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## 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:** 06/12/2023

**Submission Reference Number #:**63

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

**Submitter:**

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**Address for service:**

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**Email:** taiao@taiwhenua.com

**I wish to be heard:** No

**I am willing to present a joint case:** No

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

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**Point 63.1**

**Section:** NH - Natural Hazards

**Sentiment:** Amend

**Submission:**

**PLAN VARIATIONS:**

Ko nga wahi taonga Treasured Places states -

· The Sites of Significance to Māori chapter has not been included in the draft Proposed District Plan and will be considered and added as a variation to the Proposed District Plan.

The following chapters will be notified as a Plan Variation or submissions later in the review process:

- Sites of Significance to Māori
- Natural Hazards
- Indigenous Biodiversity; as stated- this is due to the timing of the release of the new National Policy Statement for Indigenous Biodiversity and the significant change from the exposure draft, which officers were working off in preparing this chapter.

**These above three topica are very relevant chapters for Taiwhenua . Therefore NCC must provide adequate time for submissions later in the review process.**

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Taiwhenua has high interest in the District Plan's – “managing the risk of natural hazards” however, the chapter will be notified as a plan variation for later submissions due to the magnitude of Cyclone Gabrielle.

Taiwhenua are also aware that the 2023, change of government may or may not reflect change to existing National Policy statements and accordingly affect the current freshwater hierarchy of obligation priorities and/or other high level policy statements including Indigenous Biodiversity. Council has stated their intent to reassess some chapters officers were working off and hence not being able to notify the plan in full. In the view of Taiwhenua – “reassessing” by Council and any final draft plan statements should include what officers were working off and were originally proposing, what has changed and why. Taiwhenua view is that any political watering down of climate change matters (affects natural hazards) may be convenient for central government coalition agreements but only exacerbates the risk of natural hazards.

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**Relief sought**

Indigenous Biodiversity; as stated- this is due to the timing of the release of the new National Policy Statement for Indigenous Biodiversity and the significant change from the exposure draft, which officers were working off in preparing this chapter.

1.Council should not throw out exposure draft and continue to include and keep sensible conservation approaches.

Taiwhenua will add further submissions on 'Natural Hazards' when NCC provide for that in the plan variation review process.

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**Point 63.2**

**Section:** TW - Tangata whenua - Mana whenua

**Sub-section:** Mana Whenua Authorities and Representation

**Provision:**

The Council acknowledges the representation of whānau, hapū, and marae and engages with iwi authorities, hapū authorities, and corporate entities with any express mandate when they advocate for and represent the interests of whānau, hapū, and marae in all matters to do with land use. It is on this basis that effective consultation and partnership are sought to give effect to the Resource Management Act.

Five mana whenua authorities in Ahuriri Napier represent mana whenua interests for the purposes of the Resource Management Act:

1. Te Taiwhenua o Te Whanganui-ā-Orotū;
2. Ngāti Pārau Hapū Trust;
3. Maungaharuru-Tangitū Trust;
4. Mana Ahuriri Trust; and
5. Heretaunga Tamatea Settlement Trust.

**Sentiment:** Support

**Submission:**

Taiwhenua has a good relationship and collaborative approach to estuary enhancement and/or estuary risk mitigation with Mana Ahuriri Trust. It should be noted that the majority of Taiwhenua marae members and operational staff whakapapa to Mana Ahuriri. Taiwhenua reminds District Planners that Mana Ahuriri Trust. (M.A.T.) have a statutory acknowledgement area that includes the Ahuriri estuary as part of Mana Ahuriri treaty settlement including other important management committees that result directly from settlement.

**Relief sought**

For the Ahuriri estuary ensure that Mana Ahuriri participate in all matters concerning Te Whaanga as Mana Ahuriri with support of Taiwhenua continually work to conserve, restore and enhance our Estuary.

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**Point 63.3**

**Section:** EW - Earthworks

**Sub-section:** Issues

**Provision:**

EW-I1: Disturbance of ecosystems, waterways, and productive soils

Poorly managed earthworks can have significant environmental effects on waterways and ecosystems. Sediment from earthworks can enter waterways, productive soil can be lost, and existing vegetation damaged. Any disturbance to land throughout the city but particularly land that borders a stream, estuary, or any other natural ecosystem has the potential to adversely affect water quality and the biodiversity of those areas.

**Sentiment:** Amend

**Submission:**

Earthworks in regard to utility companies does not include earthwork impacts on taonga species such as tuna (eels). Earthworks undertaken by utilities may include the clearing/digging out of drains or waterways. Tangata whenua have on occasion witnessed eels being scooped out with every digger bucket of mud and water. In addition, if there are more than six eels in the digger bucket, the eels are deemed as "taken under fisheries regulations"; the digger driver is therefore contravening the fisheries regulations by "taking more than the legal daily limit of six eels".

## Relief sought

District Plan (DP) threshold must include provisions to protect taonga species (Eels) in such circumstances where a digger may unintentionally be scooping out eels.

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### Point 63.4

**Section:** AESZ - Te Whanganui-a-Orotu (Ahuriri Estuary) Ecology and Stormwater Zone

**Sentiment:** Support

**Submission:**

#### **AREA SPECIFIC MATTERS – AHURIRI ESTUARY ECOLOGY AND STORMWATER ZONE (REGIONAL PARK):**

Taiwhenua support Napier City Council commitment to a project to transform the proposed site into a public park that will result in the construction of stormwater retention areas and stormwater treatment wetlands including re-introducing indigenous fauna through the creation of ecosystems. Taiwhenua agree that these projects will contribute to achieving a resilient Napier, with opportunities to manage the increasing frequency and severity of high-intensity rainfall events and sea level rise.

Enhanced ecosystems and biodiversity will also support a more resilient future in the face of a changing climate, allowing space for habitat adjustments as the impacts of climate change are felt.

Taiwhenua advocate social procurement opportunities for local taiao nature teams whom have been long working to enhance the estuary and wider environment should not be excluded. Local teams have intimate knowledge and years of taiao experience working to enhance and protect the regions waterways through pest control programs, water monitoring, riparian planting and fencing, weed control, water quality matters and bring a “working with nature” approach to freshwater management. Such teams have ability, skills and equipment to work and participate in storm water mitigation initiatives, stormwater retention areas, stormwater treatment wetlands and reintroducing indigenous fauna through the creation of ecosystems.

Taiwhenua are undertaking water quality sampling and salt and fresh water monitoring projects in and around the Estuary and are well placed to contribute data and indicative trends to Park construction discussions\_

## Relief sought

1. Taiwhenua endorse the park project being undertaken in partnership with the Hawke's Bay Regional Council and post-Treaty settlement entity Mana Ahuriri Trust.
  2. Taiwhenua encourage NCC indicate social procurement support options for local nature teams in the development and ongoing maintenance of a public park
  3. In addition to constructing stormwater retention areas and stormwater treatment wetlands, Taiwhenua advocate for re-introducing indigenous fauna to include (separate to stormwater areas) establishment of a nursery area for flounder with appropriate substrate and habitat conditions albeit in balance with functional needs of HB airport with regard to the number or shift of any birds.
  4. Park planning to explore transfer options of short and longfin eels and other tango species to park wetlands to enable Taiwhenua and Mana Ahuriri to establish the presence of those taonga species.
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### Point 63.5

**Section:** PKA - Papakainga

**Sub-section:** Policies

**Provision:**

PKA-P1: Provision for papakāinga development on whenua Māori

Provide for papakāinga development on whenua Māori subject to adverse effects being avoided, remedied or mitigated.

*Relates to PKA-O2 and PKA-O3*

**Sentiment:** Amend

**Submission:**

Taiwhenua supports the proposed plan for developing whenua Maori for papakainga that seeks to provide greater clarity and provides for development that is sustainable and in accordance with Kaupapa Maori and tikanga.

**Relief sought**

Two years rates remission as papakainga addresses the social housing shortage

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**Point 63.6**

**Section:** WTZ - Wastewater Treatment Zone

**Sub-section:** Assessment criteria - Wastewater Treatment Zone

**Sentiment:** Amend

**Submission:**

Taiwhenua have serious concerns regarding the location of the Waste Water Treatment plant at Awatoto. Cyclone Gabrielle flooding damaged the plant causing raw sewage to be pumped directly into the sea for a considerable length of time.

An area specific matter yet to be addressed is the need for future flood protection and tsunami protection at the waste water plant.

**Relief sought**

Landscaping be implemented that minimises risk from flooding and tsunami such as stop banks surrounding the facility to enhance protection.

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**Point 63.7**

**Section:** SW - Stormwater

**Sub-section:** Issues

**Provision:**

SW-I2: Impacts on the receiving environment

Urban development in Napier involves removing natural vegetation and soil surfaces and replacing them with hard, impervious areas such as roofs, asphalt, and concrete. These surfaces prevent infiltration of rain to the earth and increase the speed at which water makes its way to the lowest point. The removal of vegetation results in reduced opportunities for plant moisture uptake, evaporation, and interception (where a plant's leaves intercept rainfall and reduce contact with the ground).

The increased prevalence of impervious areas changes many aspects of the land and can significantly impact receiving

environments. Urban activities, particularly earthworks, industry, and traffic, lead to the build-up of sediments and contaminants that make their way into the stormwater system during rain events. Impervious areas result in more run-off volume and increased velocity, which can present problems of erosion and habitat degradation in streambeds and banks, resulting in negative impacts downstream. For Napier, most stormwater is discharged to Te Whanga (the Ahuriri estuary). This estuary has significant natural, cultural and recreational values that are impacted by degradation of water quality. Urban run-off is one key contributor to water quality issues in the estuary. Unmanaged growth and development will likely result in further degradation.

**Sentiment:** Amend

**Submission:**

### **STORMWATER:**

Growth and infrastructure is linked to more stormwater runoff. Taiwhenua view is that growth and infrastructure developments increase stormwater, therefore infrastructure must include greenbelts and other options within a development and must retain more of the natural environment rather than more concrete, paved roads and impervious surfaces.

District Planning should also encourage more working with nature initiatives in stormwater drainage systems at source in the first instance.

The proposed regional park that will result in construction of the stormwater retention areas and stormwater treatment wetlands be developed with an holistic approach to stormwater management.

Taiwhenua seeks involvement with matauranga Maori nature based initiatives to improve the quality of stormwater and reduce pollutants reaching the receiving environment (te Whaanga).

#### **DEV3-O4: Ecology and stormwater management**

A series of ecological corridors of indigenous vegetation associated with a low-impact stormwater network service the residential development and integrate with the city's walkway network.

*Relates to DEV3-11, DEV3-12, and DEV 3-16*

#### **DEV3-P10: Ecology and stormwater**

Require planting and low-impact stormwater design to maintain and enhance environmental values.

Taiwhenua supports the above ecological intent, however, Taiwhenua contend that Councils do not go far enough in seeking low impact stormwater designs. In particular Council infrastructure developments consist of far too many impervious surfaces causing greater quantities of run off. Better use of landscapes with less impervious surfaces supports land to directly soak up and filter water including rain gardens and the like that helps reduce the quantity of runoff. Rather than rely solely on ecological corridors or drains to move the runoff somewhere else – reducing the quantity of run off is a first measure (dealing with storm water at source).

If we keep doing what we have always done we will keep getting what we have always got!

Taiwhenua asserts that “stormwater” is a far more pressing issue of importance than how it is currently seen. All the chemicals, heavy metals, e-coli and fuels are swept up by stormwater runoff, transported through corridors and drains and deposited in our rivers, estuaries and eco-systems that we rely on for fish/food, drinking water and recreational activities.

### **Relief sought**

- 1: The threshold for impervious surfaces in any large scale housing or commercial developments should not exceed 40% of the development site. Where this is not practicable alternative mitigation options should be added.
- 2: Rain gardens or similar ‘reducing water quantity in run off systems’ should be a development consent condition and first flush diversion systems to on site holding ponds
- 3: We advocate for Mana Ahuriri and Taiwhenua involvement in developing a long term stormwater strategy with Council that involves research and indigenous and overseas approaches to managing and mitigating effects of stormwater. Taiwhenua consider stormwater a crucial matter to be resolved and Councils long term plan is a sensible way to effectively introduce measures and increased stormwater costs over time.

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**Point 63.8**

**Section:** HRZ - High Density Residential Zone

**Sub-section:** Policies

**Provision:**

HRZ-P7: Sustainable design and infrastructure

Ensure potential public health, environmental health, and flooding effects of development are minimised, including by:

- a. restricting the maximum impervious area on a site in order to manage the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity, and amenity values are avoided or mitigated;
- b. encouraging water-sensitive design and design which reduces stormwater run-off where practicable;
- c. encouraging sustainable design in development, including optimising solar orientation and passive ventilation, and
- d. ensuring sufficient infrastructure provision and/or mitigation measures to meet demand.

**Sentiment:** Amend

**Submission:**

High and medium density housing brings other considerations of importance.

Taiwhenua have concerns that overseas examples of high density housing may place large numbers of low socio economic families into one place and as evidenced overseas may lead to associated neighbourhood social and poverty issues. Taiwhenua urge caution around potential high density housing.

In addition further waste and stormwater is generated from high and medium density housing. Taiwhenua supports water design where stormwater is concerned but contend that encouragement is insufficient.

Individual water retention areas for housing and large building developments are becoming accepted overseas however NZ lags behind in these types of stormwater management approaches. Taiwhenua propose that Napier City Council planning become inclusive of water retention responsibilities being placed on developers rather than just shifting water away to be the responsibility of eco-systems to deal with – to the detriment of bio-diversity.

**Relief sought**

eco-friendly water design should be a condition and impervious surfaces be no more than 40%.

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**Point 63.9**

**Section:** HH - Historic heritage

**Sub-section:** Issues

**Provision:**

HH-I4: Archaeology may be lost through the development/redevelopment of sites and through land use activities

Archaeology is a tangible indication of past human occupation and an important component of our heritage. Our archaeology can exist above or below the ground and, as it is often unseen, the effects of land use activities or development are sometimes not considered. The Heritage New Zealand Pouhere Taonga Act 2014 protects all archaeological sites regardless of whether or not they have been recorded by New Zealand Archaeological Association and regardless of whether they are identified in the District Plan by way of schedule or mapped on the District Plan Maps. Under this Act, it is an offence to modify or destroy an archaeological site without an archaeological authority from Heritage New Zealand. Land use activities, such as forestry, can adversely impact archaeological sites, as can redevelopment/development such as earthworks, construction of new buildings, demolition of old buildings, and seismic strengthening of the foundations of buildings.

**Sentiment:** Support

**Submission:**

Taiwhenua agree that Napier heritage values are at risk of being lost due to growth pressures etc and that manawhenua values associated with the natural, physical and spiritual environment are not broadly known.

Taiwhenua informs NCC that together we could discuss joint proposal options to better recognise and celebrate historical heritage and landscapes. Taiwhenua have tohunga (professionals) with historical expertise, stories, and access to tangata whenua sites of significance. Council has access to professionals in the Art Deco and City heritage/character areas. Both heritage streams could be further explored with potential to develop into projects that benefit Napier business and tourism.

**Relief sought**