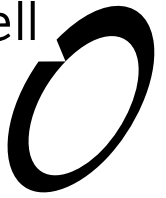


Boffa Miskell





New Plymouth District Council Plan Change Hearing Commissioners

S42A Report on Proposed Private Plan Change 49: Johnston Street, Waitara
Rezoning
Prepared for New Plymouth District Council

30 October 2020



Document Quality Assurance

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OFFICER'S REPORT FOR: Independent Commissioners
Stephen Daysh and James Whetu

SUBJECT: Proposed Private District Plan
Change 49 – Rezoning of land at
Johnston Street, Waitara from
Rural Environmental Area to
Residential A Environment Area
and Open Space B Environment
Area with specific provision for
subdivision and development of
110 lots.

PREPARED BY: Charles Horrell and Hamish
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REVIEWED BY: Juliet Johnson
Manager Planning
New Plymouth District Council

REPORT DATE: 30 October 2020

HEARING: Commencing 25 November 2020

1.0 Executive Summary

Summary of Process

- 1.1 On 22 November 2018, Hareb Investments Limited lodged a private plan change request with New Plymouth District Council (NPDC), pursuant to clause 21(1) of the First Schedule of the Resource Management Act 1991 (“the RMA” or “the Act”). Plan Change 49 seeks changes to the zoning of rural land bounded by Ranfurly Street, Raleigh Street and Johnston Street in Waitara and to introduce specific provisions and conditions to enable subdivision and housing for approximately 110 lots.
- 1.2 Council determined to accept the private plan change request and notify it as a private plan change pursuant to clause 25(2)(b) of the RMA. The process then follows the private plan change decision-making procedures outlined in Part 2 of the First Schedule of the RMA.

- 1.3 This report considers the request and submissions received by New Plymouth District Council on Proposed Private Plan Change 49. This report provides recommendations in response to the key issues that have arisen from these submissions, utilising expert advice of Council's technical advisers on open space and parks, transportation, reticulated services/3 waters, and landscape and visual impact.
- 1.4 The proposed private plan change was notified on 25 June 2019, with submissions closing on 23 July 2019. The summary of submissions was notified on 17 August 2019, with further submissions closing on 2 September 2019.
- 1.5 Council received a total of 18 submissions and 21 further submissions, with 10 submitters in either full or partial support, 1 neutral and the remaining submitters (7) in either fully or partially in opposition
- 1.6 Two pre-hearing meetings were held on 17 September 2020 and 18 September 2020 based on specific topics and potentially affected groups which emerged from the submissions on the private plan change. The purpose of the pre-hearing meetings was to discuss different issues submitters identified in their submissions and explore options to respond to the issues raised. The pre-hearing meeting attendees were submitters that represented a group based on specified topics:
- Residents pre-hearing meeting attended by Hareb Investments Limited, Anne and Brett MacDonald, Jo Limmer, Julie Weston, Theresa and Simon Wilcox, Marilyn Cadle, Kathleen Weston, Wayne and Lynda Dougan¹ and New Plymouth District Council.
 - State Highway pre-hearing meeting attended by Hareb Investments Limited, New Zealand Transport Authority and New Plymouth District Council.
- 1.7 A request for information was made following the close of submissions which among other things requested: *"Further consideration of the nature and magnitude of effects of the proposal raised in the submissions from Te Kotahitanga o Te Atiawa and Manukorihi hapū, and the measures to respond to these effects. Consideration should be given to the preparation of a Cultural Impact Assessment and further engagement with the iwi and hapū."*
- 1.8 This request was made due to concern over the lack of engagement with mana whenua, made evident through the submissions received in opposition from Te Kotahitanga o Te Atiawa and Manukorihi Hapū.
- 1.9 As part of the response for this, the Applicant commissioned a Cultural Impact Assessment ("CIA") which was made available to Council on 20 October 2020. It is noted that at the time of preparing this report, the Applicant had not provided confirmation whether recommendations made in the CIA are accepted. It is expected that this information will be provided in order to fulfil the above request prior to the hearing. All other information requested has been provided.
- 1.10

¹ Wayne and Lynda Dougan recently purchased a property in Johnston Street and did not submit to the Plan Change. They attended the pre-hearing meeting as observers and did not participate in discussions.

- 1.11 A hearing of the Private Plan Change 49 is scheduled to commence on 25 November 2020.
- 1.12 The following report contains our overall analysis of Plan Change 49 in terms of:
- The plan change documentation, including all accompanying expert reports;
 - The submissions and further submissions received on the plan change;
 - Expert advice commissioned by the Council
 - The Policy Framework
 - Section 32 of the RMA
 - Part 2 of the RMA.

Primary Issues

- 1.13 From our analysis of the Plan Change and the submissions received the following are the primary issues for determining the Plan Change (in no particular order):
- The appropriateness of rezoning the land and the location, scale and density of development
 - Traffic and Rooding
 - Landscape values and Rural amenity
 - Open Space and Reserves
 - Service Infrastructure and Stormwater
 - Environmental Impacts
 - Tangata Whenua matters
 - Historic Heritage
 - Social Impacts
 - Economic Impacts
- 1.14 Based on technical advice, there are number of discrete issues have been identified that will need to be managed either through specific provisions in the District Plan or through the subdivision and land use consent stages.
- 1.15 A Cultural Impact Assessment (“CIA”) has recently been provided as outlined above.. The CIA identified the significance of the site to mana whenua and the underlying issues associated with the proposal being:
- Lack of prior engagement with mana whenua;
 - Lack of recognition of cultural values and the effects within the request document;
 - The proposed structure plan does not adequately take into account the Te Atiawa iwi environmental management plan;

- In its current form, there will be unacceptable adverse effects on mana whenua and on the relationship of Manukorihi and Otaraua with their ancestral lands, waters and sites and the ability of the development and use to give particular regard to Manukorihi and Otaraua exercising kaitiakitanga.
- 1.16 The CIA makes a number of recommendations to improve the plan change request, most notable being a redesign of the proposed stormwater infrastructure. At the time of writing this report, the Applicant was yet to confirm to what extent these recommendations have been accepted.
- 1.17 The timing and sequencing of the proposal poses a significant traffic safety risk if it is to proceed prior to planned upgrades to State Highway 3. Discussions between the Applicant and New Zealand Transport Authority are ongoing, and it is expected that additional provisions to manage this will be provided prior to the hearing.

Recommendations

- 1.18 Overall, at this time, prior to hearing evidence from the Applicant and submitters, I recommend that PPC 49 as lodged by Hareb Investments Limited be approved, subject to the amendments that I recommend to the Plan Change set out below. I note that this recommendation is subject to the applicant confirming:
- Any changes and additions following the two pre-hearing meetings, specifically in relation to:
 - Measures for managing reverse sensitivity;
 - Consideration of measures to manage traffic safety; and
 - Measures to ensure coastal views are not impeded;
 - Proposed plan provisions to manage sequencing and timing of subdivision and to ensure alignment with delivery of State Highway 3 works;
 - Whether recommendations of the CIA are accepted and if alterations to the proposed provisions is required.

Acronym table for reference throughout Section 42A report:	
PPC49	Private Plan Change 49
CIA	Cultural Impact Statement
NPDC/ Council	New Plymouth District Council
SH3	State Highway 3
FUD	Future Urban Development (Overlay)
District Plan	Operative New Plymouth District Plan

Proposed District Plan or Proposed Plan	Proposed New Plymouth District Plan
RMA or the Act	Resource Management Act 1991
NPS-UD	National Policy Statement on Urban Development
NPS-FM	National Policy Statement for Freshwater Management
RPS	Regional Policy Statement
TIA	Traffic Impact Assessment

2.0 Purpose of the Report

2.1 The purpose of this report is to:

- a. provide the context and background to Private Plan Change 49 (“PPC49”), including the statutory framework relevant for considering a request for a private plan change;
- b. consider and summarise the public submission process including submissions and further submissions received on proposed PPC49;
- c. provide an analysis of PPC49 against the statutory framework, including the submissions and further submissions received; and
- d. drawing on expert advice on the traffic, landscape and visual impact, engineering, reserves and open spaces, assess the implications of PPC49, and make a recommendation to the Hearing Commissioners on the appropriateness of the plan change and its provisions.

2.2 Boffa Miskell Limited was engaged by New Plymouth District Council (“NPDC” or “the Council”) in processing the proposed plan change following the Council’s receipt of the draft plan change request documentation in November 2019. This report has been prepared by Charles Horrell and Hamish Wesney (see **Appendix 9** for qualifications and experience) and reviewed by Juliet Johnson, Manager Planning, NPDC. In addition, the following advisors have been relied upon in the preparation of this report:

- a. Graeme Pool and Mark Hall, NPDC – reticulated services/3 waters
- b. Renee Davies, NPDC – parks and open spaces
- c. Emma McRae, Boffa Miskell– landscape and visual impact effects
- d. Graeme Doherty, Aecom – traffic effects
- e. Louise Wai, NPDC – population and housing projections

3.0 Background

3.1 A request for a private plan change was submitted by Landpro Limited on behalf of Hareb Investments Limited on 22 November 2018.

3.2 The request was considered by the Council at its Planning Committee meeting on 7 May 2019 as to whether the request should be adopted, accepted, rejected or converted to a resource consent application process. Council formally resolved to accept the proposed private plan change as received by Hareb Investments Limited and commenced the statutory process for the private plan change request.

Outline of the Private Plan Change Request

3.3 In brief, the private plan change request proposes to:

- Change the zoning of 9.8 hectares (“ha”) of land from Rural Environment Area (with Future Urban Development overlay) to Residential A Environment Area where the Applicant proposes to create 110 residential lots ranging from 350-1000 m².
- Change the zoning of 1.54 ha of land from Rural Environment Area to Open Space B for the creation of a reserve within the riparian margins of the waterway that flows through the centre of the site.
- Introduction of a proposed structure plan (proposed “Appendix 33”) to direct the overall form and layout of subdivision and development.
- Insertion of three additional polices that relate specifically to the development and the amendment of various residential environment area rules to reference specific provisions of the structure plan. The most notable rule changes sought relate to reducing the minimum lot size, a decrease in the maximum height of buildings, a reduced front yard requirement for areas marked as ‘Smaller Lots’ on the Structure Plan, the introduction of rules to control external cladding on buildings to lower reflectivity, fencing restrictions, and controls on cut and fill batters where visible from the Rural Environment Area.

3.4 The structure plan proposed by the Applicant is shown below in **Figure 1** and can be split generally into four character types being ‘Road Frontage Lots’, ‘Larger Lots’, ‘Internal Lots’ and ‘Smaller Lots’. An internal road will provide access at two entrances from Raleigh Street.



Figure 1: Proposed Structure Plan. Source: Appendix A1 of Plan Change Request.

- 3.5 The primary reason the Applicant requests the rezoning of the site is to fill a potential gap in the land supply for Waitara and they consider that the plan change will provide a variety of housing.
- 3.6 The timing of the plan change is associated with the Proposed District Plan insofar as it does not recognise the section of land as a “Future Development Area” and is likely

to lead to delays in potential development through the extensive process the Proposed District Plan will take (in the Applicant's opinion).

4.0 Site and Surroundings

Site Location and context

Site description

- 4.1 The plan change document contains an accurate description of the site, with a site description detailed in Section 3 and additional detail on the site, specifically the heritage and ancestral context of the site, provided in Section 4 of the Cultural Impact Assessment. We rely on this and do not repeat this information in this report. Some additional context information is provided below.
- 4.2 The subject site (2 Johnston Street, Waitara), is a 11.34-ha section of land situated on the corner of Raleigh and Johnston Streets on southern border of Waitara
- 4.3 **Figure 2** shows the location of the site and some of the other key features.



Figure 2: Site map and annotated features.

Immediate environment

- 4.4 The site is located immediately adjacent (north east) to the residential area of Waitara. All other land surrounding the site is rural – rural residential in nature. Land to the northern boundary is used for intensive agriculture (dairy) and parcels of land on both Johnston Street and Ranfurly Street are also used for similar activities. Other land in the immediate proximity is in residential use of differing density.
- 4.5 A watercourse flows through the centre of the site which is understood to be ephemeral. The watercourse is shown in both the structure plan (**Figure 1**) and the site map (**Figure 2**). The water course is described in the request document as an “unnamed tributary” and in the CIA as the Mangaiti Catchment which flows from a property directly south of the site (spring fed) and continues in a north eastern direction where it eventually meets with the Te Awaroa/ Waitara River.
- 4.6 The watercourse is currently heavily modified due to the current land use and is piped in various sections.

Roading

- 4.7 Raleigh Street is located on the eastern boundary of the site and continues from the Waitara Township south towards State Highway 3. Johnston Street is located on the south western boundary of the site and is a no exit street with a terminus approximately 100 metres from the end of the site.
- 4.8 The current speed restriction of both Raleigh Street and Johnston Street is 80 km/hr.
- 4.9 Raleigh Street intersects with State Highway 3 approximately 1.5 km south west of the site and it is understood that it serves as one of the three main entrances to Waitara.
- 4.10 At the time this report was prepared, Waka Kotahi (NZ Transport Agency) are proposing safety improvements on State Highway 3, including the section of road that intersects with Raleigh Street. The improvements would see a reduction in the speed restriction from 100 km/hr to 80km/hr and the addition of three roundabouts at Princess Street, Tate Road and Airport Drive. The general overview of the proposed improvements is shown in **Appendix 3**. It is noted that the last update on the status of the proposed improvements was provided by NZTA at a pre-hearing meeting on 18 September 2020 (see **Appendix 4**).

Zoning and Other District Plan Notations

Operative District Plan

- 4.11 The site is currently zoned Rural Environment Area and the land within the full extent of the site is subject to a Future Urban Development (“FUD”) overlay. The site is shown in Planning Map B40 of the District Plan and shown below in **Figure 3**.

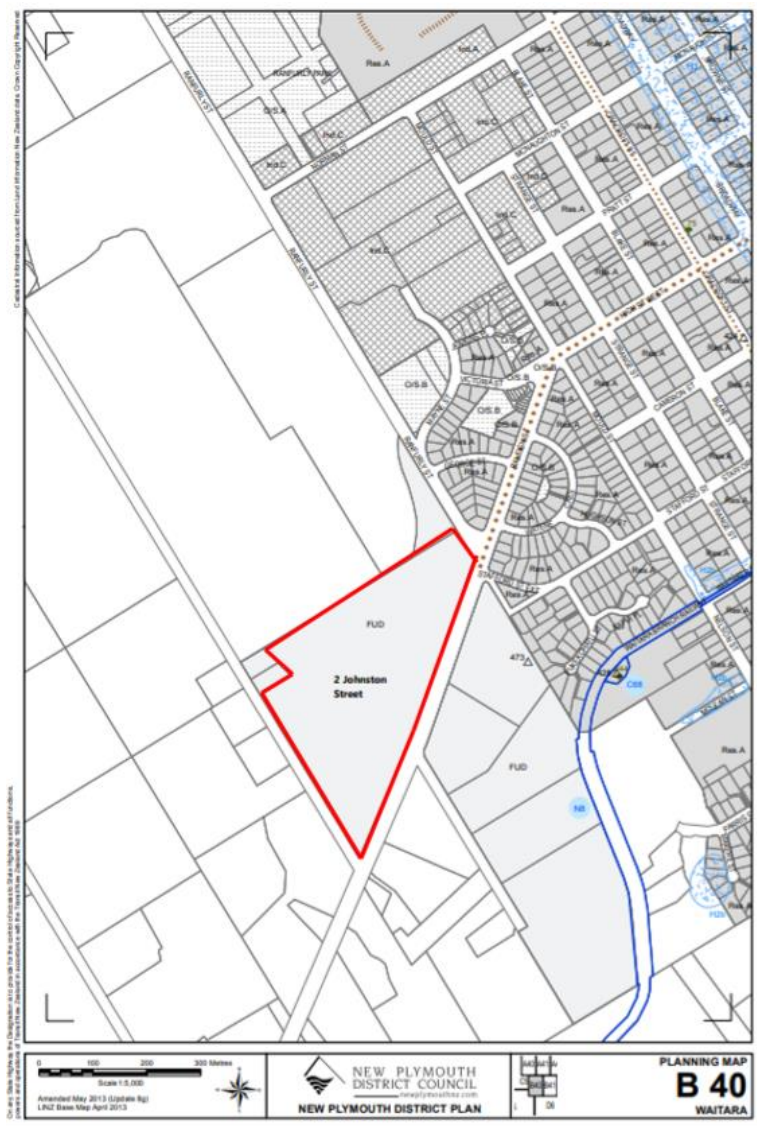


Figure 3: Current zoning under Operative District Plan.

Proposed District Plan

- 4.12 NPDC notified its Proposed District Plan on 23 September 2019. A summary of submissions was notified on 12 August 2020 and further submissions closed on 25 August 2020. NPDC recently notified an errata to the summary of submissions, with the period for lodging further submissions on this errata closing on 28 October 2020.
- 4.13 The Proposed District Plan introduces new planning provisions to address key issues in the district and to give effect of higher order planning documents.
- 4.14 Under the Proposed District Plan, the site is located within the Rural Production Zone. It is noted that there are no additional overlays relating to the site.
- 4.15 It is acknowledged that this plan change request was made prior to the notification of the Proposed District Plan.

- 4.16 Furthermore, it is noted the applicant for this private plan change request has lodged a submission on the Proposed Plan seeking to amend the zoning of the site from Rural Production Zone to Future Urban Zone or General Residential Zone to align with this plan change process.

5.0 Public Consultation Process

Consultation before request lodged

- 5.1 The applicant consulted with various interested parties prior to the plan change request being formally lodged with Council. Parties consulted included adjoining landowners, Waitara Community Board, iwi and hapū. See Section 10 of the request document for full summary of this consultation.

Public Notification of private plan change request

- 5.2 PPC49 was publicly notified on 25 June 2019 and submissions closed on 23 July 2019. At the close of submissions, 18 submissions were received.
- 5.3 A summary of submissions was notified on 17 August 2019 and 21 further submissions were received before the closing date of 2 September 2019.
- 5.4 No late submissions were received.
- 5.5 Of the submissions received:
- 1 is neutral
 - 7 are in support
 - 3 support in part
 - 3 are opposed
 - 4 oppose in part.

Submissions

- 5.6 When assessing a proposed private plan change, while Council has no obligation under Clause 10 of Schedule 1 of the Act to make decisions on individual submissions, it is considered appropriate and necessary to consider the matters raised in submissions. It is noted that under clause 29(6), any person who made a submission has a right of appeal to the Environment Court.
- 5.7 Various issues were raised in submissions, and a number of submitters requested specific changes to the Private Plan Change. The issues submitters raised are listed below. It is considered that the matters raised in the submissions encompass all relevant matters for evaluation.
- 5.8 General themes raised in submissions (in no particular order):

- Appropriateness of Rezoning
 - Traffic and Rooding
 - Loss of Rural Character and Reverse Sensitivity
 - Service Infrastructure and Stormwater
 - Cultural Impacts
 - Ecological Impacts
 - Environmental Impacts
- 5.9 A submission point made by Jordan Family Trust requests that land outside the area of land subject to this proposed plan change is rezoned². It is noted that this request is outside scope of what may be considered by this plan change request and therefore will not be considered further. All other parts of the individual submission are relevant.
- 5.10 To assist the panel in understanding the spatial distribution of the submitters in relation to the site, **Appendix 2** provides two maps showing the spatial locations of the submitters where applicable³ in relation to the site. The maps show both the wider submitters in a smaller scale map along with the immediate neighbouring residents who have submitted.

Pre-hearing meetings

- 5.11 Clause 8AA of Part 1 of Schedule 1 of the RMA provides for pre-hearing meetings for the purpose of clarifying and/or facilitating the resolution of matters raised by submitters through the formal notification process.
- 5.12 Two pre-hearing meetings were held between the Applicant, NPDC and various submitters.
- 5.13 The first pre-hearing meeting was held on 17 September 2020 at the North Taranaki Sport and Recreation Centre, Waitara and focused on matters raised by the local residents. Issues focused on traffic and roading; loss of rural character and reverse sensitivity; service capacity issues; and the format of the proposed structure plan. In attendance were Matt Hareb and Kathryn Hooper for Hareb Investments Limited, Anne and Brett MacDonald, Jo Limmer, Julie Weston, Theresa and Simon Wilcox, Marilyn Cadle, Kathleen Weston, Wayne and Lynda Dougan⁴ and Charles Horrell and Hamish Wesney for NPDC.
- 5.14 The meeting was facilitated by an independent facilitator (Callum Williamson) Community Partnerships Lead, NPDC who is not involved in the proposed hearing. A copy of Mr. Williamson's report prepared under Schedule 1 Clause 8AA (5) of the Act is attached as **Appendix 5**.
- 5.15 The second pre-hearing meeting was held on 18 September 2020 at the New Plymouth District Council Office and via video conferencing. The meeting focused on the matters raised in the submission from Waka Kotahi (New Zealand Transport

² Submission point number 17.01 of Submissions Summary.

³ PO Box addresses and companies were not included

⁴ Wayne and Lynda Dougan did not submit to the Plan Change therefore only attended as an observer and did not participate in discussions.

Agency (“NZTA”)) and the status of the proposed changes to State Highway 3. In attendance were Matt Hareb and Kathryn Hooper for Hareb Investments Limited, Natasha Reid for NZTA and Charles Horrell and Hamish Wesney for NPDC.

- 5.16 The second pre-hearing meeting was self-facilitated, and the pre-hearing report prepared under Schedule 1 Clause 8AA (5) of the Act was prepared by NPDC which is attached as **Appendix 6**.
- 5.17 Both pre-hearing meeting reports were distributed to all attendees and have been made available to all other submitters and interested parties by being made available on the NPDC website⁵.
- 5.18 It is noted that at the time of preparing this report, the CIA had recently been received. As there is a number of matters raised in this CIA, particularly relating to storm water capacity, it is possible another pre-hearing meeting will be held prior to the hearing between Hareb Investments Limited, mana whenua and NPDC. Should this occur, a pre-hearing report will be prepared and provided to the panel and all attendees at least 5 working days prior to the hearing.

6.0 Statutory Framework

- 6.1 Once an application for a private plan change has been accepted by the Council under Clause 25(2)(b), Part 2 of the First Schedule applies.
- 6.2 Under this clause, because the plan change is a private request, Council is able to, and is obliged to, consider PPC 49 in its entirety and is not restricted to considering just those matters raised in submissions. The reason for this difference from Council initiated plan changes is that a private plan change is not a Council agreed position. There is also no legal requirement for the Council to respond to submissions directly as a result (clause 29(4) vs clause 10) although the submissions received are a relevant matter for the Council to consider as part of the decision-making process.
- 6.3 After reaching a decision, Council must publicly notify the decision. Public notice of Council’s decision will be given as soon as practicable, following completion of all administrative tasks.

7.0 Matters to be considered by the Council

- 7.1 Section 74 of the RMA states that the Council shall prepare and change the District Plan in accordance with its functions under s31, the provisions of Part 2 and its duty under s32.
- 7.2 Under s74(2), when preparing or changing a plan, a territorial authority is required to have regard to:

⁵ <https://www.newplymouthnz.com/Council/Council-Documents/Plans-and-Strategies/District-Plan/Operative-District-Plan/Plan-Changes-and-Private-Plan-Changes>

“(b) any –

(i) *management plans and strategies prepared under other Acts*”

I consider the Land Supply Review 2007-2027 ‘Framework for Growth’, Waitara Community Board Plan, the Long-Term Plan 2018 – 2028 and the New Plymouth District Blueprint Key Directions – June 2015 are relevant strategies prepared under the Local Government Act 2002.

7.3 Under s74 (2A) a territorial authority:

“must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of a region”.

7.4 For this plan change a relevant iwi management plan is the Tai Whenua, Tai Tangata, Tai Ao. This iwi management plan has been considered below in this report. It is noted this iwi management plan was prepared and lodged with Council in February 2020 after the plan change request was originally lodged, and it is therefore not considered in the original plan change request application documentation.

7.5 Section 75 (3) of the RMA requires that district plans must give effect to –

“(a) any national policy statement; and

(b) any New Zealand coastal policy statement; and

(c) any regional policy statement”

and under s75 (4), district plans must not be inconsistent with –

“(b) a regional plan for any matter specified in section 30(1)”.

7.6 The decision in Long Bay Okura Great Parks Society Incorporated v North Shore City Council (Decision A 078/2008), and amended in High Country Rosehip Orchards Ltd and Ors v Mackenzie DC ([2011] NZEnvC 387) at pages 17-18 to reflect the changes made by the Resource Management Amendment Act 2005, sets out the mandatory requirements for district plan (changes), as outlined in Appendix 8.

7.7 All the above matters have been considered in the evaluation that follows in this report.

8.0 Part 2 and Section 32 of the Act

8.1 Part 2 of the Act is overarching and the detailed considerations and assessments under other sections are subject to it. In order to make a decision on the request, the Commissioners must decide whether the request will promote the sustainable management of natural and physical resources in an efficient and effective way.

Section 5

8.2 The purpose of the Act is to *“promote the sustainable management of natural and physical resources”*. Sustainable management is defined under the Act as:

“Managing the use, development and protection of natural and physical resources in a way or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while –

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) safeguarding the life supporting capacity of air, water, soil, and ecosystems; and*
- (c) avoiding, remedying or mitigating any adverse effects of activities on the environment”.*

8.3 The Operative New Plymouth District Plan (the District Plan) was developed under the Act and meets its purpose. The Council is required to ensure that all proposed changes to the District Plan will also result in outcomes that meet the purpose of the Act.

Section 6 – Matters of National Importance

8.4 Section 6 sets out a number of matters of national importance to be recognised and provided for.

- “(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.”*

8.5 Whether the proposal has recognised and provided for these matters is addressed in the report.

Section 7 – Other Matters

Section 7 of the Act sets out a number of other matters that must be had particular regard to. Of these, I consider the following are relevant:

- “(b) the efficient use and development of natural and physical resources;*
- (c) the maintenance and enhancement of amenity values;*
- (f) maintenance and enhancement of the quality of the environment.”*

8.6 Whether the proposal has particular regard to these matters is addressed in this report.

Section 8 – Treaty of Waitangi

Section 8 of the Act requires the Council to take into account the principles of the Treaty of Waitangi.

8.7 I note that the submissions by Te Kotahitanga o Te Atiawa and Manukorihi Hapū opposed the plan change based on potential significant adverse effects on a number of values including cultural, social, ecological, landscape and amenity.

8.8 A CIA was provided following a request for information which has made a number of recommendations. At the time of writing this report, the applicant's view on these recommendations were not known.

Section 32 – Consideration of Appropriateness

8.9 Section 32 of the Act requires the Council to evaluate the proposed change and decide whether it is the most appropriate way to achieve the purpose of the Act, and, whether having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives of the Plan.

8.10 Section 32(1) requires that, before the Council publicly notifies a proposed district plan, it must:

“(a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and

(b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—

(i) identifying other reasonably practicable options for achieving the objectives; and

(ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and

(iii) summarising the reasons for deciding on the provisions;”

8.11 The evaluation report must also contain a level of detail that

“(c) corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.”

8.12 When assessing efficiency and effectiveness of the provisions in achieving the objectives of the proposed plan change the report must under s32(2):

“(a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—

(i) economic growth that are anticipated to be provided or reduced; and

(ii) employment that are anticipated to be provided or reduced; and

(b) if practicable, quantify the benefits and costs referred to in paragraph (a); and

(c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.”

8.13 Where a plan change proposes to amend a District Plan, the examination under s32(1)(b) must relate to:

“(a) The provisions and objectives of the amending proposal; and

(b) The objectives of the existing proposal to the extent that those objectives –

(i) are relevant to the objectives of the amending proposal; and

(ii) would remain if the amending proposal were to take effect.”

8.14 In the above, the term “existing proposal” refers to the existing plan provisions.

- 8.15 The requestor submitted a section 32 evaluation as part of the request, which was subsequently amended through a further information request.
- 8.16 The Council is required to undertake a further evaluation of the plan change in accordance with s32AA before making a decision under clause 29(4) of Schedule 1 of the RMA. S32AA is set out below:

“(1) A further evaluation required under this Act—

- (a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and*
- (b) must be undertaken in accordance with section 32(1) to (4); and*
- (c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and*
- (d) must—*
 - (i) be published in an evaluation report that is made available for public inspection at the same time as the ... decision on the proposal, is publicly notified; or*
 - (ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.*

(2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).”

- 8.17 In this instance, the requestor does not propose to amend any of the objectives in the District Plan, but does seek three new policies and associated suite of new rules specific to the plan change area.
- 8.18 In order to assist the Commissioners in respect of a further evaluation, this s42A report also includes an evaluation under s32AA. Specifically, this s42A report sets out my evaluation of the request and includes consideration of:
- The matters raised in submissions;
 - The Council expert evidence commissioned as part of the assessment of the request; and
 - The wider statutory and non-statutory policy framework.

9.0 Form of the Proposed Plan Change

- 9.1 Refer to Section 1.1 and Appendices A1, A2 and C of the request document for requested changes to the Operative District Plan.

Proposed Structure Plan

- 9.2 PPC49 entails a proposed structure plan detailing the character areas, internal roads, walkways and open space/reserves. The proposed structure plan is shown in **Figure 1**. The structure plan identifies a number of character areas based on the allowable lot size and where they are based spatially. These areas are described below.
- 9.3 The 'Road Frontage Lots' are proposed lots on the Raleigh Street boundary with lot sizes on average of 600 m² in area. Access to lots is to be direct access onto Raleigh Street.
- 9.4 The 'Larger Lots' are located on the north and south western boundaries of the site with average sizes of 1000 m². Of these lots, the Johnston Street frontage properties would also rely upon direct access onto Johnston Street rather than internal access via the subdivision road.
- 9.5 The 'Internal Lots' are the lots of a variety of sizes between 500 – 700 m². These lots would be accessible primarily by the internal subdivision road. It is anticipated that these lots would service detached family dwellings.
- 9.6 The 'Smaller Lots' are generally located in the centre of the subdivision and would provide lots of generally between 350 – 550 m² in size.
- 9.7 The remaining 1.54 ha of land within the margins of the waterway is to be provided as an open space reserve. A walkway is to be provided along its margin and native trees and shrubs are to be planted.
- 9.8 The Applicant prepared an indicative landscape plan and indicative subdivision layout in Appendix H4 of the request document and shown below in **Figure 4**.



Figure 4: Landscape Plan and indicative subdivision layout.

9.9 The development of the site is proposed to be staged with the intention to develop in accordance with the structure plan within the next 5-10 years. Staging is proposed in five phases following obtaining subdivision consent. The staging and timing of the staging is summarised in Table 1 shown in Appendix A3 of the request document and shown below in **Figure 5**.



Figure 5: Proposed Staging Plan for Raleigh Street Subdivision.

Plan Provisions

- 9.10 Appendix C identifies the specific provisions that would be inserted or amended within the Operative District Plan. In addition to the structure plan outlined above, three additional policies would be included along with amendments to various residential environment area rules.

10.0 Relevant Policy Framework

- 10.1 In assessing the appropriateness of PPC49, national, regional, district and local level policies are to be considered.
- 10.2 The New Plymouth District Plan sits within a wider framework of both statutory and non-statutory policy documents. The request document includes a policy evaluation in Sections 4 - 7. I consider that this policy evaluation is reasonably robust and rely on it in this evaluation of the policy framework apart from where noted in the sub-sections below.
- 10.3 In addition, since PPC49 was originally lodged and submissions received, two additional policy documents have been issued, being the National Policy Statement for Urban Development 2020 (NPS-UD) and the Proposed New Plymouth District Plan. I evaluate these two policy documents below in relation to PPC49.
- 10.4 Furthermore, the new National Planning Standards came into force in May 2019. NPDC has implement the National Planning Standards in the Proposed District Plan which will replace the Operative District Plan. As PPC49 is to the Operative District Plan, alignment with the National Planning Standards is not specifically required. Notwithstanding this, if PPC49 is approved, it would be helpful if the Plan provisions for PPC49 were drafted in such a way to align with the Proposed District Plan to enable ease of integration in the future.

National Policy Statement for Urban Development 2020

- 10.5 The intent of this new national policy statement, as explained in the Ministry guidance⁶, is to ensure regional policy statements and district plans provide adequate opportunity for land development for business and housing to meet community needs. The national policy statement is designed to contribute to well-functioning urban environments, is integrated with infrastructure planning and funding decisions, and improves the responsiveness and competitiveness of land and development markets. This new national policy statement replaces the previous National Policy Statement on Urban Development Capacity 2016 which was evaluated in the plan change request document.
- 10.6 The applicant's evaluation has focused on Objective OC2 of the NPS-UDC 2016 which is for local authorities to adapt and respond to evidence about urban development, market activity and the four wellbeing's. I generally concur with the applicant's evaluation of this objective.
- 10.7 Under the NPS-UD 2020, I consider there are a few objectives specifically relevant to this matter.

Objective 1: New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

Objective 2: Planning decisions improve housing affordability by supporting competitive land and development markets.

⁶ Ministry for the Environment, 2020. Introductory guide to the National Policy Statement on Urban Development, 2020. Ministry for the Environment, Wellington.

Objective 5: *Planning decisions relating to urban environments, and FDSs, take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).*

Objective 6: *Local authority decisions on urban development that affect urban environments are:*

- (a) integrated with infrastructure planning and funding decisions; and*
- (b) strategic over the medium term and long term; and*
- (c) responsive, particularly in relation to proposals that would supply significant development capacity.*

10.8 To achieve these objectives, the NPS-UD 2020 includes a series of policies. Of particular relevance to this plan change request are:

Policy 1: *Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:*

- (a) have or enable a variety of homes that:
 - (i) meet the needs, in terms of type, price, and location, of different households; and*
 - (ii) enable Māori to express their cultural traditions and norms; and**
- (b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and*
- (c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and*
- (d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and*
- (e) support reductions in greenhouse gas emissions; and*
- (f) are resilient to the likely current and future effects of climate change.*

Policy 2: *All local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term.*

Policy 6: *When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:*

- (a) the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement*
- (b) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:
 - (i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and*
 - (ii) are not, of themselves, an adverse effect**

- (c) *the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)*
- (d) *any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity*
- (e) *the likely current and future effects of climate change.*

Policy 8: *Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is:*

- (a) *unanticipated by RMA planning documents; or*
- (b) *out-of-sequence with planned land release*

Policy 9: *Local authorities, in taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) in relation to urban environments, must:*

- (a) *involve hapū and iwi in the preparation of RMA planning documents and any FDSs by undertaking effective consultation that is early, meaningful and, as far as practicable, in accordance with tikanga Māori; and*
- (b) *when preparing RMA planning documents and FDSs, take into account the values and aspirations of hapū and iwi for urban development; and*
- (c) *provide opportunities in appropriate circumstances for Māori involvement in decision-making on resource consents, designations, heritage orders, and water conservation orders, including in relation to sites of significance to Māori and issues of cultural significance; and*
- (d) *operate in a way that is consistent with iwi participation legislation.*

- 10.9 The national policy statement includes many implementation actions to support Council's planning to achieve these policies, such as monitoring of housing demand and capacity requirements; the setting of housing bottom lines in district plans; and the requirement to develop Future Development Strategies to identify where development will occur and the infrastructure required.
- 10.10 NPDC has been monitoring housing demand and capacity which are covered in the next section of this report. In addition, NPDC in the Proposed District Plan has enabled a variety of homes to meet the needs, in terms of type, price, and location, of different households. In Waitara, this enablement of housing is through intensification of the existing urban area and greenfield locations to the north which have good accessibility to infrastructure and community services. In developing the Proposed District Plan, NPDC has worked with mana whenua to ensure their values and aspirations are incorporated.
- 10.11 The Proposed District Plan sets out the planned urban built form for the New Plymouth District, including Waitara. Examining PPC49 against the planned urban built form for Waitara in the Proposed District Plan, PPC49 is at odds with this planned urban built form in that it extends the greenfield residential area to the south-west of a relatively uniform edge to the planned urban area. However, this consideration needs to be weighed against the planned urban built form in the Operative District Plan, which identifies the subject land as a Future Urban Development Area – i.e. part of the

planned urban built form. As the Proposed District Plan is relatively early in the plan-making process, at this time, less weight should be provided.

- 10.12 Overall, it is considered that PPC49 would achieve the objectives in the NPS-UD 2020 and is generally consistent with the policy direction.

National Policy Statement for Freshwater Management 2020

- 10.13 The National Policy Statement for Freshwater Management (“NPS-FM”) provides direction to local authorities and resource users regarding activities that affect the health of freshwater and sets out objectives and policies for freshwater management under the RMA.

- 10.14 The plan change relates to freshwater insofar as it looks to develop around the margins of a waterbody.

- 10.15 The objective of the NPS-FM states:

The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:

- (a) first, the health and well-being of water bodies and freshwater ecosystems*
- (b) second, the health needs of people (such as drinking water)*
- (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.*

- 10.16 This objective sets a hierarchy and gives clear direction that priority must be given first to the environment before the needs to people.

- 10.17 The following policy is also applicable to the plan change:

Policy 1: *Freshwater is managed in a way that gives effect to Te Mana o te Wai.*

- 10.18 Te Mana o te Wai is a concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.

- 10.19 While the NPS-FM has historically primarily applied to regional council’s, I note that there now is also a requirement for territorial authorities to give effect to the management of urban development around water margins. Section 3.5 clause (4) states:

Every territorial authority must include objectives, policies, and methods in its district plan to promote positive effects, and avoid, remedy, or mitigate adverse effects (including cumulative effects), of urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments.

- 10.20 By ensuring the above is provided for, the objective and relevant policy will be given effect to.

- 10.21 In respect to this plan change request, the open space/reserve around the margins of the waterway as provided in the structure plan is expected to effectively mitigate adverse effects on the freshwater ecosystems. The proposed reserve around the watercourse will also look to preserve it from further development and result in positive effects (enhancement). It is noted that Te Mana o te Wai was raised in the CIA and a

recommendation has been provided to manage effects on this proposal. In our view, confirming details of the approach to stormwater management and use of the open space/reserve area for this purpose would contribute to achieving this outcome. At the time of writing this report, the applicant's view on this recommendation was not known, though we expect they will respond to this matter in evidence for the hearing. Depending on further information or evidence from the applicant or submitters (including mana whenua), additional Plan provisions may be appropriate to give effect to the NPS-FM for this plan change.

Taranaki Regional Policy Statement

- 10.22 The Taranaki Regional Policy Statement (RPS) has been addressed by the applicant through an analysis in Section 4.2 of the request document. I consider the applicant has identified and evaluated the most relevant objectives and policies in the RPS, specifically those in Section 15 on 'the built development', including SUD Policy 1. I generally concur with the applicant's evaluation. However, as discussed in the next section of this report, a few matters require further consideration relating to stormwater to ensure the freshwater objectives and policies are fully given effect to.

Tai Whenua, Tai Tangata, Tai Ao

- 10.23 Tai Whenua, Tai Tangata, Tai Ao is an iwi planning document for Te Atiawa. Tai Whenua, Tai Tangata, Tai Ao was lodged with the New Plymouth District Council in February 2020.

- 10.24 The Cultural Impact Assessment (CIA) commissioned by the applicant and prepared by Manukorihi rāua ko Otaraua Hapū sets out the parts of this document relevant to this plan change request. The CIA identifies the following matters are relevant to this proposal:

- Dual notification processes (hapū and iwi), as well as ongoing engagement with tangata whenua through the planning process;
- Process for urban growth and outcomes to be achieved in urban environments
- Outcomes for freshwater and the coastal environment
- Outcomes for infrastructure and a preference for water sensitive urban design
- Stormwater management and support for low impact urban design
- Sites and areas of significance to Maori and Historic Heritage
- The quality of the built environment

- 10.25 I note the CIA concludes that the proposed structure plan design does not adequately take into account the provisions of Tai Whenua, Tai Tangata, Tai Ao. The CIA sets out a number of recommendations to improve the private plan change request. These recommendations are considered in the next section of this report. At the time of writing this report, the applicant's view on these recommendations were not known. As concluded above for the NPS-FM, depending on further information or evidence from the applicant or submitters (including mana whenua), additional Plan provisions may be appropriate to take into account Tai Whenua, Tai Tangata, Tai Ao for this plan change.

Operative New Plymouth District Plan

- 10.26 A reasonably robust assessment has been provided by the applicant in regard to the assessment of objectives and policies under the Operative District Plan.
- 10.27 The plan change request includes the addition of three new policies to achieve Objective 23 in the Operative District Plan. Objective 23 states:
- Objective 23:** *That land identified for future urban use is comprehensively planned to facilitate an integrated approach to land development while addressing site specific issues to provide for accessible, connected, efficient, liveable communities and coherent urban spaces.*
- 10.28 The policies and methods to achieve Objective 23 either apply district-wide or for specific urban growth areas. The three new policies requested all specifically relate to the plan change area.
- 10.29 The first new policy (Policy 23.10) directs the management of stormwater in the plan change area, with specific reference to an appropriately sized stormwater detention pond. Some submitters, including Manukorihi Hapū and Te Kotahitanga o Te Atiawa Trust have raised concerns regarding stormwater management. As evaluated in the next section of this report, a revised approach to stormwater is required. Depending on the approach adopted, a new/replacement policy (Policy 23.10) needs to be drafted to ensure the stormwater approach achieves Objective 23 and the other policy documents evaluated above.
- 10.30 The second new policy (Policy 23.11) directs the design of building and structures in the plan change area, with specific reference to the relationship with the adjoining rural area, and avoid or reducing visual clutter or dominance of built form. This matter has also been raised in submissions. To implement this policy, a series of new rules and standards are proposed in the plan change request. The efficiency and effectiveness of this policy and associated rules and standards are evaluated in the next section of this report. As concluded below, it is recommended some refinement of these rules and standards to achieve the objective.
- 10.31 The third new policy (Policy 23.12) directs the management of earthworks in the plan change area to minimise visual effects. To implement this policy, a new rule is proposed in the plan change request. The effectiveness and efficiency of this new policy and rule are considered appropriate to achieve the objective of integrating development of this land with the surrounding area.
- 10.32 Objective 19 in the Operative District Plan is also considered relevant to this proposal. Objective 19 states:
- Objective 19** *To recognise and provide for the cultural and spiritual values of tanga whenua in all aspects of resource management in the district in a manner which respects and accommodates tikanga Maori.*
- 10.33 To achieve Objective 19, the policies and methods in the Operative District Plan seek to ensure subdivision, land use and development should not adversely affect the relationship, culture or traditions that tangata whenua have with waahi taonga/sites of significance to Maori. As detailed in the CIA, tangata whenua have a relationship with this land and have proposed recommendations to achieve the outcome in Objective 19. I consider responding to these recommendations would be effective and efficient way to achieve this objective. I anticipate the applicant will respond to these recommendations in evidence or at the hearing.

Proposed New Plymouth District Plan

- 10.34 Council has been reviewing the Operative District Plan and prepared a new Proposed District Plan. As part of this review process, a non-statutory Draft District Plan was prepared and publicly released in 2018 for feedback. Since the original plan change request was received, the Proposed District Plan was publicly notified on 23 September 2019. Submissions and further submissions have been received and hearings are likely to commence in 2021.
- 10.35 As the Proposed District Plan is early in the plan-making statutory process, with submissions received supporting and opposing aspects of urban development in and around Waitara, less weight should be given to the objectives and policies in the Proposed District Plan at this time compared to the Operative District Plan. Notwithstanding, the Proposed District Plan includes the Council's latest thinking, particularly on urban growth matters. In the Proposed District Plan, the plan change area is zoned Rural Production Zone and has no overlays, including no future development area.
- 10.36 In terms of the most relevant objectives and policies to this plan change request, these provisions are contained in Appendix 7 to this report.
- 10.37 In terms of historic and cultural, natural environment and tangata whenua matters, engaging with mana whenua and the preparation of the CIA have contributed to achieving the objectives in the Proposed District Plan. Addressing the matters raised in the CIA would further contribute to achieving these objectives.
- 10.38 For the urban growth and development matters, the objectives and policies seek to implement the requirements of the national policy direction and address local issues. At a high level, the policy framework in the Proposed District Plan continues the approach in the Operative District Plan of ensuring new urban development is comprehensively planned. However, the approach to urban growth in the Proposed District Plan is more directive, with it specifying the number of dwellings to be provided for (see UFD-14) and a variety of housing types to be provided for (see UFD-15). The Proposed District Plan also seeks to ensure primary production activities are able to operate efficiently and effectively (see UFD-23) and productive, versatile land and natural, physical and cultural resources located in rural areas that are of significance to the district are protected and maintained (see UDF-24).
- 10.39 The plan change would contribute to the supply of residentially zoned in Waitara and a variety of housing types would be encouraged through the variation in lot sizes provided in the proposed structure plan. The design of the plan change area has taken into account the site conditions and surrounding area. However, the plan change request would result in the loss of productive and versatile land for primary production activities and potentially increase the incidence of reverse sensitivity effects. I consider it is finely balanced whether the plan change request is the most effective and efficient approach in achieving the objectives in the Proposed District Plan. These matters are further evaluated in the next section of this report.

Other Planning Documents

- 10.40 The plan change request document also appropriately identifies and evaluates other planning documents which help inform this plan change. These documents are:
- New Plymouth District Blueprint Key Directions – June 2015
 - Land Supply Review 2007-2027 'Framework for Growth' – March 2008

- Waitara Community Board Plan
- Long Term Plan 2018 - 2028

10.41 I concur with the commentary in the plan change request document of these documents setting the background and context for this plan change. I note the Blueprint has been implemented in the Proposed District Plan and Land Supply Review has been superseded by the more recent thinking in the Proposed District Plan and Housing and Business Capacity Assessment discussed later in this report.

11.0 Evaluation of Proposed Plan Change

11.1 This section of the report provides an overall analysis of Private Plan Change 49 in terms of:

- The plan change documentation, including all accompanying expert reports
- The submissions and further submissions made on the plan change
- Technical review comments
- The policy framework, as set out earlier
- Section 32 of the RMA
- Part 2 of the RMA

11.2 Having considered all of the above matters, I consider the key issues in respect of the plan change request:

- The appropriateness of rezoning the Rural Environment Area land to a mixture of zonings;
- Tangata Whenua matters
- The environmental effects resulting from the Private Plan Change:
 - a. Traffic and roading
 - b. Landscape value and Rural amenity
 - c. Open Space and Reserves
 - d. Service Infrastructure and Stormwater
 - e. Environmental Impacts
 - f. Historic Heritage
 - g. Social Impacts

11.3 The evaluation provided in the following sections and conclusions reached relate only to the proposed plan change and the specific site. These conclusions should and cannot be applied to any other potential developments.

The appropriateness of rezoning the Rural Environment Area land to a mixture of zoning

- 11.4 The appropriateness of rezoning the land from Rural Environment Area to Residential A Environmental Area and Open Space B zoning needs to be considered in relation to the objectives and policies of the operative District Plan, proposed District Plan, Regional Policy Statement, the National Policy Statement for Urban Development and the Council's Housing and Business Capacity Assessments.
- 11.5 The Applicant has provided the following reasons for the appropriateness of the rezoning:
- a. Land is in the ownership of one entity being the Applicant
 - b. Land is appropriate for subdivision into lots of a size that suits the local market;
 - c. There is a shortage of supply of housing that this development will supplement.
 - d. The location of the site is adjacent to the existing Waitara Residential A Environmental Area and identified as a FUD.

Submissions

- 11.6 A number of submissions were received in respect to the appropriateness of rezoning the land. A number of submissions supported the proposed rezoning on the basis that the development will provide a variety of housing and will provide for future growth of the district. Submitters also raised the following concerns in relation to the appropriateness of the proposed rezoning:
- Loss of rural amenity⁷;
 - Reverse sensitivity;
 - Insufficient infrastructure to cater for development (3-waters and electricity and gas);
 - Traffic safety and current roading capacity⁸;

Reverse Sensitivity

- 11.7 Reverse sensitivity has been considered in Section 9.7 of the request document and mitigation for such effects is provided through the lot sizing on the outer edges of the rural zone and a vegetated strip.
- 11.8 Reverse sensitivity is a key theme of the concerns raised by submitters and was the main topic of discussion at the 'residents' pre-hearing meeting. The reverse sensitivity and incompatibility issues raised in submissions and during the pre-hearing meeting were typical of those that can occur at the interface between rural and residential areas. For example, complaints about various farming activities such as noise from

⁷ This is considered in the "Visual and Landscape Impact" section.

⁸ This is considered in the "Traffic and Roding" section.

machinery, odour from stock, smoke from burn-offs, and loss of outlook or views from shelter plantings.

- 11.9 Options to respond to these concerns were discussed at the pre-hearing meeting. Options included screening (planting or fencing), building setbacks, no complaints covenants and education methods. However, none of these options were considered to be appropriate in the context of this proposal. An increase in the minimum size of lots on the outer lots was identified by submitters as an option to provide a further buffer of reverse sensitivity impacts.
- 11.10 The Applicant noted at the 'residents' pre-hearing meeting that additional measures to manage reverse sensitive will be considered prior to the hearing. At the time of writing this report, the Applicant had not provided confirmation of any additional measures.
- 11.11 I accept there is potential for reverse sensitivity issues to arise if residential development was to occur on the plan change area. Based on the scale, nature and use of rural and rural-residential activities in the immediate vicinity of the plan change area, no specific activities have been identified which could cause significant incompatibility with residential use (e.g. such as intensive horticultural or primary production activities, rural industry depots or a quarry). Rural activities in the immediate vicinity are also generally low intensity and lifestyle blocks. The District Plan includes rules at the interface between residential and rural areas (e.g. noise, light, outdoor storage) to minimise the potential for reverse sensitivity issues.
- 11.12 At this time, I do not consider that any additional specific provisions are required to manage reverse sensitivity; however, I will consider this further once the Applicant has confirmed any additional measures and evidence from submitters.

Urban Form

- 11.13 The proposed rezoning would see an extension to the urban area in the south western extent of Waitara. This area is currently recognised in the Operative District Plan as a suitable location for future development through the FUD overlay, along with the additional land to the north and south eastern flanks of the site (see **Figure 3**). It is however noted that the proposed District Plan does not include this overlay and rather identifies a Future Urban Zone over Ranfurly Park which is located on the western boundary of urban Waitara. It is understood the FUD overlay was removed from the plan change area due to downstream stormwater issues, loss of highly productive soils, existing urban land supply and form. It was considered that efficiencies in land use and future residential growth could be made by utilising established residential areas.
- 11.14 The applicant contends the rezoning is a logical and appropriate extension of the urban form as it is contiguous with the existing residential zone. I note that the residential zone would only extend for one side of Raleigh Street with the other side remaining rural. Due to the shape of the plan change area, a relatively narrow section immediately adjoins the existing residential zone.
- 11.15 The existing urban form and zoning pattern in this part of Waitara is based on the original town survey plan, with a long straight boundary along the south western edge of Waitara. The location and shape of the plan change area appears as a protrusion into the rural area outside the historic urban extent. This pattern is illustrated in **Figure 3**. Extensions to urban form in isolation can result in inefficient use of land and infrastructure, due to the larger service area and reticulated network.

- 11.16 There are limited options available to manage urban form through this plan change request. Given this request is limited in scope to the section of land proposed, the only option to manage urban form would be to reduce the area for rezoning. I would consider that a considerable reduction would be required to effectively mitigate this.
- 11.17 No submissions raised specific concern over the urban form. However, submissions raise concern about incompatibility between residential and rural areas, which indirectly relates to urban form.
- 11.18 Given the area for rezoning will be small in comparison to the Waitara's urban extent, the impact of this protrusion is not significant. I do not consider it necessary to reduce the area for rezoning to manage the built urban form.
- 11.19 I also consider that the extension and break from the south western urban edge is appropriate at this location due to the topography of the land being suitable for development and the alignment of the subdivision with Raleigh Street and Johnston Street. Its location also provides for effective access and connection with the town's facilities and services.
- 11.20 While the site is not specifically identified in the proposed District Plan as a future development area, I consider that sufficient evidence has been provided that the site is appropriate for residential use. Further, this future use had been anticipated by the operative plan through the FUD overlay and the issues for removing the FUD have been addressed by the applicant.
- 11.21 I consider that the location is appropriate for residential development and extends the residential zone in a logical direction (towards Brixton), albeit in a protruding form.

Contaminated Land

- 11.22 The Applicant provided a Preliminary Site Investigation ("PSI") to determine the nature of contamination at the site. The assessment is provided in Appendix I of the request document. This assessment identifies that the site has predominately been used for agricultural and horticultural activities and based on various soil samples, there is a low level of risk. It was noted that some remediation of the site may be required for any samples above background levels.
- 11.23 No submissions specifically raised concern over the PSI or the potential of soil contamination.
- 11.24 I am satisfied with this level of assessment provided by the Applicant and agree with the Applicant's conclusion that the land is suitable for residential zoning. It is noted that further investigation would be required at the subdivision and land use consent stages. The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health would effectively ensure this outcome is achieved.

Waitara's residential/housing development capacity and demand

- 11.25 The underlying purpose of the plan change request is to rezone land to enable residential development. The reasons and context for this application is set out in Section 1.2 of the application document. In summary, these reasons relate to the suitability of the land for residential development and provide certainty on when

development can be undertaken by zoning the property as residential, with recent increased demand for housing in Waitara. The application document provides economic/market and anecdotal evidence to support this increased demand for housing. In addition, the application document outlines the previous growth planning undertaken by NPDC which sets out projections for future growth and development in Waitara.

- 11.26 The original application document included an Economic Assessment which concluded “the PPC would create growth within that catchment that is consistent with historic patterns of growth, and assist Council being able to meet its NPS-UDC requirements to provide sufficient opportunities for the development of housing to meet demand, and provide a range of dwelling types and locations”.
- 11.27 NPDC’s senior policy advisor has reviewed the information submitted by the applicant, and their comments are contained in **Appendix 5**. This information has been used to inform the evaluation below.

Since preparation and notification of the Plan Change Request

- 11.28 In June 2019, NPDC and Taranaki Regional Council produced a Housing and Business Capacity Assessment to meet the requirements of the NPS-UDC 2016. For Waitara, this assessment concluded that there was a total area of 49.1 hectares of residential land available for development, which has the capacity to yield 444 feasible residential lots. Additional yield would be provided by future urban growth areas in the Operative District Plan, which would yield a further 231 feasible residential lots. Combined total is 675 feasible residential lots. The projected demand for dwellings in Waitara over the next 30 years is 508 dwellings. On this basis, this assessment concludes there is sufficient capacity within Waitara to meet future demand.
- 11.29 The applicant’s economic advisor responded to the findings of the Housing and Business Capacity Assessment in relation to the plan change request. While this response questioned an aspect of the methodology, the conclusions were not questioned. The applicant’s economic advisor included further commentary on the benefits of the plan change request for providing for residential development, such as locational advantages including lower land values in Waitara, slower residential growth areas and proximity to employment areas and infrastructure.
- 11.30 In April 2020, NPDC received updated population projection data produced by Infometrics. NPDC officers have reviewed this data in light of the impact of Covid-19. For Waitara, the conclusion of these latest projections is that Waitara now needs 496 dwellings over the next 30 years.

Submissions

- 11.31 A few submissions were received in support of the plan change request. A key reason for this support was that the rezoning would add to the supply of residentially zoned land to meet the demand for housing in Waitara.

Evaluation

- 11.32 The previous NPS-UDC 2016 and recent NPS-UD 2020 seek to ensure district plans provide adequate opportunity for land development for business and housing to meet community needs. In addition, the NPS-UD 2020 seeks to achieve well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the

future. To implement the NPSs and achieve these outcomes, a series of actions are required as outlined in Section 10 of this report.

- 11.33 NPDC has been progressively implementing the previous and current NPSs on urban development. The Proposed District Plan is a key instrument for implementing these NPSs. In preparing the Proposed District Plan, NPDC has evaluated the demand and supply of land for housing, including the number, type, price and location of housing. Furthermore, tangata whenua were involved in the preparation of the Proposed District Plan, including taking into account their values and aspirations for urban development. In this respect, the Proposed District Plan is considered to give effect to these urban growth planning obligations.
- 11.34 Notwithstanding this conclusion, under the Operative District Plan, the plan change request would provide for additional residential land in a part of Waitara with limited supply. In addition, the plan change request provides for a mix of residential densities through the proposed structure plan and therefore housing types (e.g. 1-2 bedroom townhouses to 3-4 bedroom standalone dwellings). The analytical assessments undertaken by the applicant and NPDC conclude there is currently sufficiently zoned land to meet the short- and long-term housing needs of the community. However, the commentary from the applicant, their advisors, NPDC officers and from some submitters, highlight recent increased demand which may indicate higher demand than in the projections.
- 11.35 On this basis, rezoning the plan change area to residential would be responsive to the short-term needs for residential land in the Waitara market based on the current evidence available.

Three Waters capacity

- 11.36 The next matter for consideration is whether there is an ability for Waitara's 3 waters infrastructure (e.g. water supply, stormwater and wastewater) to cater for the development. In responding to growth from an infrastructure perspective, the Council priority is to encourage growth in those areas where there is existing infrastructure, or where it is relatively easy and inexpensive to extend that infrastructure and provider services⁹. The NPDC Infrastructure Strategy and Long Term Plan set out the outcomes and projects for the 3 waters infrastructure. These outcomes and projects include renewals and upgrades to existing infrastructure, and expectations for new infrastructure which service new development. As an example, the approach for stormwater for new development is stated as:

“ensure new Council owned stormwater assets and/ or private subdivisions are designed using principles of ‘water sensitive design’. This will result in a combination of pipes (sized for climate change) and assets that mimic natural processes”.

- 11.37 In terms of this proposal, the site is located in close proximity to existing municipal sewage and water connections (see Section 3.2 and Figure 8 of the request document). It is proposed that the subdivision will be connected to the existing water and wastewater reticulation.
- 11.38 Stormwater is to be managed on site shallow soak pits or rain cells and a detention pond and has been assessed by the Applicant's engineer as achieving hydraulically

⁹ NPDC Infrastructure Strategy 2018 - 2028

neutrality. Proposed Policy 23.10 has been provided to manage potential adverse effects of discharges of stormwater.

- 11.39 It is noted that the capacity of current infrastructure (mainly stormwater) was identified by submitters as a key concern of the proposed plan change.
- 11.40 The Applicant has considered the impact of the development on the current infrastructure which is detailed in Appendix E1 and E2¹⁰ of the request document.
- 11.41 Evaluation of the capacity of the infrastructure is provided below. There are other issues around quality of storm water and disposal methods.

Water capacity

- 11.42 Following a request for further information, the Applicant provided additional assessment of the capacity for the reticulated water infrastructure to manage additional inputs from the development. This assessment is outlined in Section 1.2 of Appendix E2 which identifies that the domestic water supply and firefighting water supply can be provided to the proposed development area from the existing reticulation, without any requirement to upgrade the existing reticulation, if the development is fed off the existing 150mm diameter AC water main on Raleigh Street.

Submissions

- 11.43 A number of submitters including Jo Limmer, Manukorihi Hapū and Te Kotahitanga o Te Atiawa identified specific concern over the capacity of existing water infrastructure to cater to the additional demand.

Evaluation

- 11.44 Council's Engineers have reviewed the Applicant's assessment of water capacity and concur with the additional peak flow calculated (5.3 L/s). In relation to firefighting, the Applicant's assessment identifies that the existing infrastructure would meet FW3 requirements without the requirement for a new distribution main. Council's Engineers noted that based on line of sight modelling indicates that existing network can meet FW3 requirements. Council engineers sought confirmation from the applicant of the methodology used to determine firefighting flow along with confirmation that minimum pressure is maintained throughout the water supply zone during firefighting flow simulation as per NPDC Code of Practice and not just at the hydrant at proposed development as required by SNZ PAS 4509:2008.
- 11.45 A response to this request was provided on 26 October 2020 where the Applicant's engineer provided additional methodology to indicate that FW2 will be provided for, and FW3 is likely to also be met. Council's Engineers have noted that the firefighting information suggests an average reduction in available hydrant flow across the network of 1.6l/s due to the additional demand from the proposed development with the greatest flow reduction indicated to be up to 4.5l/s. This reduction will require further clarification, however, this matter can be managed through the subdivision consenting stage.
- 11.46 Overall, based on the advice of Council's engineers, I consider that there is sufficient capacity within the water system to manage the additional demand.

¹⁰ Response to further information request

Stormwater

- 11.47 Stormwater is proposed to be managed by shallow soak pits or rain cells, and/or disposal to the stream with a detention bund. The Applicant has assessed the effect on the Waitara stormwater system in Appendix E1 and provided additional assessment in Appendix E2 of the request document. The Applicant concluded that based on the modelling for stormwater inputs and the potential methods for managing stormwater, hydraulic neutrality will be achieved.
- 11.48 The Applicant has noted that the additional stormwater detention could assist in reducing the existing flooding problems experienced downstream of the proposed development area in the Norman Catchment.

Submissions

- 11.49 A number of submissions raised concern over stormwater and the current capacity. The existing flooding in Waitara West Catchment was raised and identified that this should not be exasperated. Stormwater management was raised at the 'residents' pre-hearing meeting. Concerns were generally resolved following confirmation that the proposed stormwater methods would achieve hydraulic neutrality.
- 11.50 Manukorihi Hapū and Te Kotahitanga o Te Atiawa identified stormwater as a key concern in their submissions. The CIA reiterated these concerns and provided a recommendation that the proposed stormwater infrastructure be redesigned and associated policy be amended.

Evaluation

- 11.51 Stormwater management and flooding is a current issue associated with the Waitara West Catchment as the original stream channels have been heavily modified and diverted. It is therefore of importance that additional inputs that may exacerbate the issue further are avoided.
- 11.52 Council's Engineers have reviewed the assessment provided and note that there seems to be significantly more volume available to provide detention than what is required. The bund is assessed as holding the entire 1% event and the pipe sized based on maintaining neutrality in a discharge flow for the 10% AEP event. From a stormwater quantity perspective, Council's Engineers have advised that this level of detention and discharge flow rate is acceptable.
- 11.53 It is noted the Council's traffic advisor has indicated that additional information is required to understand the potential flow rates associated with stormwater from road surfaces and how this will relate to proposed stormwater disposal. Based on the assessment outlined above, it is understood that there will be substantive capacity to manage stormwater flows; however, it is suggested that the Applicant confirm these details prior to the hearing.
- 11.54 It is noted that NPDC's network planning team has been working closely with stakeholders, including mana whenua, within the Tangaroa Stream Catchment in northern Waitara which experiences similar stormwater and flooding issues as the Norman Catchment to improve both the current flooding and water quality. This project has been ongoing for the last 2 years and it is intended that similar processes will be taken to target other catchments, including the Norman Catchment.
- 11.55 The work being undertaken within the Tangaroa Catchment will not be impacted by the plan change request; however, it is important that the proposed stormwater

system will align with any future stormwater management projects for the Norman Catchment and the objectives of reducing flooding and improving water quality. While the proposed on-line stormwater design will have sufficient capacity and can achieve hydraulic neutrality, the method of on-line management as opposed to off-line (outside the riverbed) must also be considered and the associated impact on the values associated with the waterbody, such as cultural, ecological and recreational.

- 11.56 As noted above, the CIA has provided a recommendation that the proposed stormwater infrastructure be redesigned and the associated proposed policy be amended. At the time of writing this report, the Applicant had yet to confirm if this recommendation will be accepted.
- 11.57 I consider that the issues raised in the CIA will require further consideration of the design of stormwater system (see **Tangata whenua matters** section). In addition, further discussions with NPDC's network planning team can be undertaken to ensure the design will meet the objectives of any future management project for the Norman Catchment. As there is likely to be further discussions in relation to stormwater management prior to the hearing, I reserve making any further conclusions or recommendations in relation to stormwater at this time. I note that further consideration of the design of the stormwater system is also provided in the Open Space and Reserves section.

Wastewater

- 11.58 Following a request for information, the Applicant provided further assessment of the capacity of wastewater infrastructure. This assessment is outlined in Section 1.1 of Appendix E2 of the request document. Based on calculations outlined in Table 1 of Appendix E2, it has been identified that there is sufficient capacity in all three relevant sections of the wastewater infrastructure.

Submissions

- 11.59 A number of submitters including Jo Limmer, Theresa Wilcox, Manukorihi Hapū and Te Kotahitanga o Te Atiawa identified specific concern over the capacity of existing wastewater infrastructure to cater to the additional development. I note one submitter (Theresa Wilcox) raised general concern that the proposal will have "significant adverse effects" in relation to wastewater. It is presumed that this adverse effect relates to the capacity of current infrastructure rather than the associated treatment and disposal of wastewater. I note the latter is outside the scope of this plan change.

Evaluation

- 11.60 Council's Engineers have reviewed the Applicant's assessment and have advised that the initial two sections (Raleigh Street and Strange Street pipes) will have sufficient capacity to account for additional inputs from the development. While the third section (McNaughton) is identified in the Applicant's assessment as containing sufficient capacity, Council's Engineers noted that approximately 42 hectares has been omitted from the calculations. Based on this, Council's Engineers noted that based on the initial calculations, there would not be sufficient capacity in the McNaughton pipe.
- 11.61 Following a meeting between the Applicant's and Council's engineers, the Applicant provided a revised assessment via email on 26 October 2020 which confirms that there will be sufficient capacity within the McNaughton section.

- 11.62 Based on this additional information, Council's Engineers are satisfied that there will be sufficient capacity to manage the additional wastewater inputs.
- 11.63 Drawing on this advice, I consider that there will be sufficient capacity and do not consider that any changes to the request or additional provisions are required.
Electricity and Gas Infrastructure
- 11.64 A neutral submission was received from Powerco which did not raise any specific concern over the plan change; however, requested that provision is given to ensuring their operations and assets are not impacted and that sufficient infrastructure is put in place to cater to the proposed development. A map showing the locations of current assets was provided as part of the submission.
- 11.65 I consider that the site will have sufficient access to electricity and gas facilities. I consider that this will be effectively managed through the subdivision consenting and do not consider any further specific provisions are required to manage this.

Tangata whenua matters

- 11.66 A submission was received from Manukorihi Hapū and Te Kotahitanga o Te Atiawa Trust. Points raised in their submissions were wide and covered most, if not all, of the points identified in **paragraph 5.8**. The CIA was prepared following the close of submissions which considers and addresses the concerns raised in the submissions. The matters that the CIA consider relevant to the plan change request are identified in paragraph 10.24.
- 11.67 The CIA identified the significance of the site to mana whenua and the underlying issues associated with the proposal being:
- Lack of prior engagement with mana whenua;
 - Lack of recognition of cultural values and the effects within the request document;
 - The proposed structure plan does not adequately take into account the Te Atiawa iwi environmental management plan;
 - In its current form, there will be unacceptable adverse effects on mana whenua and on the relationship of Manukorihi and Otaraua with their ancestral lands, waters and sites and the ability of the development and use to give particular regard to Manukorihi and Otaraua exercising kaitiakitanga.
- 11.68 Seven specific recommendations are provided to mitigate these effects, being:
- The provision of useable open space within the proposed development and associated policy and rule framework provisions;
 - Provision for the development of a cultural narrative to inform the development including through cultural expression, integration of te reo Māori (bilingual signage and dual naming), street furniture, open space, etc in the policy and rule framework;
 - Redesign of proposed stormwater infrastructure and the policy and rule framework including but not limited prohibition of any structures within the channel and bed of the Mangaiti, to provisions controlling impervious surfaces and building footprints on sites, as well as engineering solutions to manage

and treat stormwater on sites and roads prior to entering these tributaries (e.g. swale drains, tree bowls, Vortex separator);

- Policy framework provisions which allow for the development of environmental health indicators for the Mangaiti which benefit from mātauranga Māori;
- Provision of permeability/connectivity for active modes of transport through and across the development;
- Specific provisions to ensure retention of the natural landform, management of earthworks and provide for the on-going cultural monitoring of subsequent subdivision and land use development;
- Provisions in relation to Historic Heritage and process to amend the design in the event there is an unrecorded archaeological find.

11.69 At the time of writing this report, I had not received any confirmation from the Applicant as to whether these recommendations have been accepted.

11.70 The CIA raises a number of issues, in particular the impact that the development and stormwater management may have on the waterbody and providing for Te Mana o Te Wai. Te Mana o Te Wai is the fundament concept of the NPS-FM which must also be considered by NPDC as outlined in the policy section. It is expected that the applicant will provide confirmation on whether the recommendations outlined in the CIA will be accepted,

11.71 At this stage I do not recommend any specific provisions, however I recommend that the Applicant consult with mana whenua prior to the hearing and confirm if the recommendations are accepted.

Environmental Effects Assessment

Traffic and Rooding

11.72 The plan change request as originally sought relied on the proposed Structure Plan, existing provisions in the Operative District Plan, changing the speed limit on Raleigh Street and works by Waka Kotahi (NZ Transport Agency) at the State Highway to address the traffic effects. The assessment of traffic effects and proposed transport measures has evolved through the plan change process, including in response to requests for further information and at the pre-hearing meetings.

11.73 The proposed Structure Plan for the plan change area incorporates elements to manage the traffic effects of the proposal as follows:

- An internal road network and two new intersections with Raleigh Street
- Road frontage lots along Raleigh Street
- Larger residential lots along Johnston Street
- Walkway along the edge of the gully/reserve connecting to Johnston Street and Ranfurly Street, with future provision to connect to Mayne Street Park

11.74 A new rule (OL60H) is proposed in the plan change request to require subdivision and development to be undertaken in accordance with the Structure Plan. When

subdivision or development is not in accordance with the Structure Plan, the matters of discretion include consideration of a range of traffic matters.

- 11.75 During consultation prior to lodging the plan change request, the applicant records the Waitara Community Board and nearby residents raised concerns about the negative effects of increased traffic, particularly safety concerns and effects on amenity values. The applicant commissioned Stantec to undertake an assessment of traffic impacts, including considering alternative layouts. Stantec concluded the proposed layout was appropriate, subject to a change in the speed limit on Raleigh Street.
- 11.76 A further traffic issue raised in consultation prior to lodging the plan change request were the traffic effects with State Highway 3 which Raleigh Street intersects. Waka Kotahi noted they were undertaking the SH3 Waitara to Bell Block project to improve the safety of this section of State Highway. These safety improvements could include closing the Raleigh Street intersection and installing a new roundabout at Tate Road/Waitara Road/State Highway 3 intersection¹¹. Waka Kotahi contend subdivision and development in the plan change area should not proceed until the State Highway safety improvements have been implemented. The applicant does not support this proposition.

Submissions

- 11.77 Submissions from nearby property owners and residents oppose the plan change for a range of traffic effects. Concerns are expressed relating to:
- Safety concerns regarding the new intersections on Raleigh Street, including the provision slip lanes/turning bays. In addition, safety concerns about increased traffic using existing intersection of Johnston Street/Raleigh Street and Borthwick Street/Raleigh Street
 - Safety concerns associated with access to lots fronting Raleigh Street, particularly pedestrians along Raleigh Street. Includes lack of provision of a footpath along Raleigh Street
 - Narrow width of Johnston Street and providing for two-way traffic
 - Conflict between vehicles from new development and other types of vehicles (e.g. milk tankers, heavy agricultural machinery, pedestrians) in the area
 - Poor condition and safety issues with existing transport network have not been addressed by government (via Waka Kotahi) or NPDC
- 11.78 These submitters seek either the plan change be rejected for the above reasons, or measures be proposed to address these concerns, such as road upgrades.
- 11.79 Waka Kotahi supports in part the plan change request but considers there is inadequate capacity on the State Highway network to safely and efficiently accommodate the additional traffic that would be generated by the proposal. Waka Kotahi seek that subdivision and development within the plan change area not proceed until sufficient infrastructure is in place at the intersection of State Highway 3 and Tate Road, and the intersection of SH3 and Raleigh Street is closed.

Evaluation

Internal road network and connections with Raleigh Street and Johnston Street

¹¹ Waitara to SH3A Possible Safety Improvements Map, 1 December 2017, Waka Kotahi

- 11.80 The request document (Section 9.8.2) sets out consideration of the proposed and alternative internal road network and connections with Raleigh Street and Johnston Street. The proposed road layout has taken into account traffic, urban form, community connectivity and landscape considerations.
- 11.81 During the pre-hearing meeting with local resident submitters, the proposed and alternative road layout and property access options were discussed. Submitters living in Johnston Street were opposed to any option which involved road access to Johnston Street. There were mixed views about whether properties fronting Johnston Street should have vehicle access to this street or internally within the development. However, the majority preferred vehicle access/frontage to Johnston Street subject to Johnston Street being upgraded (widened) to cater for increased traffic movements.
- 11.82 Similarly, submitters living on or near Raleigh Street had mixed views about new intersections and vehicle access/frontage to properties on Raleigh Street. Concerns were expressed about pedestrians on Raleigh Street conflicting with vehicles entering/exiting properties with frontage to Raleigh Street. Submitters sought Raleigh Street be upgraded at the time of subdivision, including the construction of a footpath along Raleigh Street.
- 11.83 In reviewing the proposed internal road layout, Council's advisors are supportive of the proposal layout subject to a change in the speed limit on Raleigh Street. Council's traffic advisor concludes the design of the internal road layout and new intersections with Raleigh Street would be acceptable subject to the speed limit on Raleigh Street changing to 50kph (it is not acceptable at the current speed limit of 80kph). Council's landscape architect and open spaces planner also support the road layout, particularly the lots along Raleigh Street and Johnston Street having frontage and access to these streets. This design ensures these properties will face the street and establish a residential character which is in keeping with the existing character in Waitara.
- 11.84 Based on this advice, I consider the proposed Structure Plan and existing transport rules and standards in the District Plan would effectively and efficiently address the concerns raised by submitters. The proposed Structure Plan achieves the outcomes for residential character and qualities as well as transport which would be consistent with other recent developments in Waitara and New Plymouth district. Specific details such as the width of the widen Raleigh Street and Johnston Street, as well as property vehicle access, would be determined at the time of subdivision.
- 11.85 However, this conclusion is based on the speed limit of Raleigh Street changing to 50kph. The traffic advice for the applicant and NPDC confirms that there is justification for changing the speed limit. Speed limits cannot be changed through the District Plan Change process. However, NPDC is currently undertaking a district-wide road safety review which includes reviewing speed limits on certain roads. I understand from NPDC's Network Management Lead that Raleigh Street has already been identified for review. The outcome of this plan change can inform this road safety review.

Raleigh Street

- 11.86 Further to the above evaluation of the overall road layout, there are two additional considerations for Raleigh Street, being the upgrading of Raleigh Street and street tree planting in response to the traffic effects and the landscape and visual effects respectively.
- 11.87 Raleigh Street is current formed as a two-lane road (single lane in either direction) and is typically 6.5m seal width with narrow sealed shoulders and grass berms on either

side of the road¹². Raleigh Street is identified as a Collector in the NPDC Roading Hierarchy. In the application document, no reference is made to upgrading Raleigh Street apart from the construction of the two new intersections and a new footpath¹³. Council's traffic advisor suggests the road width of Raleigh Street be reviewed along the frontage and potentially upgraded. Under the existing subdivision rules and standards in the District Plan, this matter can be assessed at the time of a subdivision application.

- 11.88 Similarly, Council's traffic advisor has expressed concern about the planting shown on the indicative landscape plan in the application document. The applicant's Landscape and Visual Impact Assessment states "The Landscape Plan also indicates tree planting on Raleigh Street to provide an attractive entrance into this end of Waitara, and to soften the built form adjacent"¹⁴. As discussed further below in this report, Council's landscape architect queries this planting as well. I note this planting is not shown on the Proposed Structure Plan in the plan change request, therefore, it would not be required. I consider the need and appropriateness of any street tree planting, from both a landscape/visual amenity and traffic perspective, can be effectively assessed at the time of subdivision under the current subdivision rules in the District Plan.

Johnston Street

- 11.89 Council's traffic advisor also comments on the existing formed standard of Johnston Street and comments that upgrading (widening) would be required at the time of subdivision. I concur with Council's traffic advisor that this matter can be effectively addressed at the resource consent application stage under the current subdivision rules in the District Plan.

State Highway 3 Issues

- 11.90 As recorded in the application document and submission from Waka Kotahi, there are existing safety issues with the section of State Highway 3 between Bell Block and Waitara. While the plan change area does not have direct access to the State Highway, the traffic assessment concludes there will be an increase in traffic using the Raleigh Street/SH 3 intersection. There is consensus in all traffic information that this existing intersection is already over capacity. There is also consensus in the traffic advice from the applicant and NPDC that this intersection should be closed or upgraded prior to subdivision and development occurring in the plan change area.
- 11.91 As noted earlier, Waka Kotahi has a Waitara to Bell Block project underway to address existing safety issues with this section of State Highway. This project includes closing the Raleigh Street intersection and constructing a new roundabout at the Tate Street intersection, amongst other works. However, there is uncertainty to the timing of these works. This uncertainty on timing has been a theme through this process, as detailed in the application document prepared in 2018, the Waka Kotahi submission in 2019, and at the recently held pre-hearing meeting.

¹² Section 4.1, Integrated Transport Assessment – Residential Plan Change, Waitara, Prepared by Stantec dated 19/11/2018

¹³ Section 9.4, Integrated Transport Assessment – Residential Plan Change, Waitara, Prepared by Stantec dated 19/11/2018 and the Response to Request for Further Information from Stantec to Landpro dated 25 January 2019 (refer Item 1(a) and attached plans)

¹⁴ Page 23, Landscape and Visual Impact Assessment – Private Plan Change/Structure Plan Area: 2 Johnston Street, Prepared by Blue Marble dated September 2018 Rev 5

- 11.92 The Waka Kotahi submission sought any application for subdivision in the plan change area be a non-complying until the Raleigh Street intersection was closed and new Tate Street roundabout delivered. The applicant does not support this request due to the uncertainty with the timing for when these works would be delivered.
- 11.93 At the pre-hearing meeting, alternative Plan provisions were discussed, including potential staging development in the plan change area subject to the State Highway works. I understand the applicant and Waka Kotahi have been working on potential Plan provisions which were unavailable at the time of preparing this report.
- 11.94 Based on information available at this time, I consider applying non-complying activity status to any subdivision in the plan change area until the State Highway works are undertaken is unduly restrictive. While this activity status would be effective in achieving the transport objectives of a safe and efficient road network, it would not be effective or efficient in achieving the urban growth and development objectives of adding to the supply of residential land. I see merit in a staging approach in that it has the potential to achieve both objectives. The applicant and Waka Kotahi may wish to address this matter in evidence for the hearing.

Public Transport and Non-Vehicular Transport

- 11.95 Waitara is currently serviced by a weekday bus service connecting to Bell Block and New Plymouth (Route 20). The route runs along Raleigh Street on inbound and outbound journeys. The current closest bus stop is outside the Raleigh Street Dairy, approximately 300m from the closest point of the plan change area. Therefore, it is considered the plan change area is well located from a public transport perspective. If Taranaki Regional Council review bus stop locations in the future, if this plan change is approved, consideration may be given to a new bus stop closer to the plan change area.
- 11.96 The Proposed Structure Plan, including the new internal road layout, shows provision for both on-street and off-street pedestrian and cycle routes. At the northern end of the plan change area, they connect to the existing pedestrian/cycle routes. In addition, provision is shown on the Proposed Structure Plan for a future walkway link to Mayne Street Park. Showing this future link is considered appropriate as it forms a connected walkway network.

Recommendation

- 11.97 Overall, I consider the traffic and access effects can be effectively managed through the implementation of various methods. I consider the new internal road layout and new intersections with Raleigh Street as shown on the Proposed Structure Plan is appropriate. This conclusion is made on the basis that the speed limit for Raleigh Street is currently being reviewed and would change to 50kph.
- 11.98 In terms of the effects related to State Highway 3, at this time, I seek further information from the applicant and Waka Kotahi on potential Plan provisions on how the sequencing and timing of subdivision and development in the plan change area can be related to the delivery of State Highway 3 works.
- 11.99 For all other matters, I consider these can be appropriately addressed at the time of subdivision consent application. At that time, greater detail is needed around proposed internal roads, cross-sections and safety aspects in consideration with NZS4404 and AUSTRROADS standards. This further detail can be subject to consent conditions.

11.100 I consider the existing subdivision rules and those proposed in the plan change request appropriately address the traffic effects.

Landscape and Visual Impact

11.101 The applicant engaged a Landscape and Visual Impact expert to assess the landscape and visual impact effects that would be anticipated from the proposed development. The original assessment is provided in Appendix H1 of the request document, and following request for information, a revised landscape plan (Appendix H2), alternative layout options (Appendix H3) and a further landscape memo (Appendix H4) were provided. The assessment provided conclude the following:

11.102 Landscape Effects

- There will be a change in landscape character as the site changes from rural to predominately residential. These effects will be permanent.
- There will also be a change to landscape character through land modification. Earthworks will occur with the creation of roads and allotments, although these are anticipated to be minimal given the flat nature of the land, and the maintenance of the existing gully system for stormwater retention and walkway. Any changes in topography will, with time, not be recognisable as houses are built and sections modified. Amenity and riparian vegetation will also soften and re-render the modified landscape.

11.103 Visual Effects

- The rezoning will create permanent landscape change for all surrounding neighbours. However, amenity effects vary depending on the viewing audience.
- Residents on Johnston Street are oriented towards the site and their current rural outlook will change. This change can be managed to reduce adverse effects, but it is this group that are most at risk of experiencing a loss of rural outlook.
- Urban residents of Waitara will view the structure plan area as an extension of their existing environment.
- There is a low number of neighbouring properties. The shape and location of the site mean that few properties have views into the site. There are no elevated views or situations where structures would be seen against the skyline.
- Residents on Raleigh Street will also experience change, although these residents are generally set well back from Raleigh Street and they currently adjoin a busy road. The site will change the ambience of the road, and once fully developed vehicle speeds may reduce.
- Mitigation measures are proposed in the form of: subdivision controls for lot sizes, maximum habitable building numbers, building height restrictions, roof colour and cladding colour controls, yard restrictions, restriction on solid fencing, planting trees and shrubs along streams and gullies, gentle cut and fill batters, , walkways, amenity vegetation within lots.

- 11.104 Two alternative layouts were provided, both removing the individual access points onto Raleigh Street (Appendix H4). These alternative landscape layouts were discounted for a number of reasons (see Section 9.8.2 of the request document), with the main concern coming from the Landscape and Visual Impact expert stating:

“The biggest risk of these two alternative layouts is forming an edge that becomes the ‘back’ of the properties with high fencing and high vegetation. This severs any connectivity to the houses beyond and can result in an unkempt appearance forming the entry to Waitara. Devon Road adjacent to Bell Block is a prime example of a road edge treatment that is visually unappealing, where all interaction with the houses beyond have been restricted by high fencing and no vehicle access.”¹⁵

Submissions

- 11.105 A number of submitters raised concern over the landscape and visual effects, the majority of which were from submitters in close proximity to the site (see **Appendix 2**). Notwithstanding matters that I have considered in the sections above, the following concerns were raised by submitters:

- Loss of rural character;
- Density of subdivision (lot sizes);
- Fencing;
- Reverse sensitivity

Evaluation

- 11.106 During the ‘residents’ pre-hearing meeting, concerns over potential loss of views, particularly ocean views to the north and west of the site. It is understood that these views have recently been provided through initial site clearance of shelterbelts and other vegetation.
- 11.107 The Applicant advised that concerns over loss of views can be mitigated/avoided through setting standards for housing to ensure they do not block views (e.g. houses in the northern boundary are restricted to one storey). Council’s landscape and visual impact advisor has noted that a single storey house would likely still obscure views towards the coast.
- 11.108 It is noted that currently there is no proposed provisions that provide for this and a set height restriction would be required as a set rule or otherwise. I will await further confirmation of the Applicant’s proposed measures to manage this impact before making any further recommendations.
- 11.109 Council’s landscape and visual impact advisor has reviewed the Applicant’s assessment. Concern was raised in submissions about reverse sensitivity effects associated with pets within the development entering the adjacent rural land. In response, the Applicant’s landscape and visual effects expert proposed a closed board timber fence structure of 1.2m high, finished in a black paint or stain. Council’s landscape and visual impact advisor note that this form of fence line is considered inappropriate as it would create a continuous solid fence line along this boundary which would be a visible and potentially unattractive feature in the wider landscape to the north.

¹⁵ Paragraph 2 of page 2 of the “Landscape Memo” – Appendix H4

- 11.110 As an alternative Council's landscape and visual impact advisor has recommended that a more visually permeable fencing solution is employed, in the form of timber post and rail fencing. This type of fencing would fit in with the surrounding rural character, maintain views for residents north towards the coastline, while securing the property boundary. Planting could be employed within individual properties if privacy was desired by residents. I discuss this recommendation further below.
- 11.111 The properties on Raleigh and Johnston Streets will face out onto these roads, creating a new urban edge. The lot sizes proposed along these two streets are slightly larger at 1,000m² than others within the site, however they are much smaller than the surrounding rural lifestyle properties. Council's landscape and visual impact note that the 1,000m² lots would have an average frontage width of 20m, while the existing adjacent rural lifestyle properties on Johnston Street are around 50m in width, with those on Raleigh Street being even larger. Council's landscape and visual impact advisor does not consider the proposed lot sizes provide any form of mitigation to the development. However, Council's landscape and visual impact agree that the proposed street tree planting along Raleigh Street will assist with integrating the development into the surrounding area, and this is the most effective mitigation measure in buffering the proposed development from the adjacent rural lots. Council's landscape and visual impact advisor recommends that similar tree planting is carried out along the Johnston Street boundary to assist with filtering views of the development from the adjacent rural area.
- 11.112 Council's landscape and visual impact advisor considered the two alternative layout options and noted that both would effectively create a continuous fence line along Raleigh Street. This outcome is undesirable as it would create an unattractive road frontage along Raleigh Street which would be out of character with the adjacent rural area (see Figure 17 in the Plan Change request document as an example). Based on this, Council's landscape and visual impact advisor agrees with the Applicant's consideration of the proposed structure plan over the alternatives.
- 11.113 To provide greater certainty that the landscape and visual effects are effectively managed and outcomes achieved as proposed by the applicant, Council's landscape and visual impact advisor recommended that the following items should be required to accompany any resource consent application at the subdivision stage of the development:
- A detailed landscape plan is developed for the reserve area illustrating areas of open space and proposed planting, including details of plant species, trail surfacing, furniture and any other features.
 - Detailed plans and sections of the proposed road crossings of the stream, illustrating the treatment of any culverts and abutments, areas of proposed planting (including species) to remediate the stream banks and any other features required to create an attractive crossing point when viewed from the proposed reserve.
 - A species list for tree planting along the Raleigh Street and Johnston Street boundaries and for the main accessway within the site.
 - Typical street cross section details for the E11 and E12 roadways, illustrating how the proposed tree planting is accommodated within the road corridor.
- 11.114 I agree that these matters are best managed during the subdivision stage. Current provisions of the operative District Plan are not prescriptive and may not provide for

the above. I therefore recommend that additional provisions by way of amendments to rules are provided to account for the above.

- 11.115 In relation to the recommendations made by Council's landscape and visual impact advisor in **paragraph 11.110** above, I note that currently the Applicant has proposed a specific condition for rule OL60N which specifies the fencing requirements and a maximum height. In light of Council's landscape and visual impact advice, I recommend that this provision be amended to specify the type of fencing to better manage landscape effects. I note that this change may alter current mitigation for reverse sensitivity; however, as noted in the section above, the applicant may propose additional measures, and submitters generally considered that current fence provisions were insufficient for managing reverse sensitivity. In relation to the height of the fences, Council's landscape and visual impact advisor commented that fences may be increased in allowable height if necessary, for safety reasons. There is no minimum restriction in the operative district plan for such purposes. For these reasons I do not consider it necessary to alter the fence height restrictions.
- 11.116 In relation to the recommendation made in **paragraph 11.111** above, it is noted that the current provisions would not specifically provide for this planting, nor the proposed planting along the Raleigh Street frontage. I recommend that the Applicant provide an updated structure plan that accounts for these features to replace the current proposed structure plan.
- 11.117 Subject to the recommendations as outlined above, I consider that the impact on visual amenity and landscape will be effectively managed.

Open Space and Reserves

- 11.118 The proposal looks to establish an open space of around 1.54 ha within the centre of the site. This open space looks to optimise the use of the waterway and enhance its values through planting of native vegetation. A walkway would be provided which would be accessible to the public (from Johnston Street and Ranfurly Street) and the residents of the subdivision.
- 11.119 The full extend and features of the open space is provided in the proposed structure plan. Other than the structure plan, there are no specific rule provisions proposed associated with the open space. It is noted that proposed policy 23.10 requires stormwater to be discharged to an appropriately sized detention pond to minimise the environmental effects, which is currently proposed to be an on-line detention pond within the waterway.
- 11.120 Submissions did not raise any specific concerns in relation to the proposed open space and the provisions associated with it, however, a number of submitters raised concern over the potential environmental effects of the proposal on the waterway and ecological values.
- 11.121 Council's Open Spaces Planner has assessed the proposal and how it aligns with NPDC's strategy and district plan, specifically Objective 23 and Policy 23.1(f). The full assessment is provided in **Appendix 6** and a summary of their evaluation is provided in the sections below.

Open Space Provision

- 11.122 NPDC Open Space Sport and Recreation Strategy (Strategy) outlines the desired service levels in relation to open space provision within the District. Objective 1.1

identifies the main components that must be provided for in relation to residential areas.

- 11.123 Council's Open Spaces Planner has assessed the proposal and how it aligns with Objective 1.1.
- 11.124 Provision has been provided for walkways within the street network and along the proposed esplanade reserve through the structure plan. Further consideration has been given to future connectivity.
- 11.125 Parts of the subdivision are greater than 500 metres from the existing neighbourhood park, which is greater than the threshold set out in Objective 1.1. As the surrounding area is not identified in the Proposed District Plan as a future development area, it is necessary to ensure that there is sufficient provision for accessibility to a park/open space through this plan change. A recommendation has been made to ensure that this is provided for.

Esplanade Provisions

- 11.126 Esplanade Reserves are mechanisms to protect riparian margins for the purpose of:
- Contributing to the protection of conservation values, in this instance in relation to aquatic habitats;
 - Enabling public access; and
 - Enabling public recreational use of the esplanade reserve (where compatible with conservation values).
- 11.127 The proposed esplanade reserve varies in width along each side of the water way with widths of between 5 and 30 metres. Council's Open Space Planner notes that a minimum of 10 m would be required to ensure an effective riparian buffer.
- 11.128 The current stormwater retention is proposed within the stream corridor. Council's Open Space Planner notes that experience with other online detention in the Waitara area has shown that online detention creates ongoing issues in regard to weed invasion and maintenance of a clean, open and flowing waterway. This issue, among other things, was also raised in the CIA and a recommendation was made to reconsider the stormwater detention design. Council's Open Space Planner is also of this opinion.
- 11.129 The alternative layouts (Appendix H3 of the request document) which provide an indication of how the site may be subdivided were considered by Council's Open Space Planner who noted that some of the alternative lot layouts reduce the road frontage along the esplanade reserve. In relation to ensuring good public access and ease of maintenance road frontage is a preference along esplanade reserve where possible. It is noted that these layouts are indicative and would be considered further during the subdivision consenting stage.

Streetscape and amenity

- 11.130 Council's Open Space Planner notes that the proposed development provides for street trees within the development and this alongside the riparian planting along the proposed esplanade reserve provide a good level of vegetation cover.
- 11.131 Proposed vegetation cover as street trees along the street frontage of Raleigh Street has been indicated on the proposed landscape plan. The Raleigh Street frontage is a considered a critical component from an urban design perspective to providing high

amenity and visual connectivity of the proposed development to the existing urban area.

- 11.132 Council's Open Space Planner has noted that there is potential for a significant reduction in the current positions and number of street trees through the size of the proposed lots and providing for driveways. Further consideration of the lot layout would therefore be required. Council's Open Space Planner notes there through an alternative layout there may be an opportunity to have more groupings of street planting to provide a more impactful street amenity and to break up the dominance of the residential lots along this frontage.
- 11.133 Of the layouts provided in Appendix H3 of the request document, Council's Open Space Planner consider that alternative layout 1 with no vehicle crossing onto Raleigh Street provides more opportunity to improve amenity along this frontage and is the preferred option.

Recommendations

- 11.134 Along with the evaluation outlined above by Council's Open Space Planner, a number of recommendations have been made:
- (a) That a small neighbourhood park provision would be required within the southern portion of the proposed development to ensure appropriate recreation and well-being opportunities for future residents.
 - (b) That an area of minimum 3,000m² and up to 5,000m² be integrated in an appropriate location that provides for good road frontage and easy access, as a component of the structure plan. Ideally there would be some relationship and linkage to the proposed esplanade
 - (c) That the proposed walking network is maintained with consideration during developed design of best practice CPTED outcomes for the routes along the esplanade reserve.
 - (d) That consideration be given for some additional width of esplanade at the very southern and most narrow end of the proposed esplanade reserve in order to provide for a more sustainable riparian ecosystem and open space amenity outcome.
 - (e) That online stormwater detention is reconsidered, to ensure open and flowing stream environment is maintained.
 - (f) That preference is given to layouts that provide for road frontage along the esplanade reserve.
 - (g) That only native species appropriate to the local area are used within the esplanade reserve planting.
 - (h) That consideration be given to creating improved street frontage outcomes in terms of vegetation along Raleigh Street, with a focus on reducing dominance of the residential lots along the street through possible groupings of larger areas of planting. This may require consideration of lot access and mixing up of lot sizes in order to facilitate such a response or consideration of partial implementation of alternative layout 1.
 - (i) That the fencing recommendations of maximum on 1.2 be maintained to ensure amenity outcomes.

- 11.135 In relation to recommendations (a), (b), (d) and (h), while these could be managed at the subdivisions stage with the operative provisions of the District Plan and open space strategy, I consider that the structure plan does not provide sufficient detail to account for these which may result in uncertainty whether the matters would be provided for through the operative provisions. I therefore recommend that amendments to the structure plan are made to account for these recommendations.
- 11.136 In relation to recommendations (a) and (b), it recommended that the structure plan differentiate the open space types e.g. neighbourhood park and waterbody/reserve. To achieve the accessibility objective for neighbourhood parks, the park will need to be located in the southern portion of the site.
- 11.137 Recommendation (c) would be assessed further during the subdivision stage and incorporated as a condition of consent. It is expected that the detailed landscape plan will provide details of how walkway will be constructed and maintained.
- 11.138 In relation to recommendation (e), as noted above, a recommendation of the CIA has also required a redesign of stormwater management infrastructure. It is expected that the Applicant will provide confirmation of this prior to the hearing.
- 11.139 Recommendation (f) will be provided for during the subdivision stage and the current structure plan would enable this. I do not consider any further provisions are required to account for this.
- 11.140 Native planning as required by recommendation (g) is proposed by the Applicant and is standard practice under the operative provisions. No further provisions are proposed.
- 11.141 The recommended maximum fence height is currently proposed as a rule provision.
- 11.142 Subject to the recommendations outlined above, I consider that the provision of open space has been adequately assessed and provided for.

Ecological Effects

- 11.143 The proposal has the potential to maintain and enhance the ecological values of the site and wider area. The proposal incorporates elements which seek to protect and enhance indigenous vegetation and fauna, in particular within the margins of the waterbody.
- 11.144 An ecological assessment has been provided by the Applicant in Appendix L of the request document. The assessment found that the site is highly modified and largely dominated by exotic plants. No freshwater fauna is identified as being present within the waterbody. Of the limited bird species identified as present, two were native.
- 11.145 Overall, the ecological assessment concluded that the site currently supports low ecological value. While this was a desktop assessment, based on what I observed during a site visit generally I concur with this assessment.
- 11.146 The conclusion of the assessment is that the effects on ecological values will largely be beneficial through the creation of the open space area.

Submissions

- 11.147 Two submissions were received in opposition from Manukorihi Hapū and Marilyn and Pat Cadle that raised concerns over the potential ecological effects. Concerns raised

by Manukorihi Hapū are general and are not expanded upon. Marilyn and Pat Cadle raised concern that the ecological report indicates that there are only two native birds; however, more than 12 species had been observed.

Evaluation

- 11.148 The ecological assessment provides three recommendations which I cannot see any further reference to within the Plan Change request. The recommendations are:
- a. That the use of the native wetland plant raupō (*Typha orientalis*) is considered as part of the native planting in the man-made pond.
 - b. That large culvert pipes that can be partially buried into the stream bed to allow good passage of any native fish that may be present, but were not detected, such as detailed in the New Zealand Fish Passage Guidelines.
 - c. Preference be given to local genetic stock, if available, when selecting plants for the Open Space B area.
- 11.149 In relation to these recommendations, while these are not specifically provided in the proposed provisions, I consider that the intent of recommendations a. and b. are sufficiently provided for by the operative policies of the District Plan within the indigenous biodiversity section (section 9). Specifically, Policies 1, 2, 3, 4, and 8.
- 11.150 Recommendation b. is a regional authority matter and will be managed either through the Regional Freshwater Plan or the National Environmental Standard for Freshwater 2020.
- 11.151 In relation to the concerns raised by submitters, given the Applicant's ecological assessment was based on a site visit, I accept that additional bird species are likely. I do not consider that this would alter the conclusion of the ecological assessment. In relation to the general concerns raised by Manukorihi Hapū, it is understood that this has been covered in the CIA. I will provide further specific consideration to this matter in Section 12.
- 11.152 Overall, I concur with the ecological assessment provided and consider the measures proposed to manage ecological effects are appropriate.

Historic Heritage

- 11.153 Heritage of the site is outlined in Section 3.9 of the request document and an archaeological assessment has been provided in Appendix D of the request document.
- 11.154 No recorded or identified heritage or archaeological sites were identified during the survey.
- 11.155 The CIA provided additional context to the ancestral landscape and relationship Mana Whenua hold to this land. Further consideration of this is provided in Section 12.
- 11.156 As mitigation, the Applicant has included the accidental discovery protocol which is provided in the notes of the structure plan (Appendix C). While these notes hold only limited weight, I consider that there is sufficient provision to require the accidental discovery protocol through current subdivision and land use provisions of the operative District Plan. Notwithstanding, I note the CIA includes a recommendation

relating to a re-design of the proposal in the event of a discovery of unrecorded archaeological find.

- 11.157 Subject to responding to the CIA, I concur with the Applicant's assessment of historic heritage and do not recommend any additional provisions.

Economic and Social Impacts

- 11.158 The proposed development has the potential to generate positive and negative economic and social impacts on the local community.
- 11.159 The Applicant has identified that the development would offer a variety of different lot sizes which is likely to attract diverse household type which in turn would result in a diverse community. Connectivity is also provided through the provision of walkways, albeit only proposed within the subdivision.
- 11.160 The economic assessment in Appendix G of the request document indicates that there will be small increase to the Waitara (4%) population through the proposed development. The increase in population could have a positive social effect where it could be expected existing organisations and community groups could receive increase support drawn from the increased population. Conversely, the additional population could cause pressure on community services and facilities.
- 11.161 The reserve will provide greenspace not only to the residents of the subdivision, but also other members of the public. The Applicant has noted that there will be opportunity for future development (expansion) of this greenspace and a connected walkway.
- 11.162 Specific concerns have been raised by submitters that parts of the proposal could result in negative social impacts. An example being that the proposed heights of fencing, or lack thereof it, could result in stray dogs or infants accessing the street and footpaths which would pose safety issue.
- 11.163 This matter was considered at the 'residents' pre-hearing meeting. It was advised that the provision of fencing was not currently provided due to the adverse impact this would have on landscape and amenity values. The Applicant noted that they will consider the provision of fencing, notwithstanding the potential landscape impact that might be incurred with this provision.
- 11.164 While the requirement of fencing along the front boundary of the property would be an effective way of preventing dogs escaping and infants accessing the road, I do not consider that this is a matter requiring any further provisions as it would be effectively managed through the current provisions of the operative District Plan and by the dog control bylaw.
- 11.165 Overall, it is considered there would be positive and negative social impacts arising from the plan change. No Plan provisions or other measures are recommended for social impacts as they are responded to under other topics above.

12.0 Overall Conclusions and Recommendations

Conclusion

12.1 Private Plan Change 49 seeks to:

- Change the zoning of 9.8 ha of land from Rural Environment Area (with Future Urban Development overlay) to Residential A Environment Area where the Applicant proposes to create 110 residential lots ranging from 350-1000 m².
- Change the zoning of 1.54 ha of land from Rural Environment Area to Open Space B for the creation of a reserve within the riparian margins of the waterway that flows through the centre of the site. and with rezoning from Rural Environment Area to Open Space B zoning.
- Introduction of a proposed structure plan and associated policies and rules to direct the overall form and layout of subdivision and development.

12.2 Overall, at this time, prior to hearing evidence from the applicant and submitters, I recommend that PPC 49 as lodged by Hareb Investments Limited be approved, subject to the amendments that I recommend to the Plan Change and which are set out above. I note that this recommendation is also subject to confirmation from the applicant on the following:

- Confirmation of any changes and additions following the two pre-hearing meetings, specifically in relation to:
 - Measures for managing reverse sensitivity;
 - Consideration of measures to manage traffic safety; and
 - Measures to ensure coastal views are not impeded;
- Proposed plan provisions to manage sequencing and timing of subdivision and to ensure alignment with delivery of State Highway 3 works;
- Whether recommendations of the CIA are accepted and if alterations to the proposed provisions is required.

12.3 Given I am awaiting confirmation and additional information from the Applicant on those points outlined above, I am yet to provide a recommended set of provisions and the specific changes to Appendix C (proposed additions to the District Plan). I intend to provide this following receipt of the information as outlined above.

Recommendations

12.4 That on the basis of the evidence and information available at this time, the Commissioners make the following recommendations to Council:

12.5 That pursuant to Clause 29(4) of Schedule One of the Resource Management Act 1991, Council:

- (a) approves Private Plan Change 49 in part in accordance with the reasons set out in the report above and subject to:

- The amendments recommended to Private Plan Change 49 as set out in this report; and
 - The Applicant to confirm matters outlined in this report and for further confirmation on how matters raised in submissions will be addressed, in particular Waka Kotahi and Mana Whenua.
- (b) Accepts, rejects, accepts in part or rejects in part submission points in line with the above recommendation;

Report prepared by:



Charles Horrell
Planning Consultant



Hamish Wesney
Planning Consultant

Report approved by:

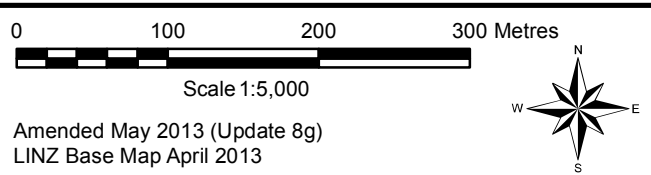
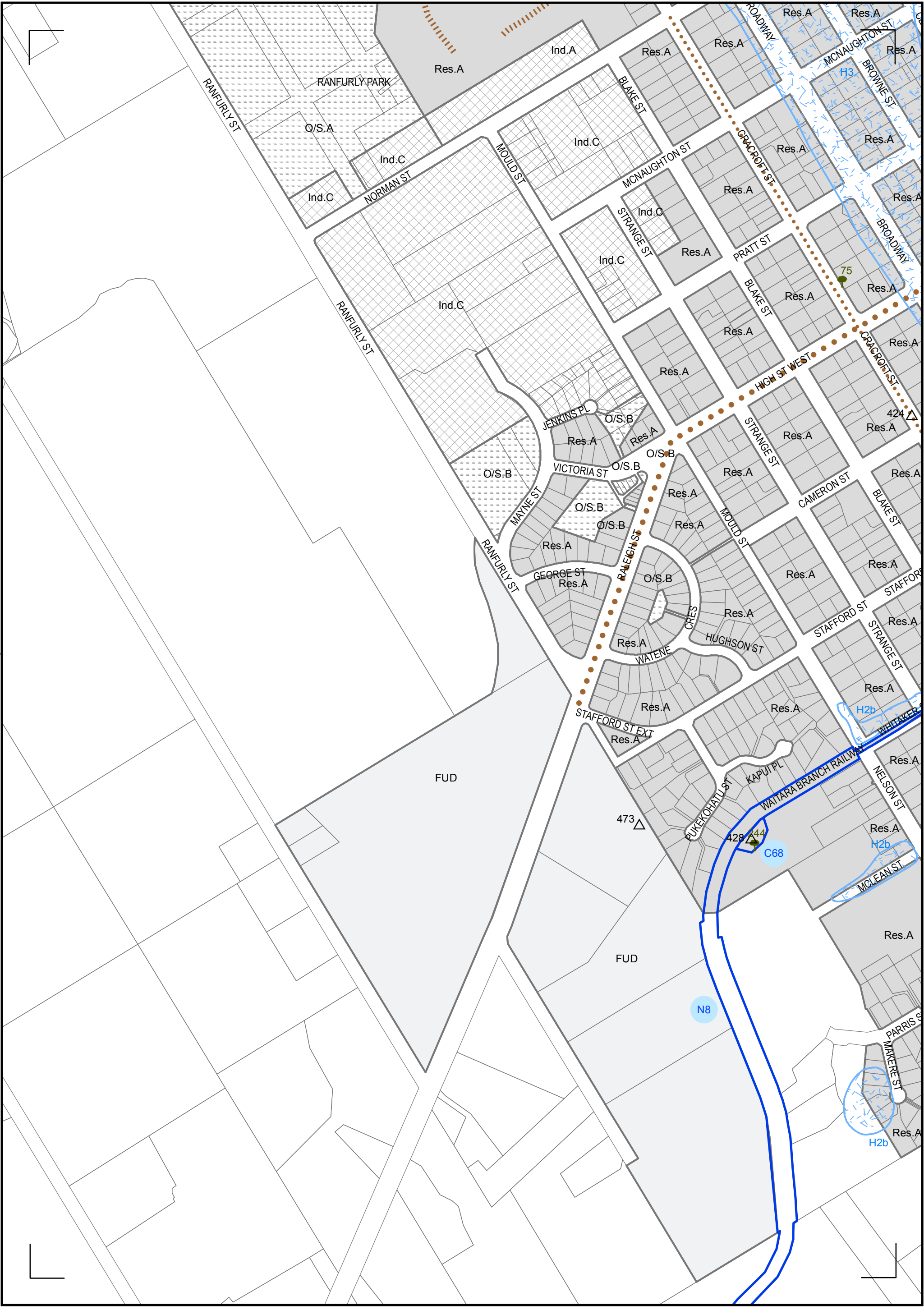
Juliet Johnson

Manager Planning

New Plymouth District Council

Appendices

Appendix 1: Zoning Map

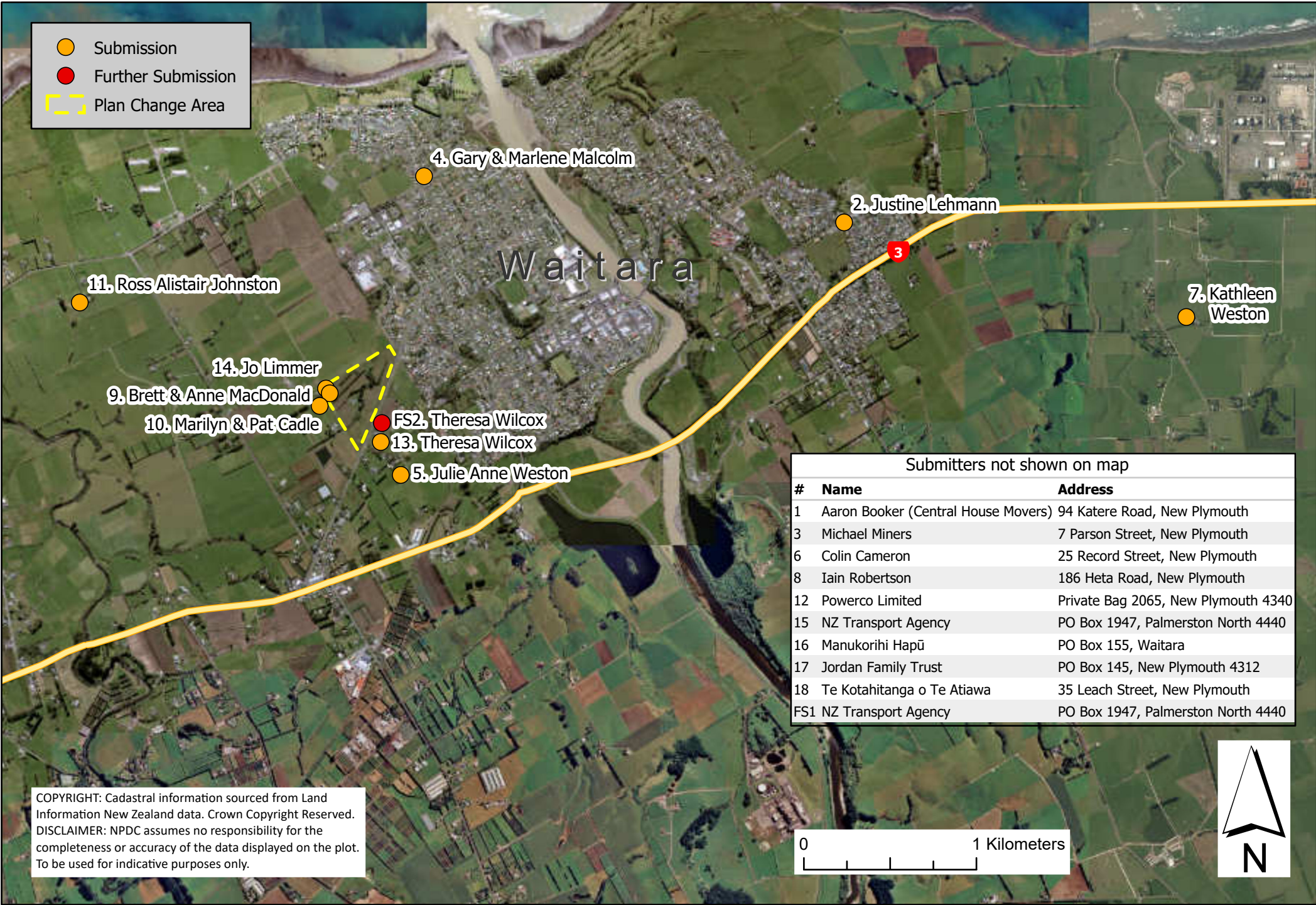



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A40	A41	A4	PLANNING MAP B 40 WAITARA
C5	B40	B41	

Appendix 2: Submitter information (map of submitters)

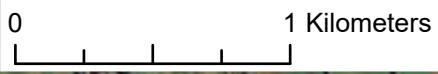
- Submission
- Further Submission
- Plan Change Area







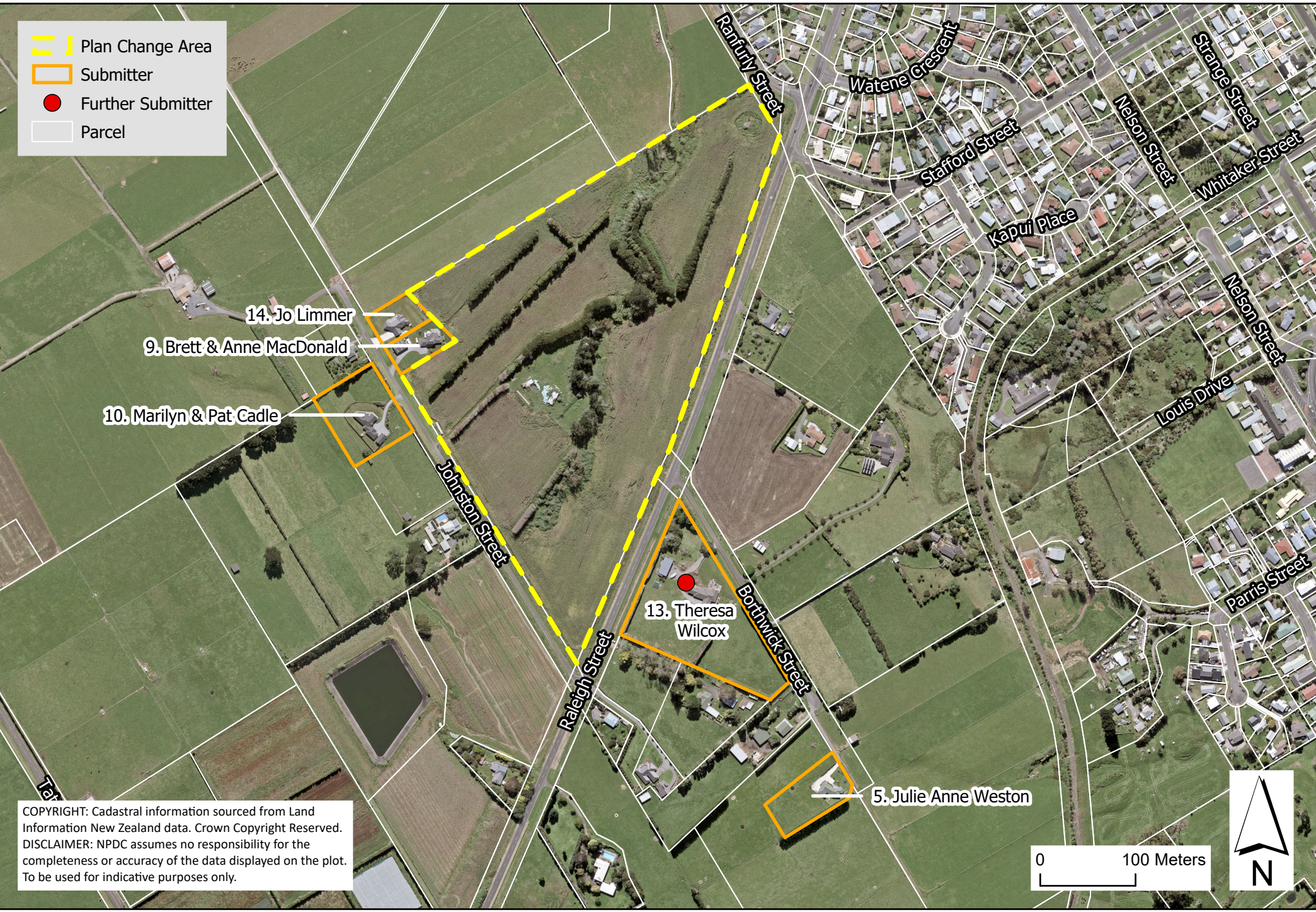
Submitters not shown on map

#	Name	Address
1	Aaron Booker (Central House Movers)	94 Katere Road, New Plymouth
3	Michael Miners	7 Parson Street, New Plymouth
6	Colin Cameron	25 Record Street, New Plymouth
8	Iain Robertson	186 Heta Road, New Plymouth
12	Powerco Limited	Private Bag 2065, New Plymouth 4340
15	NZ Transport Agency	PO Box 1947, Palmerston North 4440
16	Manukorihi Hapū	PO Box 155, Waitara
17	Jordan Family Trust	PO Box 145, New Plymouth 4312
18	Te Kotahitanga o Te Atiawa	35 Leach Street, New Plymouth
FS1	NZ Transport Agency	PO Box 1947, Palmerston North 4440

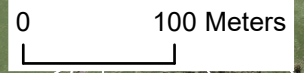
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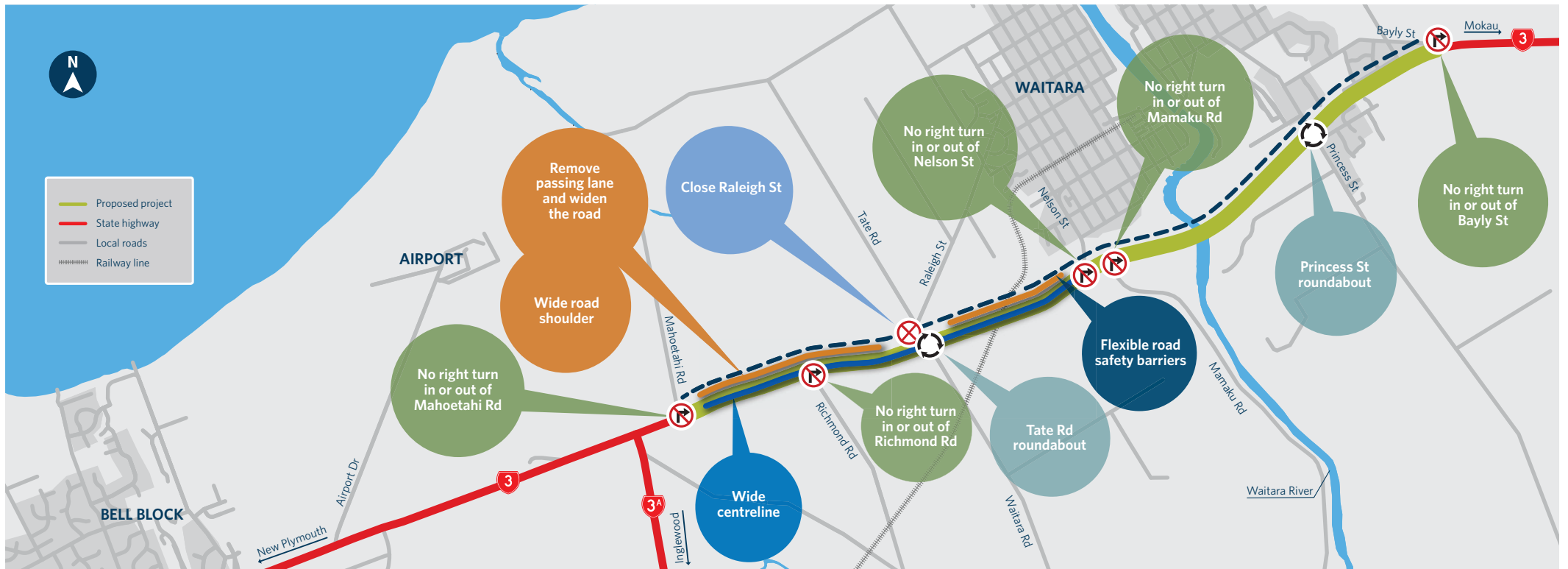
-  Plan Change Area
-  Submitter
-  Further Submitter
-  Parcel



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Appendix 3: NZTA Planned Changes to SH3



Appendix 4: Pre-hearing report [Residents]

IN THE MATTER OF: The Resource Management Act 1991
AND

IN THE MATTER OF: A private plan change request by Hareb Investments Limited to change the Operative District Plan to enable the rezoning of 11.34 hectares of land from rural to residential, Waitara.

**PRE-HEARING REPORT PURSUANT TO SCHEDULE 1 CLAUSE 8AA (5) OF
THE RESOURCE MANAGEMENT ACT 1991**

RESIDENTS

Independent Facilitator:
Callum Williamson

28 September 2020

NEW PLYMOUTH DISTRICT COUNCIL

PRE-HEARING MEETING REPORT

Introduction

1. A pre-hearing meeting was called by New Plymouth District Council (“NPDC”) with regard to the private plan change request made by Hareb Investments Limited to change the Operative District Plan to enable a zoning change from the current Rural Environment Area (with Future Urban Development Overlay) to Residential A Environment Area and Open Space zonings on the southern side of Waitara.

Meeting held

2. The meeting was held on 17 September 2020 at the North Taranaki Sport and Recreation Centre, Waitara, commencing at 5:30pm. The meeting concluded at 7:30pm.
3. This report has been prepared in accordance with the requirements of Schedule 1 Clause 8AA (5) of the Resource Management Act 1991, which is set out below:
 - (5) *The chairperson of the meeting must, as soon as practicable after the end of the meeting, prepare a report that—*
 - (a) *must identify the matters that are agreed between the local authority and the submitters and those that are not; and*
 - (b) *may identify—*
 - (i) *the nature of the evidence that must be called at the hearing by the persons who made submissions:*
 - (ii) *the order in which that evidence is to be heard:*
 - (iii) *a proposed timetable for the hearing; but*
 - (c) *does not include evidence that was presented at the meeting on a without prejudice basis.*

Attendees

4. The following people attended the meeting:

Facilitator: Callum Williamson

Note taker: Charles Horrell

Attendees for the Council (“NPDC”):

Hamish Wesney, Consultant Reporting Officer

Charles Horrell, Consultant Reporting Officer

Attendees for Hareb Investments Ltd (“the Applicant”):

Matt Hareb, Developer/ Applicant, Hareb Investments Ltd

Kathryn Hooper, Planning Consultant (Landpro)

Submitters (“the Residents”):

Anne and Brett MacDonald

Jo Limmer

Julie Weston

Theresa and Simon Wilcox

Marilyn Cadle

Kathleen Weston

Interested parties:

Wayne and Lynda Dougan (observing)

Meeting format and agenda

5. Prior to the meeting, New Plymouth District Council circulated a proposed agenda, a copy of which is attached as Appendix A. I have set out the meeting format below:
 - i) Introductions
 - ii) Proposed agenda
 - iii) Council outlined:
 - a. statutory requirements and process
 - iv) Hareb Investments Ltd outlined:
 - a. Background and reason for the private plan change request
 - v) Submitters outlined their issues with the proposal
 - vi) Discussion on each issue
 - vii) Next steps.

Background

6. Below NPDC and I set out some of the factual matters relating to this private plan change request and which set the scene for the pre-hearing meeting.
7. The subject site (2 Johnston Street, Waitara), is a 11.34-hectare ("ha") section of land situated on the corner of Raleigh and Johnston Streets on southern border of Waitara. The site is zoned Rural Environment Area and is identified in the Future Urban Development Overlay of the Operative New Plymouth District Plan. There is currently a waterway that flows the centre of the site from the southern extent.
8. The proposal would entail a zoning change for the whole of the site from Rural Environment Area (with Future Urban Development overlay) to Residential A Environment Area and Open Space B zonings. The proposal would also introduce a Structure Plan and new provisions to manage subdivision and development for this land.
9. The structure plan for the rezoning indicates approximately 110 lots with differing sizes from 350-1000m² would be created by changing the current Rural Environment Zoning to Residential A Environment Area. In addition, approximately 1.54 ha of land being the current extent of the waterway and its riparian margins would form a reserve and be zoned as Open Space B. The waterway is to be developed and would also be utilised for stormwater retention from the subdivision.
10. These areas have been captured under the proposed Structure Plan. Associated changes to the rules, policies and maps under the Operative District Plan are also proposed in the plan change request.
11. The site has been used as a diary support block by a local farmer, for maize cropping and pastoral farming. Prior to this, the site was used for market gardening.
12. A number of submissions were received on the proposed plan change, some in support, others in opposition. For those submissions in opposition concerns raised included potential impact on traffic safety and roading, loss of rural amenity, reverse sensitivity, service capacity effects and loss of ecological values.
13. This pre-hearing meeting focuses primarily on the concerns raised by the local residents who have submitted.

14. By way of context for matters relating to traffic and roading, the site sits adjacent to Raleigh Street which connects to State Highway 3 ("SH3") and is used as an alternative entrance to Waitara. The current speed restriction on Raleigh Street is 80 km/hr and there have been proposed plans by NZTA to make safety changes to SH3 which may result in closure of the entrance to Raleigh Street from SH3 or influence the volume of traffic using this road. The development would require regular access to Raleigh Street for the majority of the lots within the subdivision either via the two main entrances or directly from houses which would front Raleigh Street. Concerns raised relate primarily to the increase in traffic to an already utilised section of roading, particularly prior to any changes to SH3. While the Applicant proposes to align the development with the changes to SH3, there is currently no confirmation on plans and timing.

Issues

15. The meeting participants identified and discussed following main issues:

- i) Traffic and Roding
- ii) Loss of rural character/amenity and reverse sensitivity;
- iii) Service (stormwater and wastewater) capacity issues;
- iv) Creation of Reserve/Open Space;
- v) Structure plan.

i) Traffic and Roding

16. It had been intended that NZTA would be attending this pre-hearing meeting via video conferencing; however, due to issues in relation to the IT facilities at the pre-hearing meeting venue, NZTA were unable to join online. Therefore, it was noted that a separate pre-hearing meeting will be held between NZTA, the Applicant and NPDC the following day (18 September).

17. The Residents expressed frustration that NZTA were unable to attend the pre-hearing meeting as there is an inability to discuss issues directly with NZTA and for an update on the State Highway works to be provided to the local residents. Concern raised by the residents that they would not be privy to conversations with NZTA which would influence their views.

18. The changes to SH3 and associated traffic movements on Raleigh Street were identified as the key concern of the local residents of the Plan Change. There is current concern over the volume of traffic that use Raleigh Street as an entrance to Waitara and the safety risk it poses. Additional traffic generated from the development would exasperate this risk.

19. NPDC and Applicant acknowledged concerns and noted that questions from Residents can be raised to NZTA at the separate pre-hearing meeting and that a report would be provided detailing their response. An additional meeting between residents and NZTA would also be suggested.

20. Residents raised that the 80 kilometre per hour ("km/hr") speed limit on Raleigh Street already causes observed effects, particularly when turning onto rural roads (e.g. Johnston Street and Borthwick Street). It was suggested that these effects would be better managed by decreasing the speed limit, introducing wider shoulders and turning bays.

21. Applicant agreed that the current speed limit is too high and that it should be reduced to 50 km/hr. NPDC advised that this speed limit change was a separate process, though this subdivision/development could be a trigger for this change – Council’s traffic advisor is currently considering this matter. In addition, it was noted that the development of residential dwellings along Raleigh Street would in itself reduce speed limits through the perception of being in an urban area. Applicant acknowledged that the development is dependant on the NZTA upgrades and would be better placed once plans and dates are confirmed. Applicant confirmed that they are happy to consider options around road safety on Raleigh Street including turning bays or the design of the structure plan (changing the entrances – with alternative entrance on Johnston Street).
22. Concerns raised by Residents that the Applicant is required to pay for upgrades to the roads as part of the development which should be upgraded at an earlier date and be the responsibility of the NPDC.
23. NPDC noted that roading is a common interest between both the Applicant and NPDC. It is not uncommon for a development like this to trigger changes and upgrades to roading (bring issues to NPDC’s attention). Where changes and/or upgrades to existing roading is required for a development, there is the possibility of cost sharing. There will be a discussion with the Applicant around this to ensure an equitable outcome.
24. Residents requested that a footpath be designed on Raleigh Street (only one side of the road – west side). This footpath would provide for greater amenity and access.
25. Applicant agreed to consider applicability of a footpath on subdivision (west) side of Raleigh Street.
26. Residents raised concerns over additional traffic on Johnston Street which is already very narrow and formed as a rural road. This traffic would be generated by the houses that front Johnston Street which would have direct access to the street. Residents also questioned whether there is the ability to widen Johnston Street and have footpaths.
27. Applicant advised that there could be the option to have internal accessways via the subdivision roads for the Johnston Street frontage houses and/or Raleigh Street houses; however, this change would mean that there would be fences backing on to the street which would have a greater amenity effect. The Applicant would consider this further and the trade-off of traffic vs landscape and amenity effects.
28. Applicant confirmed that there is the ability to widen Johnston Street and create footpaths. This will be considered further. It was noted that this may have a flow on effect being the generation of greater volumes of stormwater.

ii) Loss of Rural Character/Amenity and Reverse Sensitivity

29. It is noted that agenda itemised out reverse sensitivity from rural character and amenity; however, due to its similarities, it was discussed at the same time.
30. The Residents raised a number of concerns over reverse sensitivity. Residents raised that the activities undertaken directly adjacent to the site are typical of a rural area and were worried for future complaints, such as loss of views from new shelterbelts, smoke from burn offs, and odour from animals. Particular concern was raised by Residents located on Raleigh Street about the smaller lots on the Raleigh Street frontage (proposed for 600 m² compared to 1000m² for the Johnston Street frontage properties).

It was questioned whether the Applicant would consider larger lots both generally and on Raleigh Street frontage.

31. The Applicant noted that there are a number of options for mitigation of reverse sensitivity, but what seems to be the most effective in this scenario would be placing “no complaints” covenants on the sections. While these covenants may not be particularly enforceable and effective in practice, they do provide the insight to potential buyers and the expectation that rural activities will occur in the area. The Applicant confirmed that they would consider this further. The Applicant also acknowledged the sizes of the sections and advised that they would consider options for increasing sizes of lots on Raleigh Street frontage to manage reverse sensitivity. Currently there is no plans on reviewing the overall lot sizes for the development.
32. NPDC noted that separation of activities and screening can be an effective way of managing reverse sensitivity. However, these approaches had currently been discounted by the Applicant due to inefficient use of land and the effect on amenity and character with the perception of a “gated community”. A question was raised to the Residents whether they would prefer screening to manage reverse sensitivity but incur the effect that comes with it, or manage reverse sensitivity by other means. This is also relevant to the traffic effect associated with Johnston Street and Raleigh Street frontage houses and the potential for back fences as an alternative (see paragraph 27). The consensus from the Residents is that their preference is that there is no requirement for screening for properties backing onto the streets or adjoining rural areas, subject to both reverse sensitivity and traffic being effectively managed via alternative means.
33. Residents raised concerns over potential loss of views, in particularly ocean views to the north and west of the site.
34. Applicant advised that concerns over loss of views can be mitigated/avoided through setting standards for housing to ensure they do not block views (e.g. houses in the northern boundary are restricted to one story).
35. Residents raised concern over lack of fences to contain dogs from escaping onto Raleigh Street or Johnston Street. This poses a potential safety issue.
36. Applicant will consider fencing for ensuring safety, notwithstanding matters noted in paragraphs 27 and 33.
37. A number of Residents raised that they currently have conditions on their titles that specify that fences are their responsibility (e.g. not joint with neighbour). Concerns raised that future neighbours may look to seek shared cost for maintaining fencing if they are not subject to the same clause.
38. Applicant confirmed that clauses for fence responsibility can be included on lots that will sit alongside current properties.

iii) Service Capacity issues

39. Residents raised concern over the potential issues of the capacity of stormwater. Concerns over discharge overflows to the coast from existing stormwater and the potential for increases to these overflows from the additional inputs.
40. The Applicant explained the proposal for online stormwater retention in the current waterway on the site and noted that stormwater system has been designed to achieve hydraulic neutrality. Applicant advised that overflow issues into coast are unlikely to be

exasperated given the system will achieve hydraulic neutrality and may even reduce stormwater issues downstream.

41. NPDC noted that the Council engineers are currently in the process of reviewing the proposal and will confirm if there is likely to be any potential issues for stormwater capacity. At this stage, no further update can be provided.
42. Question raised by Residents whether there will be the ability for current residents to have access to reticulated wastewater with additional lines going in.
43. Applicant confirmed that there would be the ability for residents to access reticulated wastewater and the system will be extended to their boundaries if requested.

iv) Creation of Reserve/Open Space

44. Residents did not raise any immediate concern over loss of ecological values associated with the development and creation of open space.
45. Applicant noted that it is anticipated that the reserve would continue to be developed following the completion of the development with potential for the reserve to align with other current reserves in Waitara forming a linked network.
46. A Resident raised question whether the riparian areas would be fenced for safety reasons (around water margins).
47. Applicant advised that there is currently no plans to fence the margins of the waterways, however the safety risk of this will be assessed further at a later stage.

v) Structure Plan

48. Residents questioned whether there could be changes to the accessways to move from two road entrances on Raleigh Street to one on Raleigh Street and another road entrance on Johnston Street. The preference for this was varied for the Residents with the Johnston Street Residents supporting the current design for road entrances.
49. Applicant noted that they have looked at alternative accessways including an access from Johnston Street and it was identified that the current roading arrangement is optimal in terms of other potential effects. The Applicant will consider this further and provide confirmation.
50. Concerns raised by a Resident over the smaller inner lots proposed (350 m²). It was noted that lots in Waitara and New Plymouth are already small and there is greater demand for larger lots.
51. Applicant noted that the development is catered towards all potential buyers including those that would like to have smaller lots and less maintenance. This is also a requirement of national direction through the National Policy Statement for Urban Development.
52. Question raised by Residents over proposed trees on structure plan on the Raleigh Street frontage. It was noted that there has been an inability for current residents to plant trees on Johnston Street.
53. Applicant noted that tree design in structure plan is an indicative design and will be considered further at the subdivision stage.

54. Applicant explained the proposed staging of the development with initial staging focusing on northern parts of the site. This will mitigate potential effects on traffic, and it is planned to ensure that the timing of completion aligns with roading and SH3 changes.

Summary

55. The main concerns of the Residents are around traffic and roading, localised amenity effects and reverse sensitivity.
56. Many of the concerns in relation to traffic and roading will be dependent on confirmation from NZTA on plans and timing for the SH3 safety upgrades.
57. Largely, Residents do not have concerns over the service capacity provided hydraulic neutrality is achieved.
58. The Applicant has identified a number of options to mitigate and manage effects on Residents which will be considered further.

Next Steps/ Actions

59. I thanked everyone for their participation. NPDC discussed the action points and explained the next steps in the process. NPDC enquired whether there were any issues that people wished to not be included in the pre-hearing meeting report, on a without prejudice basis. Participants all agreed that all matters discussed could be included.
60. NPDC noted that there were further actions required of the Applicant based on the matters discussed as outlined above.

The action points from the meeting were:

- NDPC and the Applicant: Raise questions and concerns of the Residents to NZTA at the separate pre-hearing meeting. The NZTA pre-hearing meeting report will be distributed to the Residents.
- Applicant: To consider options for establishing footpaths on Raleigh and Johnston Street.
- Applicant: To consider options for upgrading roading on Raleigh Street and Johnston Street to widen the roading and introduce shoulders and turning lanes.
- Applicant: To consider measures for managing reverse sensitivity including increasing lot sizes on Raleigh Street and/or requiring “no complaints” covenants.
- Applicant: To consider the requirement for specific standards for housing on north and west facing sections to protect current views for residents.
- Applicant: To consider the requirement for fencing for safety reasons.
- Applicant: To consider fence responsibilities for sections bordering existing neighbours (on titles).

Documents tabled

61. The following documents were tabled in the meeting:
- Structure Plan dated 24 September 2018 prepared by Bluemarble (Drawing No. GA6.0, Rev 00) – earlier version of Appendix A1 in Plan Change documentation

- Landscape Plan dated 24 September 2018 prepared by Bluemarble (Drawing No. GA5.0, Rev 00) – earlier version of Appendix H2 in Plan Change documentation

Callum Williamson

Appendix 5: Pre-hearing report [State Highway]

IN THE MATTER OF: The Resource Management Act 1991
AND

IN THE MATTER OF: A private plan change request by Hareb Investments Limited to change the Operative District Plan to enable the rezoning of 11.34 hectares of land from rural to residential, Waitara.

**PRE-HEARING REPORT PURSUANT TO SCHEDULE 1 CLAUSE 8AA (5) OF
THE RESOURCE MANAGEMENT ACT 1991**

NZTA

18 September 2020

NEW PLYMOUTH DISTRICT COUNCIL

PRE-HEARING MEETING REPORT

Introduction

1. A pre-hearing meeting was called by New Plymouth District Council (“NPDC”) with regard to the private plan change request made by Hareb Investments Limited to change the Operative District Plan to enable a zoning change from the current Rural Environment Area (with Future Urban Development Overlay) to Residential A Environment Area and Open Space zonings on the southern side of Waitara.

Meeting held

2. The meeting was held on 18 September 2020 at the New Plymouth District Council Office, New Plymouth and via video conferencing (Microsoft Teams), commencing at 1:00pm. The meeting concluded at 1:30pm.
3. This report has been prepared in accordance with the requirements of Schedule 1 Clause 8AA (5) of the Resource Management Act 1991, which is set out below:
 - (5) *The chairperson of the meeting must, as soon as practicable after the end of the meeting, prepare a report that—*
 - (a) *must identify the matters that are agreed between the local authority and the submitters and those that are not; and*
 - (b) *may identify—*
 - (i) *the nature of the evidence that must be called at the hearing by the persons who made submissions:*
 - (ii) *the order in which that evidence is to be heard:*
 - (iii) *a proposed timetable for the hearing; but*
 - (c) *does not include evidence that was presented at the meeting on a without prejudice basis.*

Attendees

4. The following people attended the meeting:

Attendees for the Council (“NPDC”):

Hamish Wesney, Consultant Reporting Officer

Charles Horrell, Consultant Reporting Officer

Attendees for Hareb Investments Ltd (“the Applicant”):

Matt Hareb, Developer/ Applicant, Hareb Investments Ltd

Kathryn Hooper, Planning Consultant (Landpro)

Submitter (“NZTA”):

Natasha Reid, New Zealand Transport Authority (via Microsoft Teams)

5. The meeting was self-facilitated and this record was prepared by NPDC representatives.

Meeting format and agenda

6. The meeting commenced with confirmation of the agenda being:
 - i) Introductions
 - ii) Any update from NZTA and questions raised by Residents
 - iii) NZTA submission
 - iv) Points of agreement
 - v) Next steps

Background

7. The factual matters relating to this private plan change request and which set the scene for the pre-hearing meeting are outlined below.
8. The subject site (2 Johnston Street, Waitara), is a 11.34-hectare ("ha") section of land situated on the corner of Raleigh and Johnston Streets on southern border of Waitara. The site is zoned Rural Environment Area and is identified in the Future Urban Development Overlay of the Operative New Plymouth District Plan. There is currently a waterway that flows the centre of the site from the southern extent.
9. The proposal would entail a zoning change for the whole of the site from Rural Environment Area (with Future Urban Development overlay) to Residential A Environment Area and Open Space B zonings. The proposal would also introduce a Structure Plan and new provisions to manage subdivision and development for this land.
10. The structure plan for the rezoning indicates approximately 110 lots with differing sizes from 350m² to 1000m² would be created by changing the current Rural Environment Zoning to Residential A Environment Area. In addition, approximately 1.54 ha of land being the current extent of the waterway and its riparian margins would form a reserve and be zoned as Open Space B. The waterway is to be developed and would also be utilised for stormwater retention from the subdivision.
11. These areas have been captured under the proposed Structure Plan. Associated changes to the rules, policies and maps under the Operative District Plan are also proposed in the plan change request.
12. The site has been used as a diary support block by a local farmer, for maize cropping and pastoral farming. Prior to this, the site was used for market gardening.
13. A number of submissions were received on the proposed plan change, some in support, others in opposition. For those submissions in opposition concerns raised included potential impact on traffic safety and roading, loss of rural amenity, reverse sensitivity, service capacity effects and loss of ecological values.
14. This pre-hearing meeting focuses primarily on the concerns raised by the NZTA in their submission.
15. By way of context for matters relating to the NZTA submission, the site sits adjacent to Raleigh Street which connects to State Highway 3 ("SH3") and is used as an alternative entrance to Waitara. The current speed restriction on Raleigh Street is 80 km/hr and there have been proposed plans by NZTA to make safety changes to SH3 which may result in closure of the entrance to Raleigh Street from SH3 or influence the volume of traffic using this road. The development would require regular access to Raleigh Street for the majority of the lots within the subdivision either via the two main entrances or directly from houses which would front Raleigh Street. Concerns raised relate primarily to the traffic safety prior to any changes occurring to SH3.

16. A separate pre-hearing meeting was held the night prior (17 September) with the Local Residents who have submitted to the Plan Change with concerns. NZTA were planning to attend this meeting; however, were unable to due to IT issues to enable video conferencing at the pre-hearing meeting venue. A number of questions were raised by the Residents in relation to the current status of NZTA's planned works for SH3.

Update from NZTA and Questions

17. NPDC provided an update on the previous pre-hearing meeting and noted that a number of questions had been raised for NZTA. These questions are also relevant for both the Applicant and NPDC. These questions are:

- i) Are there any updates on the proposed works for SH3?
- ii) Is there potential for the closure of Nelson Street?
- iii) What is the timing for the reduction in the speed limit on SH3 from 100 km/hr to 80km/hr?
- iv) Residents would like to meet with NZTA for face-to-face update and questions.

18. NZTA responded to each of these questions and the responses are provided below.

i) Update

19. It is likely that two roundabouts are to be introduced on SH3 at the intersections with Princess Street, Tate Road and Airport Drive. Currently geotechnical assessments are being completed and it is expected that construction to commence in 2021-2022, subject to funding being confirmed. The works associated with Princess Street are half designed and construction is expected to commence in late summer (2020) or early 2021.

ii) Nelson Street Closure

20. Unable to confirm at the meeting whether there are still any plans for the closure of Nelson Street, as it is dependent on funding being made available.

iii) Speed Reduction on SH3

21. Unable to confirm at the meeting on the timing of the speed limit reduction. Part of the wider project for addressing safety issues on this section of highway.

iv) Meeting with the Residents

22. There is a community liaison person at NZTA for the New Plymouth-Waitara upgrade project who would be most appropriate to provide face-to-face update with residents. This may be best undertaken as wider consultation with Waitara generally rather than specifically for this plan change. NZTA to advise approach and timing for further engagement following internal discussions with communications team.

NZTA Submission

23. NZTA discussed their submission generally and noted that the main concern raised is the timing of the development and the potential traffic safety issues. Relief currently sought is that a non-complying activity status is applied to the subdivision which will ensure a strict assessment by NPDC and will introduce the 'gateway test'. This is seen to be the most effect method of managing current concerns as it would ensure that the development does not occur out of sequence with NZTA's plans and will ensure traffic safety is appropriately managed.

24. Applicant noted that intention is to align the development with NZTA's planned changes and noted that staging of works is now proposed with the structure plan split into

sections. With this staging, a small number of sections could commence at an earlier date and the other sections could then align with the NZTA upgrades.

25. The Applicant suggested that with the proposed staging, activity statuses could be assigned to reflect the risk and ensure that it does align with NZTA upgrades. The initial stages could be a controlled activity which would enable commence of work and the latter stages a discretionary activity with specific standards that must be met, this may also require a supplementary traffic impact assessment. This approach would be as an alternative to the requested relief of NZTA that the overall activity status be non-complying.
26. NZTA agreed in principle that if there is sufficient provision to ensure traffic safety and alignment with the upgrades, a lesser activity status and the staging/dual activity status proposed may be appropriate.

Summary/Points of Agreement

27. An update on NZTA's proposed works on SH3 was provided, however further confirmations on specific aspects will need to be provided following internal discussions.
28. NZTA are happy to meet with the residents of Waitara, both those who have submitted to this plan change and residents generally, to provide an update on proposed works to SH3. This update may be best undertaken as part of wider consultation with the community.
29. The Applicant has proposed a dual activity status of Controlled and Discretionary to be applied to the staging of the development with additional standards that must be met, as an alternative a non-complying activity status. NZTA agree in principle and will consider this once further details are provided.

Next Steps/ Actions

30. NPDC discussed the action points and explained the next steps in the process. NPDC enquired whether there were any issues that people wished to not be included in the pre-hearing meeting report, on a without prejudice basis. Participants all agreed that all matters discussed could be included.
31. NPDC noted that there were further actions required of NZTA and the Applicant based on the matters discussed as outlined above.

The action points from the meeting were:

- NZTA: Confirm if there is potential for Nelson Street closure.
- NZTA: Confirm timing for SH3 speed reduction.
- NZTA: Confirm potential for consultation with Residents and whether this is specific to the plan change or as wider consultation with Waitara.
- Applicant: To provide further details of dual activity status approach to NZTA.

Appendix 6: Council Technical Assessment Advice



Date: 26th October 2020

To: **Hamish Wesney**

CC: Juliet Johnson

SUBJECT: **PRIVATE PLAN CHANGE WAITARA
OPEN SPACES TECHNICAL REPORT**

The following provides comment on the proposed Waitara Plan Change in regards to open space considerations.

A: Open Space Provision

The NPDC Open Space Sport and Recreation Strategy (Strategy) outlines Council's desired service levels in relation to open space provision within the District. Objective 1.1 of the Strategy provides for the following in relation to residential areas:

Neighbourhood open spaces

- All urban households will be within a 10-minute walking distance radius, or 500 metres, of a neighbourhood open space.
- The ideal average size of a neighbourhood open space shall be between 3,000m² and 5,000m².
- There will be road frontages across at least one boundary to ensure the neighbourhood park is easily accessible and provides an attractive, welcoming ambiance to the immediate local community.

Pathway networks

- Support a secondary network of movement (walking and cycling) by providing open space that connects to places.
- Prioritise connections alongside rivers, streams, the coast and between existing open spaces.

Cultural heritage and biodiversity spaces

- Natural and cultural features will be considered when locating open spaces.

In assessing the proposed Structure Plan and associated Landscape Plan (drawing no's GA6.0 and GA5.0 by Blue Marble) in relation to Open Space Provision the following has been identified:

Comment

The proposed development has a good level of provision for walkways within the street network and along the proposed esplanade reserve. Consideration has been given to future connectivity, although it is noted that this in across private land and is not guaranteed.



Parts of the proposed development are greater than 500m walking distance from an existing neighbourhood park. The nearest existing neighbourhood parks are Kindkade, Victoria and Larsen. All of these parks would have to be accessed via Raleigh Street. The proposed landscape plan indicates a possible future walkway connection to Kinkade Park (located on Mayne Street). At the southern end of the proposed development, the distance to the nearest park using footpath connections is 800m. Approximately half of the proposed development is outside of the 500m walking provision.

The proposed development is sitting as an extension outside of the main existing residential area with no future provision for urban development surrounding. This emphasises the need to ensure the proposed development provides for neighbourhood park opportunities within its boundaries. Although the proposed esplanade reserve along the stream provides amenity, connections to nature and walkway linkages for the proposed development, it does not provide for neighbourhood reserve type activities such as open space and play. The esplanade is relatively restricted in land area to provide for these requirements beyond the desired riparian restoration.

Provision for a neighbourhood park would be subject to negotiation and compensation in terms of land value with the applicant.

Recommendations

- 1. That a small neighbourhood park provision would be required within the southern portion of the proposed development to ensure appropriate recreation and well-being opportunities for future residents.*
- 2. That an area of minimum 3,000m² and up to 5,000m² be integrated in an appropriate location that provides for good road frontage and easy access, as a component of the structure plan. Ideally there would be some relationship and linkage to the proposed esplanade*
- 3. That the proposed walking network is maintained with consideration during developed design of best practice CPTED outcomes for the routes along the esplanade reserve.*

B: Esplanade Provisions

The Operative and Proposed District Plans provide for provision of Esplanade Strip or Reserve along significant waterbodies. The proposed structure plan provides for an esplanade reserve along the stream within the site. It is recognised that the stream at both the northern and southern ends of the site has been modified, however it is considered to be an important opportunity for amenity and natural values to be enhanced for the proposed development. Esplanade Reserves are mechanisms to protect riparian margins for the purpose of:

- Contributing to the protection of conservation values, in this instance in relation to aquatic habitats;
- Enabling public access; and



- Enabling public recreational use of the esplanade reserve (where compatible with conservation values).

Comment

The esplanade reserve varies in width along each side of its length from approximately 5m at its narrowest up to approximately 30m at its maximum width (from centre of stream along one side). Best practise would provide for a minimum of 10m of width and ideally 20m in width in order to establish appropriate and sustainable riparian planting with canopy cover providing shade. This is important from an open space perspective as a self-sustaining riparian ecosystem is required to ensure not only biodiversity outcomes, but efficiency in ongoing maintenance and prevention of weed invasion.

The southern end of the proposed esplanade reserve may create a potential ongoing maintenance challenge particularly on the side with proposed walkway included within the 10m.

It is noted that online stormwater detention is proposed within the stream corridor. In regards to open space outcomes, our recent experience with other streams in the Waitara area has shown that online detention creates ongoing issues in regards to weed invasion and maintenance of a clean, open and flowing waterway. In other streams within Waitara, such as the Tangaroa, we are retro-fitting to remove where possible online detention and ponding areas in order to improve stormwater, ecosystem and amenity outcomes.

Given the above responses within the area, it would be counter-intuitive to create an online ponding scenario on this stream and is not reflective of best practise riparian responses.

It is noted also that some of the alternative lot layouts reduce the road frontage along the esplanade reserve. In relation to ensuring good public access and ease of maintenance road frontage is a preference along esplanade reserve where possible. This facilitates ease of maintenance and improved public amenity.

Recommendations

4. *That consideration be given for some additional width of esplanade at the very southern and most narrow end of the proposed esplanade reserve in order to provide for a more sustainable riparian ecosystem and open space amenity outcome.*
5. *That online stormwater detention is reconsidered, to ensure open and flowing stream environment is maintained.*
6. *That preference is given to layouts that provide for road frontage along the esplanade reserve.*
7. *That only native species appropriate to the local area are used within the esplanade reserve planting.*



C: Streetscape and Amenity

Parks and open spaces are responsible in the District for maintenance and provision of streetscapes planting. The District is proud of its high urban vegetation assets, with urban vegetation cover sitting at 8.9%. The intentions going forward are to ensure that urban vegetation cover is enhanced where possible. An important consideration in this is to ensure that where street plantings are proposed these are viable in terms of outcomes, once driveway and services considerations have impacted on location. It is important therefore that indicated street amenity is not diluted over time during developed and detailed design. As such, consideration of the likely manifestation of conceptual planting is an important component of the open space assessment.

Comment

The proposed development provides for street trees within the development and this alongside the riparian planting along the proposed esplanade reserve provide a good level of vegetation cover.

Proposed vegetation cover as street trees along the street frontage of Raleigh Street has been indicated on the proposed landscape plan. The Raleigh Street frontage is considered a critical component from an urban design perspective to providing high amenity and visual connectivity of the proposed development to the existing urban area.

Our assessment indicates that the street trees proposed and the number and size of lots indicated, once driveways are provided, would likely result in a significant reduction in the proposed street tree numbers along this frontage. Consideration of lot layout and size might be possible to provide for an opportunity to have more groupings of street planting to provide a more impactful street amenity and to break up the dominance of the residential lots along this frontage. The intention would be to provide a transition along this street frontage from the surrounding rural character to the more urban character within the proposed development. This is considered to be required in order to more effectively address the amenity values and integrate the proposed development within the landscape context. It also provides for appropriate entry amenity to the existing urban environment.

It is noted that alternative layout 1 with no vehicle crossing onto Raleigh Street provides more opportunity to improve amenity along this frontage. Either this alternative or a partial implementation of this alternative (with reduced access lanes) would provide additional space along the road frontage to facilitate groupings of trees and planting. Given that this frontage is on the south-eastern side, this can also be achieved with minimal impact on solar gain within lots.

The landscape and visual assessment by Blue Marble outlines proposed mitigation that involves restrictions on fencing. This is provided in order to achieve more appropriate transitions and relationships at boundaries and along road frontages and an overall higher amenity for the proposed development.



Recommendations

8. *That consideration be given to creating improved street frontage outcomes in terms of vegetation along Raleigh Street, with a focus on reducing dominance of the residential lots along the street through possible groupings of larger areas of planting. This may require consideration of lot access and mixing up of lot sizes in order to facilitate such a response or consideration of partial implementation of alternative layout 1.*
9. *That the fencing recommendations outlined in the landscape and visual effects assessment by Blue Marble are considered appropriate to assist with appropriate boundary relationships and amenity for the proposed development.*

A handwritten signature in black ink that reads "Renée Davies".

Renée Davies
Open Spaces Planner

20 October 2020

Charles Horrell
Boffa Miskell Ltd
Level 4, Huddart Parker Building
1 Post Office Square
Wellington 6011

Dear Charles

**New Plymouth District Council
Plan Change Application for 2 Johnstone Street, Waitara
Technical Review of Transport Matters**

I have reviewed the following sections of the application document for a proposed private Plan change for 2 Johnston Street, Waitara:

- Sections 3.6, 9.5 and 9.8 (including sub-sections);
- Appendix A1 (Maps);
- Sections 3 of Appendix E (Engineer's Report);
- Appendix F1 (Integrated Transport Assessment);
- Appendices F2 (Traffic RFI Letter January 2019);
- Appendix H3 (Alternate Layout Options);
- Appendix H4 (Landscape Memo);
- Reviewed transport matters in submissions from:
 - Julie Weston;
 - Kathleen Weston
 - Brett and Anne MacDonald;
 - Marilyn and Pat Cadle;
 - Ross Johnston;
 - Theresa Wilcox;
 - Jo Limmer;
 - NZTA;
 - Manukorihi Hapū;
 - Te Kotahitanga o Te Atiawa

The Application is for a Plan Change from 11.34 Ha of rural zoned land to approximately 1.54 Ha of Open Space zoned land with the remainder being for residential zoned land to provide for residential housing of approximately 110 Lots.

Validity of Inputs, Assumptions and Conclusions in the Application Documents

I agree with that the overall approach to assess actual or potential transport effects as presented by the Applicant is appropriate. I agree with the description provided by the Applicant of the existing transport network (Section 4 of Appendix F1) and the existing traffic patterns (Section 5 of Appendix F1). I do not agree that some of the volumes presented in Section 5 of Appendix F1 are representative of the current traffic volumes. The traffic volumes on roads documented in Table 5-1 of Appendix F1 were reviewed and compared to the traffic counts provided in the NPDC's website (<https://www.newplymouthnz.com/Residents/Transportation/Maintenance/Traffic-Counts>) and shown below:

Road	Location	ADT Reassessment	ADT from Application (yr)
Ranfurly Street	West of Raleigh St	Agree	130 (2015)
Stafford Street Ext	Btwn Raleigh St and Ranfurly St	31 (2015)	1,000 (2015)
Raleigh Street	South of Johnston St	3237 (2019)	2,700 (2015)
Johnston Street	Bwtm Raleigh and end of seal	agree	25 (2013)

Table 1 – ADT reassessment

With regard to Figure 5-1 of Appendix F1, I agree with the directional split on Raleigh Street between northbound and southbound as shown in the time periods presented but disagree with the flow of vehicles per hour as set out above in that the traffic volume on Raleigh Street used by the Applicant is not representative of the ADT 2019 traffic volumes that are now available since the Applicant prepared their Integrated Transport Assessment in 2018. Additionally, the Applicant states that PM peak flows on Raleigh Street are between 250 and 300 vph, whereas these are recorded as 358 in the NPDC's traffic counts of 2019. This point is discussed further below as it relates to the intersection configuration to/from the proposed development.

With reference to Section 7 of Appendix F1, I agree that a development comprising more than 100 dwellings is a trigger to reassess the speed limit on Raleigh Street. In discussion with Mr John Eagles (NPDC Network Management Lead), a review of the speed on Raleigh Street is proposed for the end of October 2020 with a speed of 80 km/hr proposed for Raleigh Street from SH3 to the current urban boundary based on the current zoning of land use. This point is discussed further below as it relates to the intersection configuration to/from the proposed development.

I agree with Table 10-1 in terms of the traffic generated from the proposed 120 Lots for the purposes of assessing the forecast trips on the local network and acknowledge that Waka Kotahi require 10 trips per Lot as the traffic generation rate for assessment of trips from the proposed 120 Lots for estimating effects on the State Highway. My assessment relates to the traffic generated from the proposed development on the local transport network using the generation rate as set out in Table 10-1.

I agree with the traffic patterns from the proposed development specified in Section 10.2 of Appendix F1.

Proposed Access Arrangements

In Section 9.2 of Appendix F1, the Applicant states that the distance of new access roads (from the proposed subdivision) to any other intersection meets or is close to the minimum requirements of the District Plan being “30m for a 50km/hr speed environment and 105m for a 80 km/hr speed environment”. With reference to (from Table 23.5 of and Diagram 23.6 of Appendix 23 of the District Plan), which relates to vehicle access points (as defined by the definitions accompanying the District Plan - <https://www.newplymouthnz.com/-/media/NPDC/Documents/Council/Council%20Documents/Plans%20and%20Strategies/District%20Plan/District%20Plan%20Definitions.ashx?la=en&hash=22D5A6908990B192B8A6C8CC09782657179B EF3D>). The Applicant has mis-quoted the distance (b) in Table 23.5 for an 80 km/hr posted speed limit as it should be 175m for a Collector Road, which Raleigh Street is (<https://www.newplymouthnz.com/-/media/NPDC/Documents/Council/Projects/Projects%20Strategic%20study%20report%20map%203%20Proposed%20urban%20road%20hierarchy%20bellblock%20and%20waitara.ashx>).

The proposed vehicle access point (intersection) for the proposed southern intersection from the development is too close to Johnstone Street, using the same 175m requirement.

It appears that the proposed northern access point (intersection) for the proposed subdivision is located in close proximity to the 50/80 Km/hr change in speed environment. This would then trigger the need for the proposed northern intersection to be 175m away from Ranfurly Street.

Taking the above two paragraphs together, and relocating the two proposed intersections a minimum of 175m away from Johnston and Ranfurly Streets would place these intersections within 175m of each other.

In summary, I don't agree with the Applicant that "the proposed new subdivision intersections can be designed at the subdivision stage in general accordance with the District Plan Rules and Standards" as to meet the required standards requires a different layout to that presented by the Applicant. This point is discussed further below as it relates to the intersection configuration to/from the proposed development.

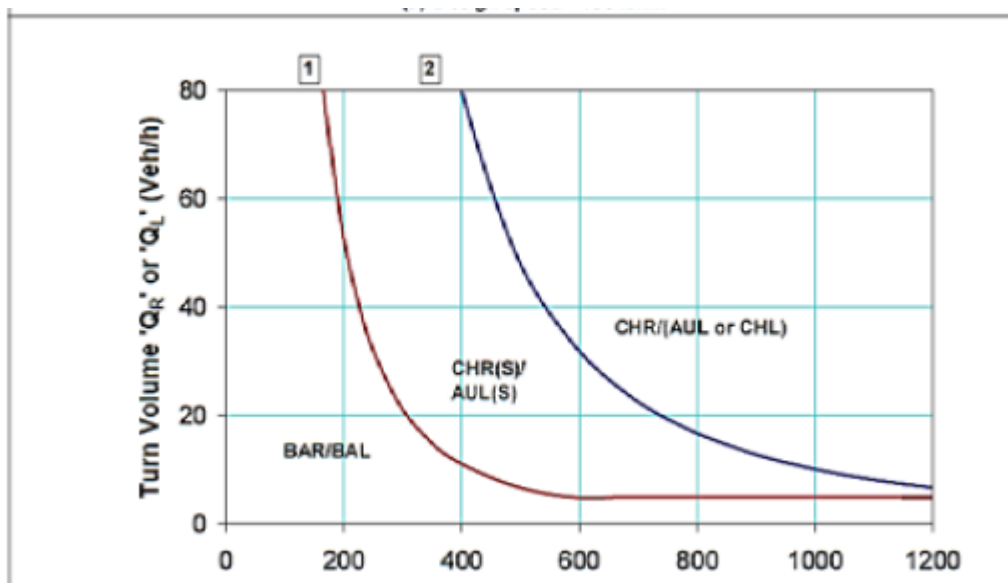
There are significant safety issues to be worked through with regard to access to and from Lots directly abutting Raleigh Street, particularly in the 80 Km/hr zone and the interaction with Raleigh Street through traffic, particularly those following a vehicle wishing to turn right into a specific Lot. This point is discussed further below as it relates to the intersection configuration to/from the proposed development. I have reviewed the alternative access arrangements provided in Appendix H3 of the Application and, from a traffic and roading perspective, prefer both of these layouts to that proposed by the Applicant in Appendix F1 if the Lots abutting Raleigh Street are within a speed restriction zone greater than 50 Km/hr.

With regard to direct access onto Johnstone Street for the approximately 6 Lots, this will increase the number of generated trips by approximately 54 trips per day, which will require the Johnstone Street to be widened to meet the 5.5 to 5.7 width (excluding shoulders) as specified in Table 3.2 of NZS 4404 up to the second to last new Lot, after which the existing width can be maintained. This is a design matter that can be worked through with NPDC during a Resource Consent Application for the proposed subdivision.

With regard to the internal roading layout within the proposed subdivision, I agree with the Applicant's internal roading arrangements set out in Section 9.3 of Appendix F1.

Transport Network Effects

With regard to the Applicant's assessment of the form of the proposed new intersections (as set out in Section 10.3 and Table 10-1 of Appendix F1, I do not agree with this assessment for the proposed intersection. As a minimum a basic right turn treatment is required at each of the proposed intersections as specified in Figure 2.23 from Austroads part 6 (reproduced below).



I could find no mention of any upgrade to Raleigh Street along the frontage of the subdivision, other than the provision of a berm and footpath. The provision of trees along Raleigh Street (as suggested by the Applicant) is not recommended without the provision of an independent safety audit for Raleigh Street for each vehicle access and intersection along the proposed subdivision frontage correlated to the location of each tree. The provision of private driveways and two new intersections along Raleigh

Street from the proposed subdivision together with trees creates a safety concern with potentially poor visibility when egressing the driveways and subdivision roads for through and side traffic.

Acknowledging that the area type is suburban and traffic volumes on Raleigh Street are above 2,000 vpd, the road width of Raleigh Street along the frontage of the proposed development should be reviewed and potentially upgraded to align with Figure E13 of Table 3.2 from NZS 4404.

Stormwater run-off

I could find no mention of the how stormwater run-off from Raleigh Street or the subdivision roads would be collected, disposed and treated. The Engineer's report in the Application documents makes mention of disposal to soak pits or an alternative to a stormwater detention pond but there are no flow calculations to support disposal of road runoff for either of these methods.

The Applicant should provide greater detail about how stormwater runoff from roads will be collected, disposed and treated prior to entering either the ground water or the detention pond and those calculations should demonstrate that the anticipated quantum of stormwater run-off from roads can be accommodated within the system that the Applicant proposes.

The Applicant should provide details on how they intend to maintain the stormwater flow in the existing swale drain on the western side of Raleigh Street or whether they intend to divert this flow into the proposed detention pond within the subdivision. Calculations to show that the design storm flow can be accommodated should be provided.

Mitigating the Proposed Intersections with Raleigh Street

As stated above, in meeting standards for the location of the proposed intersections and acknowledging that two separate intersections would not comply with standards in an 80 Km/hr speed restricted area, a method to remedy this non-compliance would be to provide a single access (intersection) to/from the proposed subdivision. This would require a channelised right turn treatment on Raleigh Street in accordance with Austroads standards for rural environments.

Alternatively, extending the speed environment to 50 Km/hr southwards to south of the Johnstone Street intersection would mean the two proposed intersections can be implemented in the general locations as set out by the Applicant and meet current standards, along with a basic right turn treatment. Extending the existing 50 Km/hr speed limit on Raleigh Street to south of Johnstone Street would also help address the safety concerns raised above in relation to property access to and from Raleigh Street for those properties abutting Raleigh Street.

For both scenarios, Raleigh Street requires widening to meet the width requirements for a Collector Road carrying more than 2,000 vpd

Yours faithfully

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Memorandum

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Attention: Hamish Wesney

Company: Boffa Miskell Ltd

Date: 20 October 2020

From: Emma McRae, Senior Landscape Architect

Message Ref: Waitara Private Plan Change – Landscape Advice

Project No: W18100

Introduction

This memo provides landscape advice relating to a private plan change application by Hareb Investments Ltd. The plan change seeks to rezone land at 2 Johnstone Street, Waitara, from the Rural Environment Area with a Future Urban Development Overlay to Residential A Environment Area and Open Space B zoning. It is intended to develop the 11.34ha land parcel within 5-10 years across 4-5 different stages. A Structure Plan has been prepared for the site which proposes to develop 110 residential lots. Lots range in size from 350-1000m² and a reserve along an existing stream and an associated walkway.

Boffa Miskell prepared a peer review of the Landscape and Visual Impact Assessment (LVIA) for the site in December 2018. The peer review concluded that overall the assessment provided an analysis of the level of effects, but that further information was required in order to provide a robust assessment which has the potential to mitigate the adverse landscape and visual effects of the proposed plan change. This further information included explanation of the assessment methodology and discussion of relevant statutory matters. This information was provided in the revised LVIA issued in January 2019 (dated September 2018 revision 5), and the revised Landscape Plan dated March 2019.

This memo provides landscape advice in relation to the following:

- Scale and extent of rezoning/development area
- Effects on existing waterways/natural features and suitability of reserve area
- Variety and formation of character types (intensification transition into rural);
- Suitability of alternative layouts 1 and 2 (as opposed to what is proposed);

Within the application, Appendix H1 provides the Landscape and Visual Impact Assessment (LVIA, September 2018 Revision 5) for the site, with Appendix H2 the revised Landscape Plan (Dated 26.02.19), Appendix H3 Alternative Layout Options (26.02.19), and Appendix H4 the Landscape memo discussing the alternative options. The LVIA contains within it a Structure Plan, dated 14.07.19.

Scale and extent of rezoning/development area

The LVIA describes the site as “located on the southern fringe of Waitara, in a triangular shaped piece of land bound by Johnston Street to the south-west and Raleigh Street to the south-east. Residential Waitara is located immediately adjacent to the site in its north-eastern corner, at the intersection of Raleigh and Ranfurly Streets. The north-western boundary flanks open farmland. Contextually, the site is located within a strip of land alongside both sides of Raleigh Street that possesses rural-residential landscape character on a connecting road into Waitara.”

The proposed plan change would form a triangular shaped extension of the existing residential settlement of Waitara to the west of Raleigh Street. Retention of 1.54 ha of the stream area as open space will assist with breaking up the form of the development and allow for pedestrian connections with the existing settlement.

Effects on existing waterways/natural features and suitability of reserve area

The Landscape Plan proposes a 'gully/reserve' area along the existing stream which runs through the site. The reserve ranges from 10 to 53m in width. In the pre-hearing meeting, residents did not raise any immediate concern over loss of ecological values associated with the development and creation of open space. The current waterway has low amenity value, with weed species and pine trees forming the dominant vegetation cover.

No detail has been provided on the reserve area, apart from a proposed walkway connecting Johnson Street to Mayne Street Park. The reserve illustrated on the landscape plan appears to be heavily planted. Some grassed open space within the reserve would be desirable for local residents' use. The proposed accessway through the northern part of the reserve could be relocated adjacent to the road to the north, allowing this area to be densely planted, with grassed open space and access to the stream area to be retained only on the southern side.

It is recommended that a detailed landscape plan is developed for this reserve area illustrating areas of open space and proposed planting, including details of plant species and proposed trail surfacing, furniture and any other features. The reserve area should measure a minimum 8m from the top of the stream bank to allow for maintenance of the stream corridor. The reserve corridor adjoining the southwest boundary will require widening to achieve this.

Proposed planting within the reserve should aim to shade the stream which will avoid the growth of nuisance aquatic vegetation. Planting will also ensure that banks are stabilised. Based on the Ecological Assessment provided with the request documents, this is expected to improve aquatic fauna and flora habitat. The planting will also provide a riparian buffer that will mitigate effects of overland flow discharges and overall water quality in the waterway.

The proposed road layout crosses the area of open space, and hence the stream in two locations. Further detail is required to understand what form these crossings will take and how they will satisfactorily be integrated into the open space. It is recommended that detailed plans and sections of the stream crossings are provided at subdivision stage to clarify how the stream banks will be remediated and to create an attractive crossing point when viewed from within the reserve area.

Variety and formation of character types

The development proposes a range of lot sizes, with an average of 660m² lots facing onto Raleigh Street, while lots on the south-eastern and northern boundaries are proposed as larger lots of 1000m² which adjoin the rural zoned areas. Smaller lots within the development are also proposed, with lot sizes ranging from 350-600m².

LVIA identifies that residents on Johnston Street and Raleigh Street will experience a change in outlook, from a rural to a residential view. The LVIA states that:

Residents on Johnston Street are oriented towards the site and their current rural outlook will change. This change can be managed to reduce adverse effects, but it is this group that are most at risk of experiencing a loss of rural outlook.

Residents on Raleigh Street will also experience change, although these residents are generally set well back from Raleigh Street and they currently adjoin a busy road. The site will change the ambience of the road, and once fully developed vehicle speeds may well reduce.

Urban residents of Waitara on Ranfurly and Raleigh Streets will view the Structure Plan area as an extension of their existing environment

Larger lot sizes, and design controls will reduce the impact of an urbanised site, and the planting of the central gully and internal street trees will (given time) create an attractive visual backdrop to external views.

New properties on both Raleigh and Johnston Streets will face out onto these roads, creating a new urban edge. The lot sizes proposed along these two streets are slightly larger at 1000m² than others within the site, however they are much smaller than the surrounding rural lifestyle properties. The 1000m² lots have an average frontage of 20m, while the adjacent rural lifestyle properties on Johnston Street are around 50m, with those on Raleigh Street being even larger. The proposed lot sizes do not provide any form of mitigation

to the development. It is however agreed that the proposed street tree planting along Raleigh Street will assist with integrating the development into the surrounding area, and this is the most effective mitigation measure in separating the proposed development from the adjacent rural lots. It is recommended that similar tree planting is carried out along the Johnston Street boundary to assist with filtering views of the development from the adjacent rural area.

In the pre-hearing meeting, residents raised concerns over potential loss of views, particularly ocean views to the north and west of the site. The applicant advised that concerns over loss of views could be mitigated/avoided through setting standards for housing to ensure they do not block views (e.g. houses in the northern boundary are restricted to one story). A single storey house would likely still obscure views towards the coast, and there are both single and two storey homes in the vicinity of the plan change.

Suitability of alternative layouts 1 and 2

Issues raised by the Waitara Community Board concerned property access onto Raleigh Street and the need for fencing along the northern boundary of the site. In response to this, two alternative layouts for the proposed development were prepared and are included in Appendix H3 – Layout 1 which generally retains the original layout of the roads, but all properties adjacent to Raleigh Street are accessed from the internal roadway via right of ways. Layout 2 retains the original layout of the roads to the north of the stream, with an internal road realigned along the back of the properties on Raleigh Street.

Both these options effectively turn around the properties on Raleigh Street, creating 'backs' of properties and a continuous fenceline along Raleigh Street. This is undesirable as it would create an unattractive road frontage along Raleigh Street which would be out of character with the adjacent rural area. Figure 17 in the Plan Change request document illustrates an example of such a fence. The original development layout is preferred as it creates a better urban form with more attractive street frontages, than either alternatives 1 and 2.

In the pre-hearing meeting, residents questioned whether there could be changes to the accessways to move from two road entrances on Raleigh Street to one on Raleigh Street and another road entrance on Johnston Street. The preference for this was varied, with the Johnston Street residents supporting the current design for road entrances. In the meeting, the Applicant noted that alternative accessways have been considered, including an access from Johnston Street and it was identified that the current roading arrangement is optimal in terms of other potential effects.

The Landscape memo in Appendix 4 discusses the fenceline along the northern boundary of the subdivision, which will be a visible element from the area to the north of the site, including from properties on Ranfurly Street. Concern was raised about reverse sensitivity effects of pets within the development entering the adjacent rural land. In response, the memo proposes a closed board timber fence structure of 1.2m high, finished in a black paint or stain.

This form of fenceline is again considered inappropriate as it would create a continuous solid fenceline along this boundary which would be a visible and potentially unattractive feature in the wider landscape to the north. As an alternative, it is suggested that a more visually permeable fencing solution is employed, in the form of timber post and rail fencing (see Attachment 1). This would fit in with the surrounding rural character, maintain views for residents north towards the coastline, while securing the property boundary. This fencing could also be constructed to a height of over 1.2m, which would be more effective in securing dogs with the habit of jumping and is more difficult to climb. Planting could be employed within individual properties if privacy was desired by residents.

Conclusions

The LVIA provided an understanding of the landscape and visual effects of the proposed plan change, and with the additional information provided following the peer review supplying a complete assessment which has the potential to mitigate the adverse landscape and visual effects of the proposed plan change.

The proposed Landscape Plan and Structure Plan provides some sense of the landscape framework developed for the site and how this can effectively mitigate landscape and visual effects. The original development layout is preferred as it creates a better urban form with more attractive street frontages, than either alternatives 1 and 2.

In order to create an effective and appropriate landscape framework for the development, further detail is required at subdivision stage in relation to tree planting, road crossings and development of the reserve area, as outlined below.

Recommendations:

Proposed street tree planting along Raleigh Street will assist with integrating the development into the surrounding area, and this is the most effective mitigation measure in separating the proposed development from the adjacent rural lots. It is recommended that similar tree planting is carried out along the Johnston Street boundary to assist with filtering views of the development from the adjacent rural area.

Fencing along the northern boundary of the site should be timber post and rail fencing (see Attachment 1 for example of fencing types) to fit in with the surrounding rural character, creating an attractive boundary, maintaining views from properties towards the coast, and securing the properties for pets.

The proposed reserve area should be a minimum 8m from the top of the stream bank to allow for maintenance of the stream corridor.

The following items should be required to accompany any resource consent application at the subdivision stage of the development:

- A detailed landscape plan is developed for the reserve area illustrating areas of open space and proposed planting, including details of plant species, trail surfacing, furniture and any other features.
- Detailed plans and sections of the proposed road crossings of the stream, illustrating the treatment of any culverts and abutments, areas of proposed planting (including species) to remediate the stream banks and any other features required to create an attractive crossing point when viewed from the proposed reserve.
- A species list for tree planting along the Raleigh Street and Johnston Street boundaries and for the main accessway within the site.
- Typical street cross section details for the E11 and E12 roadways, illustrating how the proposed tree planting is accommodated within the road corridor.

Attachment 1: Examples of timber post and rail fencing for northern site boundary





Introduction

This report is the Council's Three Waters response to Plan Change Application for Johnston St, Waitara.

The Application is for a Plan Change from 11.34 Ha of rural zoned land to approximately 1.54 Ha of Open Space zoned land; with the remaining 9.81 Ha designated as residential zoned land to provide for approximately 110 lots of residential housing.

The applicant has provided various documents to support the Plan Change Request. The following documents specifically deal with water supply, wastewater, and stormwater.

- Appendix E1 Engineers' Report
- Appendix E2 Supplementary Engineers' Report including Water Modelling

A number of submissions have been made. These submissions have been reviewed to understand the wider concerns regarding the application.

These submissions are summarised as follows

- Stormwater – cultural impact of disposal of stormwater directly to the stream
- Water –reduction in water pressure due to the development
- Wastewater –impact on disposal and capacity of the sewer reticulation

Council Three Waters representatives met with the applicant to further clarify specific matters in the Engineer's Report and Supplementary Report.

Stormwater

The applicant is proposing the development will be hydraulically neutral, with horizontal soakage for lots (roof and hard area) and disposal to the stream with a detention bund for other runoff.

Hydraulic neutrality will be important as the downstream drainage is to existing ponds by the old Subaru factory then through Allied Concrete's yard and through urban drainage to the river. There are considerable flooding issues through this catchment as the original stream channels have been heavily modified and diverted.

We have not reviewed the calculations in detail but we agree with the Applicant's assessment that there is significantly more volume available in the proposed detention area than required to attenuate the excess stormwater. The rational formula has been applied with appropriate changes in rainfall depth and reduction in time of concentration to allow for the change in land use. Rainfall intensity derived from HIRDSv4 has been used.

The detention bund is assessed as holding the entire 1% event without any outflow. The outflow pipe is sized based on maintaining hydraulic neutrality in discharge flow for the 10% AEP event. In the 20% event the discharge flow would be slightly higher. From a stormwater quantity perspective this is acceptable.



Stormwater quantity and quality has also been raised as part of Transportation's review. It has been noted that the applicant has not described how the existing swale drain on the west side of Raleigh St will be addressed. Stormwater runoff from rural roads is managed as part of the roading service.

In the plan change it is proposed to rezone this rural land to residential. Our records indicate that the swaledischarges into urban pipe network at the urban rural boundary and then stormwater is discharged to the ponds downstream of the proposed development. The proposed stormwater detention proposed by the applicant likely has sufficient volume to accommodate the run off from the existing swale which would provide a slight reduction in peak flow in the downstream drainage, but this would need to be confirmed.

It is anticipated that the applicant will provide kerb and channel and drainage catchpits to the roadways in accordance with NPDC CoP. The catchpits incorporate a sump to retain gross solids and dense particulate material, but do not provide treatment of dissolved contaminants.

Submitters have raised cultural concerns regarding the discharge of stormwater directly to the stream which we have not assessed. It is noted that a Cultural Impact Assessment is being prepared. There may be other factors relating to stormwater raised which are not addressed in the Three Waters Response. The Three Waters response is limited to an assessment of the Engineering solution provided by the Applicant.

Water

Based on the information provided we concur with the assessment that the development will result in an additional peak flow of 5.3l/s. The applicant's initial Engineering report proposes to lay a new 150mm water main along Raleigh St to provide a two ended feed 150 diameter distribution main. This is proposed as being run parallel to the existing 50mm rider main.

Submitters are concerned that the development may lead to a reduction in water pressure for outer areas of the water reticulation. The additional peak flow is 5.3l/s and will not cause a discernible pressure reduction

Further information was provided by the applicant in the Supplementary Engineering Report, which included the applicant undertaking water modelling.

The applicant determined that sufficient water flow could be achieved from the existing reticulation to meet fire classification FW3 without the new distribution main. We have also assessed that the existing reticulation is likely to have capacity to meet fire-fighting at FW3.

However, we have requested confirmation of the methodology used by the applicant to determine the fire flow including the extent of normal network demand applied for the modelled fire flow event. They were asked to confirm that minimum pressure is maintained throughout the water supply zone during fire flow simulation as per NPDC Code of Practice and not just at the hydrant at proposed development as required by SNZ PAS 4509:2008.

A response to the request for further clarification was received by email on 26 October 2020. In the response the critical nodes were identified and information provided to confirm the minimum pressure at these points. In both cases the pressure remained greater than 10m which is in line with NPDC minimum pressure requirements.



Although modelling indicates that FW3 is likely to be achieved from the current reticulation we are concerned that the additional firefighting information suggests an average reduction in available hydrant flow across the network of 1.6l/s due to the additional demand from the proposed development. The greatest flow reduction was indicated to be 4.5l/s at a node on the trunk main some distance away from the development.

The reduction in firefighting flow of 4.5l/s described above is concerning and we consider a double ended feed as provided in the original proposal should be provided. This would provide greater confidence in achieving fire flow requirements while mitigating any reduction in flow availability elsewhere as a result of the increased demand from the proposed development. It will also provide greater resilience and supply security to the proposed development. .

Wastewater

The initial Engineering report identified the flow path for wastewater disposal from the development to McNaughton St but did not give any supporting evidence that there is adequate capacity to accommodate the additional flow.

A Supplementary report was provided in response to a further information request from NPDC. This provided more detail on sewer capacity. We concur with the assessment of additional flow which will be generated by the development.

We initially disagreed with the assessment in the original submissions of the capacity of the existing sewer reticulation to accommodate this flow. The applicant had omitted approximately 42Ha of the existing catchments in their calculation. Using the applicant's methodology we had calculated the anticipated peak wet weather flow to be 47.5l/s compared to a pipe capacity of 48l/s meaning that this pipe does not have the capacity to accommodate the proposed development.

The applicant was then asked to review the calculations and to consider alternatives for disposal of wastewater. A response was received on 26 October by email. This response was further reviewed. The catchment areas and peak wet weather flows are now in agreement with our assessment of the contributing catchment. The table of calculated pipe capacity has been updated to include the entire pipe route to McNaughton St sewer pumping station. The final section of pipe had been omitted from the original calculation. This has been incorporated in the calculations and this shows the existing reticulation has adequate capacity to accommodate the additional flow from the proposed development.

Appendix 7: Statutory Framework

First Schedule, Clause 29:

1. In making its decision, Clause 29 of the First Schedule of the RMA states that:

“29 Procedure under this Part

- (1) Except as provided in subclauses (1A) to (9), Part 1, with all necessary modifications, shall apply to any plan or change requested under this Part and accepted under clause 25(2)(b).
- (1A) Any person may make a submission but, if the person is a trade competitor of the person who made the request, the person’s right to make a submission is limited by subclause (1B)
- (1B) A trade competitor of the person who made the request may make a submission only if directly affected by an effect of the plan or change that—
 - (a) adversely affects the environment; and
 - (b) does not relate to trade competition or the effects of trade competition.
- (2) The local authority shall send copies of all submissions on the plan or change to the person who made the request.
- (3) The person who made the request has the right to appear before the local authority under clause 8B.
- (4) After considering a plan or change, undertaking a further evaluation of the plan or change in accordance with section 32AA, and having particular regard to that evaluation, the local authority—
 - (a) may decline, approve, or approve with modifications the plan or change; and
 - (b) must give reasons for its decision.
- (5) In addition to those persons covered by clause 11, the local authority shall serve a copy of its decision on the person who made the request under clause 21.
- (6) The person who made the request, and any person who made submissions on the plan or change, may appeal the decision of the local authority to the Environment Court.
- (7) Where a plan or change has been appealed to the Environment Court, clauses 14 and 15 shall apply, with all necessary modifications.
- (8) Where a plan or change has been appealed to the Environment Court, the person who made the request under clause 21 has the right to appear before the Environment Court.
- (9) With the agreement of the person who made the request, the local authority may, at any time before its decision on the plan or change, initiate a variation under clause 16A.”

2. The decision in *Long Bay Okura Great Parks Society Incorporated v North Shore City Council* (Decision A 078/2008), and amended in *High Country Rosehip Orchards Ltd and Ors v Mackenzie DC* ([2011] NZEnvC 387) at pages 17-18 to reflect the changes made by the Resource Management Amendment Act 2005, sets out the mandatory requirements for district plan (changes), see Appendix X.

“A. General requirements

1. *A district plan (change) should be designed to accord with, and assist the territorial authority to carry out its functions so as to achieve, the purpose of the Act.*
2. *When preparing its district plan (change) the territorial authority must give effect to any national policy statement or New Zealand Coastal Policy Statement.*
3. *When preparing its district plan (change) the territorial authority shall:*
 - (a) *have regard to any proposed regional policy statement;*
 - (b) *give effect to any operative regional policy statement;*
 - (c) *have regard to the extent to which the plan needs to be consistent with the plans of adjacent territorial authorities*
4. *In relation to regional plans:*
 - (a) *the district plan (change) must not be inconsistent with an operative regional plan for any matter specified in section 30(1) [or a water conservation order]; and*
 - (b) *must have regard to any proposed regional plan on any matter of regional significance etc.;*
5. *When preparing its district plan (change) the territorial authority must also:*
 - *have regard to any relevant management plans and strategies under other Acts, and to any relevant entry in the Historic Places Register and to various fisheries regulations; and to consistency with plans and proposed plans of adjacent territorial authorities;*
 - *take into account any relevant planning document recognised by an iwi authority; and*
 - *not have regard to trade competition;*
6. *The district plan (change) must be prepared in accordance with any regulation and any direction given by the Minister for the Environment.*
7. *The requirement that a district plan (change) must also state its objectives, policies and the rules (if any) and may state other matters.*

B. Objectives [the section 32 test for objectives]:

8. *Each proposed objective in a district plan (change) is to be evaluated by the extent to which it is the most appropriate way to achieve the purpose of the Act.*
- C. *Policies and methods (including rules) [the section 32 test for policies and rules]*
9. *The policies are to implement the objectives, and the rules (if any) are to implement the policies;*
10. *Each proposed policy or method (including each rule) is to be examined, as to whether it is the most appropriate method for achieving the objectives of the district plan by:*
 - (a) *identifying other reasonably practicable options for achieving the objectives; and*
 - (b) *assessing the efficiency and effectiveness of the provisions in achieving the objectives, including:*
 - (i) *identifying, assessing and quantifying (where practicable) the benefits and costs of the environmental, economic, social and cultural effects anticipated from the implementation of the provisions, including opportunities for economic growth and employment; and*

- (ii) assessing the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods; and*
- (c) if a national environmental standard applies and the proposed rule imposes a greater prohibition or restriction than that, then whether the greater prohibition or restriction is justified in the circumstances.*

D. Rules

- 11. In making a rule the territorial authority must have regard to the actual or potential effect of activities on the environment.*
- 12. There are special provisions for rules about contaminated land.*
- 13. There must be no blanket rules about felling of trees in any urban environment.*

E. Other statutes:

- 14. Finally territorial authorities may be required to comply with other statutes.”*

I have amended the above summary to also reflect the 2013 amendment to the RMA.

Appendix 8: Relevant Objectives and Policies of Proposed District Plan

Relevant Objectives and Policies of Proposed District Plan

Historic and Cultural

HC-1	The district's heritage and cultural values contribute to the district's sense of place and identity, and are recognised and protected.
HC-2	The cultural, spiritual and/or historical values associated with historic heritage and sites and areas of significance to Māori are protected.
HC-3	Tangata whenua's relationships, interests and associations with their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes, and other taonga of significance are recognised and provided for.

Natural Environment

NE-6	An integrated management approach is taken where land use activities impact on waterbodies and the coastal environment, in collaboration with government, councils and tangata whenua.
NE-7	Tangata whenua are able to exercise their customary responsibilities as mana whenua and kaitiaki in the protection and management of the natural environment.

Tangata Whenua

TW-8	Tangata whenua actively participate in resource management processes.
TW-9	Recognise that only tangata whenua can identify impacts on their relationship with their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes and other taonga of significance to Māori.
TW-10	Tangata whenua are able to protect, develop and use Māori land in a way which is consistent with their culture and traditions and their social and economic aspirations.
TW-11	Provide for the relationship of tangata whenua with their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes and other taonga of significance to Māori.
TW-12	Recognise the contribution that tangata whenua and their relationship with their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes, and other taonga of significance make to the district's identity and sense of belonging.

Urban Form and Development

UFD-13	The district develops in a cohesive, compact and structured way that: <ol style="list-style-type: none">1. maintains a compact urban form that provides for connected, liveable communities;2. manages impacts on the natural and cultural environment;
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3. recognises the relationship of tangata whenua with their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes and other taonga of significance;
4. enables greater productivity and economic growth;
5. enables greater social and cultural vitality;
6. takes into account the short, medium and long-term potential impacts of climate change and the associated uncertainty;
7. utilises existing infrastructure and/or can be efficiently serviced with new infrastructure; and
8. meets the community's short, medium and long-term housing and industrial needs.

UFD-14

There is sufficient land to meet the short, medium and long-term housing demands of the district, that provides feasible development capacity for 10,919 dwellings, as follows:

1. 4,441 dwellings in the short to medium-term in:
 - a. undeveloped residential areas, particularly in Bell Block and the residential southern growth areas: and
 - b. the city centre, town centres, local centres and around transport nodes where there will be increased housing densities.
2. 6,479 dwellings in the long-term in:
 - a. the Cowling Road and Smart Road growth area: and
 - b. the city centre, town centres, local centres and around transport nodes where there will be greater housing densities.

UFD-15

A variety of housing types, sizes and tenures are available across the district in quality living environments to meet the community's diverse social and economic housing needs in the following locations:

1. suburban housing forms in established residential neighbourhoods;
2. a mix of housing densities in and around the city centre, town centres and transport nodes, including multi-unit housing;
3. opportunities for increased medium and high-density housing in the city centre, town centres and local centres that will assist to contribute to a vibrant, mixed-use environment;
4. a range of densities and housing forms in new subdivisions and areas identified as appropriate for growth; and
5. papakāinga housing that provides for the ongoing relationship of tangata whenua with ancestral land and for their cultural, environmental, social and economic well-being.

UFD-19

Urban environments are livable, connected, accessible, safe and well-designed spaces for the community to live, work and play, which:

1. integrate and enhance natural features and topography into the design of development to minimise environmental impacts;
2. recognise the local context and character of an area;
3. reduce opportunities for crime and perceptions of crime through design solutions;

4. create ease of movement in communities through connected transport networks, a range of transport modes and reduced reliance on private motorised vehicles;
5. incorporate matauranga Māori principles by involving tangata whenua in the design, construction and development of the built environment;
6. use low impact design solutions and/or healthy, accessible, energy efficient buildings; and
7. are adequately serviced by utilising and/or upgrading existing infrastructure or with new infrastructure.

Appendix 9: Authors Qualifications and Experience

Qualifications and Experience:

Charles Horrell:

1. My full name is Charles Price Horrell.
2. I am a Professional Planner at Boffa Miskell Limited, a national firm of consulting planners, ecologists, landscape architects, and other environmental specialists.
3. I have been engaged by New Plymouth District Council ("the Council") to provide planning evidence and recommendations on Private Plan Change 49. I am familiar with the site and surrounding area.
4. I have a Bachelor of Applied Science degree with Majors in Environmental Management and Economics and have five years planning experience. I am an associate member of the New Zealand Planning Institute.
5. I have been a planning consultant based in Wellington for 11 months, providing consultancy services for a wide range of clients across the New Zealand, including local authorities, land developers, and the infrastructure and power sectors. My experience prior includes working for the Otago Regional Council as a consent planner for over four years in the positions of Consents Officer, Senior Consents Officer and Acting Team Leader Consents. During my career thus far, I have been involved in resource consent and plan and policy making processes, as both a consultant planner and consents planner.
6. My role with Proposed Plan Change 49 has been as a planning advisor for NPDC. This role includes preparation and attendance at pre-hearing meetings, liaising with technical advisors, and preparation of the section 42A report.
7. Although not necessary in respect of council hearings, I can confirm I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2014. I have complied with the Code of Conduct in preparing this report and I agree to comply with it while giving oral evidence before the Hearing Commissioners. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

Hamish Wesney :

8. My full name is Hamish Philip Joseph Wesney.
9. I am a Partner and Principal Planner at Boffa Miskell Limited and have held this position of Principal Planner since July 2013 and Partner since April 2019. My qualifications include a Bachelor of Resource and Environmental Planning with 1st class honours. I am a Full Member of the New Zealand Planning Institute.

10. I have 18 years' experience as a planner, working for both a local authority and a consultancy. For the first four years I was employed as a planner with the Horowhenua District Council, undertaking a variety of planning tasks, including processing numerous land use and subdivision resource consent applications and alterations and outline plans for designations. For the past 14 years, I have been a consulting planner based in Wellington, and have been involved in advising a wide range of clients, including local authorities, corporate entities, central government and individuals on various projects. In particular, I have been involved in reviewing and drafting of a number of district plans, including the Wairarapa Combined District Plan, Hutt City District Plan, Horowhenua District Plan, Proposed South Taranaki District Plan, and currently, the Proposed New Plymouth District Plan.
11. My role with Proposed Plan Change 49 has been lead planning advisor for NPDC. This role includes overall responsibility for process matters, reviewing the application for completeness, preparation of further information requests and preparation of the section 42A report. This role also included liaison with the applicant, submitters and Council officers and advisors. I attended the pre-hearing meetings and am familiar with the site and surrounding area.
12. Although not necessary in respect of council hearings, I can confirm I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2014. I have complied with the Code of Conduct in preparing this report and I agree to comply with it while giving oral evidence before the Hearing Commissioners. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.