

**To:** *Napier Hastings Future Development Strategy Independent Hearing Panel*

**Re:** *Response to Hearing Report Recommendations re 174 and 176 Brookvale Road*

**Name of Submitter:** *Vermont Street Partners No. 4 Limited (VSP)*  
*Attn: Edward Sundstrum*

**Address for Service:** *Edward Sundstrum s 9(2)(a) &*  
*Chris Timbs s 9(2)(a)*

**Contact Phone #:** *Edward Sundstrum – s 9(2)(a)*  
*Chris Timbs – s 9(2)(a)*

**Date:** *24 March 2025*

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## 1. Introduction

Vermont Street Partners No. 4 Limited (**VSP**) submitted a request to include 174 and 176 Brookvale Road in the Napier Hastings Future Development Strategy (**FDS**) (see **Attachment 1**). This document supports VSP's presentation to the Independent Hearing Panel on 25 March 2025.

## 2. Hearing Report

The Hearing Report has recommended no change to the site's non-inclusion in the FDS. This appears to be based on the following key issues:

- Urban boundary concerns – The site lacks a clear and defensible boundary.
- Highly productive land – issues raised in a peer review of Ian Hanmore's assessment.
- Stormwater management – Concerns about onsite stormwater management and potential downstream impacts.
- FDS Objectives – The site's inclusion is deemed contrary to objectives for protecting productive land and maintaining a compact urban form, likely referring to Objectives 2<sup>1</sup> and 6<sup>2</sup> in Section 7.2 of the Draft FDS.

VSP respond to each issue below.

1 "2. We have a compact urban form, focussed around consolidated and intensified urban centres in Napier and Hastings."

2 "6. The highly productive land of the Heretaunga Plains is protected for productive uses."

### 3. Defensible Urban Boundary

- The concerns are overstated and ultimately misguided. The edge of an urban area is not uniform, and necessarily moves over time as an urban area grows and expands to provide additional housing capacity, which is clearly required within Havelock North and the wider study area as outlined in the FDS documentation.
- Speculative commentary about the inclusion of the site enabling potential urban expansion westward,<sup>3</sup> should be disregarded as it fails to properly consider the realities of the proposal.
- The Hearing Report considers that to shore up a strong urban edge, a 30 metre minimum man-made buffer would be necessary.<sup>4</sup> This is exactly what VSP intends to incorporate to provide an appropriate buffer to the adjacent Plains Production Zone.
- Here:
  - The stream to the north clearly represents an existing natural feature that can be utilised to create a strong urban edge boundary with an associated buffer to rural uses, which also provides opportunities for ecological enhancements, public space amenity and outlook – see **Attachment 2**.
  - Landscaping can be used to create a horizontal and vertical buffer to the south-east. Due to its southern location, it will have limited shading effects. It will also connect to the existing council reserve to the west. This is alluded to in the Hearing Report as an acceptable solution for the Summerset in the Vines development.<sup>5</sup> A green edge has also been used on the Arataki extension. There is ample space on this site to accommodate a similar mechanism – see **Attachment 2**.
- Relevantly:
  - The Environment Court has previously accepted that a natural urban boundary including a stream, escarpment and or planting, can offer a more coherent and defensible urban boundary opposed to a road due to careful treatment of such natural features.<sup>6</sup> i.e., the use of streams, reserves and planting is appropriate.
  - The Heretaunga Plains Urban Development Strategy 2017 determined that a natural or artificially created urban boundary was appropriate and, is in some circumstances, a more definitive and defensible boundary than a road.<sup>7</sup>

3 Hearing Report at 122.

4 Hearing Report at 124.

5 Hearing Report at 124.

6 *Monk v Queenstown Lakes District Council* [2013] NZEnvC 12, at [97].

7 Heretaunga Plains Urban Development Strategy - 2017, at 40 (Wall Road), 41 (Kaiapo Road), 42 (Akina Extensions, Howard Street and Lyndhurst Road).

- The Draft FDS and Hearing Report have accepted that urban boundaries can be made more defensible by the utilising reserve access strips,<sup>8</sup> and sites have been included where part of the boundary includes a water race and a tree line.<sup>9</sup>
- VSP have demonstrated that the site presents a unique opportunity for urban development, and that there are readily available solutions to provide for a defensible urban boundary that has been successfully utilised elsewhere and which are consistent with other Council decisions.

#### 4. Productive land & NPS-HPL

- The Panel has before it, site specific Land Use Capability assessments from independent experts Mr Ian Hanmore and Mr Ian Milner,<sup>10</sup> along with a further peer review response from Mr Hanmore, which was commissioned to review and respond to the concerns raised in the Council's peer review. Mr Hanmore's response is provided in **Attachment 3**, and includes the results of additional soil sampling and analysis.
- These expert assessments confirm that:
  - The versatility of the land is significantly limited by its physical characteristics, which are a permanent constraint to its productive use.
  - The productive capacity of the land is constrained by compromised and degraded soil or previous development on the site.
  - The sites do not have highly productive potential.
- Mr Hanmore's detailed assessments and supplementary peer review response should be preferred over the Council's peer review, which comprised a brief desktop study, no on-site verification, and involved that peer reviewer making comments on hypothetical future development scenarios beyond the site which are out of scope.<sup>11</sup> It appears to adopt an extremely strict interpretation of the NPS-HPL, that all LUC3 land needs to be retained for primary production.
- Further, the Hearing Report:
  - Makes claims that the "non-productive" component of the site could be subdivided off, and the remaining area amalgamated and able to be farmed. This is a fanciful scenario that relies on a third-party owner of the site, making it neither logical nor feasible.

8 Hearing Report at 114-115.

9 Hearing Report at 115-116.

10 Mr Milner's LUC assessment was peer reviewed by Mr Brent Clothier (for the Council) on 22 November 2023. Mr Clothier agreed with Mr Milner's findings. Mr Clothier's peer review is provided as **Attachment 4**.

11 Council's peer review at e) on page 5 of Appendix 9 of the Hearing Report.

- Supports including HN3a and HN3b at Middle Road despite their LUC-2 soils. VSP seeks a consistent approach, as the Brookvale Road site contains LUC-3 soils of lower productive value, with evidence showing diminished productivity.
- Makes statements about potential future development scenarios that lack any evidential basis, are speculative and are internally inconsistent.<sup>12</sup>
- As an aside, VSP highlight that the Save the Plains Group submission acknowledges the subject site as a good alternative for further development, noting that productive soils on the site are “now gone.”<sup>13</sup>
- VSP maintains that the NZLRI mapping of LUC-3 should not prevent the site’s inclusion in the FDS as:
  - The site-specific expert assessments of Mr Hanmore and Mr Milner should be preferred over the desktop peer-review of the Council.
  - Given the permanent and long-term constraints on the economic use of the land, it is appropriate to depart from the need for that land to be retained for primary production purposes.
  - The review of national direction in the NPS-HPL and Parliaments signalled removal of LUC3 from protection<sup>14</sup> leads to a logical conclusion that LUC3 on the Site is not a barrier to the inclusion of the Site within the FDS.

## 5. On-site Stormwater Management

- Engineering firm Maven Associates (**Attachment 5**) confirms the site has sufficient space for stormwater attenuation and treatment in line with Council standards, avoiding or mitigating downstream impacts.

## 6. Consistency with the relevant FDS objectives

- The inclusion of the subject site in the FDS represents a natural extension of the northeastern edge of Havelock North, creating a defensible urban boundary as identified above. Development within the site will therefore promote a compact urban form around the existing urban centre of Havelock North.
- Relying on the assessment of Mr Hanmore, the subject site is not considered highly productive land in an overall sense, as it has been compromised by existing use and overstated extent of

12 Hearing Report at 123.

13 See page 8 of the Save Our Plains Submission on the FDS. Full quote – “*The old “Mushroom Farm” site on Brookvale Rd. Water course creates defensible boundary for this site with poorly drained soil that has limited productive value and through further negative modification through historical construction and activities, these soils are now gone.*”

14 See Cabinet Economic Policy Committee “Minute of Decision - Work Programme for Reforming the Resource Management System” (7 February 2024) ECO-24-MIN-0022, at [18.5] and Appendix 1.

LUC3 categorisation. Therefore, the highly productive land of the Heretaunga Plains will be protected for productive uses.

- VSP note that there are a total of 12 objectives as part of the Draft FDS. The inclusion of the subject site will help achieve a number of these objectives including:
  - The site is free of identified natural hazards, and therefore will be resilient to the effects of climate change and risk from natural hazards
  - There is ample space on site for a comprehensive master planned community, and VSP is motivated to deliver a diverse range of typologies to promote housing choice for the community
  - The site has ideal accessibility noting proximity to Havelock North and associated physical and social infrastructure, including possible extensions of public and active transport.
  - There are existing natural features (e.g., streams) on the site that can be protected and enhanced through development of the site.

## **7. Conclusion**

- Overall, VSP continue to seek the inclusion of the subject site in the FDS.
- Within the above summary, attachments and associated presentation, VSP have demonstrated that all of the key issues identified in the Hearing Report can be adequately addressed.
- The site represents a unique opportunity for the future growth of the area. VSP are a motivated and experienced developer, and are committed to pursuing development of a comprehensive master planned community on the site that promotes housing choice and capacity, accessibility and environmental protection and enhancement. The inclusion of this site within the FDS is a clear and logical decision based on the available evidence and information.



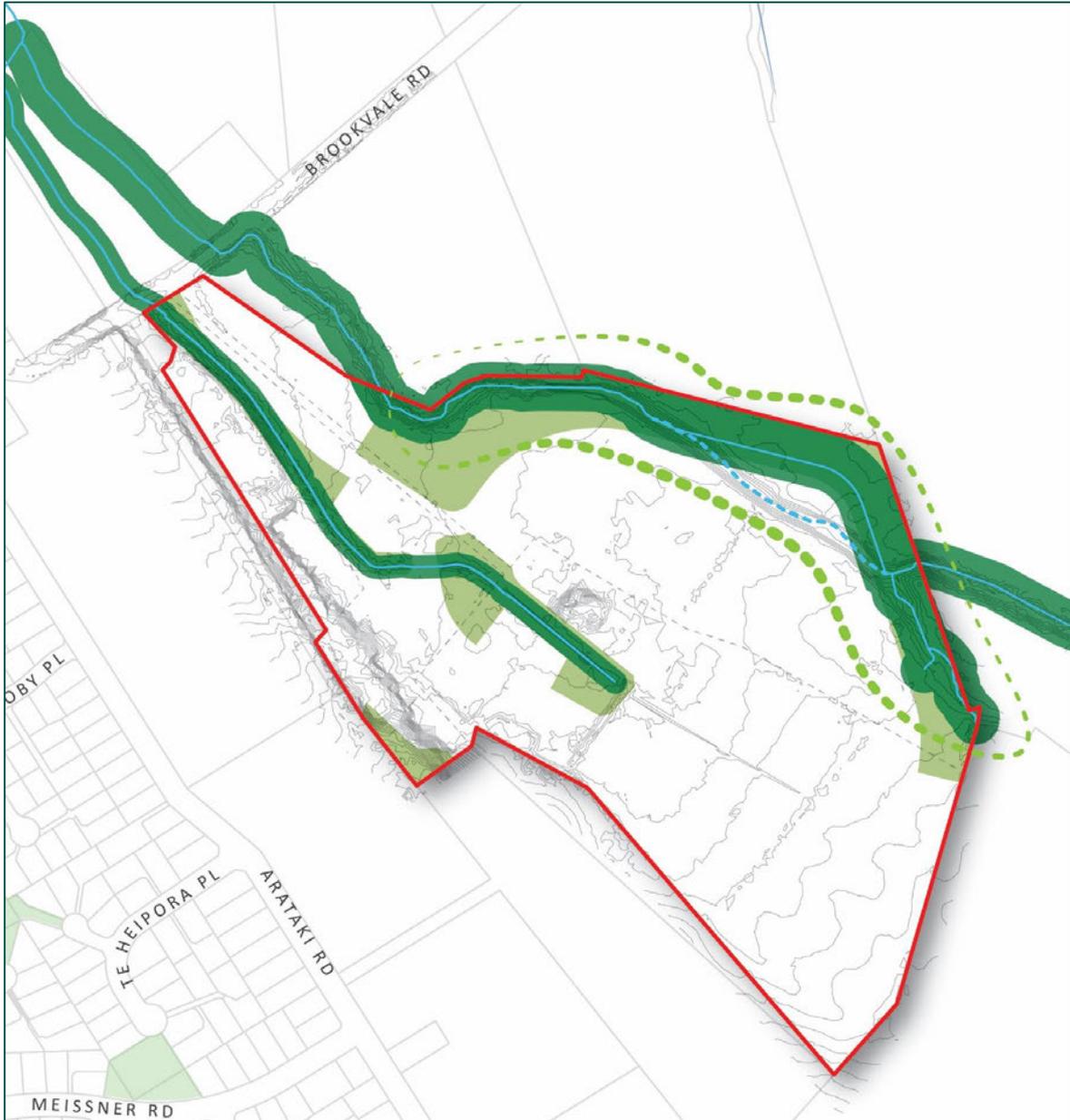
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**Attachment 1 – VSP Submission on the Draft FDS**



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## **Attachment 2 – Defensible Urban Boundary Imagery**



The northern stream provides an existing natural feature that can be utilised to create a strong boundary / buffer between rural uses to the north.



**A landscape buffer can be utilised around the south east to provide a further edge to the development. This will tie in well to the existing council reserve to the west.**

**Attachment 3 – Ian Hanmore Response to Hearing Report peer review**

## HANMORE LAND MANAGEMENT

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Hanmore Land Management Limited (HLM) is a specialist land management and environmental consultancy. I am the Director and have been a consultant in this capacity for 17 years and have worked throughout New Zealand. As part of my work, I carry out soil and land use capability (LUC) assessments and mapping. This work involves detailed soil and LUC surveys to map soils suitable for horticultural and specific horticultural crops, to identify prime, elite, high class and highly versatile soils and Highly Productive Land.

I hold a Master of Applied Science – Natural Resource Management from Massey University, I am an approved competent mapper for the National Environmental Standards for Plantation Forestry Erosion Susceptible Classification with MPI, I have an Advanced Nutrient Management Certificate from Massey University and am a member of the New Zealand Association of Resource Management, the New Zealand Institute of Primary Industry Management and the New Zealand Society of Soil Science.

## RESPONSE TO PEER REVIEW

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I have replied to a number of points raised in the peer review<sup>1</sup> of my soil and resource reports completed for Vermont Street Partners for 174 and 176 Brookvale Road, Havelock North. These points have been reproduced and highlighted in italics with my response below. I have also made some general comments that apply to the review of both reports.

### General Response Pertaining to both Reports

As the review is purely a desktop exercise the reviewer should only be reviewing the content of the report and is not in the position to be referencing possible productivity of neighbouring sites when they have no site data on which to base their comments. In contrast direct field observations have been made at the site and recorded in the report and as such should be given priority.

The reviewer noted in comment b) for both reviews that a soil point map would have been useful. The scale of mapping used in the site survey was discussed in sections 2.0 and 4.2 of my reports where the number of observations per hectare was stated. However, the reviewer's point is acknowledged and soil sample points have been included on the soil maps attached to this memo.

For the purpose of these reports the soils at the site are described from a productivity/LUC assessment perspective highlighting their limitations and therefore the LUC class in which they

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<sup>1</sup> Draft Napier- Hastings Future Development Strategy: Review of Submissions Impacting Soils / Highly Productive Land dated 11 March 2025.

fit. This in turn serves as the foundation on which a productivity assessment can be made. It is not focusing on the negatives and/or giving an unbalanced overview.

The terrain of the sites is described in section 3.0 of the reports with specific descriptions included in the LUC description table for each unit mapped.

### 174 Brookvale Road

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*A). However, more information needs to be provided on the actual soil and land characteristics as per Soil Description Handbook (Milne et al, 1995).*

The Soil description Handbook is not the correct handbook to be using in this circumstance. The purpose of compiling the Soil Description Handbook referred to by the reviewer is stated by Milne et al 1995 in the first sentence of the introduction. It states:  
*This handbook was compiled to provide standardised methods and defined terminology for the description of soil and site features.*

As such, the book is primarily used by pedologists when describing soil profiles. The purpose of the reports completed by HLM however is to address the issue of Highly Productive Land (HPL) at the sites in question. This classification is based on Land Use Capability (LUC) classes not scientific soil profile descriptions. It therefore follows the methodology described in the 3rd Edition of the Land Use Capability Survey Handbook (Lynn et al 2009) not the Soil Description Handbook. Certain aspects of the soil description handbook relevant to the LUC classifications and the productive potential of the site are used during an LUC assessment and include information such as soil structure, texture, and colour and hydromorphic features. A full pedological description of the soil profiles is not required to make LUC classifications.

*D) ....Title 2, this is still predominately under an agricultural land use and based on the surrounding land use could be intensified agriculturally.*

This assumption is incorrect. As noted in my report in Sections 3.1 and 5.2.2 the soil on Title 2 is slightly to significantly degraded, most likely due to over cultivation. In other words, it cannot sustainably support the current or previous land use(s). As such, any further intensification will increase the rate of soil structural degradation. This is supported in section 5.3 of both of my reports by the LUC classification of the southern Hawkes Bay – Wairarapa Region by Noble (1985) where he states that the 3w 2 unit is more suited to intensive grazing than cropping due to the impeded drainage.

The surrounding land use cannot be used to determine that the subject sites could be intensified agriculturally. Without a proper site survey there is no way of knowing what condition the soil is in or even if the surrounding area has the same soils and limitations as the subject sites. Furthermore, the reviewer has ignored my onsite findings of soil structural

degradation under the current land use practices and based on a desktop observation states that further intensification is possible.

### 176 Brookvale Road

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*A). Furthermore, some areas were not surveyed due to horticultural spraying at time of visit, and this is a major flaw in the assessment methodology. These inconsistencies detract from the quality of the report.*

I accept that it was not ideal that all areas of the site could not be sampled due to spraying at the time of the site visit. I do not however accept that it was a major flaw in the quality of the report. When mapping LUC not every observation requires a soil profile to be dug and described. However, to be thorough and address any concerns a second site visit was carried out to complete soil sampling in areas that were not sampled on the first visit. With the results shown in the map accompanying this memo. It should be noted that no alterations to the findings of the original soil or LUC mapping were necessary following the second site visit. Sampling during the second visit found soil stoniness and gravel within the profile mostly occurred on the north-western half of the site with a subsoil pan to firm to auger by hand frequent encountered on the south-eastern half of the site. It also confirmed mottling and gleying starting at approximately 200-500mm in all profiles.

*B). A site visit and two soil profiles are presented in the submission documentation. Observation holes need to exceed 400 mm as a limiting layer was not noted in the description*

The two profiles are typical descriptions of the soil types located at the site see paragraph 5 section 3.1 of my report. In paragraph 1 of section 3.1 of my report I describe the gravel layer and pan observed in the soil profiles at the site and highlight the fact that these could not be penetrated with a spade or handheld auger.

*C). The LUC states limitations such as stoniness and drainage which are modifiable, as it is feasible to reduce their impact on production (see surrounding land uses).*

When making an LUC assessment it is assumed that any modification or removal of physical limitations to sustainable production have been carried out (Section 3.3.5.2 of the LUC survey handbook). As such, the 3w 2 classification assumes drainage has already been carried out but even with drainage installed there still remains a moderate limitation to arable use due to soil wetness resulting from impeded internal drainage.

The surrounding land use cannot be used as a measure of the productivity potential of the site as we have no idea what condition the soil is in or if it has the same soils and limitations as the subject sites. It should be noted though that maize production is a significant land use surrounding the sites with the closest apple orchard approximately 1km along Brookvale Road.

*D). Many of the stated limitations are caused by anthropogenic decisions or could be reduced under proper management / interventions.*

The proper management the site requires is for it to be used within its productivity capacity as highlighted under the Land Use Suitability column within the LUC description tables. Intensive or continuous cropping is outside of the sustainably capacity of the physical resources of the site as is evident by the degraded soil structure.

*E). This land could be used productively if properly managed.*

My assessment of the productive potential of the site is based on soil observations at the site and site specific, LUC classifications. The statement of the reviewer appears to be no more than an opinion based on looking over the fence at what is growing next door.

## CONCLUSION

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I have reviewed and provided detailed responses to the matters raised by the Peer Reviewer. I consider that the underlying conclusions in my initial assessments remain valid and supported by detailed on site investigations. As such, I continue to consider that the actual extent of LUC-3 on the subject sites is much less than mapped in the high-level NZLRI mapping and that the sites do not have highly productive potential. Overall, the versatility of the land is significantly limited by its physical characteristics, which are a permanent constraint to its productive use.

Date:24/03/2025

Ian Hanmore  
Hanmore Land Management Ltd

## 174 Brooksdale Road Soil Map



## 176 Brooksdale Road Soil Map



**Attachment 4 – Mr Clothier’s peer review of Mr Milner’s LUC assessment**

## **Peer Review: Exemption Assessment, Te Mata Mushrooms Ltd (RMA20230222)**

I have been requested by Hastings District Council to provide a peer review of the report by LandVision (Millner, 2023) on an Exemption Assessment from the National Policy Statement for Highly Productive Land (NPS-HPL) by Te Mata Mushrooms Ltd (RMA20230222). The review also covers the report by Mitchell Daysh (2023) on the Resource Consent Application for a Land Use Consent for various non land-based activities to temporarily reuse the existing buildings and land space. My peer review and key findings are provided below.

## **Peer Review by BRENT EUAN CLOTHIER**

### **Qualifications and Experience**

1. I am a Principal Scientist with the Crown Research Institute (CRI) of Plant & Food Research Ltd based in Palmerston North. I work in the areas of soil science, nutrient management, water management, natural capital valuation, land-use policies and regulations, plus environmental measurement, and modelling.
2. I hold a B.Sc (Hons, First Class) [1974] from the University of Canterbury, a Ph.D. [1977] from Massey University, and a D.Sc. [2002] from Massey University. I was elected a Fellow of the Royal Society of New Zealand Te Apārangi in 1994. I was elected a Foreign Member of the Chinese Engineering Academy in 2019. I am currently the President of the Royal Society Te Apārangi (2021-2024).
3. I have previously acted as an Expert Witness for the Hastings District Council (HDC) in appeals by Bunnings Limited (ENV-2009-WLG-0182) Endsleigh Cottages Ltd (ENV-2018-WLG-000059) and AL & JH Maurenbrecher and DJO & HA Evans (ENV-2019-WLG-000120)
4. I have also provided several professional opinions for the Hastings District Council on various land-use resource consents.

### **Material relied upon**

5. In relation to the current request, I have read the following documents:
  - Review of Land Class: Te Mata Mushrooms Brookvale Road Site. 2023 Ian Millner, LandVision. pp15.
  - Land Use Consent to Reuse Existing Buildings for Various Activities, 174 & 176 Brookvale Road, Havelock North. 2023. Mitchell Daysh, pp80.
  - National Policy Statement for Highly Productive Land (NPS-HPL), Ministry for the Environment, Sept. 2022. pp16.
  - National Policy Statement for Highly Productive Land: Guide to Implementation, Ministry for the Environment, March 2023. pp75.

6. In relation to the interpretation of Clauses 3.4, 3.9, and 3.10 of the NPS-HPL I have also communicated with:

- Asher Davidson, Legal Counsel
- Janeen Kydd-Smith, Consultant, Sage Planning Ltd.

### Scope and Aim of Review

7. The purpose of this review is to consider, to the extent that it is within my area of expertise, whether I agree with the view expressed in the Review of Land Class by Millner (2022) that:

- Site specific analysis of the land on the site shows that the proposed re-use of buildings and yard area will have no effect on the productive capacity of the area, or the wider site.
- The proposed temporary activity fits within the exemptions through permanent or long-term constraints as provided for in Clause 3.10 NPS-HPL.

8. It is important I record that my report is simply information to be taken into account by the Council in its decision-making role when applying the NPS-HPL – it is not my role to be making decisions about the interpretation of statutory documents.

### Background – Mitchell Daysh (2023)

9. The application is for a resources consent of a:

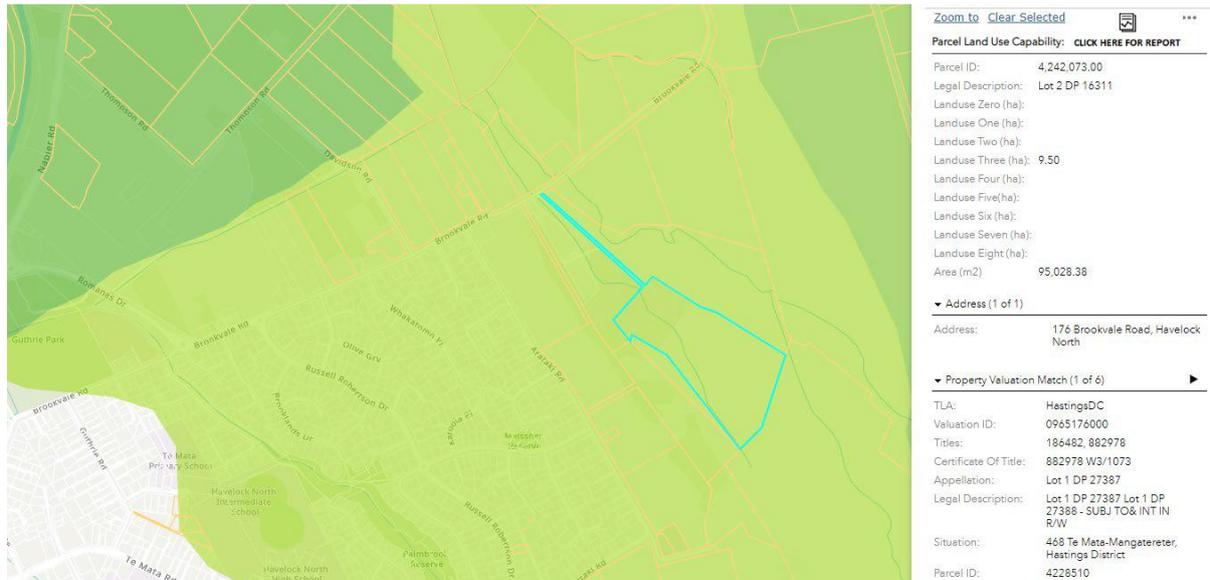
- *Land-Use Consent for various non land-based production activities to temporarily reuse the existing Mushroom Production buildings and yard space on site (Mitchell Daysh, Form 9, Clause 1).*

10. An aerial view of the site is given here as Figure 1 (from Mitchell Daysh, 2023).



**Figure 1. An aerial view of the Te Mata Mushrooms site (from Mitchell Daysh, 2023)**

11. Mitchell Daysh (2023) note that mushroom processing operations ceased at the site in 2022, and that the consent application is for 4 years while the Future Development Strategy (FDS) is completed. The activity only relates to existing buildings and yard, and the scale and intensity of the operation will be less than the earlier mushroom processing operations (Clause 1.1, Mitchell Daysh, 2023). The balance of the land on-site, will continue to be used for agricultural production and the dwelling will remain residential, as permitted already under the Hastings District Plan (Clause 4, Mitchell Daysh, 2023).



**Figure 2. The 1:50,000 Land Use Capability (LUC) map of the area from the New Zealand Land Use Inventory (Source HBRC Map & GIS; from Mitchell Daysh, 2023). The dark green (upper left) is LUC1, the mid-green (upper right) is LUC2, and the central zone of light green is LUC3.**

12. Based on the existing 1:50,000 Land Use Capability maps of the Hawke’s Bay Regional Council (HBRC) the site falls within class LUC3 (Figure 2). As such, under the National Policy Statement for Highly Productive Land (NPS-HPL) it is classed as ‘Highly Productive Land’, and Policy 4 seeks that *“The use of highly productive land for land-based primary production is prioritised and supported”* and Policy 8 requires that *‘Highly productive land is protected from inappropriate use and development’*.
13. Clause 3.9(2) in the NPS-HPL lists an exemption for highly productive land when *“... it is small scale or temporary land-use activity that has no impact on the productive capacity of the land”*.
14. Clause 3.10(1)(a) of the NPS-HPL provides an exemption where all of a number of criteria are met. It is outside my area of expertise to comment on all of those, however I am able to comment on whether *“... there are permanent or long-term constraints on the land that mean the use of the highly productive land for land-based primary production is not able to be economically viable for at least 30 years”*.

15. LandVision (Millner, 2023) "... intended to provide clarity regarding the Land Use Capability (LUC) under the built portion of the property" (Section 2).
16. The report begins with a historical perspective. In Section 3 it is noted that "... the country was mapped [for LUC] to a 1:50,000 scale between 1978 and 1982. And "... due to the scale of mapping non-productive areas were included within the LUC system".
17. And "... the Te Mata site, while clearly being non-productive since 1967, was mapped as Class 3 land within the LUC system." (Section 3, *loc. cit.*).
18. LandVision (2023) carried out two site investigations, as they were "... sceptical about the distribution of the currently mapped LUC units" (Section 4, *loc. cit.*).



**Figure 3. The proposed management blocks of the Te Mata Mushrooms site used in Millner (2023) for on-site assessment of Land Use Capability (LUC) class (from LandVision [Millner], 2023).**

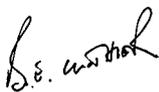
19. The second site investigation carried out a detailed soil and land-use capability survey across 10 land-management blocks on the Te Mata site, as shown here in Figure 3.
20. LandVision resolved that 9 of these blocks were classed (in their terminology) as being 'non-productive' land, which in the sense of the LUC Handbook (Section 1, para 1) would mean "... land [having **no**] properties that determine its capacity for long-term sustained production". On the second-to-last page of their report, LandVision explains their classification of 'non-productive' as being "... simply because the site is highly modified with no actual soil". For the tenth block of the Covered Terraces, most of the land was found by LandVision to be 'non-productive', although a small area of about 3000 m<sup>2</sup> was deemed to be LUC IVs2.
21. LandVision (2023) found that although the site had been developed for non-primary production purposes since 1967, it was classified in the 1:50,000 map (1978-82) as being LUC3. LandVision

(2023) adds that even before the 1:50,000 mapping, the site had been highly modified “... *with no actual soil*”. LandVision (2023) provides profile pictures of this absence of soil.

22. LandVision (2023) concludes that the site has no primary production value and that in relation to exception Clause 3.9 (2) (g) in the NPS-HPL, that this “... temporary land-use activity [will] have no impact on the productive capacity of the land.
23. In relation to the NPs-HPL exemption Clause 3.10 (1) (a), since entire soil profiles have been removed previously, and replaced with gravel and concrete over 50 years of consented development, that the land now “... *is simply not feasible to rectify*”, such that the constraints are long-term or permanent.

## Review Conclusions

24. I agree that, while the site is mapped as LUC3 at a regional scale, a more detailed examination of the site indicates it has no productive capacity at present, due to its historical development.
25. In terms of the matters on which I have been asked to comment:
  - For the purposes of cl 3.9, I agree that the proposed land-use activity will have no impact on the productive capacity of the land. This is because despite its mapping as LUC3, in reality it has no productive capacity as defined by the LUC Handbook. However, I cannot comment on whether the proposed activity meets the requirement that it is “temporary” as this is outside my area of expertise.
  - For the purposes of cl 3.10, I agree with LandVision’s assessment that there are permanent constraints on the land that mean it is not able to be economically used for land-based primary production for at least 30 years. This is because historical development has effectively removed any productive soils and the land is no longer considered suitable for land based primary production.
  - I also consider that the proposed use will avoid any significant loss of productive capacity of highly productive land in the district, on the basis that the land has no existing productive capacity.
  - It is outside my area of expertise to comment on the remaining criteria in cl 3.10 that must be met to warrant an exemption under the NPS-HPL.



Brent Clothier, 22 November 2023



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**Vermont Street Partners**

**Attachment 5 – Maven Associates Memo**

21 March 2025

Attention: Edward Sundstrum

Managing Director, Vermont Street Partners No. 4 Limited (VSP)

174 & 176 Brookvale Road – Civil Engineering Memo in Response to Stormwater Matters within the Draft Napier Hastings Future Development Strategy (FDS) Hearing Report

Dear Ed,

Further to your request, please refer to this short memo which addresses the civil engineering matters raised within the FDS hearing report as they relate to the subject site (174 and 176 Brookvale Road) and VSP's associated submission. The key civil matters outlined in the hearing report related to downstream stormwater effects, and the implied difficulty in providing attenuation and/or treatment for stormwater discharge.

Maven Associates have prepared a high-level civil engineering design in support of the masterplan being prepared separately for the future potential development of the subject site. This design includes earthworks, roading, stormwater, water, and wastewater drainage. In summary, we are of the view that the site can be developed for the intended residential use sought in VSP's submission on the FDS. This memo only intends to focus on the specific stormwater concerns raised in the FDS hearing report.

The site features two existing streams. Stream 1 (which essentially forms the northern boundary) features a catchment of 263ha and has a 100yr peak flow of 31m<sup>3</sup>/sec. The smaller stream located within the centre of the site has a smaller contributing catchment area (59ha) and would have a peak flow of 8.5m<sup>3</sup>/sec. Both existing streams and their resulting 100-yr flows have been accommodated within the civil design, and the extent of flooding will be contained within the stream margins, and away from any future lots and/or roads.

New public stormwater networks would be constructed in support of any future development. These networks would be designed in accordance with Section 2 of NZS 4404:2010 Stormwater design and construction standards of the Hastings Council ECOP 2020. Whilst further detailed design is required, there is sufficient fall within the site to enable disposal of future stormwater to the two streams contained within.

As required, treatment will be provided for all trafficable areas. Whilst the final design will likely be subject to future resource consent approvals, it is assumed that this would be provided through a combination of raingardens and or wetlands. These devices will provide treatment prior to discharge into the streams.

As to ensure there is no downstream effects, stormwater attenuation will be provided in support of any future development. This will attenuate peak flows to 80% of the pre-development for the 2, 10 and 100-yr events. This will result in reduced runoff from the existing condition and will ensure downstream effects are avoided. The final attenuation design will be subject to detailed design and consultation with Hastings District Council.

Finally, the location of the attenuation and treatment devices have been developed in accordance with the project ecologist. The devices will be located within proximity to the streams, as to ensure flows are maintained within their respective stream lengths. In our view, the green buffer or corridor around the northern edge of the site is a sensible place to include the attenuation devices, and this can further aid the desired outcome of creating a clear boundary between the intended development and horticultural land on the other side of the stream.

Overall, noting our existing analysis to date, we are confident that there is sufficient space to accommodate stormwater attenuation and treatment devices in accordance with Council standards on the subject site, and that these will adequately avoid or mitigate potential adverse downstream stormwater effects.

We trust the above is useful, please feel free to contact the undersigned if required.

A handwritten signature in blue ink that reads "Barry Beaurain".

Barry Beaurain

Civil Engineer

Maven Associates Limited

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