

Your reference: RMS19006

16 September 2020

Keith Marshall
Interim Chief Executive
Napier City Council

COPY TO:
Durham Property Investments Limited
C/- Development Nous Limited
PO Box 385
Hastings 4156
Attention: Jason Kaye

Dear Mr Marshall

Submission to Application for Resource Consent RMS19006 at 16 and 38 Willowbank Avenue, Te Awa, Napier

Hawke's Bay Regional Council (the Regional Council) wish to make the following submission in respect of the proposed development at 16 and 38 Willowbank Avenue, Te Awa, Napier.

The Regional Council is directly affected by the proposal in that it adversely affects the environment. As such the Regional Council is opposed to the granting of this resource consent. The application does not meet requirements of the Regional Policy Statement (RPS) and the Resource Management Act 1991 (RMA). Specific reasons for opposing this resource consent application and potential solutions are discussed below.

Natural Hazards

Attached are the Natural Hazard Property Reports for 16 and 38 Willowbank Avenue. They show a high risk of amplification from earthquake ground shaking, a high risk of liquefaction vulnerability, tsunami inundation risk from both distant and near sources, and flood risk on the blocks in question, particularly 38 Willowbank Avenue.

The importance of considering risks from natural hazards is well established in all levels of resource management documents. Recognising and providing for the management of significant risks from natural hazards is a matter of national importance under Section 6 of the RMA. Under the RPS, Objective UD1, Policy UD10.4, and Objective 31 establish an expectation for risks from natural hazards to be avoided or mitigated. Under the Napier Operative District Plan (District Plan), Chapter 62 lays out the objectives, policies and rules relevant to the management of natural hazards. Of particular note are Policy 62.3.4., Policy 62.4.1 and Rule 62.12 which set an expectation for risks to be avoided, remedied, or mitigated, or for development to be directed away from areas known to be subject to natural hazards. We also note that under s106 of the RMA, Napier City Council may consider whether

this application should be declined or granted subject to conditions, with regards to natural hazards.

Tsunami inundation risk

Page 5 of the application correctly acknowledges the Hawke's Bay Civil Defence Emergency Management (HBCDEM) Hazard Portal¹ "identifies the site as being at risk of inundation in both distant and near source tsunami events", yet the applicant has not considered tsunami likelihoods nor consequences in any way. As shown on the attached Natural Hazard Property reports, 16 and 38 Willowbank Avenue are at risk of inundation in both near (up to 13.5 metres) and distant source (up to 5 metres) tsunami events. The tsunami inundation area up to 5 metres has a return period of approximately 250 years². The tsunami hazard for this site will have significant impacts in terms of life safety.

At this time, the application is silent on how the significant risk of tsunami will be avoided or mitigated, and instead compounds the risk. The subdivision is fenced with the only exits on the eastern/ocean side restricted by gates (see pages 6 and 43 of the application). GNS advise that a significant tsunami could arrive within 30 minutes of a major earthquake in Hawke Bay. There is no known vertical evacuation route accessible by foot from the site. It would be very difficult for 162 residential dwellings to self-evacuate using the two vehicle accesses, which will also require residents to move toward the hazard rather than away from it and inland. In addition, the applicant proposes to further compound the risk by targeting those with a greater degree of vulnerability to tsunami evacuation, e.g. those 55 and older.

We strongly recommend the applicant and Napier City Council mitigate the tsunami impact risk in accordance with RMA section 6, RPS Objective UD1, Policy 10.1 and Objective 31, and District Plan Chapter 62. The Hawke's Bay joint hazard strategy for local authority land-use planning (adopted by the HBCDEM Joint Committee³ in 2012) recommends provisions that support minimising risk to human lives including design, enhancement and protection of evacuation routes to be taken into account during new development. This includes consideration of roading infrastructure, avoiding evacuation bottlenecks and improving road layout to support evacuation. Napier City Council should also consider as a condition of consent requiring the design of the development better facilitate self-evacuation by foot or vehicle and that an evacuation plan/community response plan to be drafted and accepted by Council, with an annual audited evacuation exercise (refer to Environment Court case Kaihikatea Estate ENV-2006-AKL-001021 where this approach was used for flooding).

Liquefaction risk classified as high liquefaction vulnerability (brown zone)

There is a probability of more than 50 percent that liquefaction-induced ground damage will be; up to moderate for 25-year shaking, and up to major for 100-year shaking and 500-year shaking. As identified on pages 22 and 38, the application recognises the site is subject to

¹ <https://hbmaps.hbrc.govt.nz/hazards/>. Napier City Council are a member of the HBCDEM group.

² National GNS Tsunami Hazard NZ 2013/131 report, page 146.

³ The Joint Committee includes a representative from each local authority that is a member of the HBCDEM group. Representatives must include a chairperson or mayor of that local authority or an elected person from that local authority, who has delegated authority to act for the chairperson or mayor.

liquefaction risk and a Geotechnical Assessment Report was undertaken in October 2018. The 2018 Report finds the site is indeed prone to vertical, lateral and differential movements resulting from Serviceability Limit State (SLS) and Ultimate Limit State (ULS) design seismic events i.e. there is a high to very high risk of damage but the site is suitable for development, provided geotechnical risks are satisfactorily mitigated.

We support the application's suggestion for further geotechnical testing at building consent level to determine specific design recommendations at individual lot level (page 46) and that the "specific type of foundation will need to be confirmed for each lot"⁴. Any community infrastructure should also be designed and constructed to standards that mitigate the impacts of liquefaction. This is important to ensure that the infrastructure that supports the health and safety of the residents is as resilient as possible to reduce the impacts of natural hazards on the community. Such an assessment is supported by Ministry for Business, Innovation and Employment⁵ recommendations that in areas assigned a liquefaction category of high, "a geotechnical engineer should provide input into the design of all buildings. This should include a site-specific assessment of liquefaction issues, including assessment of new or existing subsurface ground investigations. Typically this would require information from a minimum of two deep investigations within or very close to the building footprint. Building foundations are likely to require specific engineering design or selection of the appropriate standardised foundation solution." We recommend these are included as a resource consent conditions.

Stormwater

Policy UD13 of the RPS states:

Within the region, territorial authorities shall ensure development is appropriately and efficiently serviced for the collection, treatment, disposal or re-use of sewage and stormwater, and the provision of potable water by:

a) Avoiding development which will not be serviced in a timely manner to avoid or mitigate adverse effects on the environment and human health; and

b) Requiring these services to be designed, built, managed or upgraded to maximise their ongoing effectiveness.

For all three waters infrastructure, the application intends to connect to Napier City Council services. The Regional Council, as at 15 September 2020, has not received resource consent applications in relation to 16 and 38 Willowbank Avenue.

The application states there is no detailed design or calculations presented for stormwater. The design appears to be reliant on the elements of the Te Awa structure plan, which includes utilising the large storage area via Cowshed Drain, and a new 3.97 m³/s pumping station which does not yet exist. These elements need to be addressed because the proposed subdivision is being forwarded out of sequence with the defined staging strategy of the Te

⁴ Appendix H, 'Geotechnical Liquefaction Assessment', October 2018, page ii.

⁵ "Planning and engineering guidance for potentially liquefaction prone land", September 2017, Section 6.10.

Awa Structure Plan, and as such the proposed connections are unsupported by the necessary infrastructure.

Stormwater in the area is currently serviced by the Kenny Road pumping station, operated to a rural standard by the Regional Council. Our concern is that the structure plan elements have not been implemented, and there does not appear to be any analysis showing the impact of the proposed development on the existing drainage network. The situation may be that the existing storage pond was only designed for the development on the eastern side of Eriksen Road, and until the new pumping station (or other solution) is implemented, the proposed development may have an impact on flooding in the existing developed area.

We also note that any stormwater works should be developed to comply with the Napier Stormwater Bylaw 2020. This Bylaw is one method which assists Napier City Council's legal obligation to comply with its stormwater discharge permit, issued by the Regional Council.

Our concerns may be alleviated in discussions with Napier City Council, which involve future ownership and maintenance details of the stormwater network and pumping station(s). Should these concerns not be alleviated we would expect to see an active approach to stormwater which aligns with RPS requirements to mitigate flooding and contamination (POL UD4.2) and protect water quality (OBJ21, OBJ22, POL49).

The applicants may also be required to apply for resource consent for stormwater and wastewater from the Regional Council under the proposed TANK Plan Change (see proposed Rules 19-23 and proposed changes to RRMP Rule 37), noting that 16 and 38 Willowbank Avenue are within the Napier Source Protection Zones.

Earthworks

In regards to earthworks, the Regional Council notes that the application is exempt from District Plan Chapter 52A controls by Rule 52A8 a). We recommend the following be included as a resource consent condition: 'Stormwater, earthworks and silt management plan be submitted prior to commencement of construction to be approved by the Manager, Compliance Hawke's Bay Regional Council'.

Transport connectivity

It appears a pathway is proposed on the southern and western sides of the complex. This proposed pathway connects well to existing iWay pathways coming off Hakakeke Reserve and onto Chambers Street. Further down there is also the Cross Country Drain iWay cycle trail which will connect Expressway section crossing Bill Hercock and running all the way from Harold Holt to Te Awa Ave, providing easy, mostly off-road, access to Taradale.

The application states that the target community are those 55 and older. As a result, there will be a considerable volume of elderly users wanting to connect with the trails on the ocean side and into Napier, the Cape Coast and Hastings. Marine Parade is one of the most popular sections of cycle trail in NZ and going forward needs better connectivity with urban areas. Currently all trails converge at Te Awa Ave and then it is not easy or safe to cross

Marine Parade/State Highway 2. There are two options, which are approximately 3 kilometres apart:

- Awatoto Rd – which requires crossing a 100km road at an intersection with no central safety area; or
- Ellison street crossing – this is the location of a 2019 fatality involving an elderly person.

Elderly users (like younger users) have slower reactions or less ability to judge speed and distance. An underpass somewhere between Awatoto and Ellison Street should be prioritised. The Regional Council looks forward to working with Napier City Council to develop better provision for both the urban and aging population who want to safely connect to the main trail on Marine Parade – for both reactional and transport reasons.

Closing comment

Thank you for the opportunity to make a submission to this application for resource consent. In future, please direct notification of resource consents to Chief Executive, James Palmer.

The Regional Council does wish to be heard in support of this submission, but do not wish to present a joint case with other submitters.

Regional Council representatives look forward to the opportunity to have further discussions with Napier City Council and/or the applicant (or applicant's agent) in respect of the matters raised within this submission.

The Regional Council's address for service in relation to this submission is:

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Should you have any queries with regards to the content of this submission please do not hesitate to contact Ellen Robotham, as above.

Yours sincerely



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