a requirement for a community level intervention. The area will therefore be subject to the nature and timing of a community intervention.

1.18 On the basis of the above points that (1) the BCLA has failed to adequately consider the operational yard needs of earthworks and civil construction contractors, (2) that the fundamental reliance of the industrial land supply strategy is incompatible with the aspirations of Hawke's Bay Airport Limited as the land owner, and (3) that coastal inundation mapping will direct development and investment decisions away from the affected Pandora industrial area land, BCL object to the land of the indicative HPUDES Awatoto industrial extension not being zoned General Industrial in the proposed district plan

Relief sought

1.1 In response to the potential overall long term shortfall of zoned industrial land supply and to better provide for industrial users that require large sites with low servicing requirements, BCL seek the rezoning of the properties at 129 Awatoto Road, 133 Awatoto Road, 149 Awatoto Road, 54 McLeod Road and 60 McLeod Road to General Industrial Zone within the proposed district plan.

1.2 This proposed zoning pattern is shown at Attachment 1.

1.3 The properties are a combination of LUC 2 and 3 land, but benefit from the HPUDES indicative industrial allocation.

1.4 The title configuration provides five blocks of land that can be readily assembled to provide a single or multiple coherent development areas, or that can provide for standalone development in association with a basic structure plan. The land across the area is generally flat with limited existing development across the area that can often serve as an impediment to replacement development.

1.5 The land is at the limit of the recently release 2100 1% 8.5 ssp/rcp coastal inundation modelling, with indicated depth of generally less than 750mm across the five properties. As large parcels of vacant land, this inundation could be readily addressed by land filling to an immunity level at the time of development. This hazard does not therefore preclude realistic site development.

Point 228.2

Section: GIZ - General Industrial Zone

Sub-section: GIZ - General Industrial Zone - Rules

Provision:

GIZ-R2: Office accommodation

GIZ-R2A

GIZ-R2B

Activity Status: Permitted

Activity Status where conditions are not met:
Discretionary

Where:

1. Any office accommodation:
 - a. relates to the administration and management of an industrial or commercial activity otherwise permitted in the General Industrial Zone, and
 - b. must be limited to 35% of the gross floor area of buildings on the site.

Sentiment: Oppose

Submission:

Rule GIZ-R2A does not provide for industrial suite users that require large open yards and small office areas, with no other buildings on site. Where the office building was the only required building, regardless of the office floorspace, it would be classified as a discretionary activity.

Relief sought

Provision is required for General Industrial Zone sites to have office floorspace in the absence of other buildings on the site by

way of a minimum allowance in addition to the 35% of total floorspace allowance.

BCL therefore seeks revision of the addition of allowance for 200m² of office floorspace to GIZ-R2A 1. b., as follows (additional text underlined):

b. must be limited to the greater of 200m² gross floor area or 35% of the gross floor area of buildings on the site.

Point 228.3

Section: GIZ - General Industrial Zone

Sub-section: GIZ - General Industrial Zone - Standards Table

Provision:

GIZ-S4: Outdoor storage of materials and products (excluding storage of shipping containers)

Purpose: *to recognise the character and amenity of industrial areas and to mitigate adverse visual and nuisance effects from rubbish and/or storage areas on residential amenity and open space zones.*

1. The storage is directly related to the existing industrial activity located on the same site.
2. Any materials or products stored outside (including those which may become airborne due to wind) are secured and stored in a way that prevents materials escaping and contaminating any off-site area.
3. Outdoor storage areas, containers, or stockpiles must not provide a food source for birds or vermin.
4. The outdoor storage of materials, products, containers (excluding shipping containers), recycling receptacles, or stockpiles are located more than 1 m from the boundary of any land zoned other than industrial.
5. Outdoor storage is located more than 6 m from the top of the bank of any watercourse or open drain.
6. All outdoor storage areas or stockpiles:
 - a. must be screened from the public view and from any adjoining site in a residential or open space zone by:
 - i. a close-boarded or similar solid fence or wall of a minimum 1.8 m in height, or
 - ii. a 2-metre-wide planting strip consist of shrubs and hedge or tree plantings.
7. The storage of material likely to generate contaminated leachate is located on sealed areas and pretreated prior to being drained to the reticulated network or a treatment area.

Matters of discretion are:

1. Purpose of the standard;
2. Quality living environments;
3. Amenity values;
4. Character of the area;
5. Safety, attractiveness, and connectivity of streets and public open spaces;
6. Effects on the estuary, watercourses, and open drains;
7. The area of impervious surface and methods to avoid accidental discharges to ground or water, and
8. The control of contaminants in stormwater run-off.

Sentiment: Amend

Submission:

For clarity and in the interests of proper environmental management, point 7 of the condition list should reference the potential requirement for HBRC discharge consent for the storage of any material on a site that is likely generate contaminated leachate.

Relief sought

BCL seek the addition of a clarification advice note to condition 7 of GIZ-S4 to provide the following clarification (additional text underlined)

7. The storage of material likely to generate contaminated leachate is located on sealed areas and pretreated prior to being drained to the reticulated network or a treatment area.

Please note that discharge of contaminated leachate on a site may require discharge consent from Hawke's Bay Regional Council.

CHANGES TO PLANNING MAPS - AWATOTO

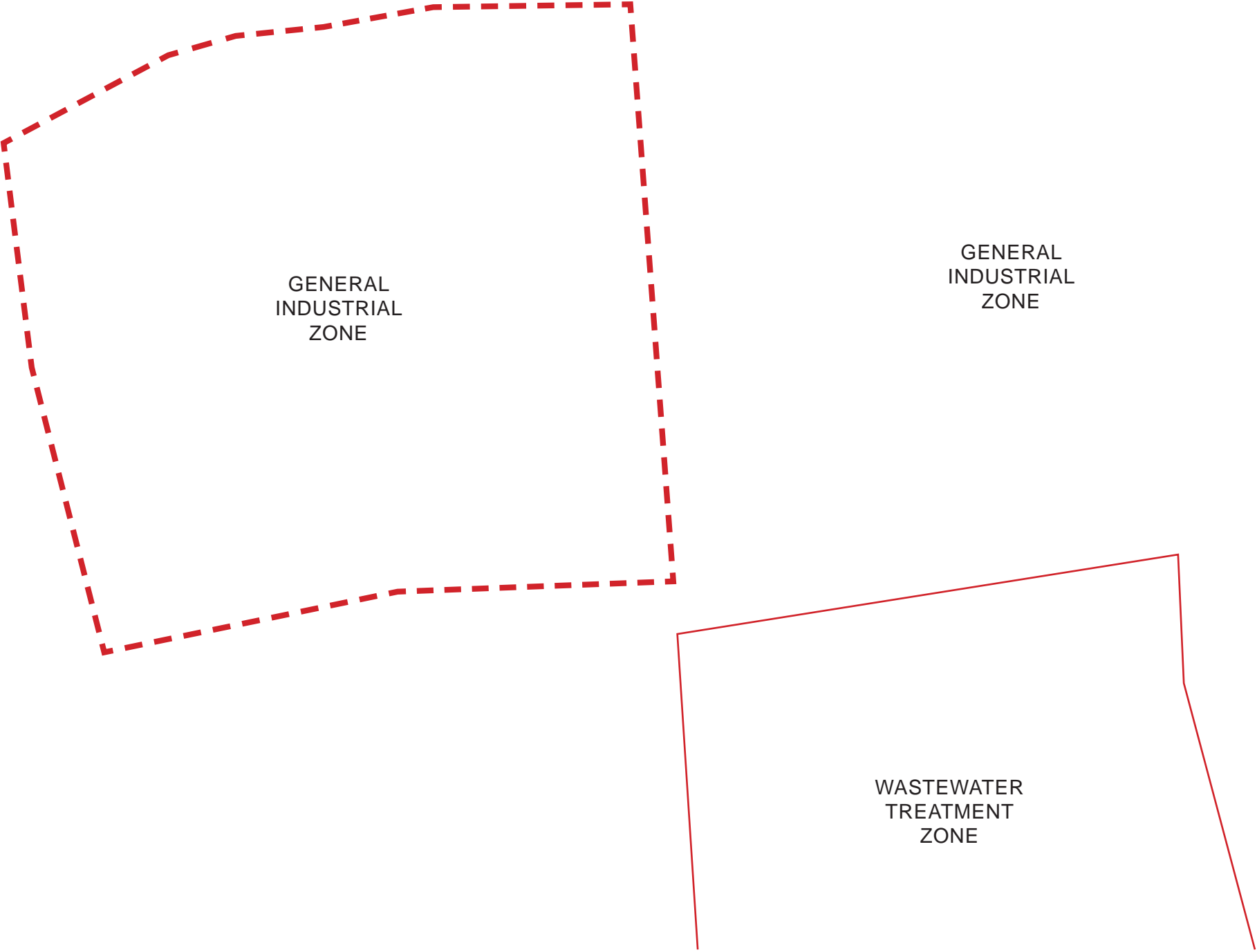
Legend

- Site
- Rural production zone
- Open space zone
- Wastewater treatment zone
- General residential
- General industrial zone

RURAL
PRODUCTION
ZONE

OPEN
SPACE
ZONE

GENERAL
RESIDENTIAL
ZONE



GENERAL
INDUSTRIAL
ZONE

GENERAL
INDUSTRIAL
ZONE

WASTEWATER
TREATMENT
ZONE

- NOTES:
- This plan has been produced for discussion purposes only.
 - Final boundaries are subject to resource consent approval
 - Easements may be necessary for cross boundary services.

15/12/2023 Revision A

Awatoto - proposed district plan changes