

**BEFORE THE NEW PLYMOUTH DISTRICT COUNCIL**

**UNDER**

the Resource Management Act 1991 ("RMA")

**IN THE MATTER**

of PC18/00049 being a request under section 73(2) of the Act by **HAREB INVESTMENTS LIMITED** to the **NEW PLYMOUTH DISTRICT COUNCIL** for a Private Plan Change to rezone 2 Johnston Street, Waitara from Rural (FUD) to Residential A and Open Space.

**STATEMENT OF EVIDENCE KATHRYN LOUISE HOOPER ON BEHALF OF HAREB INVESTMENTS LIMITED**

**1. INTRODUCTION**

- 1.1 My name is Kathryn Louise Hooper, I have a Masters in Applied Science (Natural Resource Management) from Massey University and a Graduate Certificate in Environmental Management from Central Queensland University.
- 1.2 I am an Executive Director at Landpro Limited and have been a consulting Planner based in New Plymouth since 2001 prior to which I worked for Wellington and Taranaki Regional Councils. I have been a full member of the New Zealand Planning Institute since 2012. The majority of my work is here in Taranaki, though my business operates throughout New Zealand.
- 1.3 I grew up inland from Waitara - it was our nearest town, and I attended school there in the 1980's. I witnessed first hand the effects of the closure of the Waitara Freezing Works on the town, and have always been proud of the resilience and community pride shown by the Waitara community.
- 1.4 My experience in development projects includes:
- (a) Leading the feasibility, consultation, land access and consenting of numerous wellsites and hydrocarbon infrastructure facilities throughout Taranaki since 2001;
  - (b) Consenting the redevelopment of the Ex-Fonterra Coolstores site near Port Taranaki (ongoing);

- (c) Consenting for the Taranaki Cathedral development and upgrade, a significant heritage and archaeological site, and a significant project for New Plymouth District and Ngati Te Whiti Hapū, and;
- (d) A large number of smaller developments throughout Taranaki and New Zealand ranging from 2 to 20 allotments.

1.5 I am authorised to give this evidence on behalf of HIL.

## **2. INVOLVEMENT IN THE PROJECT**

2.1 My involvement in the Application has included:

- (a) Initial feasibility and discussion with the NPDC from late 2017;
- (b) Preparation of the request for a private plan change;
- (c) Discussions with Te Atiawa, Otaraua and Manukorihi, and;
- (d) Attendance at the pre-hearing meetings.

2.2 I prepared the material produced with the Application, including;

- (a) the original application dated 22 November 2018;
- (b) the revised application dated 13 March 2019, which was the version notified on 25 June 2019;
- (c) Further information provided to the NPDC on 24 February 2020; and,
- (d) Further information provided to the NPDC on 16 June 2020.

## **3. CODE OF CONDUCT**

3.1 I confirm that I have read the Code of Conduct for expert witnesses contained in the 2014 Environment Court Practice Note and that I agree to comply with it. I confirm I have considered all the material facts that I am aware of that might alter or detract from the opinions I express. In particular, unless I state otherwise, this evidence is within my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

#### **4. PURPOSE AND SCOPE OF EVIDENCE**

- 4.1 I have been asked by HIL to provide evidence on the planning matters associated with the proposal.
- 4.2 I have read the evidence prepared by the other witnesses presenting evidence on behalf of HIL and have relied on such evidence in preparing this brief. I have also read the submissions on the application, the Cultural Impact Assessment dated 20 October 2020 (CIA) and the officers report prepared by the NPDC.
- 4.3 The assumptions, assessment and conclusions set out in my report attached to the Plan Change Request and as amended by the further information provided remain valid, and have in cases been reinforced with the passing of time since the original request was lodged.
- 4.4 My evidence is structured as follows:
- (a) Summary of the Plan Change sought;
  - (b) Summary of my evidence;
  - (c) Description of the Existing Environment;
  - (d) Assessment of Environmental Effects (including Proposed Mitigation);
  - (e) Statutory Assessment and Assessment of the Relevant Planning Framework;
  - (f) Response to Submissions;
  - (g) Response to officers report;
  - (h) Proposed Policies, Objectives and Rules; and
  - (i) Concluding comments.

#### **5. SUMMARY OF EVIDENCE**

- 5.1 The key planning related issues that I address are:
- (a) The potential effects of the rezoning of the land, and how these are mitigated through the Policies, Objectives and Rules that are proposed to be inserted into the Operative New Plymouth District Plan. The key effects addressed are:

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- (b) The appropriateness of the plan change in relation to the National Policy Statement on Urban Development (NPS-UD) and the National Policy Statement for Freshwater Management 2020 (NPS-FM).
- (c) The appropriateness of the plan change in relation to the Operative New Plymouth District Plan (ONPDP); and,
- (d) Consideration in relation to the Proposed New Plymouth District Plan (PNPDP), while noting the current status of this document.

5.2 By way of a summary, I confidently conclude that the proposed plan change will result in positive effects for the Waitara community and that rezoning this land is appropriate and consistent with Part 2 of the RMA; and is the most appropriate method of achieving the relevant objectives and policies of the ONPDP, and that it will achieve integrated management of the resources of Waitara. This is a discreet and well defined parcel of land adjacent to the Waitara residential area, and it has already been identified by the NPDC for Future Urban Development. It is easily developed and able to connect to existing infrastructure; and is the best option under s32A RMA.

## **6. SUMMARY OF PLAN CHANGE SOUGHT**

- 6.1 HIL seeks to change the ONPDP to rezone approximately 11.54 hectares of land at 2 Johnston Street, on the southern side of Waitara. The site is currently Rural Environment Area (with Future Urban Development ('FUD') overlay) and it is sought that this be changed to Residential A Environment Area and Open Space B zonings.
- 6.2 Approximately 9.8 ha will change from Rural Environment Area -FUD to Residential A Environment Area, with the proposal to develop approximately 110 lots of diverse sizes (350-1000 m<sup>2</sup>) that reflect their position in the landscape. These are;
- (a) 'Road Frontage' lots against Raleigh Street;
  - (b) 'Larger Lots' bordering the rural boundary interfaces;
  - (c) 'Internal Lots' being 'typical' residential sized lots within the development; and,

- (d) 'Smaller Lots' providing an area of increased density to encourage a more diverse range of housing stock in the central area of the development.
- 6.3 The remaining 1.54 ha will become Open Space Environment, with the intention that this area become a reserve that protects and enhances the Mangaiti Stream and its margins, and provides for walking and cycling access.
- 6.4 It is proposed to introduce a Structure Plan into the ONPDP (the 'Waitara - Area D Structure Plan Area' - see '**Attachment A**' [and which is referred to in the officers report as proposed Appendix 33 to the ONPDP]) and proposed new rules and policies to manage future subdivision and development for this land. The structure plan has been revised to respond to matters raised in the officers report and CIA, and Attachment A is the proposed revised version.
- 6.5 A set of these proposed provisions ('proposed additions to the NPDP') was provided as Appendix C of the original request. There have been some amendments to these to reflect the discussions with submitters in relation to the proposal. These include:
- (a) Additional provisions were added to reflect the concerns of Waka Kotahi in relation to the intersection of Raleigh Street with SH3 (Red Font);
  - (b) Amendments have been made in response to the CIA that was provided by Te Kotahitanga o Te Atiawa, including commitment to low impact stormwater design; and,
  - (c) Additional provisions to address the reverse sensitivity issues raised at the pre-hearing meeting by some neighbouring owners.
- 6.6 A revised set of plan provisions is therefore provided as '**Attachment B**' to this evidence, with the amendments since notification shown in different coloured font as follows:
- (a) Red font - changes to address the concerns of NZTA.
  - (b) Green Font - Changes to address matters raised in the officers report, and any minor changes to improve wording;
  - (c) Blue Font - Changes to reflect matter raised in the CIA.

- 6.7 The overall vision of the plan change is;
- (a) To create an attractive Greenfield's development that;
- offers a variety of affordable dwelling options for people looking for a new home in Waitara and the wider New Plymouth District; and
  - Takes advantage of the existing natural features of the site and is integrated into surrounding land uses and environment.

## **7. NOTIFICATION AND SUBMISSIONS**

- 7.1 The PCR was notified in 25 June 2019, with 18 submissions received during the submission period closing on 23 July 2019.
- 7.2 Seven of these submissions were in support, generally reflecting the need for more land in Waitara and in New Plymouth District in general, and that the development would provide social and economic benefits for Waitara, and for people and communities.
- 7.3 One submission, from PowerCo was neutral.
- 7.4 Three supported in part, four opposed in part and three parties opposed the plan change in its entirety. Of the submissions in opposition, two were from tangata whenua (Manukorihi Hapū, Te Kotahitanga O Te Atiawa) and the third was from a neighbouring owner.
- 7.5 Further submissions closed on 2 September 2019, of which there were 21.
- 7.6 Further information was requested by the NPDC after submissions closed, to address matters that arose. This information was provided. This is detailed in section 1.7 of the council officers report and not repeated here.
- 7.7 Of note is that in response to the request, a CIA was commissioned by HIL and provided to us on 20 October 2020. Due to the delays in receiving the CIA, at the time this evidence is submitted for pre-circulation, there are still likely matters outstanding in relation to the issues identified by Iwi and Hapū. The applicant, with assistance from relevant experts, has made some amendments to the proposed planning framework to address the issues raised, and I discuss these in detail in paragraphs 15.1 to 15.9 of this evidence.

## **8. EXISTING ENVIRONMENT**

- 8.1 The site is described in section 3 of the Plan Change Request, with cultural context provided in the CIA. It is immediately adjacent to the existing Residential A zone of Waitara, and located on one of the main arterial routes into the township. The land is currently used for maize cropping and stock are grazed there periodically. A plan of the area which identifies the surrounding landowners is included as '**Attachment C**'.
- 8.2 The key topographical feature of the site is the Mangaiti Stream, which is a tributary of the Waitara River. It is spring fed, and the open waterway begins within the site (approximately 50m North from the Johnston Street Boundary) and flows through the site from south to North. Until receipt of the CIA, we were unable to confirm the name of this stream, which has been referred to as an unnamed tributary to date. The stream dries out in summer, and is heavily modified within the subject site due to the current and historic land use.
- 8.3 Beyond the site, the Mangaiti then runs through private land (owned in Trust by Alistar and Diane Jordan) for a short stretch before entering Kinkade Park (also referred to as Ranfurly Park). Approximately 350m downstream of HIL's land it enters a pond. The outlet of the pond enters a culvert which appears to connect to the NPDC reticulated stormwater network, where it runs underground from that point for around 1300 m before discharging in the Waitara River Estuary, slightly upstream of the boat ramp at the river mouth. The ecological and biodiversity values of the waterway are currently low.
- 8.4 No significant indigenous vegetation of significant habitats of indigenous fauna have been found at the site (C Bevers, Ecologist) and no archaeological sites have been identified (I Bruce, Archaeologist).
- 8.5 Since the original plan change request was made, the adjacent land use has altered, with the blocks to the north now subdivided and used for lifestyle purposes. The current surrounding ownership is shown on the location plan in Attachment C and was detailed in the further information provided to the NPDC on 24 February 2020 (page 4). Shelterbelts and much of the exotic vegetation has also been removed from the site in recent months.
- 8.6 Raleigh Street forms part of the Heavy Traffic Bypass Route for Waitara. It is an arterial road from the intersection of Stafford Street north into Waitara.

8.7 Two-thirds of the way along the site boundary (heading north) the speed limit changes from 80km/h to 50km/h, just south of the Stafford Street intersection. This is illustrated in **Figure 1** below for clarity.

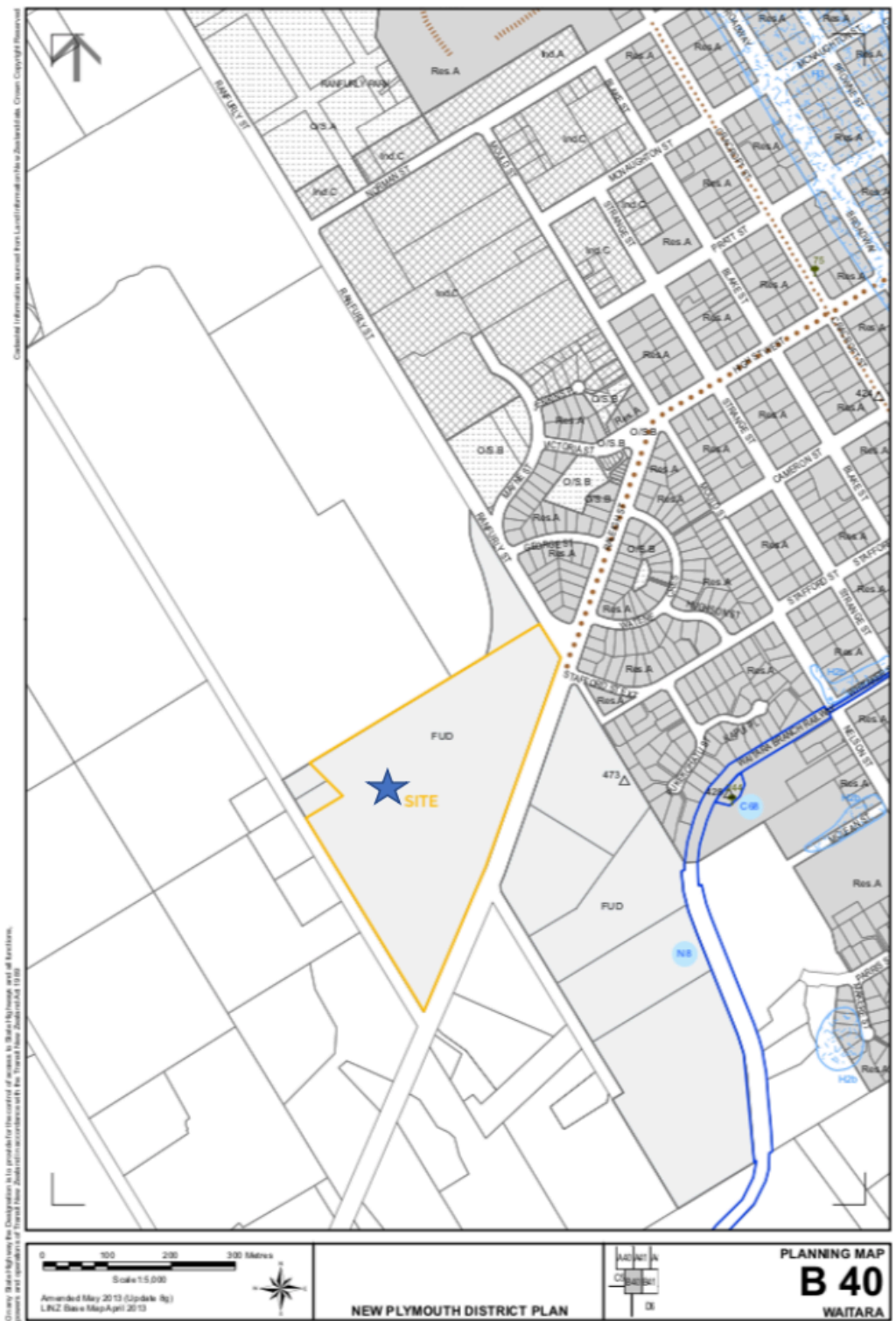


**Figure 1. Point of speed Limit change - Raleigh Street**

8.8 Johnston Street is a local road in the ONPDP.

8.9 As previously mentioned, the land is zoned Rural, with a Future Urban Development Overlay (FUD). The opposite side of Raleigh Street is also zoned Rural with a FUD overlay north of Borthwick Street, and Lot 5 DP 490616, (North West), and Lots 1 and 2 DP 446773 (South West) carry this same Rural-FUD zoning. Other surrounding land to the South, East and West is Rural, with the land to the north Residential A. This is shown in **Figure 2** below.





**Figure 2. ONPDP Planning Map B40 showing surrounding zoning.**

8.10 Given the size of the subject land parcel and the FUD Overlay it carries, any rural subdivision would be a non-complying activity, and there are restrictions on some activities on the land to prevent these from compromising the ability of the land to be used for residential purposes in the future.

8.11 For completeness, I note that under the proposed NPDC plan the subject site and all land around it to the South, East and West returns to Rural Production zoning. Land to the North is proposed to be General Residential.

## **9. ASSESSMENT OF EFFECTS**

9.1 Economic Effects can be positive and negative;

- (a) Mr Foy's evidence confirms his earlier reports, and concludes that, from an economic perspective, there would be a number of benefits associated with the proposal. Housing supply would be improved, and the site would add significantly to development capacity in Waitara, contributing to a well-functioning urban environment.
- (b) He finds that the Application is therefore consistent with the development-enabling philosophy and intent of the NPS-UD and also concludes at paragraph 12 of his evidence that while NPDC's proposed RMA planning documents "*.....do not identify the PPC49 area as a future residential growth area, that omission is no justification for declining the Application. Instead, the NPS-UD directs that NPDC should be responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development is unanticipated by RMA planning documents*".
- (c) Mr Harebs evidence supports this opinion, and provides practical on the ground confirmation that the demand for housing is significant in Waitara, and that the proposed development would assist in meeting the needs of the community.
- (d) I also note the letters from real estate agents in Waitara that were provided in the original request (Appendix K) and are also attached to Mr Harebs evidence.
- (e) The economic effects of the proposal I therefore find to be positive, and are directly applicable to giving effect to the NPS-UD.

9.2 Social Effects are reflected in the submissions in support, and touched on by Mr Foy in his evidence and earlier reports.

- (a) Improved access to affordable housing and opportunity to access a variety of housing types;

- (b) Improved public access to and along the Mangaiti Stream and more green-space;
- (c) A small increase in Waitara's population could result in potential increased retail spending and contribution to local schools and community activities and services (e.g. FENZ), but may have the adverse effect of placing additional pressure on community facilities.

### 9.3 Traffic and transport

- (a) Mr Georgeson has assessed the traffic and transport effects of the proposal and addressed matters including speed limits on Raleigh Street, the SH3/Raleigh Street intersection and the approach this application takes to this, and the proposed street layout.
- (b) He concludes that, from a traffic and transportation perspective, the proposed residential land use can be established in a manner that aligns with the relevant best practice industry standards for subdivision development. Road safety and efficiency can be maintained, and development can be achieved in a manner that is satisfactory to the NPDC and Waka Kotahi. Quality pedestrian and cycle connections are provided for.
- (c) This expert advice enables me to conclude that the proposal will not result in traffic effects that are unacceptable, and which are unable to be managed via the proposed planning framework.
- (d) Much of the detail is more appropriately provided at the time of subdivision, and this is identified in the officers report also.

### 9.4 Character and Landscape

- (a) The permanent nature of the landscape change is acknowledged and is unavoidable. Mr Bain has provided expert reports and evidence relating to visual and landscape effects, and I rely on his expertise in this regard.
- (b) The NPDCs recommendations at paragraphs 11.109, 11.110, 11.111 and 11.113 of the officers report are accepted, and incorporated into the revised framework in Attachment B. An updated structure plan is provided with Mr Bains evidence as suggested at 11.116 of the officers report.

- (c) In summary I find that the low number of properties surrounding the site, the proximity of the site to the existing built up Residential Zone (and access along Raleigh Street, being a busy arterial road and Heavy Traffic By-Pass route), and the shape and topography of the site, coupled with the mitigation measures detailed and formalised by way of plan provisions will result in the effective management of visual and landscape effects, particularly when considered in the context that future urban growth on this land has been signalled in statutory planning documents since 2013.

#### 9.5 Reverse Sensitivity

- (a) The design and landscaping of the development allows for larger lots on the rural interface and provides a slight buffer to these effects with lower density housing on this margin.
- (b) There are no specific activities in the area that would be considered particularly at risk from reverse sensitivity issues (such as intensive poultry or piggeries, quarries or heavy industrial activities).
- (c) At paragraph 11.12 of the officers report, it is noted that the council officer does not consider any further provisions other than those made in the request will be necessary. The applicant has however added the ability for reverse sensitivity or 'no complaints' covenants to be considered as a matter over which control or discretion is exercised in proposed rule OL60H (Attachment B).

#### 9.6 Provision for Open Space & Active Transport Modes

- (a) The provision of open space is a key component of the development. This area will protect and enhance the Mangaiti Stream and provide for access, active transport modes and recreational opportunities.
- (b) The recommendations at 11.134 of the officers report have been considered and commented on by Mr Bain in his evidence, and generally incorporated as appropriate.

#### WIDER LINKS

- (c) Kinkade Park is identified as being a key entrance point to the Waitara Walkway:

- *This reserve will continue to be maintained and developed as open space suitable for child's play and casual recreation as well as an entrance point to the Waitara Walkway.*
- (d) It is also noted that progress on the extension of the Coastal Walkway continues, with a recent update on progress attached as **'Attachment E'**.
- (e) The proposed development can be linked to this park either via Ranfurly Street, or potentially through the Jordans Land. Esplanade strips were not created over the downstream land at the time of the latest subdivision, however if the Jordans were to further develop their land on Ranfurly Street, this would provide an opportunity for the NPDC to create this access link off-street.

#### 9.7 NES Soil

- (a) A PSI by Mr Muller has confirmed that there are no significant issues present on this site that are likely to preclude residential development.

#### 9.8 Cultural Effects

- (a) The receipt of the CIA has enabled the application to be refined and modified to address the cultural matters and recommendations raised by Te Kotahitanga o Te Atiawa, Manukorihi and Otaraua. It is my opinion that the revised provisions proposed will ensure that there is a framework in place so that cultural effects are able to be appropriately addressed.
- (b) Reflecting on the current state of the land, the proposal will have positive effects in terms of many of the outcomes sought by Tangata Whenua, including;
- Improved stormwater design and management.
  - Improved biodiversity within and around the Mangaiti Stream.
  - Improved access to the Mangaiti Stream and the ability for cultural expression and involvement via NPDC Asset Management Plans.
- (c) The wider community of Waitara and the New Plymouth District, including Tangata Whenua, will benefit from the wider aspects of

the proposal identified by Mr Foy in his evidence. Similarly, the wider community will benefit from the provisions that are intended to address cultural concerns.

- (d) With the matters of concern to Tangata Whenua now identified, and the response to this incorporated into the proposed policies and rules (Attachment B) detailed in paragraphs 15.1 to 15.10 below, the cultural effects of the proposed development are able to be managed appropriately. When considered in the context of the current land use and activities, there are a number of positive cultural effects, particularly relating to restoration of the Mangaiti Stream and access to it.

#### 9.9 Ecological and Environmental Effects

- (a) Mr Bevers has confirmed in his evidence that there are no rare or endangered species present on this site, and that there is opportunity to improve the biodiversity of the stream area compared to what exists at present. Low impact stormwater design will ensure water quality in the Mangaiti is maintained and enhanced, and accordingly I conclude that the ecological effects are likely to be positive, and these in turn will provide benefits to the community and future generations. This is particularly relevant given that the area that will be maintained and enhanced will be held by the community by way of a reserve/open space area.

#### 9.10 Archaeology & Historic Heritage

- (a) Mr Bruce has confirmed that there are no sites of significance present on the land. The requirement for archaeological discovery protocols to be included on any consents issued, and the standard monitoring practices associated with large scale development will provide added protection where necessary. Effects on archaeological features are therefore likely to be avoided, and in the event of previously unidentified features, appropriately managed and mitigated.

#### 9.11 Effects on Infrastructure

- (a) Mr Matangi has confirmed that the development is able to proceed with minimal impact on infrastructure.

#### 9.12 Appropriateness of the Scale and Density of the rezoned area

- (a) The site is discreet, located on the edge of the existing township of Waitara.
- (b) It is owned by one owner, the applicant and the scale and design, along with the diversity of lot sizes will provide for a range of housing types and options.
- (c) There is a shortage of supply in Waitara and the development will meet the market and may ease the pressure on land and housing in the township.

## **10. STATUTORY ASSESSMENT & PLANNING FRAMEWORK**

- 10.1 In assessing the appropriateness of the plan change, all national, regional, district and local level policies are to be considered. This policy evaluation is detailed in section 4-7 of the PCR, and as it has generally been accepted in the officers report, it is not repeated here. Further information and background is however given, as this may be useful information for the commissioner.
- 10.2 Since the PCR was lodged and submissions received, the National Policy Statement for Urban Development 2020 (NPS-UD) and the National Policy Statement for Freshwater Management (NPS-FM) have been issued. The Proposed New Plymouth District Plan has also been publicly notified. Additional comment is therefore provided on these documents.

### **OPERATIVE NEW PLYMOUTH DISTRICT PLAN**

- 10.3 As detailed above, the land is zoned Rural, with a Future Urban Development Overlay (FUD) (Map B40 of the ONPDP, **Figure 2** above). The FUD overlay was placed over the land in 2013, after a plan change process undertaken by the NPDC (Plan Change 15). The NPDC FUD Plan Change was informed by the NPDC Framework for Growth studies, which commenced in 2008.
- 10.4 The purpose of the FUD overlays in the ONPDP is to identify areas for future urban growth throughout the New Plymouth District. The FUD overlay places additional restrictions over the land to ensure that activities on the land, between the FUD provisions being put in place and the land being rezoned, do not compromise the ability of the land to be used for future growth. Examples include restrictions on subdivision, dwellings and some intensive rural land uses.

10.5 Within Plan Change 15 and the FUD overlay, this subject land is known as 'Waitara - Area D' and for the purposes of consistency this naming has been retained. It is noted however that other parts of the Waitara Area-D FUD overlay are outside the ownership of the applicant and not included in this PCR.

10.6 The s32 report for Plan Change 15 (included as "**Attachment D**" for reference) states the purpose of the FUD plan change as:

"The purpose of the proposed FUD Overlay Plan Change (PLC09/00015) is to provide for the interim control of specific land use activities and subdivision within, and adjacent to, areas identified as future urban growth areas by the Final Framework for Growth (FFG) March 2008, the Oakura Structure plan and Urenui Structure Plan. The intent of the Plan change is to provide the Council with the ability to ask:

What is the effect of a proposed activity (land use and/or subdivision) on the future rezoning and subsequent development of the future urban growth area(s) as identified by the FUD Overlay?

This will enable the potential adverse effects of activities that are potentially incompatible with future urban development to be avoided, remedied or mitigated, until such time as plan changes for individual future urban growth areas become operative."

10.7 In summary, the FUD was placed on the land after a process of planning for future urban growth of the district, consultation and a NPDC plan change. The purpose of the Plan Change was to allow for the transitional process 'to manage land use change from rural to an urban Environment Area zoning' (page 8 of PC15 s32 report, see full report in Attachment D). Plan Change 15 was subject to assessment and testing under the Part 2 and section 32 processes of the RMA, and as part of justifying the interim planning measures and controls in the form of the FUD overlay, the NPDC demonstrated the need for future urban growth in the areas identified; and determined that the FUD overlay achieved the purpose of the RMA.

10.8 The policies and objectives associated with the FUD overlay in the ONPDP support the stricter planning controls over this land, and justify these on the basis of the need for the land for future urban growth. These are detailed in section 6.3.2 of the PCR.

10.9 As stated in the PCR, the plan change will enable a property located within FUD Overlay to be rezoned to Residential A Environment Area, which essentially gives effect to Policies 1A.1 and 1A.2. Rezoning the property to



Residential will enable residential subdivision and will address the needs of household growth of New Plymouth.

10.10 The context given within Issue 1A in the ONPDP is that one of the key principles underpinning the NPDC's Framework for Growth is that "*Urban development should be focussed into or immediately around existing towns where services and infrastructure exist or can be effectively provided*". I therefore highlight that the PCR is for land within a FUD area that has been identified under the Framework for Growth, and is located immediately adjacent to the Residential A Environment Area of Waitara. Services are in place, and, as I will discuss later in my evidence, infrastructure can be provided without any significant cost or constraints to the community of Waitara.

10.11 The reason for including this information in my evidence is to highlight two key matters;

(a) Firstly, that the land has been signalled for Future Urban Development in the ONPDP since 2013. The subject request gives effect to the policies and objectives as it essentially gives effect to the purpose of the FUD overlay and the long term planning vision of the site. For parties purchasing in the area since this time, they have done so with the knowledge that the land is flagged for residential development, and was likely to be rezoned at some time. For those parties who were there before 2013, they have had the opportunity to be involved at the plan change stage, and a review of submissions in PC15 indicates that no concerns were voiced by any of the current submitters at that time.

(b) Secondly, within a planning context, the potential use of this land for future urban development has been considered once already, and the plan change that led to the FUD was granted and was found consistent with Part 2 of the Act. The entire premise of Plan Change 15 was that the land had been identified through a rigorous process of consultation and consideration, and found to meet the criteria for future development. It therefore justified the requirement for additional planning protection to ensure nothing happened to it in the intervening period that would compromise the ability for it to be developed.

## **PROPOSED NEW PLYMOUTH DISTRICT PLAN**

- 10.12 The Proposed NPDC Plan (PNPDP) was notified on 23 September 2019, submissions closed on 22 November 2019. Further submissions were invited on 22 August 2020, with an error in the summary of submissions resulting in the further submission period closing on 28 October 2020.
- 10.13 The council officer provides a detailed assessment against the PNPDP at paragraphs 10.34 to 10.39 of his evidence, and appends the most relevant policies. I concur with this assessment and therefore do not repeat it. I will however provide additional commentary which will assist explain the background to the PNPDP as it relates to the applicant and site.
- 10.14 The applicant opposes the PNPDP, with their submission stating that they believed the subject land should either be rezoned residential as part of the NPDC Plan Review, or at least remain FUD. The applicant (HIL) was not served notice of any further submissions in relation to this submission.
- 10.15 The reasons the applicant opposes the NPDC's proposal to remove the FUD from the subject land reflect the reason for this plan change request;
- (a) There is insufficient land in Waitara to meet demand, and this situation has not improved since the FUD was introduced in 2013, it has gotten worse;
  - (b) Infill is costly and slow, and reliant on a large number of individuals;
  - (c) The land is appropriate and suitable, and furthermore, is owned by an experienced party who wishes to develop it in a structured way, and meet the demand; and,
  - (d) Particular consideration needs to be given to the stormwater issues in Waitara, and the subject land is demonstrated to be ideal from this perspective.
- 10.16 Decisions on the PNPDP are yet to be made, and submissions yet to be heard. The PNPDP, in particular the proposal for Future Urban growth areas, is therefore yet to be subjected to consideration of the matters under Part 2 of the Act.
- 10.17 The section 32 report associated with the Future Urban Growth zones under the PNPDP identifies that the NPDC needs to respond to the fact that the New Plymouth District is one of the fastest growing areas in NZ, and will continue to experience significant population growth over the coming years.

10.18 The s32 Report also notes (page 27) that... *"the Draft District Plan has significantly refined the Future Urban Growth, particularly within the small townships. An initial assessment indicated that many of these areas would not be able to be feasibly developed and are not in keeping with the current levels of development and infrastructure planning in these communities"*.

10.19 Appendix 2 of the s32 report provides the Future Urban Development Assessments, and notes that the 'Waitara West' FUD areas are to be removed from the district plan (Waitara FUD Areas D and E) for the following reasons;

- (a) These areas have been removed as they are generally out of scale/context with these townships and cannot be feasibly developed.
- (b) Waitara West area has been removed as it was not considered a logical extension to the urban boundary and may lead to further outward spread of growth. There is also concern over provision of services and particularly the management of stormwater.
- (c) It is also noted that a new area on Ranfurly Street is proposed to be rezoned from Open Space to Residential, and this is intended to displace Waitara Area D.

10.20 To respond to the above;

- (a) this PCR has confirmed that the subject land can be feasibly developed and servicing and stormwater present no concerns.
- (b) The proposal is not considered to be 'out of scale' with the township, it is instead considered to be at a scale necessary to meet the demand of growth of the township. It is a discrete, contained piece of land that is easily developed.
- (c) This is considered a logical extension of the urban boundary given it is located in a lifestyle area along one of the main arterial routes into Waitara. Waitara has problems with stormwater and infrastructure in its lower lying areas adjacent to the River, as it is in the river plain. The applicants land is elevated off the river plain, while remaining well connected to the town and also the nearby city of New Plymouth.

- (d) The 'outward spread' of growth is already occurring here to a small degree, with non-complying 'lifestyle' rural subdivisions occurring and being generally accepted in the area, and Raleigh street already has a built up character (as opposed to an open, rural one that would be expected in the rural environment).
- (e) The proposal to rezone Ranfurly Park to Residential has not yet been subject to public scrutiny or consultation. It is my opinion, as a planner, that it would be short-sighted to sacrifice Open Space recreational area for residential development. I liken this to Pukekura Park in New Plymouth - 100 years ago it was on the outskirts of town and probably felt unnecessary and more useful as housing back then. Today it is an integral part of the city. Waitara will continue to grow well beyond our time here in Taranaki and future generations will thank us for keeping open space in our towns and cities.

10.21 In terms of the Future Urban Zone (FUZ) in the PNPDP, I note that Waka Kotahi has supported these provisions, and raised no concerns about potential effects about future growth on the transportation network.

10.22 I further note that the PNPDP has not given consideration to the NPS-UD, only its predecessor the NPS-UDC. Therefore, it is not known what, if any, changes will be made to the PNPDP to give effect to the new NPS.

## **11. REGIONAL POLICY STATEMENT**

11.1 The RPS is discussed in section 4.2 of the PCR, and the council officer concurs with this assessment.

## **12. TAI WHENUA, TAI TANGATA, TAI AO - TE ATIWA IWI ENVIRONMENTAL MANAGEMENT PLAN (IEMP)**

12.1 At the time the PCR was made, there was no draft or final IEMP in place for Te Atiawa's rohe. As this information has become available, it has been considered.

12.2 A draft IEMP was however released shortly after the plan change was finalised for notification, and assessment against this draft was provided (section 5.1) in the further information submitted on 24 February 2020.

12.3 Further consideration of the application against this document is made in the CIA and notes that these provisions will need to be taken into account

at the time of development. The CIA identifies relevant matters to the proposal, which are addressed in sections 15.1 to 15.10 of my evidence.

### **13. PART 2 RMA**

13.1 Section 6 of the RMA requires that all persons exercising functions and powers under the RMA, in relation to managing the use, development, and protection of natural and physical resources, recognise and provide for a number of matters of national importance. These include;

- (a) the preservation of the natural character of wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;
- (b) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers;
- (c) the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development;
- (d) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;
- (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;
- (f) the protection of historic heritage (from inappropriate subdivision, use and development);
- (g) the protection of protected customary rights; and,
- (h) the management of significant risks from natural hazards.

13.2 The PCR will not only preserve, but will enhance the natural character of the Mangaiti Stream by protecting it and enhancing it, and providing for it to benefit future generations as Open Space B Environment Area and given effect to the NPS-FM. Pest plant species will be removed and replaced with indigenous species.

13.3 The proposal will enhance public access by providing a walking track and public access to the waterway (which does not exist at present). The walking track, when complete, will be approximately 2 km in length and there will be opportunity for this to connect to the Coastal Walkway (Attachment E). This will also recognise and provide access for the

relationship of Tangata Whenua with their ancestral lands (being part of the Pekapeka Block) and water (the Mangaiti).

- 13.4 No significant indigenous vegetation or significant habitats of indigenous fauna have been found at the site, but the opportunity to enhance the habitat on this site has been identified.
- 13.5 The site is not identified as an archaeological site (as confirmed by Mr Bruce in his evidence and original report). Similarly, no structure with historical significance is found on site. An accidental discovery protocol for the site will be developed and it is expected that this would be a condition of any consent granted. The area surrounding the waterway that runs through the site has cultural significance, and measures have been put in place to protect this area; including ensuring works in the area are minimised, and that the area surrounding the waterway is zoned Open Space B Environment Area.
- 13.6 Further amendments have been made to the proposed planning framework to give greater regard to the relationship of Maori with the Mangaiti Stream and the land.
- 13.7 The activities are therefore considered consistent with, and recognise and provide for matters of national importance under section 6.
- 13.8 Section 7 of the RMA requires all persons exercising functions and powers under it to have particular regard to those matters listed in the section. Section 7 matters are not expressly ranked in order of priority. Therefore, all aspects of this section are to be considered equally. In the case of this particular PCR, the following matters are considered relevant in my opinion:
  - kaitiakitanga;
  - the efficient use and development of natural and physical resources;
  - the maintenance and enhancement of amenity values;
  - maintenance and enhancement of the quality of the environment; and,
  - any finite characteristics of natural and physical resources.

- 13.9 The matters in section 7 are addressed throughout the PCR, and the applicant is focused on enhancement of the environment rather than simply maintaining it. Amenity has been considered upfront, and the maintenance and enhancement of amenity values, will be provided for via a structure plan. It is acknowledged that the type of amenity values will alter, from rural/lifestyle to residential and this is why it is important that opportunities for enhancement are taken.
- 13.10 As part of ensuring that Otaraua and Manukorihi Hapū are able to exercise Kaitiakitanga over the land. As noted by Mr Bruce, hapū monitoring is now standard practice for larger scale development activities. A CIA has been prepared by Te Kotahitanga o Te Atiawa, Manukorihi Hapū and Otaraua Hapū. The recommendations made in this CIA and how they will be given effect to are discussed further in section 15 of my evidence, and many of these centre around the exercise of Kaitiakitanga.
- 13.11 Returning to first principles, Section 5 sets out the purpose of the RMA – to promote the sustainable management of natural and physical resources.
- 13.12 This plan change would not compromise the sustainable management of natural and physical resources. With the mitigation measures proposed, this PCR will not adversely affect the sustainable management of the Rural and Residential environment that surrounds the site. It will provide housing in a manner which minimises adverse effects on existing infrastructure and maximises the benefits to the wider community.

## **NPS UD**

- 13.13 The NPS-UD replaces the National Policy Statement on Urban Development Capacity 2016, which was relevant at the time of the original PCR.
- 13.14 The development has been found to assist New Plymouth to meet its obligations under the National Policy Statement on Urban Development (**NPS -UD**). This is detailed further by Mr Foy in his evidence and I agree with his assessment.
- 13.15 The council officer provides a detailed assessment of the activity in relation to the NPS-UD at paragraphs 10.5 to 10.12 of the officers report and I also concur with this assessment.
- 13.16 I particularly highlight the importance of the subject proposal in relation to;
- (a) Objective 2 of the NPD-UD, which requires planning decisions to improve housing affordability by supporting competitive land and

development markets. This objective essentially sums up the plan change at hand; and,

- (b) Policy 8 of the NPS-UD - 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 unanticipated by RMA planning documents, or out-of-sequence with planned land release.

13.17 Policy 8 in particular provides clear direction to the NPDC, and effectively supercedes the early advice received in relation to this application (reflected on in Mr Harebs evidence) which boiled down to the fact that because this land wasn't in the area NPDC was considering for future development in the PNPDP, it was not going to be appropriate.

#### **14. NPS-FM**

14.1 This plan change affects the Mangaiti Stream and its margins, and the NPS-FM is therefore relevant.

14.2 This NPS provides direction in relation to activities that affect the health of freshwater. The council officer has provided a detailed assessment against this NPS, and I concur with this. He notes that the approach to stormwater management will contribute to achieving the outcomes sought by the NPS-FM. In this respect I note;

- (a) Firstly that the Open Space provisions and improved riparian zone will enhance the quality and mana of the Mangaiti compared to what is there now.
- (b) Secondly, that the adoption of low impact stormwater systems is agreed to by the applicant and discussed elsewhere in this evidence, and this will further contribute to consistency with the NPS-FM.

14.3 Policy 1 of the NPS-FM states that freshwater is to be managed in a way that gives effect to Te Mana o Te Wai. Te Mana o te Wai refers to the fundamental importance of water and recognises that protecting the health of water protects the health and wellbeing of the wider environment. It is about preserving the balance between water, the wider environment and the community.



14.4 The Mangaiti Stream is currently degraded. The incorporation of the Open Space Area, access and planting into the structure plan is in my opinion a true example of giving effect to Te Mana o te Wai, restoring balance between water, the environment and the community.

## **15. RESPONSE TO SUBMISSIONS**

### **Te Kotahitanga o Te Atiawa and Manukorihi Hapū**

15.1 The submission by Te Kotahitanga o Te Atiawa and Manukorihi Hapū was considered in the further information provided on 24 February 2020, and I will not repeat this in my evidence.

15.2 In response to this submission however, these parties were resourced to prepare a CIA which has been provided to the NPDC, and this also involved Otaraua Hapū. Seven recommendations were made in the CIA and these are listed and discussed in the following paragraphs. On 2 November 2020, the applicant and I met with members of Manukorihi and Otaraua Hapū, and Te Kotahitanga o Te Atiawa to discuss the CIA recommendations in more detail. Where applicable, further matters raised/clarifications sought at this meeting are provided below.

15.3 ***The provision of useable open space within the proposed development and associated policy and rule framework provisions.***

(a) This is allowed for within the structure plan, and Mr Bain has commented in his evidence in relation to the usability of the open space proposed. This matter was also raised by the NPDC, and additional 'kick-a-ball' space has been added to the structure plan (Attachment A) to provide for community wellbeing.

(b) The existing policies, objectives and reasons within the ONPDP are considered appropriate to address this recommendation, and in relation to subdivision, rules include consideration of provision of public space, and areas for recreation, conservation, or pedestrian/cycle access purposes. In particular I note proposed rule OL60H which requires development and subdivision to occur in accordance with the structure plan.

(c) Therefore I confirm that the mechanisms are in place to ensure that provision of open space is addressed at the time of subdivision.

15.4 ***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.***

- (a) Existing NPDC road naming policy<sup>1</sup> will allow for Tangata Whenua to be consulted in relation to all road naming.
- (b) Similarly, existing council Asset Management Plans will address these matters for the Open Space Area. The Waitara Neighbourhood Parks Management Plan<sup>2</sup> (2009, due for review) details (in section 3) the Tangata Whenua considerations within this plan, and section 7.3 of this plan details the process for bilingual reserve names. While it is yet to be confirmed that this is the plan into which the proposed Open Space area will be integrated, it is expected that whatever Management Plan is used, the general principles relating to these matters will be followed.
- (c) Additionally, this concern is addressed in proposed Rules OL60H (general subdivision of the area) and OL60P (Vesting of the Open Space Area) as matters over which control is reserved as follows:
- Matter of control (f) in OL60H allows control over “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) and street furniture”.
  - Matter of control (a)(iii) in OL60P iii) requires details of specific features and design elements that have been incorporated to reflect the cultural narrative of the site, including details of consultation with Otaraua and Manukorihi Hapū in relation to the design, location and form of these features and elements.
- (d) Accordingly I am satisfied that the proposed planning framework allows for the development of cultural narrative within the development, and this notwithstanding, there are other mechanisms that will be applicable at various stages of the development.

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<sup>1</sup> NPDC Road Naming Policy is available via this link:  
<https://www.newplymouthnz.com/Council/Council-Documents/Policies/Road-Naming-and-Numbering-Policy>

<sup>2</sup> A link to the Waitara Neighbourhood Parks Management Plan is available here;  
<https://www.newplymouthnz.com/Council/Council-Documents/Plans-and-Strategies/Parks-and-Reserves-Management-Plans/Waitara-Neighbourhood-Parks-Management-Plan>

15.5 ***Redesign of proposed stormwater infrastructure and the policy and rule framework including but not limited to 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).***

(a) The applicant has considered this recommendation, and generally proposes to address this by way of existing provisions and revisions to the proposed policy framework. Specifically:

- Impervious surfaces and building footprints are addressed via the site coverage rules in the ONPDP, and are further addressed at the time of building consent when it is necessary to demonstrate that stormwater from all surfaces can be managed appropriately within the site. Restriction of each lot to one dwelling will also assist in relation to this concern. No changes were considered necessary to address this concern. It is further noted that under the PNPDP rule GRZ-S9 introduces a 'minimum landscaped permeable surface area' of 25% which I anticipate will ultimately be applicable to the area.
- For discharge from roads, rights of way and paved surfaces; this recommendation is given effect to via proposed amendments to the structure plan guidance and an additional proposed rule (OL600), which is included in the mark-up in Attachment B and discussed in paragraph 17.16. Proposed rule OL600 requires discharge via low impact design stormwater systems if the discharge is to be a controlled activity. Proposed policy 23.10 has been modified to reflect the potential for stormwater management projects within the Norman Catchment and the need for any stormwater design to be consistent with these. Essentially these provisions introduce the ability for special conditions to be placed on any consent relating to these stormwater matters, and require that the stormwater design in itself is subject to a consent process.
- The revised framework now emphasises that low impact stormwater design is expected, while enabling the ability to consider alternatives if these are demonstrated necessary, and if new technology becomes available.

- It is noted, however, that these assets will vest with the NPDC, so NPDC engineers will need to be comfortable with these structures if they are implemented within the areas to vest. I therefore expect that approval of detailed designs will be a requirement of any subdivision consent, in addition to standard conditions relating to defects liability to ensure the long term integrity of the systems.
  - Mr Matangi has provided information and discussed the benefits of providing flood detention via an 'online' system that is within the stream in his evidence, and concludes that this is the most practical option for the subject site. While off-line options would be possible, based on Mr Matangi's evidence I conclude that inline flood detention will have the least impact, when compared to the potential adverse outcomes identified. Prohibition of structures in the stream channel is therefore unable to be agreed to, and I consider the reasons for this stance are sound and would not lead to unacceptable environmental outcomes.
- (b) In relation to instream structures and the detention bund in particular, I also note for completeness that the Taranaki Regional Freshwater Plan has provision for smaller culverts as a permitted activity (Rule 57<sup>3</sup>), however as the detention structure is designed to restrict flood flows, the permitted rule will not be able to be complied with. For other culverts I note that the permitted rules are comprehensive and have provisions relating to sediment, erosion and the size of the structure, and require that there be no significant adverse effects on aquatic life or instream habitat, and that the activity does not restrict the passage of fish. I therefore expect that a consent will be required for the detention bund, and potentially other culverts within the site, and that these will include conditions relating to fish passage, sediment control, timing of works and notification.
- (c) I am therefore satisfied that the necessary provisions and mechanisms are in place to ensure low impact stormwater design is given priority, and that the effects associated with any works in and around the bed of the Mangaiti will be subject to the appropriate

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<sup>3</sup> Link to Taranaki Regional Freshwater Plan <https://www.trc.govt.nz/assets/Documents/Plans-policies/FreshwaterPlan/RFWP2001-web.pdf>

planning/environmental controls, and are able to be addressed and managed appropriately.

15.6 ***Policy framework provisions which allow for the development of environmental health indicators for the Mangaiti which benefit from mātauranga Māori;***

- (a) Short term, this provision has been added to OL60H as a matter over which the NPDC can exercise control.
- (b) Long term, and subject to consultation between NPDC and Iwi & Hapū, it is anticipated there will be opportunity for this to be incorporated into the relevant Asset Management Plan when the Open Space area is added.
- (c) I am therefore satisfied that the recommendation for policy provisions that allow for the development of environmental health indicators of this nature is appropriately allowed for.

15.7 ***Provision of permeability/connectivity for active modes of transport through and across the development***

- (a) This is commented on by Mr Bain in his evidence, and he notes that active modes of transport are integrated into the Structure Plan by way of the pathway following the waterway which provides for walking and cycling access completely separated from motor vehicles. He also notes that the road design will be in accordance with council standards, which promotes liveable streets - streets that are safe for walking and cycling as well as vehicles.
- (b) Furthermore, the provision for public space for active transport modes is included in the control matters for controlled subdivision under RES 54-64, and in the indicative discretionary matters under these same rules.
- (c) I further note the future connectivity that this site offers, as detailed in paragraph 9.6.
- (d) Accordingly I am satisfied that provision for connectivity for active transport modes is appropriately addressed in the information provided, and within the provisions put forward. It is my opinion that the subject development has significant advantages in this regard.

15.8 **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**

- (a) Proposed rule OL60N places controls over Cut and Fill, and batter height. The purpose of this proposed rule is to encourage working with the natural landform;
- (b) The matters over which control is reserved under existing Residential A Subdivision Rules include '*Alteration of contour, earthworks and clearance of vegetation*' (see 17.4(a) for a full list of these existing ONPDP provisions). This allows consideration of the effects on the landform. These matters are referenced in OL60H and any future subdivision will be subject to them.
- (c) I also note that existing ONPDP rules RES44-49 will apply, and these place controls over the volume and scale of earthworks regardless of subdivision.
- (d) '*Consistency with the natural landform*' is added to proposed rule OL60N to provide further certainty.
- (e) Accordingly I find that provisions for retention of natural landform are appropriately provided for within the existing and proposed ONPDP framework.

15.9 **Provisions in relation to Historic Heritage and process to amend the design in the event there is an unrecorded archaeological find.**

- (a) Included in the revised plan additions (Attachment B) under the structure plan guidance is that any consent for earthworks or subdivision within Waitara - Area D shall include reference to the above legislation, and shall include a condition requiring the consent holder to prepare and adhere to an Accidental Discovery Protocol. This is also reflected in the proposed rules.
- (b) Mr Bruce's evidence notes (paragraph 6c) that ongoing cultural monitoring as part of large scale residential development is now normal practice in his experience and would, in his opinion, go some way to mitigating the potential for archaeological material being encountered and destroyed without record. The provision for monitoring is allowed for in OL60H(a).

(c) Accordingly I am satisfied that these concerns are also appropriately addressed within the proposed and existing provisions.

15.10 In summary, the concerns raised in the CIA have been reflected upon, and integrated into the proposed provisions that will guide and control the development of the land. With the proposed amendments to the provisions and structure plan, the design adequately takes into account the provisions of Tai Whenua, Tai Tangata, Tai Ao and will provide the framework for ongoing involvement of Iwi and Hapū in relation to the development of the area.

15.11 In its current form, the plan change request will have adverse effects on mana whenua and effects which are unacceptable 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.

15.12 There are matters in the CIA which warrant further clarification, and I do so briefly below;

(a) Te Kotahitanga o Te Atiawa were contacted on 10 October 2018. I contacted Sera Gibson, who advised me to liaise with Donna Eriwata of Otaraua Hapū and Patsy Bodger of Manukorihi Hapū in the first instance. The hapū were provided with copies of the application to review (both the initial application, and the final application as notified) and input was sought. The need for a CIA was not mentioned or identified until submissions were received.

(b) The CIA refers to incorrect naming of waterways within the site. I am acutely conscious that waterways have names, and reference to 'unnamed tributary' is not appropriate. At my first meeting with Otaraua and Manukorihi, and subsequently on other occasions, I asked if they knew the name of the waterway and they did not but agreed to let me know when they found out. The name of the waterway onsite was not known to me until I had a discussion with Ms Eriwata on 14 September 2020 when I met her in relation to another project. It was confirmed when I received the CIA on 20 October 2020. From this point I have referred to it by its name. I also note that Mangaiti literally translates to 'small stream'<sup>4</sup>, and is a relatively common name and this too was mentioned by Ms

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<sup>4</sup> <https://nzhistory.govt.nz/culture/maori-language-week/1000-maori-place-names>

Eriwata when I met her on 14 September 2020, and again at the meeting held on 2 November 2020.

### **Adjoining Landowners**

15.13 I reviewed the submissions received from adjoining landowners, and provided additional detail in response to the general themes raised in the further information provided on 24 February 2020. Again, I do not intend to repeat these here, but will summarise as follows;

- (a) Further consideration was given to the effects that the interfaces between the site and the adjoining land and roads will have on the character of the area. It is expected that the character of the area will change, which is the overarching purpose of the PCR. Alternative treatments of the frontage with Raleigh Street were been considered and discussed in the PCR, before the proposed structure plan was finalised.
- (b) Streetlighting and footpaths will be required to be installed in accordance with the NPDC Infrastructure Standards.
- (c) HIL is open to considering alternative options if access to Johnston Street for the ten lifestyle blocks is not desired, however I consider that this will be more appropriate to consider at the time of subdivision, as at that time the nature of the receiving environment will be known.
- (d) Character effects have been assessed in the Landscape Assessment provided with the PCR and are detailed by Mr Bain in his evidence.
- (e) Further consideration has been given to reverse sensitivity effects and the measures identified in section 9.7 of the PCR confirmed. Many of the matters are best addressed at the time of consent application as they are quite specific.
- (f) The rules in regional plans relating to control of discharges to the environment, including air and dust, provide adequate protection, though specific mitigation may be identified when the exact scope of works is known at the time of subdivision. From the pre-hearing meetings that were held, the applicant is however prepared to include no complaints covenants on all allotments, and this has been added to proposed rule OL60H (Attachment B).



- (g) In the submissions in support, there is a strong body of support for the Proposed Plan Change. These submissions largely cite positive economic and social effects for the Waitara community, and the shortage of land and housing there, and these sentiments, while anecdotal, are supported by the evidence provided by Mr Foy.

### **Waka Kotahi**

15.14 As referenced in paragraph 1.17 of the officers report, Waka Kotahi is concerned about effects on the intersection of Raleigh Street with SH3, and the timing of the development in relation to their proposed SH3 safety upgrades. Liaison with Waka Kotahi has continued, and the current situation is discussed further below at paragraph 16.11.

## **16. RESPONSE TO COUNCIL OFFICERS REPORT**

16.1 I have reviewed the Section 42A Report and concur with the contents of the report except where noted in the following paragraphs. I also respond to the specific matters identified in the officers report below.

16.2 Firstly, to address the matters listed at paragraph 1.18 of the officers report I confirm that;

- (a) Measures to manage reverse sensitivity are included in the revised planning framework;
- (b) Measures to manage traffic safety are included in the planning framework, focussing on SH3/Raleigh Street intersection. I note at the time of circulating this evidence that discussions are ongoing with Waka Kotahi;
- (c) Additional measures to ensure coastal views are not impeded are not included, however this matter is addressed via existing provisions (6m height restriction and limit of one dwelling per lot);
- (d) The majority of the matters raised in the CIA are agreed with and added to the planning framework proposed. The one area of disagreement is the prohibition of structures in the Mangaiti Stream and the reasons for this are provided in evidence.

More detailed comments on these specific matters are provided below.

### 16.3 POLICY FRAMEWORK

- (a) I concur with the council officers assessment of the policy framework at section 10 of the report. I particularly agree with paragraph 10.11, that the PNPDP is relatively early in the plan-making process, and that less weight should be placed on this document. As stated elsewhere in this evidence - this plan is yet to be subject to consideration under Part 2 of the act, and it also does not respond to the NPS-UD which has been issued since it was notified.
- (b) I am however conscious that while the PNPDP is still some way from being finalised, the ONPDP is over 20 years old, and the commissioner may be inclined to give more weight to the policy directions indicated in the PNPDP than those indicated in the ONPDP.
- (c) Accordingly, I respond to the comments at paragraph 10.39 of the officers report where council officer considers that it is finely balanced whether the plan change request is the most effective and efficient approach to achieving the objectives in the Proposed District Plan, as the plan change would result in the loss of productive, versatile land for primary production and may increase the incidence of reverse sensitivity effects.
- (d) Reverse sensitivity effects have been well canvassed in evidence, and provisions put in place to mitigate these, and I concur with the officers report discussion on this at paragraphs 11.7 to 11.12. Surrounding primary land uses will be able to continue operating and will not be constrained by reverse sensitivity issues. I also note for completeness that two of the largest farms in the vicinity are now owned by the applicant, or by parties who have submitted in support.
- (e) In relation to loss of versatile, productive land, I have given this further consideration and identified the need for consideration of this not only due to the PNPDP policies and objectives referenced at paragraph 10.39 of the officers report, but also the national policy direction which these policies relate to. The previous NPS-UDC is one policy that the PNPDP is giving effect to under the UFD Policies in the PNPDP (while noting that this has been superseded, and the PNPDP does not reflect the NPS-UD issued in August 2020).

- (f) UFD-23 and UFD-24 are not provided specifically elsewhere in applications, evidence or in the officers report, and I therefore repeat them below:

*UFD-23*

*Primary production and rural industry activities are able to operate efficiently and effectively and the contribution they make to the economic and social well-being and prosperity of the district is recognised.*

*UFD-24*

*Productive, versatile land and natural, physical and cultural resources located within rural areas that are of significance to the district are protected and maintained.*

I provided further discussion on these policies below.

- (g) UFD-23 is given effect to by ensuring that reverse sensitivity does not constrain the uses of surrounding rural land any more than they are constrained already - see paragraph (d) above.
- (h) UFD-24 appears directly related to the Proposed National Policy Statement for Highly Productive Land (PNPS-HPL). While I can find no reference to this in the s32 reports for the PNPDP (likely due to these reports pre-dating the draft NPS-HPL being released for consultation), the issues policy UFD-24 raises are well canvassed in the PNPS-HPL, and when seeking a definition of 'productive, versatile land' the PNPS-HPL informs this.
- (i) The PNPS-HPL signals clear direction for what the NPDC terms 'versatile and productive rural land' in the PNPDP. It is still draft, but has been notified, and submissions received. A summary of submissions has very recently been released (4 November 2020, post the date of the officers report<sup>5</sup>) and a decision is expected in 2021.
- (j) My first question is whether the subject site would be considered Highly Productive Land (HPL) in terms of this NPS. In terms of the transitional definition of HPL (which will apply until the Regional

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<sup>5</sup> Link to summary of submissions on PNPS-HPL <https://www.mpi.govt.nz/dmsdocument/41352-Proposed-National-Policy-Statement-for-Highly-Productive-Land-Summary-of-submissions>

Council maps the HPL within a region), the land is class 1-3, and more than 4ha of it is of this class. The definition applies to General Rural and Rural Production Zones, which the subject land is however the FUD overlay is significant in that the PNPDP-HPL is very clear that;

*"The proposed NPS-HPL would also not apply to future urban zones in district plans, as these areas have been identified as suitable for urban use through a statutory process and provide a clear signal to developers and landowners as to where future urban development can occur". (See page 18 of the summary of submissions report provided at footnote <sup>5</sup>).*

Accordingly, the subject land would not be considered HPL under the NPS-UD if the current provisions were operative now.

(k) In preparing the NPS-HPL, 3 main issues were identified as precluding the use of Highly Productive Land (HPL) for primary production. I have referenced these when considering the 'versatility and productivity' of the land subject to the plan change, (I also note these affect the adjoining land, but this is covered under the reverse sensitivity discussion). The issues identified were;

1. urban expansion, which was disproportionately occurring on HPL;
2. fragmentation of HPL for rural-lifestyle development, which was resulting in HPL no longer being suitable for primary production; and,
3. newly located activities in close proximity to HPL, which were reducing the productive capacity of HPL due to reverse sensitivity effects.

16.4 The applicants land is already identified for future urban development, and though this is proposed to be removed under the PNPDP, the s32 report does not identify that this is because of the need to protect the productivity and versatility of rural land, referring only to matters of scale, feasibility, stormwater and servicing.

16.5 In relation to the second issue, in my opinion the fragmentation of the HPL in this area has already occurred, making the land less suitable and less

versatile for primary production, and this is reflected in Mr Harebs evidence. At paragraph 1.11 he details the alternative uses for primary production that he has considered and explains why they are uneconomic and difficult in this location. This is also reflected in the officers report at paragraph 11.11 where it is stated that "*Rural activities in the immediate vicinity are also generally low intensity and lifestyle blocks*" - a conclusion with which I concur.

16.6 Issue 3 above refers to 'newly located activities' which reduce the productive capacity of HPL due to reverse sensitivity. In relation to 2 Johnston Street, the activities are not 'newly located' but the proximity to the existing residential zone, and the large number of lifestyle blocks in the area do impose reverse sensitivity constraints (also referred to by Mr Hareb in his evidence, paragraph 1.11).

16.7 In summary I find that the proposed site is already subject to urban expansion, fragmentation and constraints associated with reverse sensitivity. In the wider context of this issue, it is therefore unlikely in my opinion that this land would be considered significantly 'versatile and productive' under UFD-24, especially when weighing up the current national direction (i.e. the NPS-UD and PNPS-HPL, both of which the PNPDP does not yet address).

#### 16.8 URBAN FORM

(a) I concur with the officers conclusion at paragraph 11.21, being that the location is appropriate and extends the residential zone in a logical direction. I agree that it will be in a protruding form, however also note that while it does protrude into the rural zone, this specific part of the rural zone is more 'lifestyle' and dense in character. I also reflect that growth of this form is anticipated in the ONPDP with the FUD overlay.

#### 16.9 STORMWATER

(a) Paragraph 10.21 of the officers report specifically seeks the applicants response to the concerns about stormwater management raised in the CIA. This is detailed in paragraph 15.5 of my evidence, however, in summary HIL agrees to the inclusion of provisions relating to low impact stormwater systems, and has included proposed provisions to reflect this, and to enable a mechanism for review of engineering plans at time of subdivision to ensure consistency with this. Accordingly, it is considered that with these

amendments agreed to, a the principle of Te Mana o te Wai is given greater importance within the PCR.

- (b) Paragraph 10.29 identifies a revised approach to stormwater is required and this has occurred with Policy 23.10 redrafted (see Attachment B).

#### 16.10 CULTURAL MATTERS

- (a) Paragraph 10.25 of the report seeks the applicants response to the wider matters raised in the CIA. This includes the stormwater matters raised above, and is detailed in paragraphs 15.1 to 15.9 of my evidence. Policy 23.14 is added to the proposed planning provisions, specifically reflecting on the CIA and cultural effects and importance of the land. The provisions now appropriately take into account Tai Whenua, Tai Tangata, Tai Ao.
- (b) I anticipate that the proposed additional provisions will be sufficient to address the cultural concerns, however expect the council officer to address this further at the hearing.

#### 16.11 TRAFFIC AND ROADING

- (a) I concur with paragraph 11.94, that applying a non-complying status to development activity until the highway is upgraded is overly restrictive, and agree that while this would address the traffic and transport matters, it would not achieve urban growth and development objectives. A stance of this nature could have wider implications for Waitara as a whole and affect any other future development. A balance is therefore required, and I agree that an approach linked to the staging of the development is pragmatic and will allow a balance between transportation and land supply issues.
- (b) At the time of finalising this evidence for pre-circulation, discussions are still occurring with Waka Kotahi. The draft provisions in Attachment B relating to SH3/Raleigh Street intersection reflect those which have been put forward by the applicant, and which are currently being considered by Waka Kotahi. The revised policy provisions put forward as Policy 23.13 (Attachment B) are intended to reflect this situation and provide context. The 50 lot threshold proposed at condition OL60H co-incides with the end of stage 3 and is roughly half way through development of the site.

- (c) It is anticipated, that by the time the first dwelling is established on lot 1, the situation with SH3/Raleigh street should be clear, if not completely resolved. Realistically, if this plan change is successful, applications for subdivision consent will progress in the first half of 2021 at the earliest. The applicant then has to give effect to the conditions of consent, which will include significant enabling works. Allowing approximately 6 months to obtain consent, 12-18 months to complete the works and a further 3 months to obtain 223/224 certification and titles from LINZ, construction of the first dwelling would not likely commence until early 2023, and be completed until later that year. While HIL would be pushing to complete this as quickly as possible, the first dwelling could realistically be 2.5 to 3 years away.
- (d) Waka Kotahi has committed to funding the design and consenting of the roading upgrades which provides a clear indication of its intention to improve SH3 in this area. It can be reasonably expected that whatever is done in this area by Waka Kotahi will be sufficient to address the safety concerns associated with the entire stretch of road for at least some time into the future. From the pre-hearing meetings, the community is certainly in agreement that the works are well overdue. It has been confirmed that the speed limit through the area will be decreasing to 80 kmph in coming months, as a direct result of safety concerns.

#### 16.12 LANDSCAPE

- (a) The NPDCs recommendations at paragraphs 11.109, 11.110 and 11.113 of the officers report are accepted, and incorporated into the revised framework in Attachment B. An updated structure plan is provided with Mr Bains evidence as suggested at 11.116 of the officers report.

#### 16.13 OPEN SPACE/RESERVES

- (a) The recommendations at 11.134 of the officers report have been considered and commented on by Mr Bain in his evidence. Additional open space area has been added.
- (b) I concur with the conclusion made by the council officer at paragraph 11.142 of the officer report, and note that the recommendations outlined have been either incorporated or responded to in evidence.

#### 16.14 ECOLOGY

- (a) I agree with the officers assessment at paragraph 11.149 and see no reason to include any further provisions for Waitara - Area D in relation to ecology/biodiversity as existing indigenous biodiversity policies are sufficient. The matter relating to culverts is a regional authority matter - refer to 15.5(b) of my evidence.

#### 16.15 HISTORIC HERITAGE

- (a) I agree with paragraphs 11.153-11.157 of the officers report, and note that the recommendations relating to historic heritage (discovery protocols and adaptive management) have been incorporated into the proposed framework.

#### 16.16 ECONOMIC AND SOCIAL IMPACTS

- (a) I generally agree with paragraphs 11.158 to 11.165 which relate to economic and social impacts. I do consider that the economic benefits are potentially understated, and that the positive flow on effects associated with the development (construction, employment, etc) have not been mentioned. I also note the submissions in support that have been received, all reflecting on wider economic and social benefits. The social benefits of meeting the need for housing in Waitara are also not mentioned, but are inherent in the 'positive' effects.

#### 16.17 OTHER GENERAL COMMENTS

- (a) At Paragraph 4.4 I note that the land to the north is now owned as a separate 1.6 ha lifestyle block - see paragraph 8.5 of my evidence for a detailed description of the surrounding land uses and how these have changed since the original PCR was lodged. Related to this, Figure 2 at paragraph 4.3 of the officers report is a slightly older image, and does not show the property boundaries to reflect the lifestyle subdivision that has occurred.
- (b) At paragraph 4.8, the speed limit of 80 kmph is noted, however the speed limit does change to 50 kmph adjacent to the site see paragraph 8.7 of my evidence.

### **17. PROPOSED POLICIES AND RULES**



17.1 A revised set of policies and rules is attached as Attachment B. These are referred to as relevant throughout my evidence, and the following paragraphs provide an explanation to the proposed policies and rules.

### **Proposed Rules**

17.2 Proposed rule OL60H is to allow for subdivision and development of the site as a controlled activity providing it is in accordance with the Structure Plan. I consider that provision as a controlled activity, reverting to restricted discretionary is appropriate, given the degree of information that has supported the plan change application and that the development will, if approved, have an approved structure plan to inform it. Existing residential environment areas in the ONPDP that are not the subject of structure plans, revert to fully discretionary if they do not meet the standards for a controlled activity.

17.3 The controlled activity status has a threshold placed on it so that beyond 50 lots, the activity becomes restricted discretionary. This is only provided for to allow for Waka Kotahi to revisit progress with the SH3/Raleigh Street intersection, and to allow for some progress on the development to be made while Waka Kotahi is still finalising its plans for the highway.

17.4 The Proposed matters of control are listed below, with an explanation for each:

(a) By referring to the matters of control for existing Residential subdivision rules Res54-64, development is consistent with the ONPDP. These existing matters give NPDC control over a number of matters that have been raised in submissions, and are repeated here for clarification (NPDC Numbering is retained):

1) Design and layout of the subdivision, including position of boundaries;

2) Development of the subdivision and SITES having regard to appropriate VEHICLE access; and provision and location of services;

3) Protection of natural features, outstanding and regionally significant landscapes, and vegetation;

4) Legal protection of significant natural areas;

5) Provision of public space for recreation, conservation, or pedestrian/cycle access purposes;

6) Works to mitigate against the adverse effects of natural and/or other hazards;

7) Alteration of contour, earthworks and clearance of vegetation;

8) Amalgamation Requirements;

9) Easement requirements;

10) Financial contributions

11) Indicative roads.

17.5 In terms of the new matters of control proposed under OL60H that are specific to this development;

- (a) *Procedures to be followed if artefacts are discovered including the provision of an opportunity for on-site monitoring during excavation within the area identified as Open Space B by Tangata Whenua;* is included to reflect concerns raised in the CIA, and to enable monitoring of works that are undertaken in and around the Mangaiti Stream;
- (b) *Provision for adaptive management in the event of the discovery of previously unrecorded archaeological remains;* is added in direct response to the CIA;
- (c) *Design and planting and landscaping;* is allowed for to enable the matters raised by the NPDC landscape adviser, and I envisage that this will facilitate either the inclusion of design details in the application, or provide for imposition of a consent condition requiring the provision of detailed design plans for certification;
- (d) *The form of and provision for 'no complaints' covenants over allotments to address reverse sensitivity;* is in direct response to matters raised by adjoining owners at the pre-hearing meeting;
- (e) *Provision for the development of environmental health indicators for the Mangaiti Stream which benefit from mātauranga Māori* is added in direct response to the CIA. Again, it is envisaged that this matter will facilitate either the inclusion of these matters in the application,

or provide for imposition of a consent condition requiring these indicators be developed;

- (f) *Provision for the development of a cultural narrative through cultural expression, including integration of te reo Māori (bilingual signage and dual naming), street furniture;* is also added in direct response to the CIA. It is envisaged that this matter will facilitate either the inclusion of these matters in the application, or provide for imposition of a consent condition requiring this to be incorporated and demonstrated. I would expect that this narrative would be developed in conjunction with the landscaping and planting design required by matter (b), and it also has links with proposed matter (d).

17.6 The matters over which it is proposed to restrict discretion are split into two parts, depending on whether the inability to meet the controlled standards relates to deviation from the structure plan, or the number of lots proposed (or both). Where the proposed development is not in accordance with the Waitara - Area D Structure Plan, the extent of the non-compliance with the Waitara - Area D structure plan and how this effects the ability for comprehensive development and or comprehensive subdivision of the structure plan area and the environmental outcomes anticipated will be considered, including discretion over the following:

- (a) *The degree to which comprehensive development and integrated management of all the land within Waitara - Area D is able to be achieved when the structure plan area is held in multiple ownership.* This is to cover the possibility of parts of the land being in different ownership at the time of subdivision. While not anticipated at this time, the proposed zoning will be in place for a long time and this allows for consideration of the future impacts if, for example, subdivision application is made to divide the block in half;
- (b) *The degree to which infrastructure provisions are co-ordinated within the Waitara - Area D structure plan area;* allows consideration of how infrastructure provision will be rolled out and connected and is related to the possibility in (a) that the land could be in multiple ownership cannot be completely discounted;
- (c) *The degree to which site specific characteristics of the Waitara - Area D structure plan have been addressed in the design and layout of the area;* is to allow consideration of what from the structure

plan has been retained if the proposal is not entirely consistent with it;

- (d) *Whether the INDICATIVE ROAD network has taken into account the design/layout of Waitara – Area D structure plan area. Addresses the possibility that the NPDC may be asked to consider an alternative roading network for a development that deviates from the structure plan;*
- (e) *The effect of modifications to the alignment of the INDICATIVE ROADS on the ROAD TRANSPORTATION NETWORK and the connections and linkages desired for the comprehensive development of **Waitara – Area D** structure plan area; is linked to (d) above, and allows the effects of an alternative roading alignment on the wider transport network to be considered;*
- (f) *The degree to which the activity achieves public access along the stream; is included to ensure that the nationally significant matter of public access is able to be considered should a proposal that deviates from the structure plan be proposed;*
- (g) *The extent to which the design/layout of the INDICATIVE ROADING NETWORK and the Open Space area is integrated; is included to reflect the matters raised in the officers report, as identified by the NPDC's Open Space Planner (11.134 (f) in the officers report);*
- (h) *Protection of the stream and stream margins is achieved; is to ensure this is considered appropriately if an alternative design is proposed. I would expect that any consideration under this provision will have regard to the NPS-FM, and as such consider the consistency of any alternative design with the concept of Te Mana o te Wai.*
- (i) *Roading/pedestrian connectivity is provided; and;*
- (j) *The extent to which the design of the ROAD TRANSPORTATION NETWORK considers pedestrian safety; will ensure that any alternative proposal addresses these matters;*
- (k) *How the matters over which control under this rule is reserved are given effect to, including full consideration of the activity in relation to these matters; is included to ensure that the matters over which*

control is reserved are also applied in a Restricted Discretionary situation.

17.7 To ensure the concerns of Waka Kotahi are addressed, the second part of the matters over which discretion is restricted under OL60H applies *'where the proposal will result in more than 50 allotments subdivided from the parent title at 25 June 2019'*. Under this provision, the effect on the safety and efficiency of the intersection of Raleigh Street with State Highway 3 will be considered including;

- (a) Findings of a detailed integrated traffic impact assessment relevant to the traffic environment at the time of application; and,
- (b) How feedback from Waka Kotahi has been incorporated into the integrated traffic assessment prepared in (a) above; and,
- (c) Written Approval from Waka Kotahi.

17.8 Proposed rule OL60I restricts the Maximum Number of HABITABLE BUILDINGS on sites within the Waitara- Area D Structure plan area to one. One dwelling is a permitted activity, with more than one dwelling falling to restricted discretionary. For restricted discretionary activities under this rule, discretion is restricted to the adverse effects of the increased number of HABITABLE DWELLINGS on the SITE on:

- *the character and visual amenity of the area; the privacy and outlook of adjoining SITES;*
  - *the ability to provide adequate outdoor living space on the SITE or the location of alternate recreation areas;*
  - *OUTSTANDING or REGIONALLY SIGNIFICANT LANDSCAPES; and,*
  - *the natural character of the coastal environment or PRIORITY WATERBODIES; and,*
- (b) *The ability to mitigate adverse effects through the use of screening, planting or alternate design.*

17.9 This rule goes some way to addressing concerns about reverse sensitivity and effects on amenity raised by some submitters. It goes above and beyond the existing framework for Residential A in that there is no limit to the numbers of dwellings under the general provisions in the ONPDP, to

provide certainty for the neighbourhood and prevent unanticipated density. It also goes some way to address concerns raised in the CIA in relation to the amount of impervious area and the relationship of this with stormwater discharges.

- 17.10 Proposed OL60J places restrictions on the height of buildings within the site. This is to reduce effects on the rural amenity and to provide some certainty in relation to the scale of built form on the development. Buildings greater than this height would be restricted discretionary, and the matters over which discretion will be restricted relate to the effects on landscape and views, and the natural character of the waterbody on the site.
- 17.11 OL60K places controls on roofing and exterior cladding on buildings on sites within the Waitara- Area D Structure plan area. If a consent is needed, the matters over which discretion is restricted enable effects on character, visual amenity and landscapes to be considered.
- 17.12 OL60L allows for reduced front yard requirements for areas marked as 'Smaller Lots' within the Waitara – Area D Structure Plan. This is to ensure that these lots are able to be developed and used effectively, and is consistent with the higher density anticipated on these lots, and the provision for a variety of housing types. It is anticipated that this will work in conjunction with existing ONPDP Rule RES14, which restricts coverage of the front yard to 35% as a permitted activity, with more than 35% being discretionary, and it is expected that the same percentages, rules and matters of discretion will apply, albeit calculating the coverage based on 1.5 m from the front boundary instead of 4.5m.
- 17.13 OL60M is to provide controls around the fencing on the site, to ensure that the landscape and connectivity objectives of the development are met. Fencing that is unable to comply with the permitted standard becomes restricted discretionary and the matters over which discretion is restricted allow for consideration of effects on privacy and amenity, landscapes, and waterbodies.
- 17.14 OL60N places controls on Cut and Fill batters where visible from the rural environment area. If the permitted standards cannot be complied with then the activity reverts to Controlled, and the matters over which control is reserved are;

1) *The revegetation of the batters*; and,

2) *The timing within which works and revegetation shall be completed;* enable control over the scale and duration of visual effects, while;

3) *Mitigation of effects through the use of screening, planting or alternate design;* allows imposition of conditions to require screening, planting or design methods in the mitigation of effects; and,

4) *Consistency with the natural landform;* is a provision added to reflect concerns raised in the CIA.

17.15 These provisions go some way to address the concerns raised in the CIA about natural landform, and are to ensure that likely changes in topography appear natural over time. In reality, the topography of this site will mean that significant batter heights are not likely, and working with the natural landform is easy to achieve and desirable.

17.16 Proposed rule OL600 has been added in direct response to the matters raised in the CIA and is included so that there is a specific mechanism for ensuring that stormwater disposal is specifically addressed. Matters of control include reference to those within the existing PNPDP framework, which are provided at paragraph 17.4. This will allow the stormwater system to be considered in the context of the wider subdivision.

17.17 One specific control for the subject site is included;

2) *The consistency and integration of the design with stormwater management projects within the Norman Catchment;* which is added in response to the CIA where the wider stormwater catchment projects are discussed.

17.18 If the activity cannot comply with the controlled activity standards and terms, then essentially this means a deviation from 'low impact design' is proposed, and it will become restricted discretionary with matters as follows;

1) *The effects of direct discharge to the stream on the receiving environment;* is included so that a thorough investigation into the overall effects of the activity are able to be considered.

2) *The effects that the disposal of stormwater into the stream has on the archaeological, waahi tapu, cultural and spiritual values held by TANGATA WHENUA;* is added specifically to address this matter which was raised in the CIA;

4) *The ability of an alternative stormwater disposal method to minimise the environmental impact of additional stormwater on flood flows;* is included so that the potential flood control benefits of the alternative system proposed are able to be weighed against the other matters;

5) *The extent to and reasons why low impact stormwater design cannot be met;* allows for explanation and justification of the design.

6) *The consistency of the design with stormwater management projects within the Norman Catchment;* is repeated as a discretionary consideration to ensure this is not lost sight of if the activity became discretionary.

17.19 Rule OL60P is provided to address a variety of matters that arise in relation to the design, layout, planning and ultimate vesting of the Open Space Open Space Area within Waitara Area-D with Council. This was considered the appropriate method of ensuring the design included the necessary components and considerations, and that the reserve was of a standard expected by the NPDC prior to it vesting with it.

17.20 This rule requires that the Open Space B area is in accordance with the structure plan to be controlled, and provides for a reserve that is not consistent with the structure plan to be considered as a Restricted Discretionary Activity.

17.21 The matters over which control is reserved are listed and discussed below;

a) *Detailed design of the Open Space Area including:*

i) *Areas of open space and proposed planting;* to reflect the matters raised by the Council Open Space Planner and within the CIA;

ii) *Details of plant species (noting preference for locally indigenous species and a focus on species that provide habitat for taonga and native species), trail design and surfacing, furniture and any other features;* addresses matters raised in the CIA;

iii) *Details of specific features and design elements that have been incorporated to reflect the cultural narrative of the site, including details of consultation with Otaraua and Manukorihi Hapū in relation to the design, location and form of these features and elements;* is directly in response to the CIA;

iv) *Detailed plans and sections of the proposed road crossings of the Mangaiti Stream, including culverts and abutments and planting proposed*



*to remediate the stream banks and other features required to ensure an attractive crossing point when viewed from the reserve; is in direct response to the matters raised by the NPDC Open Space Planner; and,*

*v) the location of pipework and sewerage infrastructure within the reserve and provision made to avoid, remedy and mitigate potential spills in the event of pipeline breaches; reflects matters raised in the CIA and in discussions with iwi and Hapū at a subsequent meeting with them (2 November 2020);*

3) *Provision for defects liability; is a standard matter required when vesting assets, but also allows some certainty in relation to the performance of assets longer term and is another matter raised by Iwi and Hapū at the meeting held with them on 2 November 2020.*

### **Proposed Policies & Methods**

17.22 Additional policies are proposed to support planning for Waitara Area-D. These are mentioned throughout my evidence, however are briefly summarised below;

17.23 Proposed Policy 23.10 has been re-written from that provided in the original PCR to better reflect the direction indicated in the CIA around low impact stormwater design. In places, the wording in this policy directly reflects the wording in the CIA.

17.24 Proposed Policy 23.11 is proposed to ensure that the effects of residential development on the character of the area are appropriately considered, and related to this is Policy 23.12 which specifically addresses excavated landforms within the area.

17.25 Policy 23.13 is added specifically to reflect the situation with SH3 and the intersection of Raleigh street, and the concerns of NZTA and enable consideration of this within the planning framework.

17.26 Policy 23.15 reflects the information provided in the CIA, and is specifically related to the need to avoid, remedy and mitigate potential adverse cultural effects, and to take opportunities relating to cultural narrative within design, including bilingual signage, monitoring and stormwater. The provision for adaptive management is included within this policy.

### **Summary**

17.27 Overall, the policies and rules proposed are responsive to the feedback on the proposal via submissions and the CIA. They will allow for the key matters of concern to be appropriately addressed within the planning framework as the land is developed, ensuring that the potential positive social and economic effects, and the positive effects on the Mangaiti Stream are provided for without significant adverse effect on the environment.

## **18. CONCLUSION**

18.1 As Mr Hareb of HIL has stated in his evidence, he purchased this land in 2016 with the intention of developing it, this future potential signalled by the FUD overlay on the land. Regardless of the FUD overlay however, he was interested in the land immediately because of its aspect, and its proximity to the Waitara residential zone and infrastructure, its easy connectivity with New Plymouth and the frustration and slowness associated with his infill developments within Waitara; all things identified in the framework for growth planning that led to the FUD overlay. His only disappointment was that the NPDC rezoning indicated by the FUD did not eventuate, which has led to this private request.

18.2 My evidence has assessed the planning matters that I am aware of in relation to the Application and I can safely conclude that the proposed plan change is consistent with the objectives and policies of the ONPDP. The application also comes at a time when there is very strong national direction for urban development. Accordingly, the proposal is consistent with, and is the most appropriate way to achieve, the purpose of the RMA.

**Kathryn Hooper  
Landpro Limited**

**9 November 2020**

ATTACHMENT A - Waitara - Area D Structure Plan Area (revised)



Gully / Reserve to vest with NPDC. Narrative and cultural expression to be incorporated. Minimum 10m wide (from stream)

Larger lots (average 1000m<sup>2</sup>) as a buffer to the rural neighbours

1.2m high post and rail fence

Smaller lots 350m<sup>2</sup> to 550m<sup>2</sup>

Possible future walkway to Mayne St Park

Walkway along the edge of the Gully / Reserve connecting to Ranfurly St

Proposed 'E12' Roadway (19m road reserve)

Proposed 'E11' Roadway (15m road reserve)

'Road frontage lots' (average 660m<sup>2</sup>) vehicles exit onto Raleigh Street

Open Space

Internal lots ranging from 500m<sup>2</sup> to 700m<sup>2</sup> approx

Walkway along the edge of the Gully / Reserve connecting to Johnston Street

Larger lots (average 1000m<sup>2</sup>) as a buffer to the rural neighbours

Street trees

**Notes**  
- 6m height limit on all lots  
- Reverse sensitivity covenant on all lots  
- One dwelling per lot only

- KEY**
- Road Frontage Lots
  - Internal Lots
  - Reserve (Open Space 'B' zoning)  
Esplanade to be a minimum of 10m
  - Larger lots
  - Smaller Lots
  - Roads
  - Walking Routes

Do not scale off drawing. Contractor must verify all dimensions on site before commencing any work.

ATTACHMENT B - Amended Proposed Plan Provisions

**A: Proposed Rules to be added to the OVERLAYS section of the New Plymouth District Plan in relation to the Waitara- Area D Structure Plan (REVISED NOVEMBER 9 2020)**

Red - changes to reflect Waka Kotahi submission

Blue - changes to reflect matters raised in CIA

Green - changes to reflect on the officers report and other corrections

Rule Number	Parameter	Conditions Permitted	Standards and terms Controlled	Discretionary	Matters over which control is reserved	Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters for land use consents
OL60H	Development and subdivision within the <b>Waitara – Area D</b> structure plan in Appendix 32	1) Development that is undertaken as part of any subdivision that has already been approved in accord with the <b>Waitara – Area D</b> structure plan in Appendix 32; or 2) Where subdivision has not been undertaken the erection of STRUCTURES and BUILDINGS and associated development work that is in accord with the <b>Waitara – Area D</b> Structure Plan and meets OL60I to OL60NO and other applicable overlay and Environment Area rules	Subdivision (including allotment size) shall be in accordance with the <b>Waitara – Area D</b> structure plan in Appendix 32.  No more than 50 allotments are subdivided from the parent title existing at 25 June 2019.	Does not meet the conditions for a permitted activity or standards and terms for a controlled activity	Matters of control as for rules Res54-64 as they apply to the RESIDENTIAL A ENVIRONMENT AREA; and,  a) Procedures to be followed if artefacts are discovered including the provision of an opportunity for on-site monitoring during excavation within the area identified as Open Space B by Tangata Whenua b) Provision for adaptive management in the event of the discovery of previously unrecorded archaeological remains;	<b>1) Where the proposed development is not in accordance with the Waitara - Area D Structure Plan, the extent of the non compliance with the Waitara – Area D structure plan and how this effects the ability for comprehensive development and or comprehensive SUBDIVISION of the structure plan area and the environmental outcomes including the following:</b>  a) The degree to which comprehensive development and integrated management of all the land within <b>Waitara – Area D</b> is able to be achieved when the structure plan area is held in multiple ownership. b) The degree to which infrastructure provisions are co-ordinated within the <b>Waitara – Area D</b> structure plan area. c) The degree to which site specific characteristics of the <b>Waitara – Area D</b> structure plan have been addressed in the design and layout of the area. d) Whether the INDICATIVE ROAD network has taken into account the design/layout of <b>Waitara – Area D</b> structure plan area.

Rule Number	Parameter	Conditions Permitted	Standards and terms Controlled	Discretionary	Matters over which control is reserved	Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters for land use consents
					<p>c) Design of planting and landscaping;  d)The form of and provision for ‘no complaints’ covenants over all proposed allotments to address reverse sensitivity with the surrounding rural zone;  e) Provision for the development of environmental health indicators for the Mangaiti Stream which benefit from mātauranga Māori;  f) 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) and street furniture.</p>	<p>e) The effect of modifications to the alignment of the INDICATIVE ROADS on the ROAD TRANSPORTATION NETWORK and the connections and linkages desired for the comprehensive development of <b>Waitara – Area D</b> structure plan area.  f) The degree to which <b>the activity achieves</b> public access along the stream.  g) The extent to which the design/layout of the INDICATIVE ROADING NETWORK and the <b>Open Space area</b> is integrated.  h) Protection of the stream and stream margins is achieved.  i) Roothing/pedestrian connectivity is provided.  j) The extent to which the design of the ROAD TRANSPORTATION NETWORK considers pedestrian safety.  k) How the matters over which control under this rule is reserved are given effect to, including full consideration of the activity in relation to these matters.</p> <p><b>2) Where the proposal will result in more than 50 allotments subdivided from the parent title at 25 June 2019, the effect on the safety and efficiency of the intersection of Raleigh Street with State Highway 3; including;</b>  a) Findings of a detailed integrated traffic impact assessment relevant to the traffic environment at the time of application;  and,</p>

Rule Number	Parameter	Conditions Permitted	Standards and terms Controlled	Discretionary	Matters over which control is reserved	Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters for land use consents
						<p>b) How feedback from Waka Kotahi has been incorporated into the integrated traffic assessment prepared in (a) above; and,</p> <p>c) Written Approval from Waka Kotahi.</p>
OL60I	Maximum Number of HABITABLE BUILDINGS on sites within the <b>Waitara- Area D Johnston Street</b> Structure plan area	1	n/a	More than 1	n/a	<p>1) The adverse effects of the increased number of HABITABLE DWELLINGS on the SITE on:</p> <ul style="list-style-type: none"> <li>- the character and visual amenity of the area; the privacy and outlook of adjoining SITES;</li> <li>- the ability to provide adequate outdoor living space on the SITE or the location of alternate recreation areas;</li> <li>- OUTSTANDING or REGIONALLY SIGNIFICANT LANDSCAPES; and</li> <li>- the natural character of the coastal environment or PRIORITY WATERBODIES.</li> </ul> <p>2) The ability to mitigate adverse effects through the use of screening, planting or alternate design.</p>
OL60J	Maximum HEIGHT of HABITABLE and NON HABITABLE buildings on sites within the <b>Waitara- Area D Johnston Street</b> Structure plan area	6m	n/a	Greater than 6m	n/a	<p>1) The extent to which the extra HEIGHT of the proposed BUILDING will:</p> <ul style="list-style-type: none"> <li>- adversely affect the character and visual amenity of the surrounding area;</li> <li>- reduce privacy of adjoining SITES;</li> <li>- have an overbearing effect on SITES within the RESIDENTIAL ENVIRONMENT AREA;</li> <li>- adversely affect OUTSTANDING and REGIONALLY SIGNIFICANT LANDSCAPES; and</li> </ul>



Rule Number	Parameter	Conditions Permitted	Standards and terms Controlled	Discretionary	Matters over which control is reserved	Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters for land use consents
						<ul style="list-style-type: none"> <li>- adversely affect the natural character of PRIORITY WATERBODIES.</li> <li>2) The extent to which topography, planting or set backs can mitigate the adverse effects of extra HEIGHT.</li> <li>3) The ability to mitigate adverse effects through the use of screening, planting or alternate design.</li> </ul>
OL60K	Controls on roofing and exterior cladding on HABITABLE and NON HABITABLE buildings on sites within the Waitara- Area D Structure plan area	1) a light reflectivity value (LRV) of 25% or lesser for all roofs; and 2) a light reflectivity value (LRV) of 40% or less for all exterior cladding materials	n/a	1) a light reflectivity value (LRV) of greater than 25% for any roofs (or part of any roof); and 2) a light reflectivity value (LRV) of greater than 40% or less for any exterior cladding materials.	n/a	1) The extent to which the increased LRV will: <ul style="list-style-type: none"> <li>- adversely affect the character and visual amenity of the surrounding area; and</li> <li>- adversely affect OUTSTANDING and REGIONALLY SIGNIFICANT LANDSCAPES;</li> </ul> 2) The extent to which topography, planting or set backs can mitigate the adverse effects of the increased LRV. 3) The ability to mitigate adverse effects through the use of screening, planting or alternate design.
OL60L	Reduced Front yard Requirements for areas marked as 'Smaller Lots' within the Waitara – Area D Structure Plan.	Minimum 1.5m front yard	n/a	n/a	n/a	
OL60M	Fencing restrictions for sites within Waitara – Area D Structure Plan.	1) <del>Solid fencing 1.2m in height or less</del> Fencing is provided in accordance with the Waitara - Area D structure plan; and	n/a	1) <del>Solid fencing greater than 1.2m in height</del> Fencing is not in accordance with the Waitara -		1) The extent to which the extra HEIGHT of the proposed fence will: <ul style="list-style-type: none"> <li>- adversely affect the character and visual amenity of the surrounding area;</li> <li>- reduce privacy of adjoining SITES;</li> </ul>

Rule Number	Parameter	Conditions Permitted	Standards and terms Controlled	Discretionary	Matters over which control is reserved	Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters for land use consents
		2) no fencing of any sort shall be located on any site between the street and front elevation of its associated HABITABLE DWELLING.		Area D Structure Plan; and/or 2) any fencing located on any site between the street and front elevation of its associated HABITABLE DWELLING.		<ul style="list-style-type: none"> <li>– have an overbearing effect on SITES within the RESIDENTIAL or RURAL ENVIRONMENT AREA;</li> <li>– adversely affect OUTSTANDING and REGIONALLY SIGNIFICANT LANDSCAPES; and</li> <li>– adversely affect the natural character of PRIORITY WATERBODIES.</li> </ul> <p>2) The extent to which topography, planting or set backs can mitigate the adverse effects of the extra HEIGHT of the fence.</p> <p>3) The ability to mitigate adverse effects of the proposed fence through the use of screening, planting or alternate design.</p>
OL60N	Controls on Cut and Fill batters where visible from the RURAL ENVIRONMENT AREA	1) Cut and Fill batters less than 1.5m in height, or 2) Cut and Fill batters greater than 1.5m in height where designed by an appropriately qualified landscape professional to be battered at a gradient to match gently and smoothly into existing contours.	Any other cut and fill batters	n/a	1) The revegetation of the batters. 2) The timing within which works and revegetation shall be completed. 3) Mitigation of effects through the use of screening. Planting or alternate design. 4) Consistency with the natural landform	n/a
OL60O	Stormwater disposal from ROADS, right of ways and paved surfaces as part of development and or SUBDIVISION within		Stormwater disposal from ROADS, rights of way and paved surfaces as part of SUBDIVISION is	Does not meet the standards and terms for a controlled activity	1) Matters of control as for rules Res54-64 as they apply to the RESIDENTIAL A ENVIRONMENT AREA	1) The effects of direct stormwater discharges into the stream on the receiving environment. 2) The effects that the disposal of stormwater into the stream has on the archaeological, waahi tapu, cultural and

Rule Number	Parameter	Conditions Permitted	Standards and terms Controlled	Discretionary	Matters over which control is reserved	Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters for land use consents
	the Waitara Area D Structure plan area		designed so that it discharges into low impact design stormwater systems such as (but not limited to) onsite soak holes, detention ponds, wetlands, vegetated swales, rain gardens, rainwater tanks, soakage pits and soakage holes, filter strips, infiltration trenches/basins, permeable paving, green roofs or tree pits to avoid direct discharges into the stream		2) The consistency and integration of the design with stormwater management projects within the Norman Catchment.	spiritual values held by TANGATA WHENUA. 4) The ability of an alternative stormwater disposal method to minimise the environmental impact of additional stormwater on flood flows. 5) The extent to and reasons why low impact stormwater design cannot be met. 6) The consistency of the design with stormwater management projects within the Norman Catchment.
OL60P	Vesting of Open Space Area within Waitara Area-D		Area is in accordance with the Waitara Area-D Structure Plan		a) Detailed design of the Open Space Area including: i) Areas of open space and proposed planting, ii) Details of plant species (noting preference for locally indigenous species and a focus on species that provide habitat for taonga and native species),, trail design and surfacing,	<b>1) Where the proposed Open Space Area is not in accordance with the Waitara - Area D Structure Plan, the extent of the non compliance with the Waitara – Area D structure plan and how this effects the ability for comprehensive development and or comprehensive SUBDIVISION of the structure plan area and the environmental outcomes including the following:</b>  a) The degree to which infrastructure provisions are co-ordinated within the Waitara – Area D structure plan area.

Rule Number	Parameter	Conditions Permitted	Standards and terms Controlled	Discretionary	Matters over which control is reserved	Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters for land use consents
					<p>furniture and any other features;</p> <p>iii) Details of specific features and design elements that have been incorporated to reflect the cultural narrative of the site, including details of consultation with Otaraua and Manukorihi Hapū in relation to the design, location and form of these features and elements;</p> <p>iv) Detailed plans and sections of the proposed road crossings of the Mangaiti Stream, including culverts and abutments and planting proposed to remediate the stream banks and other features required to ensure an attractive crossing point when viewed from the reserve.</p> <p>v) the location of pipework and sewerage infrastructure within the reserve and provision made to</p>	<p>b) The degree to which site specific characteristics (including the cultural matters) of the <b>Waitara – Area D</b> structure plan have been addressed in the design and layout of the area.</p> <p>d) Whether the INDICATIVE ROAD network has taken into account the design/layout of <b>Waitara – Area D</b> structure plan area,</p> <p>e) Whether the alternative layout has taken into account the cultural concerns of Manukorihi and Otaraua Hapū,</p> <p>f) The effect of modifications to the alignment of the INDICATIVE ROADS on the ROAD TRANSPORTATION NETWORK and the connections and linkages desired for the comprehensive development of <b>Waitara – Area D</b> structure plan area.</p> <p>g) The degree to which the activity achieves public access along the stream.</p> <p>h) The extent to which the design/layout of the INDICATIVE ROADING NETWORK and the Open Space area is integrated.</p> <p>i) Protection of the stream and stream margins is achieved.</p> <p>j) Roading/pedestrian connectivity is provided.</p> <p>h) Procedures to be followed if artefacts are discovered including the provision of an opportunity for on- site monitoring during excavation at installation by TANGATA WHENUA</p> <p>i) Provision for adaptive management in the event of the discovery of previously unrecorded archaeological remains.</p>

Rule Number	Parameter	Conditions Permitted	Standards and terms Controlled	Discretionary	Matters over which control is reserved	Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters for land use consents
					avoid, remedy and mitigate potential spills in the event of pipeline breaches, b) Provision for defects liability.	j) the degree to which the detailed design matters over which control is reserved under this rule are achieved.

## **B: Proposed new Policies and Reasons to be added to the New Plymouth District Plan in relation to the Waitara – Area D, Structure Plan.**

### **Policy 23.10 Stormwater**

To ensure stormwater management within the Waitara – Area D structure plan area is designed in accordance with best practice to minimise environmental impact, including recognising that the proposed stormwater system is to align with any future stormwater management projects for the Norman Catchment and the objectives of reducing flooding and improving water quality in this catchment.

### **Reasons 23.10**

The Mangaiti Stream begins within the Waitara – Area D structure plan area, and runs through the site, entering the NPDC stormwater infrastructure within the Waitara West Industrial Area downstream. This infrastructure discharges at the Waitara Estuary. Te Atiawa Iwi, Manukorihi Hapū and Otaraua Hapū have concerns about the effects of additional stormwater entering the Mangaiti Stream including:

- Potential for exacerbated flooding downstream; and
- Contaminants in the stormwater entering the Mangaiti Stream polluting and damaging it.

The technical stormwater assessments for Waitara - Area D determined that a combination of on-site soakage, disposal to the existing stream (and the NPDC stormwater reticulation network downstream), and stormwater detention (in-stream culvert and bund) is the most appropriate way to manage stormwater for the development, resulting in a hydraulically neutral stormwater system.

Stormwater disposal from ROADS, right of ways and paved surfaces is (at the time of plan change) proposed to be discharged via kerb and channel with cut-outs into rain gardens, into underground stormwater pipes and onward into the stream. Alternative options could also be considered at the time of stormwater design, reflecting the latest technology. Within the stream will be a culvert pipe and detention bund to buffer downstream flows. The final ground contour and road network will be designed so that secondary overland flow (surface stormwater greater than a 20% AEP storm event) will naturally drain overland into the stream.

Efficient stormwater design can make the stormwater discharge from Waitara – Area D hydraulically neutral by reducing peak flows before they drain north from the area, via onsite soak holes to address stormwater from dwellings and associated impervious areas within an allotment, rain gardens, and detention within the waterway in times of flooding.

The Waitara Community Board has expressed concerns about the low impact systems (Swales and rain gardens) and expressed concern that much of Waitara does not have kerb and channel. The Waitara Community Board has indicated that their strong preference is for a conventional kerb and channel stormwater

management system, and this must be balanced with cultural effects. Kerb and channel systems can however operate in conjunction with low impact stormwater treatment options.

Waitara is the subject of a number of stormwater management projects, and future stormwater management projects for the Norman Catchment are likely to have objectives of reducing flooding and improving water quality in this catchment. This policy ensures that the design of any stormwater system for Waitara - Area D considers the objectives of these projects.

NZS4404:2010 Land Development and Subdivision will be followed.

### **Method of Implementation**

NZS4404:2010 Land Development and Subdivision is to be followed.

Rule O1600 allows for the use of low impact systems as a controlled activity, and if unable to meet the controlled standards, the activity will be restricted discretionary.

### **Policy 23.11 Buildings and structures within Waitara - Area D**

To control the design of buildings and structures within the Waitara – Area D structure plan area by;

- avoiding visual clutter and maintain a sense of appropriate building density with the adjacent rural area
- avoiding a dominance of built form over open space and to maintain visual permeability
- creating a subdivision that blends with its rural context
- allowing for small lot sizes in the area labelled ‘Smaller’ lots, front yard requirements will be reduced
- ensuring an open streetscape and reducing urban clutter.
- **Allowing for provision for reverse sensitivity via a ‘no complaints’ covenant.**

### **Methods of Implementation 23.11**

- a) Develop a Structure Plan for Lot 3 Deposited Plan 446773 that shows the desired pattern of development by ENVIRONMENT AREAS. This will be titled Structure Plan – Waitara Area D **and included as Appendix 33.**
- b) Identify the extent of the Waitara - Area D Structure Plan area on the relevant planning maps.

c) Develop a new set of rules explicit to the Waitara – Area D Structure Plan, including rules requiring development and subdivision to be undertaken in accordance with the Structure Plan in Appendix 33.

d) Rules specifying standards relating to:

- I. Maximum HEIGHT of BUILDINGS and STRUCTURES within the Structure Plan Area.
- II. Number of HABITABLE BUILDINGS per ALLOTMENT.
- III. Maximum COVERAGE of SITES in the Medium Density Area.
- IV. Reduced COVERAGE in the FRONT YARDS in the area identified as ‘smaller lots’ on the Structure Plan.
- V. Light Reflectance Values for roof and other exterior claddings for STRUCTURES and BUILDINGS.

f) Covenants on Records of Title (CFR) restricting build form in front yards and within landscape buffers, **and reflecting reverse sensitivity concerns via no complaints provisions.**

### **Reasons 23.11**

The Waitara - Area D Structure Plan area has been developed to avoid effects. The location, size, and orientation of the various character types have been carefully considered and designed to create varied but integrated development. Policy 23.11 covers those matters relating to structures and buildings that are not able to expressed either through the Waitara - Area D Structure Plan layout and which are not covered by existing rules.

Policy 23.10 and associated rules OL60H, I, J K L and M are to ensure that the effects of residential development on the character of the area are able to be considered.

### **Policy 23.12 Excavated Landforms within Waitara - Area D**

To control excavated landforms (cut and fill batters) within the Waitara – Area D structure plan area by placing controls on excavated landforms to minimise visual effects.

### **Reasons 23.12**

In order to ensure that likely changes in topography appear natural over time, cut and fill batters, where visible from rural environment areas, should be battered at a gradient to match gently and smoothly into existing contours. This is most likely to be relevant at the northern end of the site along the north-western boundary, where the landform drops towards the stream.



Policy 23.12 and associated rule OL60N covers those matters associated with excavated landforms that are not able to expressed either through the Structure Plan layout and which are not covered by existing rules.

### **Policy 23.13 Effects of Waitara - Area D on the transportation network**

To ensure that development of **Waitara -Area D** can be progressed, while also ensuring effects of traffic generation at the intersection of Raleigh Street with State Highway 3 are acceptable to Waka Kotahi.

#### **Reasons 23.13**

Waka Kotahi is planning safety upgrades to the stretch of State Highway 3 between Bell Block and Waitara. At the time of this plan change (plan Change 49), Waka Kotahi were unsure on the timing and detail of these upgrades, and what this would mean for the intersection of State Highway 3 and Raleigh Street.

Upgrades to the intersection of State Highway 3 and Raleigh Street are expected, and timing of the upgrades is also expected to co-incide with the later stages of development of **Waitara-Area D**. This policy is included to enable the first stages of the development of **Waitara-Area D** to proceed (stages 1-3 - 50 lots) but to ensure Waka Kotahi are involved in later stages in the event that the works on State Highway 3 are delayed or altered.

#### **Methods of Implementation 23.13**

- a) Include rules that require assessment of the effects of the development of **Waitara-Area D** on the safety and efficiency of this intersection via an Integrated Traffic Impact Assessment and accordingly, written approval from Waka Kotahi once the number of lots created exceeds 50 form the parent title (at 25 June 2019).

### **Policy 23.14 Cultural Effects within Waitara - Area D**

To ensure that the Cultural Effects associated with development of **Waitara -Area D** are avoided, remedied and mitigated and Manukorihi and Otaraua Hapū are given the opportunity for cultural expression and monitoring.

#### **Reasons 23.14**

The provisions of the Te Atiawa iwi environmental management plan *Tai Whenua, Tai Tangata, Tai Ao* must be taken into account when developing this land. The design must adequately address sections 6(a), (d), (e) and (f); 7(a), (b), (c), (f); and 8 of the Act.

To allow for 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 Hapū and Te Atiawa Iwi exercising kaitiakitanga; and recognising;

- Their relationship with ancestral lands, waters, sites and wāhi tapu;
- The historic and contemporary cultural context/landscape this application is set within including the Pekapeka block; and,
- The connection of urban development and the narratives which link these sites to the broader cultural landscape of Te Atiawa.

### **Methods of Implementation 23.13**

- a) Inclusion of matters of control and discretion within the rules that provide for the development of a cultural narrative to inform the development including through cultural expression, integration of te reo Māori (such as bilingual signage and dual naming), street furniture, open space;
- b) Ensure policy and rule framework addresses the cultural concerns of Manukorihi and Otaraua in relation to both quantity and quality of stormwater and potential effects on the Mangaiti Stream, and appropriately provides for the provision of low impact stormwater design;
- c) Inclusion of provisions within the policy framework that allow for the development of environmental health indicators for the Mangaiti which benefit from mātauranga Māori;
- d) Provision for active modes of transport through and across the development by requiring the development by setting the expectation that development occurs in accordance with the structure plan in Appendix 33, and allowing greater scrutiny of the proposal if deviation from the structure plan in Appendix 33 is proposed;
- e) Provisions to ensure retention of the natural landform and management of earthworks
- f) Provision for appropriate cultural monitoring of subsequent subdivision and development; and,
- g) Provisions for specific consideration of adaptive management within the rule/consenting framework and process, requiring that detail on how amendments to the design of the development will occur in the event there is an unrecorded archaeological find are provided.

## **C: Proposed Appendix 32**

### **APPENDIX 33 STRUCTURE PLAN (Plan Change 49) Waitara – Area D Structure Plan**

The provision for the subdivision and development of the **Waitara – Area D** Structure Plan apply specifically to Lot 3 Deposited Plan 446773, as identified in this Appendix, and as identified as a Structure Plan area on planning map B40.

The Structure Plan guidance notes and associated rule framework ([Existing ONPDP Issue 23, Objective 23, Policy 23.1, Method of Implementation 23.1 and Reasons 23.1 and associated rules, and proposed new Policies and Reasons 23.10-14, Policy 23.11, Reasons 23.11 and Rules OL60H to OL60P](#)) are intended to provide for the comprehensive development of the site.

Figure 1. Waitara Area D – Structure Plan



PROJECT: Raleigh Street Proposed Subdivision

DRAWING NO: GA6.0

SCALE: 1:2000@A3

DATE: 09.11.20

FILE NO.: 3077

REVISION: 02

TITLE: STRUCTURE PLAN

## Structure Plan Guidance

Waitara Area D is made up of one parcel of land and has the [Mangaiti](#) ~~an unnamed~~ Stream running through the middle of it. Issue 23, Objective 23, Policy 23.1, Method of Implementation 23.1, Reasons 23.1, Policies 23.10-14, Reasons 23.8-13, and Rules OL60H to OL60P, address comprehensive development and structure plans providing a policy framework to ensure development within a structure plan area is in accordance with the structure plan.

A structure plan is a framework to guide the development of an area. It contains maps and concept plans, supported by text explaining the background to the issues and the desired environmental outcomes for an area. Waitara - Area D is being rezoned from RURAL ENVIRONMENT AREA (FUD overlay) to RESIDENTIAL A ENVIRONMENT AREA and OPEN SPACE B ENVIRONMENT AREA . A structure plan has been developed to promote an understanding of the issues specific to the area and to achieve comprehensive development of the area.

[The Mangaiti Stream](#) is of cultural and spiritual significance to Otaraua and Manukorihi Hapū. Despite the stream not being listed as WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI or ARCHAEOLOGICAL SITE in the District Plan, landowners, developers and contractors need to be aware of the requirements of the Heritage New Zealand Pouhere Taonga Act 2014 and/or any national legislation relating to archaeological sites, should an archaeological find arise during ground disturbance. The stream and the protection of it is therefore recognised and provided for through the Waitara - Area D Structure Plan and also through specific consideration to stormwater disposal.

[Any consent for earthworks or subdivision within Waitara - Area D shall include reference to the above legislation, and shall include a condition requiring the consent holder to prepare and adhere to an Accidental Discovery Protocol.](#)

## Stormwater

[The Mangaiti Stream begins within the Waitara – Area D structure plan area, and runs through the site, entering the NPDC stormwater infrastructure within the Waitara West Industrial Area downstream. This infrastructure discharges at the Waitara Estuary. Te Atiawa Iwi, Manukorihi Hapū and Otaraua Hapū have concerns about the effects of additional stormwater entering the Mangaiti Stream including:](#)

- [Potential for exacerbated flooding downstream; and](#)
- [Contaminants in the stormwater entering the Mangaiti Stream polluting and damaging it.](#)

[A combination of on-site soakage, disposal to the existing stream \(and the NPDC stormwater reticulation network downstream\), and stormwater detention \(in-stream culvert and bund\) is the most appropriate way to manage stormwater for the development, resulting in a hydraulically neutral stormwater system.](#)

Stormwater disposal from ROADS, right of ways and paved surfaces is (at the time of plan change) proposed to be discharged via kerb and channel with cut-outs into rain gardens, into underground stormwater pipes and onward into the stream. Alternative options could also be considered at the time of stormwater design, reflecting the latest technology. Within the stream will be a culvert pipe and detention bund to buffer downstream flows. The final ground contour and road network will be designed so that secondary overland flow (surface stormwater greater than a 20% AEP storm event) will naturally drain overland into the stream.

Efficient stormwater design can make the stormwater discharge from Waitara – Area D hydraulically neutral by reducing peak flows before they drain north from the area, via onsite soak holes to address stormwater from dwellings and associated impervious areas within an allotment, rain gardens, and detention within the waterway in times of flooding.

The Waitara Community Board has expressed concerns about the low impact systems (Swales and rain gardens) and expressed concern that much of Waitara does not have kerb and channel. The Waitara Community Board has indicated that their strong preference is for a conventional kerb and channel stormwater management system, and this must be balanced with cultural effects. Kerb and channel systems can however operate in conjunction with low impact stormwater treatment options.

Waitara is the subject of a number of stormwater management projects, and future stormwater management projects for the Norman Catchment are likely to have objectives of reducing flooding and improving water quality in this catchment. This policy ensures that the design of any stormwater system for Waitara - Area D considers the objectives of these projects.

All structures in and discharges to the Mangaiti Stream are subject to the Taranaki Regional Freshwater Plan, and may require consent under this plan.

## **Open Space B**

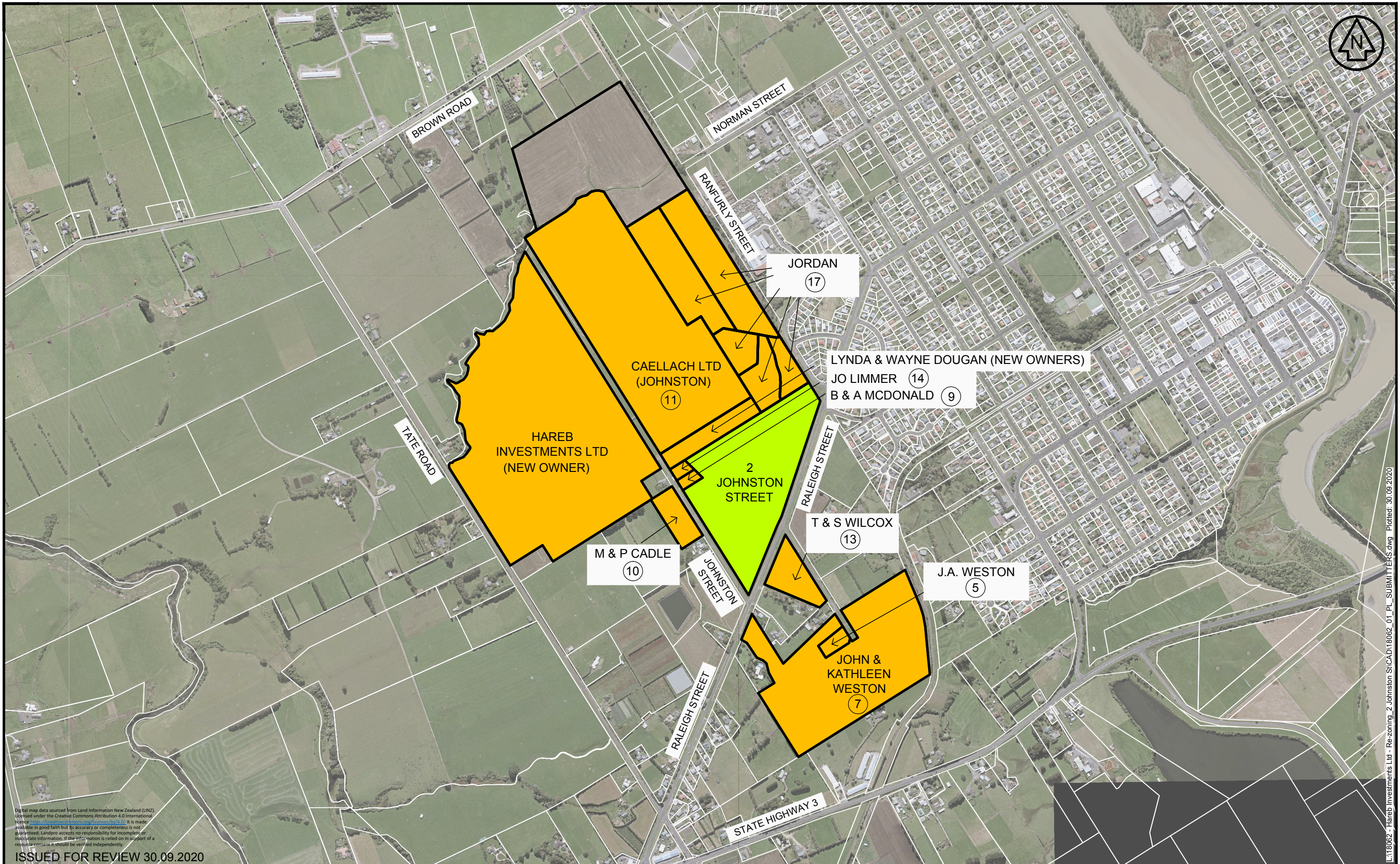
An Open Space B environment area has been placed along the stream margin of the eastern and western boundaries of the ~~Mangaiti Stream~~ ~~unnamed~~ ~~tributary~~. The reserve will manage and preserve the stream margin as a whole and ensure that the stream remains in one ownership to assist this. Placing the Open Space B Environment Area along the margins of the stream will provide for linkages along the stream, protect and enhance the natural character of the area, protect the waterway and allows the stream edges to be actively managed and maintained.

## **Mangaiti ~~Unnamed~~ Stream**

Section 6 (e) of the Resource Management 1991 requires councils to recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.

The Mangaiti Stream, a tributary of the Waitara River runs through Waitara Area D. It is entirely within the Open Space B Environment Area which will allow for opportunities to recognise cultural significance of this Stream.

ATTACHMENT C - Location Plan



Digital map data sourced from Land Information New Zealand (LINZ).  
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ISSUED FOR REVIEW 30.09.2020

L118062 - Hareb Investments Ltd - Re-zoning\_2\_Johnston STCAD18062\_01\_PL\_SUBMITTERS.dwg - Plotted: 30.09.2020

Client  
**HAREB INVESTMENTS LTD**

NOTES  
 - All dimensions shown are in metres unless otherwise shown  
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 - If this plan is being used as part of sale and purchase agreement then it is done so on the basis that it is preliminary only, final dimensions and areas may vary on final survey

**MAP OF SUBMITTERS  
 2 JOHNSTON STREET - PC49**

Rev.	Date	Revision Details	By	Surveyed	Signed	Date	Job No.	Drawing No.
-	-	-	-	-	-	-	18062	01
				Drawn	Signed	Date	Scale	1:5000 @ A1
				NKA		24.09.20	1:10000 @ A3	
				Designed	Signed	Date	Datum & Level	Rev.
							TN 2000	-



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ATTACHMENT D - PC15 (FUD Overlay) s32 report

# New Plymouth District Plan

Plan Change PLC09/00015

August 2010

## FUTURE URBAN DEVELOPMENT OVERLAY Section 32 Report



NEW PLYMOUTH DISTRICT COUNCIL  
[newplymouthnz.com](http://newplymouthnz.com)



# New Plymouth District Plan

## Plan Change PLC09/00015

### Section 32 Report



## Future Urban Development Overlay

### 1. INTRODUCTION

This report assesses the proposed Future Urban Development (FUD) Overlay Plan Change in terms of the Resource Management Act 1991 (the Act) and specifically the requirements outlined in Section 32 of the Act. It should be read in conjunction with a copy of the proposed FUD Overlay Plan Change and the explanation contained within that document. Section 74 of the Act requires that the Council, when considering a plan change to the New Plymouth District Plan (the Plan), shall have regard to, among other things, the provisions of Part II of the Act, its functions under Section 31, and its duties under Section 32. Section 75(3) of the Act requires that a district plan must give effect to any national policy statement, any New Zealand coastal policy statement, and any regional policy statement.

This report considers the background to the proposed FUD Overlay Plan Change and its appropriateness in achieving the purpose of the Act and the objectives of the Plan. The costs and benefits of the proposed FUD Overlay Plan Change and associated options are considered and a summary of consultation undertaken to date is included (this will be updated once pre-notification consultation has been completed).

The purpose of the proposed FUD Overlay Plan Change (PLC09/00015) is to provide for the interim control of specific land use activities and subdivision within, and adjacent to, areas identified as future urban growth areas by the Final Framework for Growth (FFG) March 2008, the Oakura Structure plan and Urenui Structure Plan. The intent of the Plan change is to provide the Council with the ability to ask:

What is the effect of a proposed activity (land use and/or subdivision) on the future rezoning and subsequent development of the future urban growth area(s) as identified by the FUD Overlay?

This will enable the potential adverse effects of activities that are potentially incompatible with future urban development to be avoided, remedied or mitigated, until such time as plan changes for individual future urban growth areas become operative.



## 2. LOCATION AND SITE CHARACTERISTICS

The proposed FUD Overlay Plan Change relates to the future urban growth areas identified on the planning maps at Attachment [21]. The most significant of these are in the New Plymouth and Bell Block areas as follows (using the notations from the FFG):

- **New Plymouth Area N**, being about 76.85 hectares situated between New Plymouth and Bell Block immediately south of the SH3 Bell Block Bypass between Egmont Road and Henwood Road;
- **New Plymouth Area Q**, being about 105.76 hectares situated to the immediate east of Bell Block north of Devon Road SH3 between Wills Road and Airport Drive; and
- **New Plymouth Areas K, L and S**, being about 115.07, 244.55 and 12.84 hectares respectively situated east of the Waiwhakaiho River, immediately south of Colson Road on the eastern side of Smart Road, and immediately south of the existing Residential Environment Area A on the western side of Smart Road.

All of these, with the exception of Areas N and S, are intended to be developed in the long term for residential purposes. Areas N and S are intended to be developed for business/light industrial activities.

It is noted that New Plymouth Areas E1 and E2 have not been included within the FUD Overlay given that the rezoning plan change (PLC10/00025) was notified on 24 July 2010. Discussions with the Area D landowner have now progressed to a point where it is now also considered that the FUD Overlay is not required for New Plymouth Area D.

Inglewood Areas A, B and C have not been included within the FUD Overlay given that the rezoning plan change (Plan Change PLC09/00018) is drafted and is now subject to Council approval for notification.

At Waitara, residential growth areas are identified as follows;

- **Waitara Area A**, being about 7.68 hectares situated in the southern area of eastern Waitara, immediately west of the Residential Environment Area A on the western side of Princess Street and immediately north of Armstrong Ave;
- **Waitara Area B**, being about 62.23 hectares situated on the northeastern outskirts of Waitara, immediately east of the existing Residential Environment Area A on the eastern side of King Street and Clifton Driven;
- **Waitara Area D**, being about on 12 hectares situated the western outskirts of Waitara, immediately west of the existing Residential Environment Area A east of Ranfurley Street, and immediately north of Raleigh Street; and
- **Waitara Area E**, being about 14.3 hectares situated on the western outskirts of Waitara, immediately west of the existing Residential Environment Area A of Pukekohatu Street and immediately south of Raleigh Street.

At Egmont Village the residential growth area is identified as follows:

- **Egmont Village Area B2**, being about 7.11 hectares of land situated on the northern outskirts of the Egmont Village immediately north of the existing Residential Environment Area on the western side of Egmont Road.

At Okato the residential growth area is identified as follows:

- **Okato Area C**, being about 13.18 hectares of land situated on the northeastern boundary of the Okato immediately northeast of the existing Residential Environment Area on the northeastern side of Carthew Street.

At Onaero the residential growth areas are identified as follows:

- **Onaero Areas B and C**, being about 1.40 and 2.24 hectares respectively situated immediately south of the existing Residential Environment Area on both sides of Onaero Beach Road.

At Oakura, an area has been identified to the south of the existing urban area for residential rezoning. This was not a result of the FFG process, but arose out of the earlier Coastal Strategy, and the Oakura Structure Plan. The future urban growth area identified within the Oakura Structure Plan is:

- **Oakura**, about 80 hectares situated south of the existing Residential Environment Area between Kaitake Place, Surrey Hill road and the Oakura River.

Urenui was also included as part of the Coastal Strategy and a subsequent Urenui Structure Plan. The future urban growth area identified in the Urenui Structure Plan is:

- **Urenui**, about 15.7 hectares situated to the southeast of the township and bounded by SH3, Kaipikari Road and Takiroa Street.

### 3. **BACKGROUND TO THE PROPOSED FUD OVERLAY PLAN CHANGE**

The proposed FUD Overlay Plan Change has its origins in the Land Supply Review (LSR) which commenced in 2006 in response to recent economic and household growth. The LSR aimed to address the supply of land for residential and employment growth in the New Plymouth /Bell Block area, and in other towns with the potential to grow through the twenty year planning period.

The Operative District Plan (August 2005) was prepared during a period of relatively low growth pressures, although as the plan became operative some of these pressures were beginning to manifest themselves. There was at that time sufficient capacity within existing residential, business and industrial zones to accommodate growth pressure. In addition, the plan as drafted, was a purely effects based district plan with no strategic component.

The proposed FUD Overlay Plan Change seeks to integrate the strategic outcomes of the LSR as expressed in the FFG into the Plan. The principal assumptions and guiding principles of the LSR were as follows:

- The demand for new houses is influenced primarily by changing household demographics, with a decline in average household size. Between 1991 and 2006, population increased by 2.5%, while households rose by 12.5%;

- A compact urban form is desirable to ensure an efficient use of land. Urban development should be focussed into or immediately adjacent to existing urban areas where services and infrastructure exist;
- The distribution of households will continue to follow the patterns of recent years with the majority of the demand being in the New Plymouth/Bell Block area;
- The identification of suitable land needs to take into account physical constraints and natural hazards;
- There is an inter-relationship between land use and transportation planning, each informing the other. The Land Supply Review and the ongoing Strategic Roding Study are inextricably linked together;
- There will continue to be a demand for infill housing, and it is assumed that infill trends will remain at around one third of all new subdivisions in New Plymouth/Bell Block and at a lesser rate elsewhere;
- A demand for rural residential development will remain;
- All new residential land will be subject to the same rules as the current residential environment areas for respective towns. Therefore in New Plymouth, Bell Block, Waitara and Inglewood, new residential land will be included in the Residential A Environment Area. In some of the smaller towns (Okato, Onaero, Egmont Village, Urenui) the land may be included in the Residential C Environment Area to recognise the character of these communities and the need for one site provision for wastewater disposal;
- At Oakura a new residential zone would be established to reflect the unique values of Oakura, as identified within the Oakura Structure Plan; and
- Further investigation, including a structure planning approach for the larger and/or more complex, growth areas may precede any plan changes.

The aim of the proposed FUD Overlay Plan Change is to put in place an interim level of control while plan changes are being prepared to re-zone land from Rural Environment Area to Residential Environment Area, or to Business and/or Light Industrial Environment Area with respect to Areas N and S.

The proposed FUD Overlay Plan Change is a combination of both policy and regulatory elements. The proposed FUD Overlay Plan Change seeks to integrate the FFG with the Management Strategy of the District Plan. It also puts in place a regulatory framework for the evaluation of proposals for land use change both within, and adjacent to, the future urban growth areas prior to confirmation of subsequent plan changes to rezone land from Rural Environment Area to Residential Environment Areas and to Business/Light Industrial Environment Area in Areas N and S.

The broad strategy is that the existing Rural Environment Area zoning is retained in the interim, but is overlaid by the provisions of the FUD Overlay. The FUD Overlay provisions place a more restrictive set of considerations over certain activities (including intensive pig and poultry farming, industrial activity, business or commercial activity, residential or community activity, hazardous substances and subdivision proposals) that may arise within the future urban growth areas.

These activities are proposed to be considered as permitted, controlled, discretionary or non-complying activities within the future urban growth areas as identified by the FUD Overlay.

In addition it is also proposed to provide a more restrictive set of considerations over certain activities (including intensive pig and poultry farming, and industrial activity) that may arise adjacent to the future urban growth areas. These activities are proposed to be considered as non-complying activities within a specified distance of the future urban growth areas as identified by the FUD Overlay through additional Rural Environment Area rules.

Further, the existing Rural Environment Area Rules Rur37, Rur65, Rur72, Rur85, and Rur100, are amended to ensure that consideration is given to the effects of activities on both Residential Environment Areas and the land identified as future urban growth areas by the FUD Overlay.

Therefore the proposed FUD Overlay is not intended to constrain normal rural land use activities with the following exceptions:

- Intensive pig and poultry farming, which will become a non-complying activity within the FUD Overlay;
- Intensive pig farming, which will become a non-complying activity within 2500m of any FUD Overlay;
- Intensive Poultry farming, which will become a non-complying activity within 600m of any FUD Overlay;
- Industrial activity, which will become a non-complying activity within the FUD Overlay;
- Industrial activity, which will become a non-complying activity within 500m of any FUD Overlay;
- Any BUSINESS OR COMMERCIAL activity, which will become a discretionary activity within the FUD Overlay;
- Any RESIDENTIAL OR COMMUNITY activity, (with the exception of a single HABITAT BUILDING on any SITE which is a permitted activity) which will become a discretionary activity within the FUD Overlay;
- HAZARDOUS SUBSTANCES which will be a discretionary activity, (unless the EFFECTS RATIO is equal to or less than 0.02 provided that the conditions in Appendix 6 are satisfied, and in which case it is a permitted activity) within the FUD Overlay;
- Subdivision of land where all lots created are greater than 20 hectares will be a controlled activity within the FUD Overlay; and
- Subdivision of land that creates at least one lot of less than 20 hectares will be a non-complying activity within any FUD Overlay.

While smaller future urban growth areas will be the subject of straight rezoning proposed plan changes, the larger, and/or more complicated, future urban growth areas might involve the preparation of structure plans to guide development and assist with the resolution of issues as an interim step prior to the preparation and notification of plan changes. The rezoning plan changes propose to provide for the rezoning from Rural to Residential Environment Areas, and to Business/Light Industrial Environment Area in Areas N and S. The proposed FUD Overlay plan change

provisions for a specific future urban growth area will therefore only remain in place until the re-zoning process for that area is complete, and the plan change is operative. Further, it is envisioned that the rezoning of the last future urban growth area will therefore be accompanied by the removal of all FUD Overlay related provisions from the Plan.

#### **4. RESOURCE MANAGEMENT ACT CONSIDERATIONS**

Part 4 of the Resource Management Act (the Act) relates to the ‘Functions, powers, and duties of central and local government’.

##### **4.1 Section 25A of the Act**

No directions relating to the preparation of the New Plymouth District Plan, changes, or variations, have been received from the Minister for the Environment, pursuant to section 25A(2) of the Act.

##### **4.2 Section 31 of the Act**

Section 31 of the Act provides for the ‘Functions of territorial authorities under this Act’.

Section 31(1)(a) of the Act therefore provides the legislative ability for the Council to give effect to the Act within the New Plymouth District through objectives, policies and methods as is proposed within the draft FUD Overlay plan change.

##### **4.3 Section 32 of the Act**

Section 32 of the Act relates to the consideration of alternatives, benefits and costs.

Section 32(1)(c) of the Act requires the Council as a local authority to carry out an evaluation before the proposed FUD Overlay plan change is publicly notified. This report is that evaluation.

With respect to section 32(3)(a) of the Act, a single new objective is proposed by the FUD Overlay plan change, Objective 1A which states:

To ensure that activities within and adjacent to the Future Urban Development OVERLAY do not adversely affect the ability to rezone and subsequently develop areas identified as FUTURE URBAN GROWTH AREAS.

Objective 1A is considered to be the most appropriate way to achieve the purpose of the Act. The LSR and FFG have identified those areas within the New Plymouth District that are the most suitable for urban expansion. The FFG therefore sets out the recommended growth direction for urban expansion land in the New Plymouth District. It is considered that a relatively compact urban form is desired to ensure the efficient use of land. Therefore, urban development growth areas are focussed into or immediately around existing urban areas where services and infrastructure exist, or can be efficiently provided. Objective 1A is considered to promote the sustainable



management of natural and physical resources by managing the use, development and protection of the future urban growth areas in order to maintain the ability to rezone and subsequently develop the areas identified by the FUD Overlay. Objective 1A is therefore considered to enable the people and communities of the New Plymouth District to provide for their social, economic and cultural wellbeing, and for their health and safety.

With respect to section 32(3)(b) of the Act, existing Objective 1 is proposed to be augmented with two additional methods proposed in relation to the existing Policy 1.1, and one additional method proposed in relation to the existing Policy 1.2. The new Objective 1A is supported by three new Policies, each with two supporting methods. The new policies and methods are in turn supported by six new FUD Overlay Rules (OL88 to OL93), three new Rural rules (Rur103 to Rur105), and amendments to the existing Rural rules Rur37, Rur65, Rur72, Rur85, and Rur100.

Policy 1A.1 and Policy 1A.2, and their associated Methods and Rules (OL88 to OL93) are considered to be effective and efficient as they recognise that new rural activities within future urban growth areas, could have potential adverse effects that compromise the eventual transition to an urban form of development. If these activities were to locate within future urban growth areas, they could potentially reduce the area of land that could realistically be developed for urban purposes, and force urban growth or development into areas that are less cost-effective to develop. It is therefore considered appropriate to implement a regulatory environment to ensure that potential adverse effects on the future urban growth areas can be avoided, remedied or mitigated. This is considered to be both effective and efficient as the level of effect of a proposed activity will essentially determine the level of regulatory requirements.

Policy 1A.3 and its associated Methods and Rules (Rur37, Rur65, Rur72, Rur85, Rur100, Rur103, Rur104 and Rur105) is considered to be effective and efficient as it focuses attention on certain activities which could potentially generate adverse effects well beyond the boundary of their sites. The policy focuses attention on those activities and their actual or potential adverse effects. If these activities were to locate adjacent to the future urban growth areas, they could potentially reduce the area of land that could realistically be developed for urban purposes, and force urban growth or development into areas that are less cost-effective to develop.

The policies also acknowledge that many rural activities continue to be an appropriate and viable use of land within and adjacent to the future growth areas during the interim period leading up to the preparation of structure plan and subsequent plan changes.

The new policies, methods and rules of the proposed FUD Overlay plan change are therefore considered to be effective and efficient and the most appropriate for achieving Objectives 1 and 1A of the Plan with respect to the future urban growth areas. This is because the rules allow for certain normal rural activities that are currently likely to exist within and adjacent to the future urban growth areas to continue subject to the existing Rural rules.

As the FUD Overlay represents a transitional process seeking to manage land use change from rural to an urban Environment Area zoning, it is consistent with Objectives 1 and 1A of the plan. The proposed FUD Overlay Plan Change seeks to maintain the status quo within the rural environments of the future urban growth areas identified by the FUD Overlay. This is consistent with maintaining rural character while recognising the diverse nature of rural land and rural land uses. Flexibility of land use is maintained while recognising that within and adjacent to the future urban growth areas, it is necessary to maintain a level of control that ensures that future urban development is not compromised by short to medium term decisions in terms of land use change.

The new, and amended, rules in association with the Policies and Methods therefore provide the Council the ability to avoid, remedy or mitigate the potential effects of activities and subdivision on the ability to rezone and subsequently develop the future urban growth areas. The policies, methods and rules proposed by the FUD Overlay plan change are therefore considered to be the most appropriate for achieving the Objectives 1 and 1A with respect to the future urban growth areas, as required by section 32(3)(b) of the Act.

The rules proposed by the FUD Overlay plan change do not impose a greater prohibition or restriction to that of any national environmental standard. Therefore subsection 32(3A) is not relevant to the proposed FUD Overlay plan change.

#### 4.3.1 Section 32(4)(a) of the Act

In accordance with Section 32(4)(a) of the Act the following options have been considered and the costs and benefits assessed.

##### Option 1: Status Quo

This option would involve retaining the Rural Environment Area zoning within the future urban growth areas without any FUD Overlay and without any additional control over activities within the zone.

Benefits	Costs
Gives certainty to landowners with no change regarding range of development options under the Rural Environment Area rules until rezoning plan changes are completed.	Creates uncertainty in terms of future urban development of the future urban growth area land identified by the Framework for Growth.
Maintains flexibility for landowners in terms of the options available to them for development of their land as Rural Environment Area until rezoning plan changes are completed.	Maintains and increases the interim risk of inappropriate activities being able to establish within future urban growth areas.
No additional complexity or costs associated with administration of the District Plan through the interim step utilising the FUD Overlay.	Maintains and increases the risk of inappropriate subdivision, use and development within future urban growth areas.
Provides additional emphasis for Council to get on with notifying rezoning plan changes for future urban growth areas.	Potential pressure for development of less sustainable urban areas if future urban growth areas are compromised by inappropriate activities where their effects are not avoided, remedied or mitigated.
	Potential pressure for uneconomic

	infrastructure provision if future urban growth areas are compromised by inappropriate activities where their effects are not avoided, remedied or mitigated.
	Potential loss of opportunity to provide for integrated open space provision and protection of amenity values.
	Potential loss of opportunities to provide properly integrated roading networks and pedestrian linkages.

### Option 2: Immediate Rezoning

This option would involve the immediate preparation of plan changes to rezone the future urban growth areas to their intended Environment Area. There would be no interim step utilising the FUD Overlay, or any deferred zoning of the land concerned.

Benefits	Costs
Gives certainty to landowners regarding range of development options under the rezoned rules once plan changes are operative.	Loss of opportunity to make adequate provision for structure planning.
Maintains and widens the flexibility for landowners in terms of the options available to them for development of their land once rezoning plan changes are operative.	Increased pressure for infrastructure provision without adequate consideration of costs and timing through the LTCCP.
No additional complexity or cost associated with administration of the District Plan.	Over –provision of land for urban development purposes leading to potential ad-hoc uncoordinated development within specific future urban growth areas.
Opportunity to put in place indicative roads and provision for associated public access.	Ad-hoc provision of open space and ad-hoc protection for natural values associated with each future urban growth area
	Costs and risk associated with forcing through quick plan changes without adequate research, investigation and consideration of effects and costs.
	Private sector costs associated with an increased rating burden associated with new zoning and associated infrastructure provision requirements.
	Risk of indicative roads not being built if subdivision does not proceed (for example large rest home complexes on a single title).
	Inability to adequately consider potential requirements for financial and development contributions.
	Creates immediate constraints on the use of land for rural purposes, or for expansion or redevelopment of land for certain rural activities.

### Option 3: Deferred Zoning

This option involves a deferred zoning of the future urban growth areas. This would involve the release of this land for its intended purpose within a particular timeframe, determined by the rate of uptake of land already zoned for urban development, and consideration of the timeframe required for completion of the necessary plan changes.

<b>Benefits</b>	<b>Costs</b>
Maintains some flexibility for landowners in terms of the options available to them for development of their land.	May create unrealistic expectations and competing demands between landowners regarding the release of land and political pressure for land to be released ahead of actual need or demand.
Maintains the opportunity to utilise structure planning as demand calls for more land to be released for urban development.	Creates additional complexity and cost in terms of administration of the District Plan with the need for new Deferred zone provisions and associated objectives, policies and methods.
Opportunity to put in place indicative roads and provision for associated public access.	Private sector costs associated with the restrictions on the potential development of land and deferral of release.
Potentially allows infrastructure to be strategically planned and budgeted within the LTCCP process.	Private sector costs associated with an increased rating burden associated with deferred zoning.
	If land is released ahead of actual need or demand it may create potential infrastructural costs not budgeted/planned for at that time.
	Creates potential uncertainty with landowners regarding status of land in relation to land use rules and regulations and timing with respect to rezoning.
	Creates immediate constraints on the use of land for rural purposes, or for expansion or redevelopment of land for certain rural activities.

#### **Option 4: Future Urban Development Overlay**

This option involves an overlay to achieve a level of control over activities within and adjacent to the future urban growth areas, while enabling normal rural activities to continue to operate. This is an effect based rules approach as opposed to a zoning based approach, and augments the existing philosophy objectives, policies, and methods of the plan.

<b>Benefits</b>	<b>Costs</b>
Maintains a level of flexibility for landowners in terms of the options available to them for development of their land for rural purposes.	May create unrealistic expectations regarding the release of land and pressure for land to be released ahead of demand pressure.
Maintains the opportunity to utilise structure planning as demand calls for more land to be released for urban development.	Creates additional complexity in terms of administration of the District Plan with the need for new Overlay provisions rules.
Minimises the complexity of any changes to the District Plan to achieve an appropriate level of control over inappropriate subdivision use and development, and maximises the ability to avoid, remedy or	Private sector costs associated with the restrictions on the potential development of land and timing of the structure plan and plan change processes.

mitigate effects.	
Gives greater flexibility in terms of the timing of release of land for future urban development.	Private sector costs associated with the restrictions on potential development of land within future urban growth areas for certain activities, and the need to obtain resource consents.
Allows for infrastructure to be strategically planned and budgeted within the LTCCP process.	
Allows for adequate consideration of financial and development contributions associated with infrastructure requirements for each individual growth area.	
Limits potential private sector costs associated with rating.	

### Summary of options consideration

Option 1 has the potential to carry with it considerable risk to the future urban development within identified future urban growth areas. Most activities under the Operative District Plan fall to be considered as restricted discretionary activities, where the emphasis is on the mitigation of direct actual or potential adverse effects on the natural and physical environment. Without an appropriate linkage between the District Plan and the FFG, there is the risk that future urban growth areas will be compromised by inappropriate subdivision, use and development. This in turn creates potential for future urban development to be forced into less desirable land with less effective and efficient infrastructure provision leading to increased costs, and the potential for increased adverse effects. Therefore, the public costs in the long run are perceived to outweigh the private benefits of the flexibility that is currently afforded by the District Plan.

Option 2 has the potential to maximise certainty for land owners regarding the potential development of their land, and therefore maximises private sector benefits. However, there are potential public sector costs associated with demand for un-economic extensions to infrastructure services as development takes place in a piecemeal fashion. This is likely to be exacerbated by a lack of incentives for Council to undertake a structure plan approach for the major development areas. This option is also considered to significantly increase potential costs and risk associated with forcing through quick plan changes or dealing with ad hoc private plan changes without adequate research, investigation and consideration of effects and costs. Further, this option limits the ability to adequately consider potential requirements for financial and development contributions, and to adequately budget and plan for infrastructural requirements through the LTCCP process.

Option 3 has the potential to give reasonable certainty to landowners regarding the future potential use of their land, but also create uncertainty regarding timing, and interim land use controls. This option also allows Council to better integrate infrastructure provision and identify indicative roads. However, deferred zoning creates some private sector uncertainty regarding the timing of the release of land for urban development. Deferred zoning may also create some private sector costs associated with the rating of land that has increased in value due to the deferred zoning, without the ability to realise on that value in the short to medium term. It may

also create unrealistic expectations and competing demands between landowners regarding the release of land and political pressure for land to be released ahead of actual need or demand. Deferred zoning also increases costs to Council in terms of the administration of the District Plan, with the need to develop a new Environment Area with associated objectives, policies, and methods. This potentially adds to the complexity of managing land use change within the future urban growth areas, imposing both public and private sector costs.

Option 4 has benefits in terms of maintaining the flexibility of rural land use within and adjacent to the future urban growth areas as identified by the FUD Overlay. It does not have the certainty associated with Options 1 and 2, but does provide more certainty than Option 3. Option 4 however also has the benefit of allowing the Council to ask the question as to what is the effect of the proposed activity (land use and/or subdivision) on the future rezoning and subsequent development of the future urban growth area(s) as identified by the FUD Overlay. Option 4 allows any effects to be avoided, remedied and mitigated in accordance with section 17 of the Act.

Option 4 also minimises the degree to which the complexity of the District Plan is increased, and focuses any changes on regulation of specific activities or classes of activity, and the potential effects that the activities generate. This approach also maximises the flexibility associated with the release of land for urban development and preserves the option of using structure plans as a planning tool. It also allows infrastructure requirements to be strategically planned and budgeted within the LTCCP process, and to allow for consideration of the financial and development contributions.

This option does not create unrealistic expectations about the release of land for urban development purposes. This option does increase the complexity of the district plan to some degree, but not to the extent that would be expected under Option 3. This will entail greater private sector costs associated with development, by increasing the likelihood of the need to obtain resource consents, although those costs are expected to be relative to the potential effects on the future urban growth areas.

Option 4 is therefore the preferred option.

#### **4.3.2 Section 32(4)(b) of the Act**

The risk of acting is considered to be significantly less than the risk of not acting. That is, the risk associated with implementing the proposed FUD Overlay plan change is considered to be significantly less than the risk associated with the status quo of not acting.

It is not considered that there is insufficient information about the subject matter of the policies, rules or methods.

The principal area of uncertainty is the risk associated with certain activities seeking to become established within rural areas that have been identified as future urban growth areas through the FFG, Oakura Structure Plan and Urenui Structure Plan.

These activities are discussed below.

### **Industrial including petroleum**

Industrial activity is not typically compatible with residential activity.

In particular with respect to petroleum there are various exploration permits for gas and condensate that potentially affect areas identified for future urban growth as per Table 1. In the absence of any control over hydrocarbon prospecting, exploration, extraction or processing activities, within or adjacent to future urban growth areas, potential adverse effects could constrain future development. While well drilling activities are relatively short term, a successful well-site may result in extraction and processing facilities being established on site. Effects including noise, traffic and issues associated with the storage of hazardous substances may preclude other activities locating within close proximity. Pipeline easements may place further constraints on urban development. This risk is catered for along with other potential industrial activity within the future urban growth areas by FUD Overlay rule OL89 as a non-complying activity, and adjacent to the future urban growth areas (within 500m) by Rural rule Rur105 also as a non-complying activity.

In addition all hazardous substances will be required to be considered against the Residential Environment Area criteria in Rule Res50 through FUD Overlay Rule OL92.

<b>Permit Number</b>	<b>Permit Type</b>	<b>Expiry Date</b>	<b>Permit Holder</b>	<b>FFG affected areas</b>
38763	Exploration	2009	Discovery Geo Corporation	New Plymouth D, E, H, S and K
38773	Exploration	2011	Greymouth Gas Exploration Limited	New Plymouth N and Q
51378	Mining	2024	Greymouth - various subsidiaries	Waitara A, B, D and E
38161	Mining	2036	Greymouth - various subsidiaries	Onaero
38746	Exploration	2012	Matai Energy Limited & Greymouth Gas Taranaki Limited	Urenui
38091	Mining	2014	Greymouth Petroleum Acquisition Company limited	Egmont Village
38152	Mining	2012	Greymouth Petroleum Acquisition Company limited	Inglewood
51156	Exploration	2013	Todd Exploration Limited	Inglewood
51149	Exploration	2013	Todd Exploration Limited	Oakura and Okato

### **Poultry and pigs**

Existing rules in the District Plan restrict the erection of dwellings in close proximity to intensive pig and poultry farming operations. Existing poultry operations are already identified as a potential constraint of the development of Area Q at Bell Block. Intensive poultry and pig operations have difficulty in internalising adverse effects principally odour. This is reflected in the current Rural Environment Area rules relating to the erection of a dwelling within a certain radius of pig (Rules Rur20 to 27) and poultry (Rur28 to 31) farming units is a controlled activity. These radii range from 200m to 600m for pigs and 100m to 400m for poultry and are based on the



size of the intensive farming unit, and are in accordance with the existing Taranaki Regional Council (TRC) Regional Air Quality Plan (RAQP).

The development of a poultry or pig unit within and or adjacent to, any of the future urban growth areas, could have a significant adverse effect on the future development of that area, either by constraining the extent of rezoning that would be reasonably achievable through a plan change, or alternatively generating capital costs associated with relocation of the poultry unit to another location well removed from any existing or future urban growth area. This risk is catered for within the future urban growth areas by FUD Overlay rule OL88 as a Non-complying activity, and adjacent to the future urban growth areas (within 600m for poultry and 2500m for pigs – based on TRC Proposed RAQP – see Appendix III) by Rural rules Rur103 and Rur104, both as a non-complying activity.

### **Other activities**

To a lesser extent a similar risk is associated with business or commercial activity and some residential and community activity that may be proposed within a future urban growth area. Some of these activities from time to time seek sites in rural environments as opposed to areas already zoned for that specific purpose. These may be business or commercial activities which have a rural focus, but which seek a site which is still reasonably accessible from urban areas. Alternatively, they may seek a site in a rural area to minimise site acquisition and development costs, or they may require a site of such a size that cannot be readily obtained within an existing business or residential zone.

In the absence of guidance on the mix and form of development that may be considered appropriate within a particular future urban growth area, it is considered appropriate to exercise a higher level of control over such activities within rural environments contained within future urban growth areas. Consideration would need to be given to the extent to which these activities, either on their own or in a cumulative sense, would compromise the efficient and effective future development of identified growth areas. It is a risk averse strategy which also takes pressure off infrastructure and service provision ahead of a real need for such services. It also enables the potential adverse effects of such activities on amenity values and existing rural activities to be avoided, remedied or mitigated. This risk is catered for within the future urban growth areas by FUD Overlay rules OL90 and OL91 as Restricted Discretionary activities. The threshold has been set lower than that for industrial, pig and poultry activity, in recognition that some forms of business or commercial activity and some residential and community activity, may be suitable within a future urban growth area provided any adverse effects can be avoided, remedied or mitigated.

### **Subdivision**

Subdivision presents a real risk to the urban growth areas through the potential to fracture land ownership. An increase in the number of land holdings in combination with decreases in the area of individual landholdings presents a real risk to the potential for effective and sustainable urban planning. Fractured land ownership increases the risk that optimum road alignments are not achievable, resulting in less sustainable transportation networks including walkways and cycleways. Fractured land ownership also results in efficient urban development being reliant on co-



operation between landowners. This risk is catered for within the future urban growth areas by FUD Overlay rule OL93, which provides that:

- Where all lots created are greater than or equal to 20ha subdivision is a controlled activity; and
- Where a lot is created of less than 20ha subdivision is a non-complying activity.

The restrictive nature of OL93 is considered necessary to ensure that the future urban growth areas have the greatest potential for efficient and effective urban development in the most sustainable manner.

### **Recognising future urban growth areas**

A number of Rural Environment Area rules have parameters specifically relating to the Residential Environment Area. In the interim, before future urban growth areas are rezoned from rural to residential, there is a risk that the effects of activities establishing within or adjacent to the future urban growth areas are only considered in relation to the Rural Environment Area, resulting in effects that are not compatible with urban residential development. It is therefore considered important that effects are avoided, remedied or mitigated in relation to both the Residential Environment Areas and future urban growth areas. This risk is therefore catered for through proposed amendments to existing Rural Environment Area rules Rur37, Rur65, Rur72, Rur85, and Rur100.

#### **4.4 Section 74 of the Act**

Section 74 of the Act addresses matters to be considered by a territorial authority.

Subsection 74(1) has been considered already, in relation to the proposed FUD Overlay plan change, within this report through addressing sections 31, 25A(2) and 32 of the Act, and the provisions of Part 2 of the Act.

The Regional Policy Statement for Taranaki (RPS) became operative on 1 January 2010. Therefore, there is no proposed regional policy statement to have regard to. The Taranaki Regional Council (TRC) does have a Proposed Regional Air Quality Plan (PRAQP). Regard to the PRAQP (Appendix III) has been provided through the consideration of distances relating to pig and poultry farms from the future urban growth areas, as per new Rural rules Rur103 and Rur104. Therefore, subsection 74(2)(a) has been considered in relation to the proposed FUD Overlay plan change.

There are no management plans or strategies, entries in the Historic Register, or regulations relating to sustainability of fisheries resources, to the extent that their content has a bearing on the resource management issues of the proposed FUD Overlay plan change. Therefore, subsection 74(2)(b) has been considered in relation to the proposed FUD Overlay plan change.

With respect to subsection 74(2)(c), it is considered that the proposed FUD Overlay plan change is not inconsistent with any plans or proposed plans of adjacent territorial authorities.

There are no iwi management plans or foreshore and seabed reserve management plans that have been lodged with the Council. Therefore, subsections 74(2A)(a) and (b) have been considered in relation to the proposed FUD Overlay plan change.

Trade competition has not been considered in relation to the proposed FUD Overlay plan change in accordance with subsection 74(3) of the Act.

#### **4.5 Section 75 of the Act**

Section 75 of the Act relates to contents of district plans. The proposed FUD Overlay plan change is considered to be consistent with the requirements of section 75 of the Act.

In particular it is noted that the TRC Regional Policy Statement became operative on 10 January 2010. Section 13 of the RPS relates to the built environment, and in particular promoting sustainable development. As the proposed FUD Overlay plan change intends to protect the future growth areas identified by the FFG, Oakura Structure Plan, and Urenui Structure Plan, and thereby provide for sustainable urban development within the New Plymouth District, it is considered that it gives effect to the provisions of section 13 of the RPS.

### **5. LOCAL GOVERNMENT ACT CONSIDERATIONS**

Section 76 of the Local Government Act (LGA) relates to decision making and stipulates that every decision made by a local authority must be made in accordance with sections 77, 78, 80, 81 and 82 of the LGA.

Section 77 of the LGA requires a local authority to identify all reasonable options for the achievement of the objective of a decision. The objective is to provide an interim level protection to the future urban growth areas identified by the FFG, Oakura Structure Plan and Urenui Structure Plan, until these areas have been rezoned from rural to residential environment areas. The options to achieve this objective have been considered along with benefits and costs in accordance with the requirements of section 32 of the Act. It is considered that the section 32 (of the Act) assessment also meets the requirements of section 77(1)(b)(i) of the LGA, and that the proposed FUD Overlay plan change provides the optimum benefits and costs in terms of the present and future social, economic, environmental, and cultural well-being of the district.

The proposed FUD Overlay plan change is also considered to:

- best promote the community outcomes in an integrated and efficient manner, of the options considered in accordance with section 77(1)(b)(ii) of the LGA; and
- least impact on the capacity to meet present and future needs in relation to any statutory responsibility of the council in accordance with section 77(1)(b)(iii) of the LGA.

With respect to section 77(1)(c) and section 81 of the LGA, while the none of the options are considered to involve a significant decision in relation to land, it is noted that tangata whenua were consulted extensively with respect to the LSR and FFG process, and also in relation to the Oakura Structure Plan and Urenui Structure Plan.

Section 78 of the LGA relates to community views in relation to decisions. In this regard consideration has been given to the requirements of section 78(2). Given the consultation conducted with respect to the LSR and FFG process, and also in relation to the Oakura Structure Plan and Urenui Structure Plan, in accordance with section 79 of the LGA it is only considered necessary to consult through the notification and submission process under the First Schedule to the Act. This consultation is detailed further in section 6 of this report, and is considered to have been conducted in accordance with the requirements of section 82 of the LGA.



**6. CONSULTATION**

Consultation to date has been as a result of the LSR/FFG, Oakura Structure Plan and Urenui Structure plan consultative processes. While the FFG notes that Phase 1 of Stage 3 of the LSR process (being adoption of the FFG followed by plan change processes) includes incorporation of the FFG into the District Plan, the details are not specified. Further, it is understood that the proposed FUD Overlay was not specifically consulted on with landowners, adjacent and affected parties, nor the wider community.

The poultry, pig, quarrying and petroleum industries have been introduced to the intent to produce the FUD Overlay plan change, but not yet in relation to the details proposed.

It is intended that consultation will be completed through the notification and submission process.

**7. CONCLUSION AND RECOMMENDED OPTION**

The proposed Plan Change PLC09/00015, Future Urban Development Overlay is the most efficient and effective means available to the council in achieving the integrated and sustainable management of natural and physical resources, as well as carrying out its functions under Section 31 of the Act.

## Appendix I: Resource Management Act sections considered

### 25A Minister may direct preparation of plan change

- (1) The Minister for the Environment—
  - (a) may direct a regional council—
    - (i) to prepare a regional plan that addresses a resource management issue relating to a function in section 30; or
    - (ii) to prepare a change to its regional plan that addresses the issue; or
    - (iii) to prepare a variation to its proposed regional plan that addresses the issue; and
  - (b) may direct the council, in preparing the plan, change, or variation, to deal with the whole or a specified part of the council's region; and
- (c) must, in giving a direction, specify a reasonable period within which the plan, change, or variation must be notified.
- (2) The Minister—
  - (a) may direct a territorial authority—
    - (i) to prepare a change to its district plan that addresses a resource management issue relating to a function in section 31; or
    - (ii) to prepare a variation to its proposed district plan that addresses the issue; and
  - (b) must, in giving a direction, specify a reasonable period within which the change or variation must be notified.]

### 31 Functions of territorial authorities under this Act

- (1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:
  - (a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:
  - (b) the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—
    - (i) the avoidance or mitigation of natural hazards; and
    - (ii) the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances; and
    - (iia) the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land:
    - (iii) the maintenance of indigenous biological diversity:
  - (c) *Repealed.*
  - (d) The control of the emission of noise and the mitigation of the effects of noise:
  - (e) The control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:
  - (f) Any other functions specified in this Act.
- (2) The methods used to carry out any functions under subsection (1) may include the control of subdivision.



## **32 Consideration of alternatives, benefits, and costs**

- (1) In achieving the purpose of this Act, before a proposed plan, proposed policy statement, change, or variation is publicly notified, a national policy statement or New Zealand coastal policy statement is notified under section 48, or a regulation is made, an evaluation must be carried out by—
  - (a) the Minister, for a national environmental standard or a national policy statement; or
  - (b) the Minister of Conservation, for the New Zealand coastal policy statement; or
  - (c) the local authority, for a policy statement or a plan (except for plan changes that have been requested and the request accepted under clause 25(2)(b) of Schedule 1); or
  - (d) the person who made the request, for plan changes that have been requested and the request accepted under clause 25(2)(b) of the Schedule 1.
- (2) A further evaluation must also be made by—
  - (a) a local authority before making a decision under clause 10 or clause 29(4) of the Schedule 1; and
  - (b) the relevant Minister before issuing a national policy statement or New Zealand coastal policy statement.
- (3) An evaluation must examine—
  - (a) the extent to which each objective is the most appropriate way to achieve the purpose of this Act; and
  - (b) whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.
- (3A) This subsection applies to a rule that imposes a greater prohibition or restriction on an activity to which a national environmental standard applies than any prohibition or restriction in the standard. The evaluation of such a rule must examine whether the prohibition or restriction it imposes is justified in the circumstances of the region or district.
- (4) For the purposes of the examinations referred to in subsections (3) and (3A), an evaluation must take into account—
  - (a) the benefits and costs of policies, rules, or other methods; and
  - (b) 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.
- (5) The person required to carry out an evaluation under subsection (1) must prepare a report summarising the evaluation and giving reasons for that evaluation.
- (6) The report must be available for public inspection at the same time as the document to which the report relates is publicly notified or the regulation is made.

## **74 Matters to be considered by territorial authority**

- (1) A territorial authority shall prepare and change its district plan in accordance with its functions under section 31, the provisions of Part 2, a direction given under section 25A(2), its duty under section 32, and any regulations.

- (2) In addition to the requirements of section 75(3) and (4), when preparing or changing a district plan, a territorial authority shall have regard to—
- (a) Any—
    - (i) Proposed regional policy statement; or
    - (ii) Proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4; and
  - (b) Any—
    - (i) Management plans and strategies prepared under other Acts; and
    - (ii) *Repealed.*
    - (iia) Relevant entry in the Historic Places Register; and
    - (iii) Regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing),—  
to the extent that their content has a bearing on resource management issues of the district; and
  - (c) The extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.
- (2A) A territorial authority, when preparing or changing a district plan, must—
- (a) 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 resource management issues of the district; and
  - (b) recognise and provide for the management plan for a foreshore and seabed reserve adjoining its district, once the management plan has been lodged with the territorial authority, to the extent that its contents have a bearing on the resource management issues of the district.
- (3) In preparing or changing any district plan, a territorial authority must not have regard to trade competition or the effects of trade competition.

## 75 Contents of district plans

- (1) A district plan must state—
- (a) the objectives for the district; and
  - (b) the policies to implement the objectives; and
  - (c) the rules (if any) to implement the policies.
- (2) A district plan may state—
- (a) the significant resource management issues for the district; and
  - (b) the methods, other than rules, for implementing the policies for the district; and
  - (c) the principal reasons for adopting the policies and methods; and
  - (d) the environmental results expected from the policies and methods; and
  - (e) the procedures for monitoring the efficiency and effectiveness of the policies and methods; and
  - (f) the processes for dealing with issues that cross territorial authority boundaries; and

- (g) the information to be included with an application for a resource consent; and
  - (h) any other information required for the purpose of the territorial authority's functions, powers, and duties under this Act.
- (3) A district plan must give effect to—
- (a) any national policy statement; and
  - (b) any New Zealand coastal policy statement; and
  - (c) any regional policy statement.
- (4) A district plan must not be inconsistent with—
- (a) a water conservation order; or
  - (b) a regional plan for any matter specified in section 30(1).
- (5) A district plan may incorporate material by reference under Part 3 of Schedule 1.



## Appendix II: Local Government Act sections

### 76 Decision-making

- (1) Every decision made by a local authority must be made in accordance with such of the provisions of sections 77, 78, 80, 81, and 82 as are applicable.
- (2) Subsection (1) is subject, in relation to compliance with sections 77 and 78, to the judgments made by the local authority under section 79.
- (3) A local authority—
  - (a) must ensure that, subject to subsection (2), its decision-making processes promote compliance with subsection (1); and
  - (b) in the case of a significant decision, must ensure, before the decision is made, that subsection (1) has been appropriately observed.
- (4) For the avoidance of doubt, it is declared that, subject to subsection (2), subsection (1) applies to every decision made by or on behalf of a local authority, including a decision not to take any action.
- (5) Where a local authority is authorised or required to make a decision in the exercise of any power, authority, or jurisdiction given to it by this Act or any other enactment or by any bylaws, the provisions of subsections (1) to (4) and the provisions applied by those subsections, unless inconsistent with specific requirements of the Act, enactment, or bylaws under which the decision is to be made, apply in relation to the making of the decision.
- (6) This section and the sections applied by this section do not limit any duty or obligation imposed on a local authority by any other enactment.

### 77 Requirements in relation to decisions

- (1) A local authority must, in the course of the decision-making process,—
  - (a) seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
  - (b) assess those options by considering—
    - (i) the benefits and costs of each option in terms of the present and future social, economic, environmental, and cultural well-being of the district or region; and
    - (ii) the extent to which community outcomes would be promoted or achieved in an integrated and efficient manner by each option; and
    - (iii) the impact of each option on the local authority's capacity to meet present and future needs in relation to any statutory responsibility of the local authority; and
    - (iv) any other matters that, in the opinion of the local authority, are relevant; and
  - (c) if any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Maori and their culture and traditions with their ancestral land, water, sites, waahi tapu, valued flora and fauna, and other taonga.
- (2) This section is subject to section 79.



## **78 Community views in relation to decisions**

- (1) A local authority must, in the course of its decision-making process in relation to a matter, give consideration to the views and preferences of persons likely to be affected by, or to have an interest in, the matter.
- (2) That consideration must be given at—
  - (a) the stage at which the problems and objectives related to the matter are defined;
  - (b) the stage at which the options that may be reasonably practicable options of achieving an objective are identified;
  - (c) the stage at which reasonably practicable options are assessed and proposals developed;
  - (d) the stage at which proposals of the kind described in paragraph (c) are adopted.
- (3) A local authority is not required by this section alone to undertake any consultation process or procedure.
- (4) This section is subject to section 79.

## **79 Compliance with procedures in relation to decisions**

- (1) It is the responsibility of a local authority to make, in its discretion, judgments—
  - (a) about how to achieve compliance with sections 77 and 78 that is largely in proportion to the significance of the matters affected by the decision; and
  - (b) about, in particular,—
    - (i) the extent to which different options are to be identified and assessed; and
    - (ii) the degree to which benefits and costs are to be quantified; and
    - (iii) the extent and detail of the information to be considered; and
    - (iv) the extent and nature of any written record to be kept of the manner in which it has complied with those sections.
- (2) In making judgments under subsection (1), a local authority must have regard to the significance of all relevant matters and, in addition, to—
  - (a) the principles set out in section 14; and
  - (b) the extent of the local authority's resources; and
  - (c) the extent to which the nature of a decision, or the circumstances in which a decision is taken, allow the local authority scope and opportunity to consider a range of options or the views and preferences of other persons.
- (3) The nature and circumstances of a decision referred to in subsection (2)(c) include the extent to which the requirements for such decision-making are prescribed in or under any other enactment (for example, the Resource Management Act 1991).
- (4) Subsection (3) is for the avoidance of doubt.

## **80 Identification of inconsistent decisions**

- (1) If a decision of a local authority is significantly inconsistent with, or is anticipated to have consequences that will be significantly inconsistent with, any policy adopted by the local authority or any plan required by this Act or any other enactment, the local authority must, when making the decision, clearly identify—

- (a) the inconsistency; and
  - (b) the reasons for the inconsistency; and
  - (c) any intention of the local authority to amend the policy or plan to accommodate the decision.
- (2) Subsection (1) does not derogate from any other provision of this Act or of any other enactment.

## **81 Contributions to decision-making processes by Maori**

- (1) A local authority must—
- (a) establish and maintain processes to provide opportunities for Maori to contribute to the decision-making processes of the local authority; and
  - (b) consider ways in which it may foster the development of Maori capacity to contribute to the decision-making processes of the local authority; and
  - (c) provide relevant information to Maori for the purposes of paragraphs (a) and (b).
- (2) A local authority, in exercising its responsibility to make judgments about the manner in which subsection (1) is to be complied with, must have regard to—
- (a) the role of the local authority, as set out in section 11; and
  - (b) such other matters as the local authority considers on reasonable grounds to be relevant to those judgments.

## **82 Principles of consultation**

- (1) Consultation that a local authority undertakes in relation to any decision or other matter must be undertaken, subject to subsections (3) to (5), in accordance with the following principles:
- (a) that persons who will or may be affected by, or have an interest in, the decision or matter should be provided by the local authority with reasonable access to relevant information in a manner and format that is appropriate to the preferences and needs of those persons;
  - (b) that persons who will or may be affected by, or have an interest in, the decision or matter should be encouraged by the local authority to present their views to the local authority;
  - (c) that persons who are invited or encouraged to present their views to the local authority should be given clear information by the local authority concerning the purpose of the consultation and the scope of the decisions to be taken following the consideration of views presented;
  - (d) that persons who wish to have their views on the decision or matter considered by the local authority should be provided by the local authority with a reasonable opportunity to present those views to the local authority in a manner and format that is appropriate to the preferences and needs of those persons;
  - (e) that the views presented to the local authority should be received by the local authority with an open mind and should be given by the local authority, in making a decision, due consideration:

- (f) that persons who present views to the local authority should be provided by the local authority with information concerning both the relevant decisions and the reasons for those decisions.
- (2) A local authority must ensure that it has in place processes for consulting with Maori in accordance with subsection (1).
- (3) The principles set out in subsection (1) are, subject to subsections (4) and (5), to be observed by a local authority in such manner as the local authority considers, in its discretion, to be appropriate in any particular instance.
- (4) A local authority must, in exercising its discretion under subsection (3), have regard to—
  - (a) the requirements of section 78; and
  - (b) the extent to which the current views and preferences of persons who will or may be affected by, or have an interest in, the decision or matter are known to the local authority; and
  - (c) the nature and significance of the decision or matter, including its likely impact from the perspective of the persons who will or may be affected by, or have an interest in, the decision or matter; and
  - (d) the provisions of Part 1 of the Local Government Official Information and Meetings Act 1987 (which Part, among other things, sets out the circumstances in which there is good reason for withholding local authority information); and
  - (e) the costs and benefits of any consultation process or procedure.
- (5) Where a local authority is authorised or required by this Act or any other enactment to undertake consultation in relation to any decision or matter and the procedure in respect of that consultation is prescribed by this Act or any other enactment, such of the provisions of the principles set out in subsection (1) as are inconsistent with specific requirements of the procedure so prescribed are not to be observed by the local authority in respect of that consultation.

## **Appendix III: Taranaki Regional Council Proposed Regional Air Quality Plan**

Appendix III: Good management practices for intensive pig farming

Appendix IV: Good management practices for intensive poultry farming.



## Appendix III: Good management practices for intensive pig farming

This appendix has been included in the Plan for general public information and education purposes. The information contained in this appendix also provides guidance on the best practicable options for preventing or minimising adverse effects on the environment from emissions to air from pig farming. It also provides a general indication of the matters that the regional council may consider and the nature of the conditions that might be attached to a resource consent for the discharge of contaminants into the air from piggeries (refer rules 44 to 46).

Applicants and resource consent holders will also be expected to demonstrate that they are giving effect to 'EnviroPork™ (2005)' and the Environmental Management System, both prepared by the New Zealand Pork Industry Board ([www.pork.co.nz](http://www.pork.co.nz)). The Council may also give consideration to 'Odour Management at Intensive Livestock Installations' published by the UK Environment Agency 2005, ([www.environment-agency.gov.uk/agriculture](http://www.environment-agency.gov.uk/agriculture), then select 'pigs and poultry'), and 'Code of Practice: Piggeries 1992', Department of Primary Industries (Victoria, Australia) ([www.dpi.vic.gov.au](http://www.dpi.vic.gov.au), then select 'agriculture and food', then 'animals and livestock' then 'pigs').

The material presented in this appendix must not be considered as a set of rules that will be applied universally. Each individual situation will be considered by the Taranaki Regional Council on its particular merits and circumstances, with regard for the level of environmental protection that is appropriate in that situation.

Before starting a new pig farm, or extending an existing operation, it is strongly advised that the proposal should be discussed with staff of Taranaki Regional Council as well as with the local district council and the neighbours of the site.

### Best practicable option – piggery emissions

#### (a) Application of buffer distances

Preferred minimum buffer distances are set out in Tables 1 to 3. It should be noted that buffer separation is not a substitute for good management of sheds, nor will observation of these distances without consideration of other factors ensure no odour problems off site.

The buffer distances set out in this Appendix do not represent the minimum distances required before a resource consent will be considered. However, should a piggery be unable to meet the stipulated buffer distances, greater account will be taken of any

concerns expressed by neighbours and more emphasis placed upon means of abating odorous emissions.

The Taranaki Regional Council will have regard to these buffer distances in determining whether notification of resource consent applications is required, and in determining the extent of any mitigation requirements. If these buffer distances cannot be met, it does not mean that resource consents will automatically be declined.

#### Future expansion

Applicants should consider whether their proposed site is capable of supporting an expansion without increasing off site effects to adjacent neighbouring properties, even if this is not immediately planned. The granting of a consent for a particular size of operation does not guarantee a consent can be changed to accommodate an expanded activity at some time in the future.

1. Buffer distances must be considered separately for:
  - the piggery itself (refer Rules 44 to 46);
  - effluent holding and treatment systems (refer Rules 37 and 50); and
  - effluent disposal areas (refer rules 32 and 50).
2. Distance from the perimeter of a piggery\*, or from the nearest point of an effluent holding and treatment system:
  - to any property boundary: 20 metres.
  - to any public amenity area or road: 50 metres.

\*The 'piggery perimeter' is defined as a line circumscribing the extremities of an intensive piggery, containing all pig housing and animal enclosures.

3. Distance from the edge of any deposition zone used for effluent or manure spreading:
  - to any property boundary: 20 metres.
  - to any public amenity area or road: 50 metres

#### 4. Standard and variable buffer distances

Standard buffer distances are set out in Table 1 below. These distances may be varied as outlined in: (a) 5 Reduction in variable buffer zone dimensions (distances) for a piggery below.

**Table 1: Standard buffer distances** (note: the NZ Pork EMS provides individual buffer distances calculated on site-specific criteria)

p-value	Distance from perimeter to:-		
	Nearest community (10 houses or more)	Any place of public assembly	Any off site residence
	metres	metres	metres
25 to 500	450	300	200
501 to 1999	900	650	250
2000 - 2499	1250	1000	300
2500 - 2999	1500	1200	400
3000 - 3499	1750	1400	450
3500 - 3999	2000	1600	500
4000 - 4499	2250	1800	550
above 4500	2500	2000	600

**P value** – means the maximum number of pigs kept in a piggery. For a weaner producer piggery, the p value will be taken as five times the number of pigs on the premises that are aged 71 days or more, or that weigh more than 25 kg. A weaner producer piggery means a piggery in which the progeny of breeding animals are removed prior to attaining either 25 kg in weight or 70 days in age (whichever occurs first).

5. Reduction in variable buffer zone dimensions (distances) for a piggery

- a buffer zone dimension may be reduced only when the piggery achieves and maintains conditions of a higher air quality and efficiency compared with those prescribed for a standard piggery.
- the maximum reduction will be regarded generally as a 40% reduction in the distances given in Table 1 above, ie: 0.6 multiplied by the standard buffer distance.

**Table 2: Buffer distances for effluent holding and treatment located outside the piggery perimeter**<sup>24</sup>(note: the NZ Pork EMS provides individual buffer distances calculated on site-specific criteria)

Effluent holding and treatment system	Nearest community (10 or more houses)	Any place of public assembly	Any off site residences
Anaerobic pond only	1000	500	250
Facultative lagoon system (aerobic surface layer)	750	400	200
Multiple pond system with aerobic final ponds	500	200	150

**Table 3: Buffer distance for land application activities** - These distances are measured from the edge of deposition areas. (note: the NZ Pork EMS provides individual buffer distances calculated on site-specific criteria)

Effluent application	Nearest community (10 or more houses)	Any place of public assembly	Any off site residence
Sprayed into air more than 2 m above ground. Liquid ponds on surface for more than 3 hours. Solids not ploughed into soil. Anaerobic effluent.	1000	500	250
Anaerobic effluent applied by surface pipes or from mobile systems directed downwards. Liquids absorbed into surface within 3 hours, Solids ploughed into soil.	700	400	200
Fresh effluent (less than 12 hours old) after solids separation, or secondary pond effluent (BOD less than 2500 g/m <sup>3</sup> ).	500	200	150

<sup>24</sup> The 'piggery perimeter' is defined as a line circumscribing the extremities of an intensive piggery, containing all pig housing and animal enclosures.

## (b) Environmental Management Plan

Applicants and operators should prepare an Environmental Management Plan (EMP) that describes measures for minimising environmental risks and contingency actions for responding to problems. The EMP should cover:

- a list of all key risk events for odour;
- a list of all key risk events for dust;
- waste management issues;
- the day-to-day best management practices and responses that will be put in place on the site to avoid or reduce these events and issues;
- details of contingency plans, describing actions, allocating responsibilities, and providing contact details for any outside advice, notification or assistance that might be required;
- details of any self-monitoring that will be carried out, including property boundary odour surveys;
- familiarisation of all staff with consent conditions and the contents of the EMP;
- trigger events and target response times;
- procedures for corrective actions taken as a result of an owner's own identification of any issue; and
- procedures for addressing complaints and incidents.

Readers should in particular refer to the EMS of the New Zealand Pork Industry Board (note that not all information or requirements set out in this reference are applicable in Taranaki).

Operators should seek to ensure that they incorporate the best practicable options currently available for reducing emissions regardless of whether their operations meet the recommended buffer distances set out above.

The EMP should be updated every five years (at a minimum).

## (c) Prevailing winds

If sensitive land uses (refer policy 2.3 of the Plan) are located downwind under prevailing wind directions, the preferred buffer distances above may be increased by 50%. Prevailing wind directions are generally as follows -

North Taranaki: from south-east, west and north-east  
Central Taranaki: north and south  
South Taranaki: from west and south-east

Local micro-climates may be different to these. For advice on particular localities, operators should check with Taranaki Regional Council. Consent applicants will be expected to have obtained information on local wind directions.

## (d) Meteorology

Some parts of Taranaki are more prone than others to atmospheric conditions that trap emissions and prevent them dispersing. Operators should seek advice from Taranaki Regional Council when considering both a general locality and a specific site for their facilities.

## (e) Shed configuration

The preferred shed configuration is:-

- across the direction of prevailing winds, rather than parallel to them;
- with multiple emission points, rather than a single discharge source;
- with elevated emission stacks, rather than having emission points close to the road or alongside walls;

Shed lay-out should be such that doors are at the end of the sheds furthest from neighbours.

It is acknowledged that other site-specific considerations will also have to apply, such as:

1. the avoidance of conflict between air discharge points and neighbouring dwellings
2. land contours
3. orientation to the sun.

## (f) Discharge point design

Dispersion of discharges is enhanced by:-

- increasing the height of discharge points;
- avoiding the use of conical rain shields over discharge stacks;
- changing from side-wall ventilation to overhead ventilation;
- changing from lowline roof ventilation exit points, to raised (ducted) ventilation points elevated well above the roof line (at least 3 metres above the roof line, to be fully effective);
- changing from natural ventilation air flows to fan-assisted ventilation;
- increasing vertical gas flow velocities by appropriate fan speeds, fan sizes and ducting diameters.



#### Notes and comments

Conical rain shields deflect discharge flows downwards rather than upwards. They should therefore be avoided.

Ideally, the point of discharge from the stack during ducting should be at least 3 metres above the peak roof line of adjacent buildings, to avoid downdraughts and eddies and to promote dilution.

#### (g) Shed construction

Sheds should be constructed in a manner that makes them free of draughts and leaks, and subsequently well maintained. Materials should be impervious, to assist in cleaning and to avoid absorption of odours. Horizontal surfaces (other than the floor) will tend to accumulate dust and other wastes, and should be avoided. Flooring must be impervious and easily cleaned and disinfected.

Ventilation systems should not allow rain to enter the building and dampen litter.

#### Notes and comments

The need to eliminate draughts as a means of reducing air emissions is self-evident. Wet litter has been shown to result in increased odour release.

#### (h) Topography

Sheds should not be sited within the same valley system as sensitive receiving environments, unless the site is both downslope, and downwind under all prevailing wind directions. Sheds should not be sited on slopes above sensitive receiving environments.

#### Notes and comments

Valleys tend to channel emissions, preventing dispersion. Katabatic drift (the movement of air at night as it cools down) tends to flow down slopes, and can carry long distances.

#### (i) Aprons and access roading

These should be constructed of impervious material, and large enough to allow clean out of shed litter and loading for transport off site, without litter falling onto soil, surrounding gravel surfaces, or into any water or drainage channels. Roading and access should be kerbed to direct dirty water to collection tanks.

#### (j) Moisture control of litter

The moisture content of litter should be controlled by:

- prompt repair of leaks in roof and exterior walls;
- prompt repair of leaks in drinking water piping and drinkers;
- an adequate depth of bedding litter;
- the removal of damp litter around drinkers;

- adjustment of fogging spray systems, if used, so that droplets do not fall onto litter.

A moisture content of 30-40% is optimal, avoiding dust (too dry) and odour (too damp). If litter is caking or sticky, it is too wet.

#### Notes and comments

Wet litter is a significant odour source, especially as manure accumulates.

#### (k) Screening

Tree planting that screens buildings from neighbours or other sensitive receiving environments should be undertaken and maintained. While there is no clear evidence that vegetation reduces odour, it will disturb air flow (enhance mixing and thus dilution), and by reducing awareness of an activity will reduce sensitivity. Planting should be high and dense enough to screen buildings from sight of neighbours. Earthen embankments or fences may also be used.

At the same time, planting encroaching around the buildings will prevent free air flow around them, and should be avoided. A minimum separation of 20 metres is advised. Similarly, parallel pig sheds should be separated by a distance of at least five times the height of the buildings.

#### Notes and comments

If an odour source is not visible, then awareness of it decreases and people are less conscious of the odour. In addition, trees increase air turbulence (and therefore mixing and dispersion), remove odours from air flows (although this effect will be minor in most cases), and remove dust from air flows.

#### (l) Offal holes

Refer Rule 32 of the Plan. A sealed and lined offal hole will promote anaerobic decomposition and is generally favoured for small numbers of mortality, subject to avoiding an accumulation of methane gas (explosive and suffocating).

#### (m) Litter or manure removal

Faeces, urine, food wastes, and other biological material should be removed from the confines of the buildings preferably in less than 12 hours, and in no case more than 30 hours. As far as practicable, wind speed and direction should be taken into account when removing litter, and timed for periods when wind speed and direction are less likely to carry odour and dust towards neighbouring residences.

#### (n) Litter or manure spillage

Litter spillages (e.g. during its removal from sheds or from the property) should be recovered as soon as completely as practicable, and particularly before becoming damp.

(o) Litter or manure stockpiles

If used litter is stockpiled on the property (whether prior to removal, or for treatment or for ultimate use on the property), then it should be substantially covered by tarpaulins, sheeting or similar, or in a draught-proof building with closed doors, if the pile is within 150 metres of any residential property off the site, or within 200 metres of any dwellinghouse off the site.

Notes and comments

Under Rule 32 of the Plan, stockpiling of litter or manure can be undertaken only if permitted by a resource consent, because of its potential for odour, dust and leachate run-off into drains.

(p) Litter or manure spreading onto land

Research indicates that most volatile compounds (including ammonia) are released within 4 hours of spreading on land (although significant releases may continue for several days). Spreading prior to 2 pm therefore generally avoids evening atmospheric inversion conditions, and the period of day when people may be relaxing outside. Experience is that untreated (anaerobic) slurry will release odour at significant rates for 6 hours.

Accordingly, measures that might assist to reduce odour effects include that wastewater land irrigation of aerobic pond effluent on any day between the last Sunday in September and the first Sunday in April should be undertaken prior to 2.00 pm. If effluent from shed wastes or an anaerobic pond is spread or sprayed onto land, it should be undertaken before 12 noon. As far as practicable and taking into account operational requirements, avoid spreading on weekends and public holidays.

Records should be kept of dates, locations, quantities, and weather conditions prevailing when wastes are spread. As far as practicable, spread wastes only when the wind is away from neighbours, roads and sensitive receiving environments.

Liquid should not be spread at such a rate that it remains ponded on the surface for more than one hour after spreading.

(q) Complaints

Any complaints concerning odour, or other effects of discharges to air, received by a farm operator should be recorded in writing by the operator. Details should include:

- the time, nature and extent of the effect as reported, including its duration, frequency and offensiveness;
- the location, name and contact phone number of the complainant (if known);
- the wind direction and speed at the time of the incident;

- general weather conditions (e.g. humid, fine and clear, misty);
- general operational status of the farm;
- any on-farm circumstances that may be related to the incident;
- any investigations undertaken as a result of the complaint;
- any changes made to farm activities as a result of the incident;
- any report given back to the complainant.

(r) Emission abatement technology - dust

Dust mitigation measures include:

- control of dust content of supplied litter;
- misting sprays within sheds;
- avoiding over-dry litter;
- minimising animal movement and activity;
- maintaining a vegetation cover on areas around buildings;
- avoiding high air flow velocities inside sheds;
- using dust filters on extraction ducting;
- adequate separation from neighbouring properties/premises;
- tree screening;
- avoiding dusty feedstocks;
- controlling vehicle speeds on dirt access tracks.

(s) Emission abatement technology - odours

Odour mitigation measures include:

- an adequate depth of litter in the shed;
- a high standard of building and floor cleanliness;
- clean animals;
- proper stocking rates;
- misting sprays within sheds;
- avoiding over-damp litter;
- proprietary odour treatment systems;
- adequate separation from neighbouring properties/premises;

- elevated discharge into the air from buildings;
- passing odorous air through biofilters or chemical scrubbers;
- controlling interior shed temperature below 26 °C;
- tree screening;
- the correct sizing of wastewater systems, including allowance for expansion of pig numbers.

#### Notes and comments

It should be noted that proprietary odour treatment systems should be tested for demonstrated performance and cost-effectiveness before purchase and use.

#### (t) Burning of wastes and rubbish

Further to matters related to burning covered elsewhere in the Plan, or by a resource consent, the burning of wastes is not generally favoured because of the likelihood of smoke and odour nuisance.

#### (u) Wastewater collection systems - design and operation

Washdown and wastewater collection and transport systems should be designed and constructed so as to avoid stagnation of wastewaters. Low points in the system should be avoided and gradients should be calculated to avoid sedimentation or settling of solid wastes within channels. Enclosed pipes rather than open channels are preferred, including for transfer to outside buildings. Site drainage should prevent stormwater ingress into sheds and contamination of stormwater systems by litter or washwater runoff.

If odours do occur, the cleaning and flushing of pen floors and drainage channels and pipes should be increased in frequency, from every second day, to every second day at regular times, to daily, or to morning and evening, as the need arises. Cleaning should include the removal of all feed not consumed within 24 hours, and all solid and liquid wastes. Washing in summer should be more frequent than in winter. Other than for waste reception channels or trenches, effluent transfer lines should be enclosed pipes whenever practicable.

Wastewater holding tanks, pump wetwells or sumps should be covered or enclosed, to minimise odour release. Sediment in sumps should be removed at no longer than three-monthly intervals.

**Note:** this section addresses only air emission effects from wastewater. Water quality impacts should also be addressed.

#### (v) Wastewater treatment systems

In choosing a wastewater treatment system, the odour potential should be considered. The most preferred system is the use of aerobic or aerated lagoons (minimum of two-pond system). Less preferable is a facultative lagoon system, while anaerobic ponds have a high odour potential.

**Note:** the requirements of Rule 37 or Rule 50 of the Regional Air Quality Plan also apply.

#### (w) Feed formulations

In formulating the appropriate diet – balancing cost and availability of feed and matching these to pig age, health, genotype and sex – the odour potential should be considered. The optimum outcome is when diets are formulated to closely match nutrient inputs to animal needs, and minimise nitrogen excretion.

Research indicates that feed mixtures and formulations, and the natures of additives e.g. antibiotics, influence the odour potential of manure. As yet this is not sufficiently advanced to give comprehensive specific guidance. However, operators should remain abreast of continuing developments. The addition of amino acid as powder rather than in liquid form reduces odour from meal and manure. All feed stock should be kept dry.

#### (x) Temperature control

A lower shed temperature reduces the rate at which odours are released. It also reduces microbial activity, which is a significant cause of odour.

#### (y) Contingency planning

A contingency plan should be prepared to safeguard against eventualities such as (i) breakdown or failure of wastewater treatment processes and (ii) a high mortality situation. The contingency plan should be developed in consultation with officers of the Taranaki Regional Council.

#### (z) Encroachment of incompatible activities

To safeguard the opportunity for future expansion, site owners should remain aware of any proposals to subdivide or to change the zoning (land use controls) of nearby land that may allow the establishment of activities that are incompatible with intensive farming.

## Appendix IV: Good management practices for intensive poultry farming

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This appendix has been included in the plan for guidance to the poultry industry, and for general public information and education purposes. The information contained in this appendix provides general guidance on the range of options for preventing or minimising adverse effects on the environment from emissions from poultry farming, whether for egg production or broiler farming. It also provides a general indication of the matters that the Taranaki Regional Council will consider and the nature of the conditions that might be attached to a resource consent for the discharge of contaminants into the air from poultry farms (refer Rules 47 to 49).

The material presented in this appendix must not be considered as a set of rules that will be applied universally. Each individual situation will be considered by the Taranaki Regional Council on its particular merits and circumstances, with regard for the level of environmental protection that is appropriate in that situation.

Before starting a new poultry farm, or extending an existing operation, it is strongly advised that the proposal should be discussed with officers of the Taranaki Regional Council as well as with the local district council and the neighbours of the site.

This appendix is based primarily on experience gained in the Taranaki region since 1992, together with information contained in 'Code of Good Agricultural Practice for the Protection of Air' (UK Ministry of Agriculture, Fisheries and Food 1998), 'Odour Management at Intensive Livestock Installations' (UK Environment Agency 2005, [www.environment-agency.gov.uk/agriculture](http://www.environment-agency.gov.uk/agriculture) then select 'pigs and poultry'), 'Poultry Industry Agreed Standards and Codes of Practice', October 1995, developed by the Poultry Industry Association of NZ (Inc), a draft code of practice prepared by Environmental Science and Research for Taranaki Regional Council, 1994, the 'NSW Poultry Farming Guidelines (draft)' October 1992, developed by NSW Agriculture and referenced by the Environment Protection Authority (NSW), and 'Victoria Code for Broiler Farms 2001' (Department of Primary Industries Victoria, [www.dpi.vic.gov.au](http://www.dpi.vic.gov.au)).

### a) Environment management plan (EMP)

Applicants and operators should prepare an Environmental Management Plan that describes measures for minimising environmental risks and contingency actions for responding to problems. The EMP should cover:

- a list of all key risk events for odour;
- a list of all key risk events for dust;
- waste management issues;

- the day-to-day best management practices and responses that will be put in place on the site to avoid or reduce these events and issues;
- details of contingency plans, describing actions, allocating responsibilities, and providing contact details for any outside advice, notification or assistance that might be required;
- details of any self-monitoring that will be carried out, including property boundary odour surveys;
- familiarisation of all staff with consent conditions and the contents of the EMP;
- trigger events and target response times;
- procedures for corrective actions taken as a result of an owner's own identification of any issue; and
- procedures for addressing complaints and incidents.

Readers should in particular refer to the Victoria Code and to the Department of Primary Industries (Victoria) Generic EMP, and the UK Environmental Agency Integrated Pollution Prevention and Control (IPPC) guides for greater detail than is set out above (note that not all information or requirements set out in these references are applicable in Taranaki).

Operators should seek to ensure that they incorporate the best practicable options currently available for reducing emissions regardless of whether their operations meet the recommended buffer distances set out below.

The EMP should be updated every five years (at a minimum).

### b) Buffer distances

Preferred minimum buffer distances between sheds and other features are set out in Table 1. It should be noted that buffer separation is not a substitute for good management of sheds, nor will observation of these distances without consideration of other factors ensure no odour problems off site.

**Table 1: Recommended buffer distances**

Number of poultry	Distance to nearest off site dwelling or other sensitive land uses (refer Policy 2.3)	Distance to road	Distance to any boundary
Fewer than 30,000	100m	100m	50m
30,000 – 59,999	200m	100m	50m
60,000 – 79,999	300m	100m	50m
more than 80,000	400m	100m	50m

The Taranaki Regional Council will have regard to these buffer distances in determining whether notification of resource consent applications is required, and in determining the extent of any mitigation requirements. If these buffer distances cannot be met, it does not mean that resource consents will automatically be declined.

The distances in Table 1 above are calculated from the wall of the nearest shed. However, in the case of 'tunnel' sheds (fan-forced ventilation along the length of the shed, exiting at one end), the buffer distances are calculated from the shed exit end, provided that shed construction and maintenance are such that all fugitive emissions are minimised.

**c) Future expansion**

Applicants should consider whether their proposed site is capable of supporting an expansion without increasing off site effects to adjacent neighbouring properties, even if this is not immediately planned. The granting of a consent for a particular size of operation does not guarantee a consent can be varied to accommodate an expanded activity at some time in the future.

**d) Prevailing winds**

If sensitive land uses (refer policy 2.3 of the Plan) are located downwind under prevailing wind directions, or are located downslope, the preferred buffer distances above may be increased by up to 50%. Prevailing wind directions are generally as follows -

North Taranaki: from south-east, west, and north-east  
 Central Taranaki: north and south  
 South Taranaki: from west and south-east

Local micro-climates may be different to these. For advice on particular localities, operators should check with Taranaki Regional Council. Consent applicants will be expected to have obtained information on local wind directions.

**e) Meteorology**

Some parts of Taranaki are more prone than others to atmospheric conditions that trap emissions and prevent them dispersing. Operators should seek advice from Taranaki Regional Council when considering both a general locality and a specific site for their facilities.

**f) Shed configuration**

Shed design and specific site considerations will apply. In general, the preferred shed configuration is:

- across the direction of prevailing winds, rather than parallel to them;
- with multiple emission points, rather than a single discharge source (but see below re: 'tunnel' design); and
- with elevated emission stacks, rather than having emission points close to the roofline or along side walls.

Shed layout should be such that bird and litter removal takes place at the end of the sheds furthest from neighbours.

It is acknowledge that other site specific considerations will also have to apply, such as (1) the avoidance of conflict between air discharge points and neighbouring dwellings (2) land contours (3) orientation to the sun.

**g) Discharge point design**

Dispersion of discharges is enhanced by:

- increasing the height of discharge points;
- avoiding the use of conical rain shields over the top of discharge stacks;
- increasing vertical exhaust velocities by appropriate fan speeds, fan sizes, and shaft sizes;
- the use of vertical discharge fan units with minimal obstruction to the outside shaft's airflow;
- tunnel shed design, with large capacity fans in one end wall to discharge to one end of a farm;
- the use of air direction baffles or ramps; and
- possibly shelter belt plantings (but see [I] below).

Having the point of discharge at least 3 metres above the peak roofline of the shed and adjacent buildings provides maximum dispersion, by avoiding eddies and downdraughts and promoting dilution.

#### h) Shed construction

Sheds should be constructed in a manner that makes them free of draughts and leaks, and subsequently well maintained. Materials should be impervious, to assist in cleaning and to avoid absorption of odours. Horizontal surfaces (other than the floor) will tend to accumulate dust and other wastes, and should be avoided. Flooring must be impervious and easily cleaned and disinfected. Ventilation systems should not allow rain to enter the building and dampen litter.

A well-insulated shed will mean less air flow is required to maintain shed temperature, and hence improves dilution and mixing downwind of the shed.

#### i) Topography

Sheds should not be sited within the same valley system as sensitive receiving environments, unless the site is both downslope, and downwind under all prevailing wind directions. Sheds should not be sited on slopes above sensitive receiving environments. The direction of night breezes should be considered.

#### j) Aprons and access roading

These should be constructed of impervious material, and large enough to allow clean out of shed litter and loading for transport off site, without litter falling onto soil, surrounding gravel surfaces, or into any water or drainage channels.

#### k) Moisture control of litter

The moisture content of the litter should be controlled by:

- prompt repair of leaks in roof and exterior walls;
- prompt repair of leaks in drinking water piping and drinkers;
- a suitable depth of bedding litter;
- the removal of damp litter around drinkers; and
- adjustment of fogging spray systems, if used, so that droplets do not fall onto litter.

Nipple drinkers or drip cups (or alternative on-demand systems) are preferred over water troughs or bell drinkers, to avoid wetting litter.

A litter moisture content of 25-25% is considered optimal, avoiding dust (too dry) and odour (too damp), and promoting aerobic bacterial action. If litter is caking or sticky, it is too wet.

#### l) Screening

Tree planting that screens buildings from neighbours or other sensitive receiving environments should be undertaken and maintained. While there is no clear evidence that vegetation reduces odour, it will disturb air flow (enhance mixing and thus dilution), and by reducing awareness of an activity will potentially reduce sensitivity. Planting should be high and dense enough to screen buildings from sight of neighbours.

Earthen embankments or fences up to 2 metres high may also be used.

#### m) Air flow

When considering screening (see l above), it should at the same time be remembered that planting that encroaches around the buildings will prevent free air flow around them, and may need to be avoided in the interests of adequate ventilation of the sheds and dispersion of emissions. A minimum separation between buildings and trees of 20 metres is advised. However, shading and cooling of sheds by trees in summer may also be an advantage. Similarly, parallel poultry houses should be separated by a distance of at least five times the height of the buildings if dispersion of emissions is to be maximised.

#### n) Dead birds

Dead birds should be collected from the sheds and disposed of on a daily basis. Acceptable options include holding in frozen storage pending removal off site, incineration in a licensed incinerator, disposal in an offal hole, or a properly controlled composting operation.

#### o) Offal holes

Refer to Rule 32 of the plan for offal hole requirements. A sealed and lined offal hole will promote anaerobic decomposition and is generally favoured for small numbers of mortality, subject to avoiding an accumulation of methane gas (explosive and suffocating).

#### p) Litter spillage

Litter should be removed from site in covered/enclosed vehicles. Litter spillages (e.g. during its removal from sheds or from the property) should be recovered as soon and as completely as practicable, and particularly before becoming damp. To the extent practicable, litter removal should be timed and managed for periods when wind speed and direction are less likely to carry odour and dust towards neighbouring residences.

#### q) Litter stockpiling

If used litter is stockpiled on the property (whether prior to removal, or for ultimate use on the property), then it must be substantially covered by tarpaulins, sheeting or similar, or in a draught-proof building with closed doors, if the pile is within 200 metres of any dwellinghouse off the site.

#### r) Litter spreading

Animal litter spreading on any day between the last Sunday in September and the first Sunday in April should be undertaken prior to 2.00 pm. Avoid spreading on weekends and public holidays. Records should be kept of date, locations, quantities, and weather conditions prevailing when litter is spread. As far as practicable, spread litter only when the wind is away from neighbours, roads, and sensitive receiving environments.

s) Noise

Noise is not a matter that the Taranaki Regional Council can consider. However, it is a matter of observation that reducing awareness of an activity will reduce sensitivity to that operation. Appropriate management of noise generation and noise reduction measures will reduce the likelihood of complaints.

t) Complaints

Any complaints concerning dust, odour, or other effects of discharges to air, received by a farm operator, should be recorded in writing by the operator, and the records retained for at least six months. Details should include:

- the time, nature and extent of the effect as reported;
- the location, name and contact phone number of the complainant (if known);
- the wind direction and speed at the time of the incident;
- general weather conditions (e.g. humid, fine and clear, misty);
- general operational status of the farm;
- any on-farm circumstances that may be related to the incident;
- any investigations undertaken as a result of the complaint;
- any changes made to farm activities as a result of the incident; and
- the nature of any feedback given back to the complainant.

u) Emission abatement technology - dust

Dust mitigation measures include:

- control of dust content of supplied litter;
- misting sprays within sheds;
- avoiding over-dry litter;
- optimising bird movement and activity;
- maintaining a vegetation cover on areas around buildings;
- avoiding overly high air flow velocities inside sheds;
- using dust filters, baffle plates, nets, or other dust abatement systems on extraction ducting;
- adequate separation from neighbouring properties/premises;
- tree screening;

- avoiding dusty feedstocks; and
- controlling vehicle speeds on unpaved access tracks.

v) Emission abatement technology - odours

Odour mitigation measures include:

- an adequate depth of litter in the shed – 10-15 cm as a minimum;
- misting sprays within sheds;
- proper stocking rates;
- control of feed formulations and additives;
- avoiding over-damp litter;
- proprietary odour control systems of proven performance;
- proprietary litter additives of proven performance
- adequate separation from neighbouring properties/premises;
- elevated discharge into the air from buildings; and
- tree screening.

While there are proprietary odour masking or neutralising agents on the market, the efficacy of these is generally unproven.

w) Burning of wastes and rubbish

Other than as covered elsewhere in the Regional Air Quality Plan for Taranaki, or by a resource consent, the burning of wastes is not generally favoured because of the likelihood of smoke and odour nuisance.

x) Shed washdown water disposal systems - design and operation

Washdown collection and transport systems should be designed so as to avoid ponding or stagnation of washdown water.

Drains (other than collection channels) should be enclosed pipes rather than open. Site drainage should prevent stormwater ingress into sheds and contamination of stormwater systems by litter or washwater runoff.

Washdown water holding tanks or sumps should be covered or enclosed, to minimise odour release. Sediments in sumps should be removed at no longer than three monthly intervals.

**Note:** this section addresses only air emission effects from washdown water. Water quality impacts should also be addressed.

y) Washdown water and effluent disposal

Contaminated seepage from manure or litter on site, or washdown water from heavily soiled sheds, needs to be disposed of in a safe manner, as under Rule 37 or 50 in this plan.

z) Feed formulations

Research indicates that feed mixtures and formulations do influence the odour of manure. As yet this research is not sufficiently advanced to give comprehensive specific guidance. However, operators should remain abreast of continuing developments. All feed stock should be kept dry.

aa) Temperature control

A lower shed temperature reduces the rate at which odours are released. It also reduces microbial activity, which is a significant cause of odour. When shed temperatures are being optimised, these factors should be considered.

bb) Contingency planning

To safeguard against the consequences of a high mortality situation, a contingency plan for the rapid disposal of very large numbers of birds should be prepared e.g. access to off site incineration or prior discussion with the Taranaki Regional Council over an acceptable burial area and burial procedures.

cc) Reverse sensitivity

To safeguard the opportunity for future expansion, site owners should remain aware of any proposals to subdivide or to change the zoning (land use controls) of nearby land that may allow any establishment of activities that are incompatible with intensive farming.



ATTACHMENT E - Daily News - Coverage of progress on the Waitara Walkway

paying big money for indoor plants, Alison Reed, vice-president of the New Plymouth Cactus and Succulent Society, says her members have been swapping and sharing them for free for years. Full story on page 3.

PHOTO: SIMON O'CONNOR/STUFF

# Walkway estimate increases

## Council

**Christina Persico**

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The cost of extending New Plymouth's Coastal Walkway from Bell Block to Waitara could cost the district council up to \$18 million – about four times what it had originally planned to spend.

The 10km extension was put into the New Plymouth District Council's 2018-2028 Long-Term Plan at a cost of \$8m – half funded by the council and half by the Waka Kotahi (NZTA) transport agency.

Although the final cost has yet to be determined, the NPDC said Waka Kotahi has agreed to pay towards it.

The council is now expecting to put in \$16m-18m.

"The final cost will depend on the design chosen, and there are a range of options, from no-frills to an iconic and landmark design," NPDC group manager of infra-



structure and assets David Langford said in a statement. Langford said the NPDC was in discussions with hapū,

landowners and residents about route options.

"The decision on which option will be selected will be considered

NPDC councillor Colin Johnston on Waitara's Tuna boardwalk, which is eventually meant to link with the Coastal Walkway. ANDY JACKSON/STUFF

as part of the new 10-Year Plan.

"This is a complex project covering land that is currently working farmland, mostly privately owned and in places that once contained thriving pā sites, so it's important we get the planning right."

North ward councillor Colin Johnston said the project was supposed to have been started this financial year, but was now waiting for more money in the next long-term plan.

The total cost was looking to be about \$25m, he said, but it would not all be council money.

People he had spoken to in the community were not too fazed by the increased cost, he said.

"They know how much this walkway will benefit the community and the health and wellbeing of it.

"They just want to get it done."  
Officers are still working on acquiring land, and there were areas that had to be respected, he said.

An NZTA spokesperson said at this stage they had committed to funding 51 per cent of the business case development – \$339,000.

"Once this is completed we will consider funding for design, land acquisition, consenting and construction, against other projects."

The chair of the Waitara Community Board, Jonathan Marshall, said the council was looking at it as a single project from the Waitara River to Bell Block.

"All the others were done in sections," he said. "From my perspective I'd like to see it started from Waitara."

A draft NPDC long-term plan is set to be completed by Christmas and go out for consultation, before final decisions and sign-off next year.