

**BEFORE THE INDEPENDENT HEARING COMMISSIONERS APPOINTED BY  
NEW PLYMOUTH DISTRICT COUNCIL**

**PPC18/00049**

**Under** the Resource Management Act 1991  
(RMA)

**And**

**In the matter of** Proposed Private Plan Change 49 to  
the Operative New Plymouth District  
Plan requested by Hareb Investments  
Limited for the rezoning of land at 2  
Johnston Street, Waitara, New  
Plymouth from Rural (FUD) to  
Residential A and Open Space

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**JOINT WITNESS STATEMENT - PROPOSED PLAN PROVISIONS FOR PPC49**  
**(2 JOHNSTON STREET)**

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## **EXPERT CONFERENCING JOINT WITNESS STATEMENT – PROPOSED PLAN CHANGE PROVISIONS**

### **INTRODUCTION**

1. This Joint Witness Statement is written in response to the Hearing Commissioner's direction on 26 November 2020 (and confirmed in Commissioner's Minute 6 of 3 December 2020) that planning experts must conference and produce a joint witness statement to document areas of agreement and areas of disagreement in relation to the plan change provisions for PPC49.
2. Two conferencing meetings were held. The first meeting was held at the New Plymouth District Council offices on 10 December 2020 and the second meeting was held via 'Teams' from on 15 December 2020.
3. The conferencing was self-facilitated.
4. The purpose of this conferencing was to discuss, clarify and reach agreement where possible on issues raised in expert evidence of planning witnesses, and in questioning during the Hearing as these related to the proposed plan change provisions.
5. The scope of issues covered at the meetings was therefore in relation to the proposed plan change provisions for PPC49.
6. Attendees at the 10 December meeting were:
  - a. Kathryn Hooper - Planner for the applicant
  - b. Hamish Wesney - NPDC Planner
  - c. Sarah Mako – Te Kotahitanga o Te Atiawa (TKOTA) Planner
  - d. Richard Bain - Landscape architect for the applicant
  - e. Theresa Wilcox - Submitter
7. Attendees at the 15 December meeting were:
  - a. Kathryn Hooper - Planner for the applicant
  - b. Hamish Wesney - NPDC Planner
  - c. Charles Horrell - NPDC Planner
  - d. Sarah Mako - TKOTA Planner

8. Mr Bain was present at the 10 December meeting to document changes to the proposed structure plan that were agreed to by the planners. His amended structure plan was discussed at the second meeting where it was reviewed and no further amendments deemed necessary. This amended structure plan is attached as "**Attachment 2**", and is incorporated into the plan change provisions ('**Attachment 3**') at Figure 1.
9. Ms Wilcox was also present at the 10 December 2020 meeting and provided input into the proposed plan change provisions as a submitter. Her input has been incorporated into the structure plan and provisions as follows;
  - a. Southernmost access point shifted slightly north along Raleigh Street so as to be opposite the shed on the Wilcox property, as opposed to the dwelling;
  - b. Additional wording referring to 'no-complaints covenants' in the plan change provisions, specifically Policy 23.11(f) and Rule OL60H;
  - c. Road Frontage lots (Lots facing Raleigh Street) are to have a minimum frontage width of 20m, and this requirement is incorporated into Rule OL60H (new controlled matter 6). This requirement will effectively limit the number of sections and dwellings along this frontage.
10. We also record we received verbal comments from the Applicant's and NPDC's 3-waters engineer responding to our questions arising during conferencing. We have relied upon and recorded these comments where they assisted our discussions and we have referenced them in this JWS.
11. Prior to discussing the provisions for PPC49 on 10 December the Mission Estate provisions and structure plan in the City of Napier District Plan that had been referenced by Commissioner Daysh was discussed. Ms Mako acknowledged the benefits of the framework particularly in relation to cultural matters; however, noted it was difficult to apply to an already fully developed proposal that had not had the benefit of cultural expertise to inform it. It was agreed that the Mission Estate site and context and effects arising from subdivision and development could potentially be significantly more complex than the site at 2 Johnston Street, and the framework would be difficult to incorporate into the framework of the Operative New Plymouth District Plan

(ONPDP). It was agreed to proceed with the framework as presented in the original plan change request which was consistent with the existing framework in the ONPDP.

12. All experts in this conferencing confirm that they have read, understood, and agree to abide by the Environment Court's Practice Note 2014, including Appendix 3 – Protocol for Expert Witness Conferences.
13. The output from these meetings is:
  - a. A revised Structure Plan, '**Attachment 2**'.
  - b. A revised set of provisions, '**Attachment 3**'.

## **STRUCTURE PLAN**

### **A. TKOTA ALTERNATIVE STRUCTURE PLAN**

14. Ms Mako tabled an alternative structure plan which has been prepared from a cultural perspective at the 10 December meeting. This plan is hand drawn, and Ms Mako acknowledged it had not been prepared or informed by other considerations or technical expertise such as traffic, landscape, visual effects, open space, 3 waters, rural/urban interface and connectivity internally and externally. This plan is attached as '**Attachment 1**'. Key elements of this plan are noted as follows;
  - a. Single crossing point for transport and services over the Mangaiti and an alternative road layout;
  - b. Concept of minimum level of native planting coverage within each allotment (e.g. 10%) introduced (green dashes);
  - c. Concept of smaller stormwater detention opportunities within open space/road areas as opposed to one large area;
  - d. The necessity for any stormwater/infrastructure established in early stages of the development to be able to take into account the requirements of later stages of the development.
15. The request for a single crossing of the Mangaiti for services and transport was discussed. NPDC and the Applicant were unable to agree to this request, due to;

- a. Need to integrate the design with other considerations for the Structure Plan, such as traffic, landscape, visual effects, open space, 3 waters, rural/urban interface and connectivity internally and externally;
- b. The reasons for restricting a road connection to Johnson Street were discussed (those being the result of consultation with residents on Johnson Street early in the structure plan design to that effect). Concerns about the potential to create a 'large cul-de-sac' from a transport and community living/design perspective. Also, a single long access road is not ideal from a resilience perspective, such as entering/exiting the site in the event of an emergency. These concerns were raised by Mr Bain from a community living/design perspective, and reiterated by the applicant's transportation expert Mr Georgeson from a transport perspective when questioned at the hearing about alternative road configurations. Weighing up the planning reasons to restrict a link to Johnson Street against the planning reasons why the number of crossings which traverse Mangaiti has not yet occurred;
- c. Concerns about whether the wastewater system can effectively and efficiently operate with a single crossing point. Between the first and second meetings the Applicant's Planner (Ms Hooper) discussed this proposition with the Applicant's 3-waters engineer (Mr Matangi) who advised that while it might be technically feasible to design an option to create one crossing point, this design could potentially limit the number of lots on the western side of the Mangaiti due to the restrictions it would place on fall. Mr Matangi suggested that there are options to ensure that the pipes are designed to prevent spills to the waterway which can be discussed at the detailed design stage, and noted that placement of the pipework within a culvert crossing, formed from engineered fill, is likely the 'safest' option for the pipe. Following the second meeting, NPDC's planner (Mr Horrell) discussed this matter with the NPDC's 3-waters engineer (Mr Pool) who concurred with Mr Matangi's advice, and that NPDC also generally seek to minimise 3-water pipe infrastructure crossing waterbodies. Mr Pool advised this matter would be assessed at part of the detailed design phase.
- d. The Applicant and NPDC planners agreed that the Operative District Plan and proposed plan change provisions will require that any design takes into account the entire development.

16. The requirement for a minimum level of planting was discussed between the planners. TKOTA proposed this provision as an example of how the cultural narrative could be expressed through the development, with the intention that this apply on all land within the development area, including the future privately owned lots to be created. Planners for NPDC and the Applicant did not support this proposition as it is unknown what and how the cultural narratives would apply within the privately owned lots – in the absence of this information, the costs and benefits of this requirement cannot be evaluated.
17. TKOTA further comment that though the cost and benefits of this requirement cannot be evaluated and this is noted, it is not clear to them why a different planning approach is being taken for a cultural narrative to that of other narratives or character type provisions currently utilised in development around the District. Mr Bain at the 10 December meeting gave an example of the 'equine area' in the Wairau Road, Oakura development. <sup>1</sup>
18. However, within the public areas (Open Space, Roads) this requirement could be applied, as it has been done elsewhere and there is already provision within the rules.
19. Ms Hooper also raised the concern that access/crossing point shown on the TKOTA Structure plan is potentially through the area which could be a natural wetland under the National Policy Statement for Freshwater Management. Ms Mako advised there was flexibility in relation to the Mangaiti crossing location.
20. Ms Mako maintains the position presented in her evidence in relation to the formation of the structure plan, specifically in relation to the structure plan not being informed by cultural expertise.

## **B. UPDATES TO ORIGINAL STRUCTURE PLAN**

21. Changes to the Structure Plan (compared to that tabled by Mr Bain in his hearing evidence) have been made as follows:

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1. <sup>1</sup> PPC18/000048 - Private Plan Change 48 Wairau Road, Oakura Rezoning. Note: this application was declined.

- a. Relocation of the southern access onto Raleigh St slightly to the North to be in line with Ms Wilcox's shed as opposed to being in line with her dwelling – acknowledged the precise location of this access point would need to comply with the relevant road design standards which would be determined at the subdivision consent stage.
- b. Additional reserve/open space added where the Open Space/Reserve connects with Johnston Street to address the concern raised by Ms Davies (NPDC Open Space Planner) - this area will be 20 m wide at this point (also annotated on the structure plan face).
- c. Group planting - it was noted that the group planting concept will result in significant planting on road reserve that NPDC will need to maintain. However given the request is from the NPDC, the following changes have been made;
  - i. Areas for group planting have been provided for on the structure plan along Raleigh Street.
  - ii. A specific area of planting has been allowed for adjacent to Ms Wilcox's dwelling to reduce impacts on her amenity and outlook.
  - iii. The footpath location has been shifted further towards the carriageway on Raleigh St to allow space for group planting and services within the road reserve.
- d. A change of wording from 'Walkway' to 'Pathway' has been made to indicate that the pathway is for use by all types of active transport modes.
- e. The Structure Plan Key has been updated.

## PROPOSED PROVISIONS

22. The table in '**Attachment 3**' documents the proposed plan change provisions and is the output from this conferencing. Our starting point were the provisions attached to the NPDC Planners s42A Addendum report, which the NPDC planners had updated to reflect discussions at the hearing. All plan change provisions were discussed during caucusing.
23. The relevant objectives from the Operative District Plan were added to the start of the plan change provisions document for ease of reference and context purposes only. In addition, the Policies and Rules sections were re-ordered, with the Policies moved before the Rules.

24. For the proposed Policies, Reasons and Methods, these have been tabulated. The first row documents the plan change provision which parties agree/disagree with, and the row beneath records the agreement/disagreement. If there was disagreement, this second row contains the alternative wording sought by any party.
25. For the proposed rules, the table records beneath the rule number in the left hand 'Rule' column which parties agree to the rule in that row of the table. Where a party disagrees, their desired wording for the rule is provided beneath, with the amendments sought.
26. Where deemed necessary, particularly where all three parties have proposed different wording (as with proposed rule OL60H), comments are provided.

## **FINAL NOTES**

27. We note we have reached agreement on the majority of matters with the proposed plan change provisions. There are limited matters where we did not reach agreement and these are documented in Attachment 3 and summarised below.
28. The key area of disagreement was how the provisions of the plan change/structure plan were able to avoid, remedy or mitigate the potential adverse cultural effects set out in the CIA. A cultural narrative is one method through which the resulting built form of the development is able to recognise the relationship of mana whenua with this area, noting the significance of the area associated with Pekapeka. Due to those factors set out in evidence regarding timing, a cultural narrative plan is not yet developed. Ensuring there are appropriate rule triggers and scope within rules to consider the cultural narrative plan is problematic given this is not yet known; this is acknowledged by all planners.
29. Alternative consent pathways for subdivision with respect to proposed rule OL60H in light of this disagreement are set out in Attachment 3.
30. The planners for the Applicant and NPDC consider that a restricted discretionary status is appropriate for both land use and subdivision where the



activity does not meet the permitted or controlled standards, and consider that a comprehensive suite of matters of discretion for each rule relating to the effects is provided. Under the framework provided, specific works (and associated rules) have specific effects to be assessed.

31. TKOTA disagree with the use of restricted discretionary activity status for subdivision activities (where controlled activity status is not met) within the subject site (proposed rules OL60H, OL60O, OL60P and OL60Q). They consider that this is a departure from current subdivision in the District under the Operative District Plan, except for in the Rural Environment Area and the Proposed District Plan provisions. The structure plan and provisions have been developed in the absence of cultural expertise. More detailed reasons are provided in the comments on the provisions attached.

32. The other areas of disagreement included;

- a. The request of TKOTA to restrict the development to only one crossing point of the Mangaiti for traffic and infrastructure. While this outcome can be encouraged, there is not enough information to be able to commit to this at this time. NPDC and the applicant's planners have agreed on wording which will promote this outcome, but allow some flexibility if this outcome would result in significant adverse effects or not achieve other outcomes – for example, landscape, transport, 3-waters.
- b. The need for a rule specifically restricting earthworks on the subject site. TKOTA seek this rule be included. The planners for NPDC and the Applicant do not agree. More detailed reasons are provided in the comments on the provisions attached.

Date: 22 December 2020



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Sarah Mako (TKOTA)



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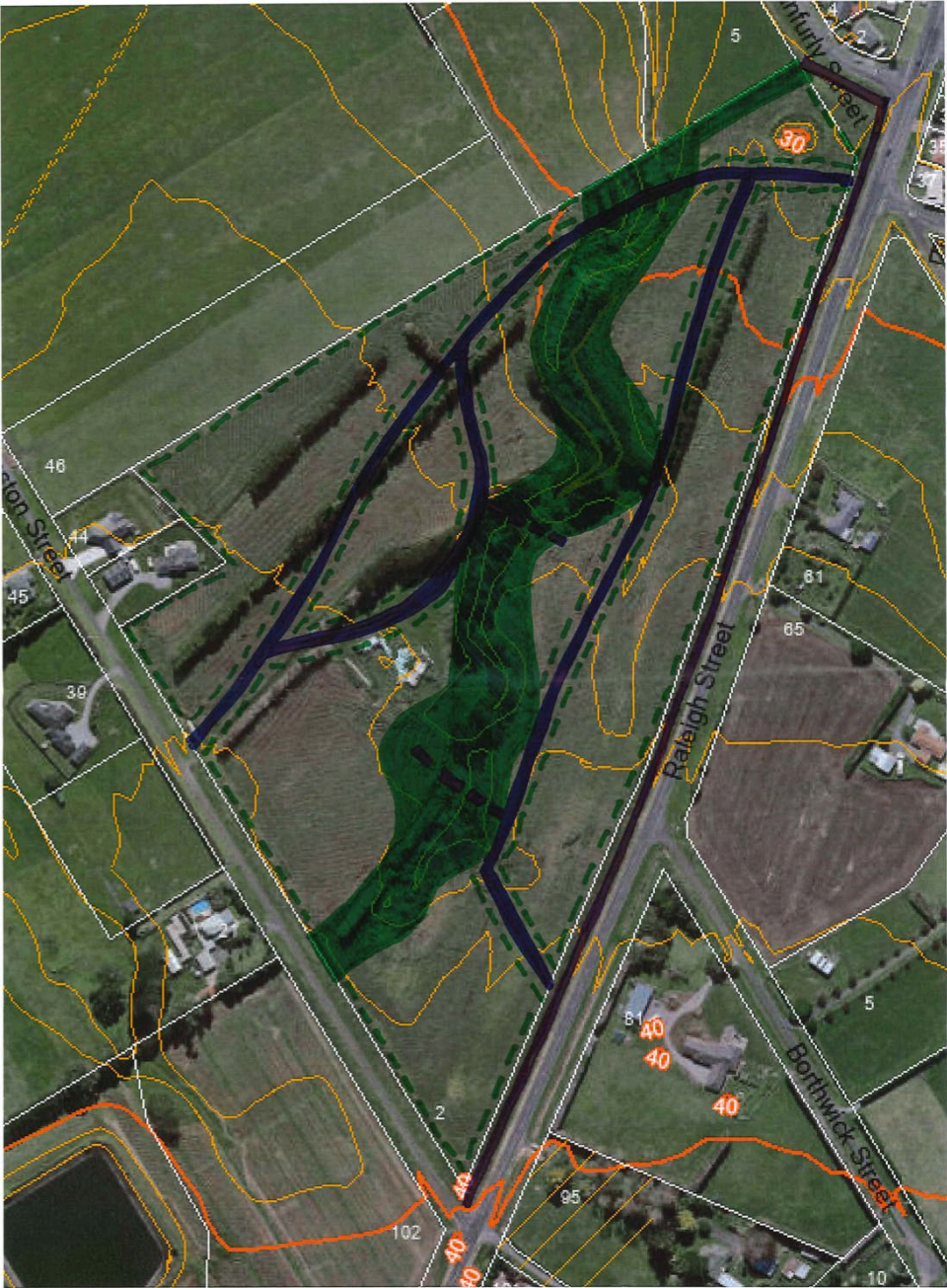
Kathryn Hooper (Applicant)



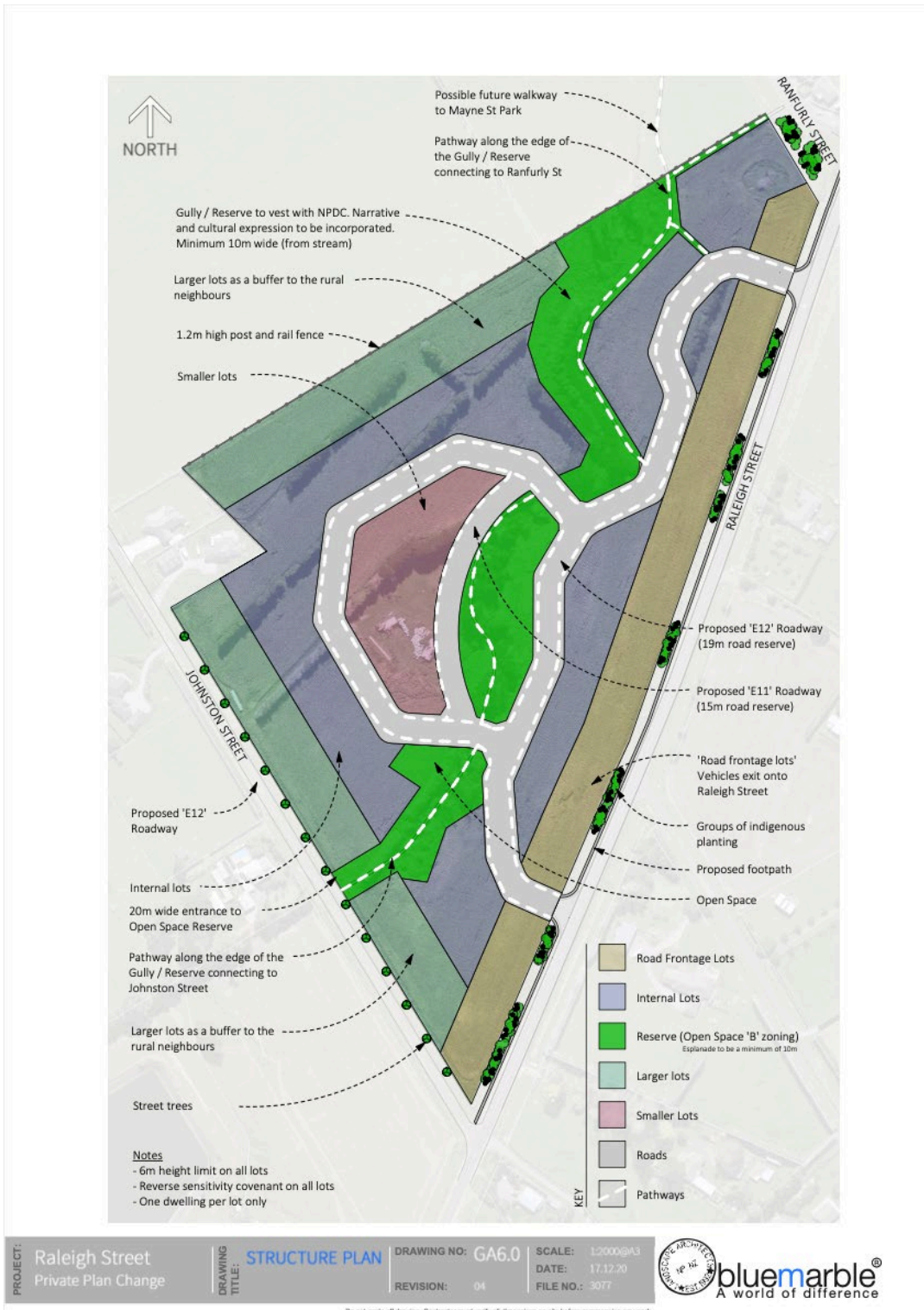
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Hamish Wesney (NPDC)

Attachment 1 - TKOTA Alternative Structure Plan



# Attachment 2 - Revised Structure Plan



**Attachment 3 - Proposed Provisions, annotating areas of agreement and disagreement between planning witnesses**

## **Operative New Plymouth District Plan Objectives**

Included for context reasons only – not part of Plan Change

**Objective 5:** *To maintain and enhance the character and coherence of the urban areas of the New Plymouth District.*

**Objective 6:** *To ensure:*

- *sufficient space is available to protect residential amenity.*
- *visual and aural amenity is protected.*
- *traffic generation is consistent with the character of the residential area.*

**Objective 8:** *To recognise and provide for differing open space requirements in the district in an integrated manner that ensures the character of open space areas are maintained.*

**Objective 11:** *To recognise the district's heritage resources, provide for their protection and promote their enhancement.*

**Objective 12:** *To avoid or mitigate any actual or potential adverse effects of natural hazards on people, property and the environment.*

**Objective 13:** *To ensure that land use activities do not increase the likelihood or magnitude of natural hazard events.*

**Objective 14:** *To preserve and enhance the natural character of the coastal environment, wetlands, and lakes and rivers and their margins.*

**Objective 18:** *To maintain and enhance public access to and along the coast, lakes and rivers.*

**Objective 19:** *To recognise and provide for the cultural and spiritual values of tangata whenua in all aspects of resource management in the district in a manner which respects and accommodates tikanga Maori.*

**Objective 20:** *To ensure that the road transportation network will be able to operate safely and efficiently.*

**Objective 22:** *To avoid the adverse effects of subdivision, use and development by ensuring appropriate and sufficient infrastructure, community facilities and new areas of open space are provided.*

**Objective 23:** *That land identified for future urban use is comprehensively planned to facilitate an integrated approach to land development while addressing site specific issues to provide for accessible, connected, efficient, liveable communities and coherent urban spaces.*

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

**Black - previous version, agreed by all parties**

**Provision**

**Policy 23.10A Waitara – Area D Overall - Applicant and NPDC Option**

To enable the development of land identified in Waitara – Area D in accordance with the Structure Plan that:

- (a) Recognises that the site is located within Pekapeka which is a cultural landscape of national significance
- (b) Protects Historic Heritage
- (c) Facilitates an active relationship between the community and the Mangaiti through the provision of the Open Space Area and pathways
- (d) Avoids or mitigates the adverse effects of flooding and stormwater, including managing the effects of the associated flood hazard avoidance or mitigation measures
- (e) Protects and enhances the natural processes and ecological function of the Mangaiti, with sensitive integration of the stormwater design, open space, cultural and recreational outcomes
- (f) Carries out stormwater management in an integrated manner that incorporates water sensitive design principles and practices in the Mangaiti/McNaughton catchment.
- (g) Protects the Mangaiti by ensuring the number of crossing points for 3-waters infrastructure and vehicular access are minimised;**
- (h) Provides for the relationship of tangata whenua with their culture, traditions, ancestral lands, waterbodies, sites, areas and other taonga of significance to Māori
- (i) Provides for and creates transport and open space networks which are sustainable, efficient and connected both internally and externally
- (j) Minimises incompatibility with adjoining rural environment
- (k) Provides for an integrated extension of the urban boundary and contributes towards the district’s short-term residential growth

**Policy 23.10A Waitara – Area D Overall - TKOTA Option**

To enable the development of land identified in Waitara – Area D in accordance with the Structure Plan that:

- (a) Recognises that the site is located within Pekapeka which is a cultural landscape of national significance
- (b) Protects Historic Heritage
- (c) Facilitates an active relationship between the community and the Mangaiti through the provision of the Open Space Area and pathways
- (d) Avoids or mitigates the adverse effects of flooding and stormwater, including managing the effects of the associated flood hazard avoidance or mitigation measures
- (e) Protects and enhances the natural processes and ecological function of the Mangaiti, with sensitive integration of the stormwater design, open space, cultural and recreational outcomes

- (f) Carries out stormwater management in an integrated manner that incorporates water sensitive design principles and practices in the Mangaiti/McNaughton catchment.
- (g) Protects the Mangaiti by ensuring a single crossing point for vehicular access and the reticulated wastewater network**
- (h) Provides for the relationship of tangata whenua with their culture, traditions, ancestral lands, waterbodies, sites, areas and other taonga of significance to Māori
- (i) Provides for and creates transport and open space networks which are sustainable, efficient and connected both internally and externally
- (j) Minimises incompatibility with adjoining rural environment
- (k) Provides for an integrated extension of the urban boundary and contributes towards the district's short-term residential growth

*Two options are given for this policy;*

*Clause of contention highlighted in green*

*NPDC and Applicant option reflects the design in the current structure plan. It is noted this structure plan was developed in the absence of cultural expertise, including with respect to Te Mana o te Wai.*

*TKOTA*

- *Recommend a single crossing point for wastewater and roading/vehicles [a second for pedestrian/cycle access is OK]*

*The above are achieved with the TKOTA structure plan, but it is noted that the TKOTA plan has not benefited from any other technical expertise including transport, infrastructure etc. If the Commissioners preferred the TKOTA option for Policy 23.10A, the Structure Plan would need to be redrawn with input from other technical specialists. Redrawing the Structure Plan to achieve a single crossing point may result in some consequential amendments to other plan provisions or elements on the 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 and contribute to restoration of the Mangaiti, by requiring a system that:

- (a) ensures the maximum discharge flow rate up to a 1% AEP event does not exceed the predevelopment 10% AEP discharge flow rate;
- (b) protects and enhances natural processes and ecological function of the Mangaiti;
- (c) aligns with any future catchment management strategy by reducing flooding within the Mangaiti/McNaughton Catchment and improving water quality;
- (d) maintains and enhances the natural character and amenity values;
- (e) protects the cultural and spiritual values of TANGATA WHENUA; and
- (f) integrates with and achieves the outcomes for transportation and open space/reserve areas.

*Agreed by all 10/12*

**Reasons 23.10**



The Mangaiti 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, a site and area of significance to Manukorihi and Otaraua Hapū. Because of its undulating topography, soils, climate and relatively small catchment size, the Mangaiti can be prone to surface flooding during medium to large scale storm events. Subdivision, and the resulting land uses, can increase the amount of impermeable surfaces within a catchment, increasing levels of stormwater runoff and the potential for flooding. Therefore, when undertaking a subdivision of land, it is important that the stormwater is managed to best practice to as far as practical to avoid additional flooding. This outcome is achieved by ensuring that the stormwater system installed achieves hydraulic neutrality.

Direct stormwater discharges to a waterway can cause adverse effects on its natural processes and ecological function. An increase in stormwater discharge could contaminate the waterway or result in the growth of nuisance weeds. Te Atiawa Iwi, Manukorihi Hapū and Otaraua Hapū have concerns over additional stormwater entering the Mangaiti and polluting and damaging it. A solution for this is to have the stormwater discharged into low impact stormwater systems. Low impact design approaches to stormwater management can be simple and effective tools that ensure potential adverse effects on people, property and infrastructure is minimised. If stormwater is discharged into a low impact stormwater system this will ensure that additional stormwater entering the Mangaiti will have a positive effect on the health of the Mangaiti and aims to enhance water quality.

Waitara is the subject of a number of stormwater management projects. Future stormwater management projects for the Mangaiti/McNaughton 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 along with giving effect to Te Mana o Te Wai.

The Mangaiti is of cultural, traditional, spiritual and historical significance to Te Atiawa Iwi, Manukorihi Hapū and Otaraua Hapū. Stormwater discharges and modification of the stream function can adversely affect those cultural, traditional, spiritual and historical values. This policy requires consideration to be given to protecting those values.

In designing and implementing the stormwater management system, it is important it integrates with outcomes for the transportation and open space/reserve areas. This integration would ensure the long-term sustainable use and development of the land, including the open space/reserve areas.

*Agreed by all 10/12*

#### **Method of Implementation**

NZS4404:2010 Land Development and Subdivision is to be followed beginning with section 4.3.7.

Rule OL600 allows for the use of low impact systems as a controlled activity, and if unable to meet the controlled standards, the activity will be discretionary.

*Agreed by all 10/12*

#### **Policy 23.10B Mangaiti Stream**

**To restore the health of the Mangaiti by;**

- (a) Providing for the active relationship of Tangata Whenua through the provision of access and customary activities**
- (b) Engagement of mātauranga Maori**
- (c) Management and protection of the cultural and spiritual values of the Mangaiti.**

#### **Reasons 23.10B**

It has been acknowledged that there is an expectation to restore the health of the Mangaiti. Restoring the Mangaiti will give effect to Te Mana o te Wai. Engaging Tangata Whenua is required to ensure Te Mana o te Wai, and the ability to exercise kaitiakitanga is given effect to.

**Methods 23.10B**

As per Policies 23.10 & 23.14

*New policy, Reasons and Methods, agreed by all on 10/12*

**Policy 23.11 Buildings and structures within Waitara - Area D - Applicant & NPDC OPTION**

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

- Ensuring cultural narratives are reinscribed in the public environment (roads and open space/reserve areas) through language, technology, design and public art.
- Location and design of road layout
- Maximising passive solar design opportunities
- 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.
- Mitigating the effects of reverse sensitivity.

**Policy 23.11 Buildings and structures within Waitara - Area D TKOTA OPTION**

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

- Ensuring cultural narratives are reinscribed in the environment through language, technology, design and public art.
- Incorporating rainwater collection systems and greywater recycling systems
- Location and design of road layout
- Maximising passive solar design opportunities
- 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.

Mitigating the effects of reverse sensitivity.

*Two options given for this Policy.*

*Clauses of contention highlighted in Green*

*NPDC & Applicant Option - agree to this policy for the PUBLIC areas only as it is unknown what and how the cultural narratives would apply within the private lots. In the absence of information on the cultural narratives, have not been able to evaluate the benefits, costs, effectiveness or efficiency of this requested policy provision from TKOTA outside of the public areas to achieve Objective 19. Similarly, no details on the requirements for rainwater collection and greywater recycling systems, therefore unable to evaluate the benefits, costs, effectiveness or efficiency of this requested policy provision from TKOTA, and determine if it is most appropriate to achieve Objectives 19, 22 and 23.*

*TKOTA Option – The legibility of a development relies upon features/attributes that may be located on future public, or private areas. It is not uncommon to secure specific design features throughout a development to ensure a particular environment, character or built form subsequent to subdivision (often through section 221 of the Resource Management Act 1991 consent notices at time of subdivision). There are numerous examples of this throughout the District; albeit for characteristics/cultures other than mana whenua. In all instances these specific features were not known prior subdivision of the land and were typically recommended by a landscape architect; it is not clear why this approach cannot be applied in this instance with respect to cultural expertise.*

*Ensuring the policy direction with respect to a cultural narrative is sufficiently broad to enable those considerations through the subdivision process is required (particularly where this gives effect to the relationship of mana whenua with their ancestral lands). Therefore TKOTA do not consider the word 'public' in the context of the policy is appropriate and should be removed.*

*Rainwater collection and greywater recycling should be covered.*

#### **Reasons 23.11**

The Waitara - Area D Structure Plan area has been developed to avoid effects, though the design has not benefited from cultural expertise **and therefore there remains a cultural effect**. 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 be expressed either through the Waitara - Area D Structure Plan layout and which are not covered by existing rules.

Cultural expression is enabled via the cultural narrative plan to reflect the significance of the Pekapeka Block as a cultural landscape of National Importance and the significance of the Mangaiti.

Policy 23.11 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.

#### *Comments:*

*The text highlighted green is not agreed to by the applicant. The applicant seek that this is removed as there are provisions proposed that will make sure cultural expertise is appropriately sought and incorporated, and there is concern that this pre-empts the commissioners decision.*

*It is noted that either option of this Reason will work for both versions of policy 23.11 that have been put forward.*

#### **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 built form in front yards and within landscape buffers, and reflecting reverse sensitivity concerns via no complaints provisions.
- g) Development of a cultural narrative plan for the public areas (roads and open space/reserves) of the development.

*Clause f) Retained to address concerns of T Wilcox.*

*Disagreement on clause g.*

*Clause g) Wording highlighted green is Applicant preference so this applies for the public areas of the development, but not the private areas. Concern over how this would be enforced and implemented on private areas as per previous comments on Policy 23.11.*

*TKOTA comments on this policy are the same as those above for Policy 23.11.*

**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 and cultural effects.

*Agreed by all 10/12*

**Reasons 23.12**

In order to ensure that likely changes in topography appear natural over time, cut and fill batters should be battered at a gradient to match gently and smoothly into existing contours.

*Agreed by all 10/12*

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

To avoid additional traffic generation effects at the intersection of Raleigh Street with State Highway 3 prior to the physical completion and operation of safety upgrades as a result of development within the **Waitara -Area D** structure plan area.

*Agreed by all 10/12*

**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**.

*Agreed by all 10/12*

#### **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 the Raleigh Street and State Highway 3 intersection via an Integrated Transport Assessment-

*Agreed by all 10/12 - Care taken not to modify this given Waka Kotahi have supported this wording.*

#### **Policy 23.14 Recognise that only Manukorihi and Otaraua hapū can identify their values and interests in Waitara-Area D.**

**Policy 23.14A To ensure Manukorihi and Otaraua hapū are able to exercise kaitiakitanga through the ongoing development and land use within Waitara-Area D.**

*NEW policy wording Agreed by all 10/12*

#### **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 address sections 6 (a), (d), (e) and (f); 7(a), (b), (c), (f); and 8 of the Act.

To provide for the relationship of Manukorihi and Otaraua Hapū with their ancestral lands, waters and sites and the ability of Manukorihi and Otaraua Hapū to exercise kaitiakitanga, and recognise;

- Their relationship with their culture and traditions with their ancestral lands, waters, sites and wāhi tapu and other taonga;
- The historic and contemporary cultural context/landscape this development is set within including the Pekapeka block; and,
- The connection of urban development and the narratives of the cultural landscape.

A Cultural Impact Assessment (CIA) has been prepared by Manukorihi and Otaraua Hapū and provides direction and information about the cultural values and significance of this land.

*Agreed by all 10/12*

#### **Methods of Implementation 23.14**

- a) Inclusion of matters of control and discretion within the rules that provide for the development of a cultural narrative to inform the development
- b) Ensure policy and rule framework manages the quantity and quality of stormwater and potential effects on the Mangaiti, and requirements 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,

- e) Provision to manage earthworks
- f) Provision for cultural monitoring of subsequent subdivision and development
- g) Provisions for adaptive management within the rule framework, requiring detail on how amendments to the design of the development will occur in the event there is an unrecorded archaeological find.

*Agreed by all 10/12*

Update the Cross reference matrix: Polices to Rules at the end of the Management Strategy chapter of the Operative District Plan

*Agreed by all 10/12*

**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 (December 22 2020)**

**Rule Table Header**

TKOTA seek that any subdivision activities that do not meet the controlled standards are Fully Discretionary. This is a departure from current subdivision in the District under the Operative District Plan, except for in the Rural Environment Area and a departure from the Proposed District Plan provisions. The structure plan and provisions have been developed in the absence of cultural expertise. The following rule table header would provide for this within the current ONPDP framework.

Rule Number	Parameter	Conditions Permitted	Standards and terms	Matters over which control is reserved	Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters <u>for land use consents</u>
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NPDC and applicant consider restricted discretionary is appropriate for both land use and subdivision where the permitted or controlled standards are not met, as a comprehensive suite of matters of discretion for each rule relating to the effects is provided. Specific works (and associated rules) have specific effects to be assessed. Accordingly, the rule table header below would allow for this.

Rule Number	Parameter	Conditions Permitted	Standards and terms	Matters over which control is reserved	Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters
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Both alternatives for the rule table header are provided in the following rules table.

<b>NPDC &amp; Applicant Rule Header (all activities Restricted Discretionary if unable to meet permitted/controlled standards)</b>						
<b>Rule Number</b>	<b>Parameter</b>	<b>Conditions Permitted</b>	<b>Standards and terms Controlled</b>	<b>Discretionary</b>	<b>Matters over which control is reserved</b>	<b>Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters</b>
<b>TKOTA Rule Header (Land use consents restricted discretionary if unable to meet permitted or controlled standards, Subdivision Consents fully discretionary if unable to meet permitted or controlled standards).</b>						
<b>Rule Number</b>	<b>Parameter</b>	<b>Conditions Permitted</b>	<b>Standards and terms</b>		<b>Matters over which control is reserved</b>	<b>Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters for land use consents</b>
<b>Waitara – Area D Structure Plan</b>						
OL60H NPDC	Development and subdivision within the <b>Waitara – Area D</b> structure plan in Appendix 33	1) Development that is undertaken as part of any subdivision that has already been approved in accordance with the <b>Waitara – Area D</b> structure plan in Appendix 33; or 2) Where subdivision has not been undertaken the erection of <b>STRUCTURES</b> and <b>BUILDINGS</b> and associated development	1) Subdivision shall be in accordance with the <b>Waitara – Area D</b> structure plan in Appendix 33. <sup>1</sup>  2) Minimum ALLOTMENT size within the <b>Waitara – Area D</b> structure plan in Appendix 33 is: a) 350m <sup>2</sup> within the area marked ‘small lots’; or b) 500m <sup>2</sup> across the remainder of the Waitara Area D Structure Plan  3) Minimum average ALLOTMENT size within the <b>Waitara – Area D</b> structure plan in Appendix 33 applies to the areas identified on the Structure Plan as follows: a) Raleigh Street Road Frontage Lots: 660m <sup>2</sup> . b) Larger Lots Adjoining Johnston Street and Rural Area: 1,000m <sup>2</sup> .	1) Does not meet the conditions for a permitted activity or standards and terms for a controlled activity  2) Subdivision prior to the physical completion and operation of the upgrade of the intersection of Tate Road/State Highway 3 and closure of the Raleigh Street/State	Matters of control as for rules Res54-64 as they apply to the <b>RESIDENTIAL A ENVIRONMENT AREA</b> ; and,  a) Procedures to be followed if artefacts are discovered including the provision of an opportunity for on-site monitoring by Tangata Whenua during excavation within the area identified as Open Space B b) Provision for adaptive	<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

<sup>1</sup> Note: The underlying zoning for the Waitara Area-D Structure Plan will be Residential A and Open Space B.



<b>NPDC &amp; Applicant Rule Header (all activities Restricted Discretionary if unable to meet permitted/controlled standards)</b>						
<b>Rule Number</b>	<b>Parameter</b>	<b>Conditions Permitted</b>	<b>Standards and terms Controlled</b>	<b>Discretionary</b>	<b>Matters over which control is reserved</b>	<b>Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters</b>
<b>TKOTA Rule Header (Land use consents restricted discretionary if unable to meet permitted or controlled standards, Subdivision Consents fully discretionary if unable to meet permitted or controlled standards).</b>						
<b>Rule Number</b>	<b>Parameter</b>	<b>Conditions Permitted</b>	<b>Standards and terms</b>		<b>Matters over which control is reserved</b>	<b>Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters for land use consents</b>
		work that is in accordance with the <b>Waitara – Area D</b> Structure Plan and meets OL60I to OL60P and other applicable overlay and Environment Area rules	<p>4) A footpath on the western side of Raleigh Street extending from Johnston Street to Ranfurly Street</p> <p>5) Widening of Johnston Street to 5.5 m sealed width from the intersection with Raleigh Street for the entire road frontage length of Waitara Area D structure plan area.</p> <p>6) Road Frontage Lots on Raleigh Street to have a minimum ROAD FRONTAGE width of 20m.</p> <p>7) Roads to vest are as shown in the structure plan.</p>	<p>Highway 3 intersection.</p> <p>3) Subdivision where the speed restriction on Raleigh Street between the Waitara and Johnston Street intersection is more than 50 km/hr.</p>	<p>management in the event of the discovery of previously unrecorded archaeological remains;</p> <p>c) Design of planting and landscaping;</p> <p>d) Methods to mitigate effects of , reverse sensitivity with the surrounding rural zone, including the use of no-complaints covenants;</p> <p>e) Provision for the development of environmental health indicators for the Mangaiti which benefit from mātauranga Māori and</p>	<p>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.</p> <p>b) The degree to which infrastructure provisions are co-ordinated within the <b>Waitara – Area D</b> structure plan area.</p> <p>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.</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>

NPDC & Applicant Rule Header (all activities Restricted Discretionary if unable to meet permitted/controlled standards)						
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
TKOTA Rule Header (Land use consents restricted discretionary if unable to meet permitted or controlled standards, Subdivision Consents fully discretionary if unable to meet permitted or controlled standards).						
Rule Number	Parameter	Conditions Permitted	Standards and terms		Matters over which control is reserved	Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters for land use consents
					measures to apply adaptive management to respond to the findings of the monitoring; 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. g) Measures to reduce the impact of glare on occupants of the dwelling at 81 Raleigh Street	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 the activity achieves public access along the Mangaiti. g) The extent to which the design/layout of the INDICATIVE ROADING NETWORK and the Open Space area is integrated. h) Protection of the Mangaiti and its margins is achieved.

<b>NPDC &amp; Applicant Rule Header (all activities Restricted Discretionary if unable to meet permitted/controlled standards)</b>						
<b>Rule Number</b>	<b>Parameter</b>	<b>Conditions Permitted</b>	<b>Standards and terms Controlled</b>	<b>Discretionary</b>	<b>Matters over which control is reserved</b>	<b>Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters</b>
<b>TKOTA Rule Header (Land use consents restricted discretionary if unable to meet permitted or controlled standards, Subdivision Consents fully discretionary if unable to meet permitted or controlled standards).</b>						
<b>Rule Number</b>	<b>Parameter</b>	<b>Conditions Permitted</b>	<b>Standards and terms</b>		<b>Matters over which control is reserved</b>	<b>Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters for land use consents</b>
					from headlights from vehicles exiting the new road at the southern end onto Raleigh Street.	<p>i) Roading/pedestrian connectivity is provided.</p> <p>j) The extent to which the design of the ROAD TRANSPORTATION NETWORK considers pedestrian safety.</p> <p>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 subdivision will occur prior to physical completion and operation of the upgrade of the intersection of Tate Road/State Highway 3 and closure of the Raleigh</b></p>

<b>NPDC &amp; Applicant Rule Header (all activities Restricted Discretionary if unable to meet permitted/controlled standards)</b>						
<b>Rule Number</b>	<b>Parameter</b>	<b>Conditions Permitted</b>	<b>Standards and terms Controlled</b>	<b>Discretionary</b>	<b>Matters over which control is reserved</b>	<b>Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters</b>
<b>TKOTA Rule Header (Land use consents restricted discretionary if unable to meet permitted or controlled standards, Subdivision Consents fully discretionary if unable to meet permitted or controlled standards).</b>						
<b>Rule Number</b>	<b>Parameter</b>	<b>Conditions Permitted</b>	<b>Standards and terms</b>		<b>Matters over which control is reserved</b>	<b>Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters for land use consents</b>
						<p><b>Street/State Highway 3 intersection:</b></p> <ul style="list-style-type: none"> <li>a) the effect on the safety and efficiency of the intersection of Raleigh Street with State Highway 3;</li> <li>b) Findings of a detailed integrated transport assessment relevant to the traffic environment at the time of application; and,</li> <li>d) How feedback from Waka Kotahi has been incorporated into the integrated transport assessment prepared in (ca) above.</li> </ul> <p><b>3) Where the speed restriction on Raleigh Street between the Waitara and Johnston</b></p>

<b>NPDC &amp; Applicant Rule Header (all activities Restricted Discretionary if unable to meet permitted/controlled standards)</b>						
<b>Rule Number</b>	<b>Parameter</b>	<b>Conditions Permitted</b>	<b>Standards and terms Controlled</b>	<b>Discretionary</b>	<b>Matters over which control is reserved</b>	<b>Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters</b>
<b>TKOTA Rule Header (Land use consents restricted discretionary if unable to meet permitted or controlled standards, Subdivision Consents fully discretionary if unable to meet permitted or controlled standards).</b>						
<b>Rule Number</b>	<b>Parameter</b>	<b>Conditions Permitted</b>	<b>Standards and terms</b>		<b>Matters over which control is reserved</b>	<b>Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters for land use consents</b>
						<b>Street intersection is more than 50 km/hr:</b> a) the effect on safety and efficiency on Raleigh Street.
OL60H APPLICANT	Agree	Agree	Agree	Agree with 1) and 2) Disagreement with 3), see comments below.	Agree	Agree with 1 and 2.  Disagreement with point 3), see comments below.
<p><i>Comments:</i>  TKOTA expressed concerns that the neither of the allotment sizes align to existing ResA or ResB, and this has implications for landuse rules. The footnote is intended to provide clarity that the underlying land zoning is Residential A/Open Space B, and that the overlays are placed over top of this zoning to control specific effects in this area of the zone.</p> <p><i>TKOTA COMMENT:</i> This provision as above could work <i>if</i> there are amendments to Figure 1 Appendix 33 in line with those amendments in the TKOTA structure plan (attachment A) alongside the earthworks rule proposed as OL60Q below.</p> <p><i>In the absence of this then the TKOTA proposed wording as an alternative to OL60H is set out below.</i></p> <p><i>TKOTA are concerned that there is no ability to decline a Controlled Activity subdivision, generally no affected parties found and limited scope to actually implement some findings of a CIA (e.g. from CHI) into the design of the subdivision at the stage things are being assessed. They also noted it was difficult to see how this is implementing the policy framework (both above, and in the proposed plan) at this activity status.</i></p>						

<b>NPDC &amp; Applicant Rule Header (all activities Restricted Discretionary if unable to meet permitted/controlled standards)</b>						
<b>Rule Number</b>	<b>Parameter</b>	<b>Conditions Permitted</b>	<b>Standards and terms Controlled</b>	<b>Discretionary</b>	<b>Matters over which control is reserved</b>	<b>Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters</b>
<b>TKOTA Rule Header (Land use consents restricted discretionary if unable to meet permitted or controlled standards, Subdivision Consents fully discretionary if unable to meet permitted or controlled standards).</b>						
<b>Rule Number</b>	<b>Parameter</b>	<b>Conditions Permitted</b>	<b>Standards and terms</b>		<b>Matters over which control is reserved</b>	<b>Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters for land use consents</b>
<i>Both NPDC and the applicant consider a controlled pathway is appropriate.</i>						
OL60H TKOTA	Development and subdivision within the <b>Waitara – Area D</b> structure plan in Appendix 33	1) Development that is undertaken as part of any subdivision that has already been approved in accordance with the <b>Waitara – Area D</b> structure plan in Appendix 33; or 2) Where subdivision has not been undertaken the erection of STRUCTURES and BUILDINGS and associated development work that is in	N/A		1) Minimum Allotment size is: 1. 350m <sup>2</sup> within the area marked ‘small lots’; or 2. 500m <sup>2</sup> across the remainder of the Waitara Area D Structure Plan in Appendix 33  2) Minimum average ALLOTMENT size within the	<b>1) Where the proposed development provides for a comprehensive development and or comprehensive SUBDIVISION of the structure plan area and the environmental outcomes including the following:</b>  a) the development recognises and provides for: i) cultural values; and ii) the protection of historic heritage; and iii) the on-going relationship of mana whenua with the structure plan area. b) the degree to which the development contributes to the ecological and

NPDC & Applicant Rule Header (all activities Restricted Discretionary if unable to meet permitted/controlled standards)						
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
TKOTA Rule Header (Land use consents restricted discretionary if unable to meet permitted or controlled standards, Subdivision Consents fully discretionary if unable to meet permitted or controlled standards).						
Rule Number	Parameter	Conditions Permitted	Standards and terms		Matters over which control is reserved	Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters for land use consents
		accordance with the <b>Waitara – Area D</b> Structure Plan and meets OL60I to OL60Q and other applicable overlay and Environment Area rules		<p><b>Waitara – Area D</b> structure plan in Appendix 33 applies to the areas identified on the Structure Plan as follows:</p> <p>a) Raleigh Street Road Frontage Lots: 660m<sup>2</sup>.</p> <p>b) Larger Lots Adjoining Johnston Street and Rural Area: 1,000m<sup>2</sup>.</p> <p>3) A footpath on the western side of Raleigh Street extending from Johnston Street</p>		<p>cultural remediation of the Mangaiti.</p> <p>c) 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.</p> <p>d) The degree to which infrastructure provisions are co-ordinated within the <b>Waitara – Area D</b> structure plan area.</p> <p>e) 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.</p> <p>f) Whether the INDICATIVE ROAD network has taken into account the design/layout</p>

NPDC & Applicant Rule Header (all activities Restricted Discretionary if unable to meet permitted/controlled standards)						
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
TKOTA Rule Header (Land use consents restricted discretionary if unable to meet permitted or controlled standards, Subdivision Consents fully discretionary if unable to meet permitted or controlled standards).						
Rule Number	Parameter	Conditions Permitted	Standards and terms		Matters over which control is reserved	Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters for land use consents
				<p>to Ranfurly Street</p> <p>4) Widening of Johnston Street to 5.5 m sealed width from the intersection with Raleigh Street for the entire road frontage length of Waitara Area D structure plan area.</p> <p>5) Road Frontage Lots on Raleigh Street to have a minimum ROAD FRONTAGE width of 20m.</p>		<p>of Waitara – Area D structure plan area.</p> <p>g) 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.</p> <p>h) The degree to which the activity achieves public access along the Mangaiti.</p> <p>i) The extent to which the design/layout of the INDICATIVE ROADING NETWORK and the Open Space area is integrated.</p> <p>j) Protection of the Mangaiti and its margins is achieved.</p>



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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
TKOTA Rule Header (Land use consents restricted discretionary if unable to meet permitted or controlled standards, Subdivision Consents fully discretionary if unable to meet permitted or controlled standards).						
Rule Number	Parameter	Conditions Permitted	Standards and terms		Matters over which control is reserved	Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters for land use consents
				<p>6) Roads to vest are as shown in the structure plan.</p> <p>7) Subdivision prior to the physical completion and operation of the upgrade of the intersection of Tate Road/State Highway 3 and closure of the Raleigh Street/State Highway 3 intersection.</p> <p>9) Subdivision where the speed restriction on Raleigh Street between the</p>		<p>k) Roading/pedestrian connectivity is provided.</p> <p>l) The extent to which the design of the ROAD TRANSPORTATION NETWORK considers pedestrian safety.</p> <p><b>2) Where subdivision will occur prior to physical completion and operation of the upgrade of the intersection of Tate Road/State Highway 3 and closure of the Raleigh Street/State Highway 3 intersection:</b></p> <p>a) the effect on the safety and efficiency of the intersection of Raleigh Street with State Highway 3;</p> <p>b) Findings of a detailed integrated transport assessment relevant to the traffic environment at</p>

NPDC & Applicant Rule Header (all activities Restricted Discretionary if unable to meet permitted/controlled standards)						
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
<b>TKOTA Rule Header (Land use consents restricted discretionary if unable to meet permitted or controlled standards, Subdivision Consents fully discretionary if unable to meet permitted or controlled standards).</b>						
Rule Number	Parameter	Conditions Permitted	Standards and terms		Matters over which control is reserved	Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters for land use consents
				Waitara and Johnston Street intersection is more than 50 km/hr.		<p>the time of application; and,  d) How feedback from Waka Kotahi has been incorporated into the integrated transport assessment prepared in (ca) above.</p> <p><b>3) Where the speed restriction on Raleigh Street between the Waitara and Johnston Street intersection is more than 50 km/hr:</b></p> <p>a) the effect on safety and efficiency on Raleigh Street.</p>
<p><i>Comments:</i></p> <p><i>Three options of wording for OL60H are presented.</i></p> <p><i>NPDC and applicant are in disagreement relating to the speed limit on Raleigh Street as follows;</i></p> <ul style="list-style-type: none"> <li>- <i>NPDC's engineers consider the operational speed of Raleigh Street in this location will likely exceed the posted speed limit. Therefore, any application for subdivision or development prior to the posted speed limit for the full length of Raleigh Street for the Waitara – Area D Structure Plan should be a discretionary activity to achieve the objective of a safe and efficient transport network.</i></li> </ul>						

<b>NPDC &amp; Applicant Rule Header (all activities Restricted Discretionary if unable to meet permitted/controlled standards)</b>						
<b>Rule Number</b>	<b>Parameter</b>	<b>Conditions Permitted</b>	<b>Standards and terms Controlled</b>	<b>Discretionary</b>	<b>Matters over which control is reserved</b>	<b>Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters</b>
<b>TKOTA Rule Header (Land use consents restricted discretionary if unable to meet permitted or controlled standards, Subdivision Consents fully discretionary if unable to meet permitted or controlled standards).</b>						
<b>Rule Number</b>	<b>Parameter</b>	<b>Conditions Permitted</b>	<b>Standards and terms</b>		<b>Matters over which control is reserved</b>	<b>Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters for land use consents</b>
						<p>- Applicant's opinion is that the Northernmost intersection has been designed/located to comply with the NPDC standards in the ONPDP as applied within the posted 50 kmph zone. The road is shown as a local road at this point, and the access will comply with table 23.5 of the ONPDP.</p>
						<p>The two options for this rule reflecting each opinion for this traffic issue are provided.</p> <p>TKOTA has proposed alternative provisions for this rule and comment that on the basis that the information available to the commission with which to make a decision is incomplete in respect to cultural matters for those reasons set out in our evidence in chief and the CIA. Due to this, and the limited changes to the structure plan it is not considered that subdivision as a controlled activity is appropriate. A discretionary subdivision pathway as set out in this alternative rule, with the policy direction recommended above is considered more efficient and effective with respect to cultural matters. TKOTA note that under current ONPDP provisions, when a road is involved, or any Overlay feature (waahi tapu, etc), as well as in the Proposed District Plan (waterbodies) this would make the overall development discretionary to ensure those specific features/attributes are provided for. The applicant and NPDC are relying on several matters of control to address the adverse effects raised in the CIA and the matters of national importance including Te Mana o te Wai which is out of step with the policy framework of both operative and proposed District Plans . In practise, no parties are generally found to be potentially adversely affected for controlled activity subdivision (section 95-95E decisions), including mana whenua; this may further limit the active participation of mana whenua in subdivision consent processes for this area, compounding the limited engagement with respect to this proposal to date.</p> <p>At this point it is not clear how that proposed subdivision provision will recognise and provide for the relationship of tangata whenua with the structure plan area as:</p> <ol style="list-style-type: none"> <li>1. The fundamental issues with the structure plan remain (Figure 1 Appendix 33);</li> <li>2. Despite the additions to policy direction above, these only apply as far as they relate to specific matters of control (scope); of which Policy 23.14A would require broader application to be implemented than is possible under a controlled activity framework; and</li> <li>3. The limiting effect of the applicant's and NPDC's position with respect to Policy 23.11 above on the ability to secure site specific controls with respect to cultural matters at time of subdivision (e.g. via section 221 consent notices or similar). The ability to avoid, remedy or mitigate the actual or potential</li> </ol>

<b>NPDC &amp; Applicant Rule Header (all activities Restricted Discretionary if unable to meet permitted/controlled standards)</b>						
<b>Rule Number</b>	<b>Parameter</b>	<b>Conditions Permitted</b>	<b>Standards and terms Controlled</b>	<b>Discretionary</b>	<b>Matters over which control is reserved</b>	<b>Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters</b>
<b>TKOTA Rule Header (Land use consents restricted discretionary if unable to meet permitted or controlled standards, Subdivision Consents fully discretionary if unable to meet permitted or controlled standards).</b>						
<b>Rule Number</b>	<b>Parameter</b>	<b>Conditions Permitted</b>	<b>Standards and terms</b>		<b>Matters over which control is reserved</b>	<b>Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters for land use consents</b>
<p><i>adverse effects set out in the CIA evidence produced to date would not be able to be provided for under a the rule OL60H set out by the applicant and NPDC.</i></p> <p><i>This is compounded where TKOTA have raised concerns about the implementation of the Overlay and Zone chapter rules where it is not clear how the land use provisions are going to recognise and provide for the relationship of tangata whenua with this area. This is across the Zone and Overlay rules where we have evidence from 1998 (when the Operative District Plan was notified) through until today where there is limited, if any examples, of where we are able to point to where these rules provide for cultural matters despite the matters of national importance including clear directives to do so. TKOTA understand the Overlay zone rules take precedent; however, in this instance there is going to be a reliance on Zone and Overlay provisions to manage the effects of the development both now and in the future post subdivision.</i></p> <p><i>Applicant and NPDC: Disagrees that this proposed rule is the most appropriate to achieve the objectives in the ONPDP, specifically Objective 23 (integrated planning and design). Additional matters of control have been added to the Applicant/NPDC version of Rule OL60H to specifically address the issues and effects raised by TKOTA. To implement and assess the matters of control, further engagement with iwi and hapū would be required in processing any resource consent application under the Applicant/NPDC version of Rule OL60H. These matters of control would ensure the policies are implemented and the adverse effects are avoided, remedied or mitigated.</i></p> <p><i>Issue raised by TKOTA in relation to the ineffectiveness of the existing rules is addressed by the additional specific matters of control in the Applicant/NPDC version of Rule OL60H. This new overlay rule takes precedence over the Environment Area rules for subdivision.</i></p>						
OL60I NPDC & Applicant	Maximum Number of HABITABLE BUILDINGS on SITES within the <b>Waitara-Area D</b> Structure plan area, excluding PAPAKAINGA HOUSING.	1	n/a	More than 1	n/a	1) The extent to which the increased number of HABITABLE BUILDINGS on the SITE will have adverse effects on:

<b>NPDC &amp; Applicant Rule Header (all activities Restricted Discretionary if unable to meet permitted/controlled standards)</b>						
<b>Rule Number</b>	<b>Parameter</b>	<b>Conditions Permitted</b>	<b>Standards and terms Controlled</b>	<b>Discretionary</b>	<b>Matters over which control is reserved</b>	<b>Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters</b>
<b>TKOTA Rule Header (Land use consents restricted discretionary if unable to meet permitted or controlled standards, Subdivision Consents fully discretionary if unable to meet permitted or controlled standards).</b>						
<b>Rule Number</b>	<b>Parameter</b>	<b>Conditions Permitted</b>	<b>Standards and terms</b>		<b>Matters over which control is reserved</b>	<b>Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters for land use consents</b>
						a) the character and visual amenity of the area; the privacy and outlook of adjoining SITES; b) the ability to provide adequate outdoor living space on the SITE or the location of alternate recreation areas; c) OUTSTANDING or REGIONALLY SIGNIFICANT LANDSCAPES; and d) the natural character of the coastal environment or Mangaiti. 2) The ability to mitigate adverse effects through the use of screening, planting or alternate design.

<b>NPDC &amp; Applicant Rule Header (all activities Restricted Discretionary if unable to meet permitted/controlled standards)</b>						
<b>Rule Number</b>	<b>Parameter</b>	<b>Conditions Permitted</b>	<b>Standards and terms Controlled</b>	<b>Discretionary</b>	<b>Matters over which control is reserved</b>	<b>Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters</b>
<b>TKOTA Rule Header (Land use consents restricted discretionary if unable to meet permitted or controlled standards, Subdivision Consents fully discretionary if unable to meet permitted or controlled standards).</b>						
<b>Rule Number</b>	<b>Parameter</b>	<b>Conditions Permitted</b>	<b>Standards and terms</b>		<b>Matters over which control is reserved</b>	<b>Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters for land use consents</b>
OL60I TKOTA	Note: Wording 'excluding Papakainga Housing' added to rule at recommendation of TKOTA. Depending on the specific zoning a maximum coverage type provision may be required consistent with those for the ResA/ResB environment areas.	Agree	Agree	Agree	Agree	As above plus:  If commission accepts TKOTA option for policy 23.11 add an additional point to 1):  e) cultural values.  And add an additional matter;  3) The degree to which the increased number of HABITABLE BUILDINGS gives effect to the cultural narrative plan.
<i>Comment:</i> <i>Parties note that this rule and associated assessment criteria have not been informed by cultural expertise or a cultural narrative plan.</i>						
OL60J NPDC & Applicant	Maximum HEIGHT of BUILDINGS on SITES within the Waitara- Area D Structure plan area	6m	n/a	Greater than 6m	n/a	1) The extent to which the extra HEIGHT of the proposed BUILDING will:

<b>NPDC &amp; Applicant Rule Header (all activities Restricted Discretionary if unable to meet permitted/controlled standards)</b>						
<b>Rule Number</b>	<b>Parameter</b>	<b>Conditions Permitted</b>	<b>Standards and terms Controlled</b>	<b>Discretionary</b>	<b>Matters over which control is reserved</b>	<b>Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters</b>
<b>TKOTA Rule Header (Land use consents restricted discretionary if unable to meet permitted or controlled standards, Subdivision Consents fully discretionary if unable to meet permitted or controlled standards).</b>						
<b>Rule Number</b>	<b>Parameter</b>	<b>Conditions Permitted</b>	<b>Standards and terms</b>		<b>Matters over which control is reserved</b>	<b>Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters for land use consents</b>
						<ul style="list-style-type: none"> <li>a) adversely affect the character and visual amenity of the surrounding area;</li> <li>b) reduce privacy of adjoining SITES;</li> <li>c) have an overbearing effect on SITES within the RESIDENTIAL ENVIRONMENT AREA;</li> <li>d) adversely affect OUTSTANDING and REGIONALLY SIGNIFICANT LANDSCAPES; and</li> <li>e) adversely affect the natural character of Mangaiti.</li> </ul> <p>2) The extent to which topography, planting or set backs can mitigate the adverse effects of extra HEIGHT.</p> <p>3) The ability to mitigate adverse effects through</p>

<b>NPDC &amp; Applicant Rule Header (all activities Restricted Discretionary if unable to meet permitted/controlled standards)</b>						
<b>Rule Number</b>	<b>Parameter</b>	<b>Conditions Permitted</b>	<b>Standards and terms Controlled</b>	<b>Discretionary</b>	<b>Matters over which control is reserved</b>	<b>Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters</b>
<b>TKOTA Rule Header (Land use consents restricted discretionary if unable to meet permitted or controlled standards, Subdivision Consents fully discretionary if unable to meet permitted or controlled standards).</b>						
<b>Rule Number</b>	<b>Parameter</b>	<b>Conditions Permitted</b>	<b>Standards and terms</b>		<b>Matters over which control is reserved</b>	<b>Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters for land use consents</b>
						the use of screening, planting or alternate design.
OL60J TKOTA						<p>If commission accepts TKOTA option for policy 23.11 add an additional point to 1):</p> <p>f) Adversely affect cultural values</p> <p>And add an additional matter;</p> <p>4) The degree to which the increased HEIGHT gives effect to the cultural narrative plan.</p>
<p><i>Comment:</i> Parties note that this rule and associated assessment criteria have not been informed by cultural expertise or a cultural narrative plan.</p>						
OL60K NDPC & Applicant	Controls on roofing and exterior cladding on BUILDINGS on SITES within	1)a light reflectivity value (LRV) of 25% or	n/a	1)a light reflectivity value (LRV) of	n/a	1)The extent to which the increased LRV will:



<b>NPDC &amp; Applicant Rule Header (all activities Restricted Discretionary if unable to meet permitted/controlled standards)</b>						
<b>Rule Number</b>	<b>Parameter</b>	<b>Conditions Permitted</b>	<b>Standards and terms Controlled</b>	<b>Discretionary</b>	<b>Matters over which control is reserved</b>	<b>Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters</b>
<b>TKOTA Rule Header (Land use consents restricted discretionary if unable to meet permitted or controlled standards, Subdivision Consents fully discretionary if unable to meet permitted or controlled standards).</b>						
<b>Rule Number</b>	<b>Parameter</b>	<b>Conditions Permitted</b>	<b>Standards and terms</b>		<b>Matters over which control is reserved</b>	<b>Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters for land use consents</b>
	the Waitara- Area D Structure plan area	lesser for all roofs; and 2) a light reflectivity value (LRV) of 40% or less for all exterior cladding materials		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.		<ul style="list-style-type: none"> <li>a) adversely affect the character and visual amenity of the surrounding area; and</li> <li>b) adversely affect OUTSTANDING and REGIONALLY SIGNIFICANT LANDSCAPES;</li> <li>2) The extent to which topography, planting or set backs can mitigate the adverse effects of the increased LRV.</li> <li>3) The ability to mitigate adverse effects through the use of screening, planting or alternate design.</li> </ul>
OL60K TKOTA						<p>If commission accepts TKOTA option for policy 23.11 add an additional point to 1):</p> <ul style="list-style-type: none"> <li>c) Adversely affect cultural values.</li> </ul>

<b>NPDC &amp; Applicant Rule Header (all activities Restricted Discretionary if unable to meet permitted/controlled standards)</b>						
<b>Rule Number</b>	<b>Parameter</b>	<b>Conditions Permitted</b>	<b>Standards and terms Controlled</b>	<b>Discretionary</b>	<b>Matters over which control is reserved</b>	<b>Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters</b>
<b>TKOTA Rule Header (Land use consents restricted discretionary if unable to meet permitted or controlled standards, Subdivision Consents fully discretionary if unable to meet permitted or controlled standards).</b>						
<b>Rule Number</b>	<b>Parameter</b>	<b>Conditions Permitted</b>	<b>Standards and terms</b>		<b>Matters over which control is reserved</b>	<b>Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters for land use consents</b>
						And an additional matter:  4) The degree to which the increased LRV gives effect to the cultural narrative plan.
<i>Comment: Parties note that this rule and associated assessment criteria have not been informed by cultural expertise or a cultural narrative plan.</i>						
OL60L NPDC & Applicant	Reduced FRONT YARD Requirements when calculating COVERAGE of the FRONT YARD for areas marked as 'Smaller Lots' within the Waitara – Area D Structure Plan	Maximum COVERAGE of the FRONT YARD of 35% when based on a FRONT YARD depth of 1.5m	n/a	As per RES14	n/a	As per RES14
OL60L TKOTA						If commission accepts TKOTA option for policy 23.11 add: 3)The extent to which the decreased front yard will adversely affect cultural values. 4) The degree to which the reduced front yard

<b>NPDC &amp; Applicant Rule Header (all activities Restricted Discretionary if unable to meet permitted/controlled standards)</b>						
<b>Rule Number</b>	<b>Parameter</b>	<b>Conditions Permitted</b>	<b>Standards and terms Controlled</b>	<b>Discretionary</b>	<b>Matters over which control is reserved</b>	<b>Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters</b>
<b>TKOTA Rule Header (Land use consents restricted discretionary if unable to meet permitted or controlled standards, Subdivision Consents fully discretionary if unable to meet permitted or controlled standards).</b>						
<b>Rule Number</b>	<b>Parameter</b>	<b>Conditions Permitted</b>	<b>Standards and terms</b>		<b>Matters over which control is reserved</b>	<b>Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters for land use consents</b>
						gives effect to the cultural narrative plan.
<p><i>Comment:</i>  Parties note that this rule and associated assessment criteria have not been informed by cultural expertise or a cultural narrative plan.</p> <p>The applicant notes that it is intended that this rule be applied as per Residential A (RESA), which is the underlying zoning sought, and the maximum FRONT YARD coverage rules as detailed in RES14 will apply. This rule is intended to create an exception to the FRONT YARD calculations for the smaller lots in Waitara Area-D, by allowing a reduced front yard depth of 1.5m from the road boundary, instead of 4.5m depth from the road boundary which is standard in RESA.</p>						
OL60M NPDC & Applicant	Fencing restrictions for SITES within Waitara – Area D Structure Plan.	1) Post- and rail fencing, 1.2m in height or less along the boundary shown on the Waitara - Area D structure plan; and 2) no fencing of any sort shall be located on any site between the ROAD and a HABITABLE BUILDING.	n/a	1) Fencing exceeds 1.2m in height, and/or is not a post and rail fence, and/or is not in accordance with the Waitara - Area D Structure Plan; and/or 2) any fencing located on any site between the ROAD and		1) The extent to which the extra HEIGHT and/or design of the proposed fence will: a) adversely affect the character and visual amenity of the surrounding area; b) reduce privacy of adjoining SITES; c) have an overbearing effect on SITES within the RESIDENTIAL or RURAL

<b>NPDC &amp; Applicant Rule Header (all activities Restricted Discretionary if unable to meet permitted/controlled standards)</b>						
<b>Rule Number</b>	<b>Parameter</b>	<b>Conditions Permitted</b>	<b>Standards and terms Controlled</b>	<b>Discretionary</b>	<b>Matters over which control is reserved</b>	<b>Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters</b>
<b>TKOTA Rule Header (Land use consents restricted discretionary if unable to meet permitted or controlled standards, Subdivision Consents fully discretionary if unable to meet permitted or controlled standards).</b>						
<b>Rule Number</b>	<b>Parameter</b>	<b>Conditions Permitted</b>	<b>Standards and terms</b>		<b>Matters over which control is reserved</b>	<b>Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters for land use consents</b>
				the HABITABLE BUILDING.		ENVIRONMENT AREA; d) adversely affect OUTSTANDING and REGIONALLY SIGNIFICANT LANDSCAPES; and e) adversely affect the natural character of Mangaiti Stream 2) The extent to which topography, planting or set backs can mitigate the adverse effects of the extra HEIGHT and/or design of the fence. 3) The ability to mitigate adverse effects of the proposed fence through the use of screening, planting or alternate design.
OL60M TKOTA						If commissioner accepts TKOTA option for policy

<b>NPDC &amp; Applicant Rule Header (all activities Restricted Discretionary if unable to meet permitted/controlled standards)</b>						
<b>Rule Number</b>	<b>Parameter</b>	<b>Conditions Permitted</b>	<b>Standards and terms Controlled</b>	<b>Discretionary</b>	<b>Matters over which control is reserved</b>	<b>Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters</b>
<b>TKOTA Rule Header (Land use consents restricted discretionary if unable to meet permitted or controlled standards, Subdivision Consents fully discretionary if unable to meet permitted or controlled standards).</b>						
<b>Rule Number</b>	<b>Parameter</b>	<b>Conditions Permitted</b>	<b>Standards and terms</b>		<b>Matters over which control is reserved</b>	<b>Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters for land use consents</b>
						<p>23.11 add an additional point to 1):</p> <p>f) adversely affect cultural values.</p> <p>And an additional matter: 4) The degree to which the fencing gives effect to the cultural narrative plan.</p>
<p><i>Comment:</i> Parties note that this rule and associated assessment criteria have not been informed by cultural expertise or a cultural narrative plan.</p> <p>The applicant notes that they have imposed this provision in response to the expert evidence of Mr Bain (Paragraph 20 &amp; 21 of his Evidence in Chief (page 8 &amp; 12) and also detailed on page 24 of the original Landscape and Visual Impact Assessment prepared by Mr Bain (September 2018, Revision 5 and Annexed to Mr Bains evidence).</p>						
OL60N NPDC & Applicant	Controls on Cut and Fill batters within the Waitara Area D Structure Plan	1) Cut and Fill batters less than 1.5m in height		Cut and Fill batters 1.5m or more in height	n/a	<p>1) Where batters are taller than 1.5m</p> <p>a) The extent that the batters will be revegetated;</p> <p>2) The timing within which works and revegetation shall be completed;</p>

<b>NPDC &amp; Applicant Rule Header (all activities Restricted Discretionary if unable to meet permitted/controlled standards)</b>						
<b>Rule Number</b>	<b>Parameter</b>	<b>Conditions Permitted</b>	<b>Standards and terms Controlled</b>	<b>Discretionary</b>	<b>Matters over which control is reserved</b>	<b>Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters</b>
<b>TKOTA Rule Header (Land use consents restricted discretionary if unable to meet permitted or controlled standards, Subdivision Consents fully discretionary if unable to meet permitted or controlled standards).</b>						
<b>Rule Number</b>	<b>Parameter</b>	<b>Conditions Permitted</b>	<b>Standards and terms</b>		<b>Matters over which control is reserved</b>	<b>Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters for land use consents</b>
						3)The mitigation of effects through the use of screening. Planting or alternate design. 4) Consistency with the natural landform
OL60N TKOTA	Agree	Agree	Agree	Agree	Agree	If commission accepts TKOTA option for policy 23.11 add:  1)The extent to which the batters will adversely affect cultural values. 2) The degree to which the batters give effect to the cultural narrative plan.
<i>Comment: Parties note that this rule and associated assessment criteria have not been informed by cultural expertise or a cultural narrative plan.</i>						
OL600 NPDC & Applicant	Stormwater disposal from ROADS, right of ways and paved surfaces as part of development and or SUBDIVISION within the		Stormwater disposal from ROADS, rights of way and paved surfaces as part of SUBDIVISION is designed so that it	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	1) The effects of direct stormwater discharges into the stream on the receiving environment. 2) The effects that the disposal of stormwater

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<b>TKOTA Rule Header (Land use consents restricted discretionary if unable to meet permitted or controlled standards, Subdivision Consents fully discretionary if unable to meet permitted or controlled standards).</b>						
<b>Rule Number</b>	<b>Parameter</b>	<b>Conditions Permitted</b>	<b>Standards and terms</b>		<b>Matters over which control is reserved</b>	<b>Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters for land use consents</b>
	Waitara Area D Structure plan area		discharges into low impact design stormwater systems <sup>2</sup> 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 Mangaiti.		ENVIRONMENT AREA 2) The consistency and integration of the design with the matters set out in Policy 23.10, Policy 23.10A, Policy 23.10B and Policy 23.14 and Policy 23.14A.	into the Mangaiti has on the archaeological, waahi tapu, cultural, traditional, historical and spiritual values held by TANGATA WHENUA. 4) The ability of an alternative stormwater disposal method to avoid and mitigate 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 the matters set out in Policy 23.10, Policy 23.10A and Policy 23.10B, Policy 23.14 and Policy23.14A.

<sup>2</sup> NPDC Land Development and Subdivision Infrastructure Standard (Local Amendments Version 3)

NPDC & Applicant Rule Header (all activities Restricted Discretionary if unable to meet permitted/controlled standards)						
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
TKOTA Rule Header (Land use consents restricted discretionary if unable to meet permitted or controlled standards, Subdivision Consents fully discretionary if unable to meet permitted or controlled standards).						
Rule Number	Parameter	Conditions Permitted	Standards and terms		Matters over which control is reserved	Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters for land use consents
OL600 TKOTA	Agree	Agree	Add avoid structures within the Mangaiti		If commission accepts TKOTA option for policy 23.11 add:  3)Measures to mitigate effects on cultural values; 4) Measures that will give effect to the cultural narrative plan.	If commission accepts TKOTA option for policy 23.11 add:  1) The degree to which the stormwater design will give effect to the cultural narrative plan.
<p>Comments:</p> <ul style="list-style-type: none"> <li>- Parties note that this rule and associated assessment criteria have not been informed by cultural expertise or a cultural narrative plan.</li> <li>- TKOTA recommend the wording in OL600 to include that structures are avoided within the Mangaiti as a part of the controlled activity parameter (being the bed and the margins of the waterbody). It is noted that the consent for a structure in the bed of a waterbody is the jurisdiction of the Taranaki Regional Council; however it is the role of this District Plan to manage activities on the margin of the Mangaiti; therefore this rule framework should consider these activities/structures in relation to the Mangaiti. This is consistent with the provisions of the Proposed District Plan – Waterbodies section. It is also consistent with requirements to provide for integrated management and give effect to Te Mana o te Wai with respect to freshwater in the NPS-FM.</li> <li>- NPDC/Applicant are concerned that this is within the jurisdiction of the Taranaki Regional Council (TRC). Structures will likely require consent from the TRC under the Regional Freshwater Plan or the National Environmental Standard for Freshwater 2020.</li> </ul>						
OL60P NPDC & Applicant	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 through a	<b>1) Where the proposed Open Space Area is not in accordance with the</b>



<b>NPDC &amp; Applicant Rule Header (all activities Restricted Discretionary if unable to meet permitted/controlled standards)</b>						
<b>Rule Number</b>	<b>Parameter</b>	<b>Conditions Permitted</b>	<b>Standards and terms Controlled</b>	<b>Discretionary</b>	<b>Matters over which control is reserved</b>	<b>Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters</b>
<b>TKOTA Rule Header (Land use consents restricted discretionary if unable to meet permitted or controlled standards, Subdivision Consents fully discretionary if unable to meet permitted or controlled standards).</b>						
<b>Rule Number</b>	<b>Parameter</b>	<b>Conditions Permitted</b>	<b>Standards and terms</b>		<b>Matters over which control is reserved</b>	<b>Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters for land use consents</b>
					co-design process between applicant, Council, TANGATA WHENUA which includes: i) Areas of open space and proposed planting, ii) Details of plant species (requiring 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; iii) Details of specific features and design elements that have been incorporated	<b>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 <b>Waitara – Area D</b> structure plan area. b) The degree to which site specific characteristics (including the cultural matters) of the <b>Waitara</b>

NPDC & Applicant Rule Header (all activities Restricted Discretionary if unable to meet permitted/controlled standards)						
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
TKOTA Rule Header (Land use consents restricted discretionary if unable to meet permitted or controlled standards, Subdivision Consents fully discretionary if unable to meet permitted or controlled standards).						
Rule Number	Parameter	Conditions Permitted	Standards and terms		Matters over which control is reserved	Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters for land use consents
					to reflect the cultural narrative of the site, location and form of these features and elements; iv) Detailed plans and sections of any proposed 3-waters and/or roading infrastructure, including any proposed roads or pathways crossing the Mangaiti, including culverts and abutments (if any) and planting proposed to remediate the stream banks and other features required to ensure an attractive crossing point	– <b>Area D</b> structure plan have been addressed in the design and layout of the area. c) Whether the INDICATIVE ROAD network has taken into account the design/layout of <b>Waitara – Area D</b> structure plan area, d) Consideration of the outcomes of the co-design process, 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.

<b>NPDC &amp; Applicant Rule Header (all activities Restricted Discretionary if unable to meet permitted/controlled standards)</b>						
<b>Rule Number</b>	<b>Parameter</b>	<b>Conditions Permitted</b>	<b>Standards and terms Controlled</b>	<b>Discretionary</b>	<b>Matters over which control is reserved</b>	<b>Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters</b>
<b>TKOTA Rule Header (Land use consents restricted discretionary if unable to meet permitted or controlled standards, Subdivision Consents fully discretionary if unable to meet permitted or controlled standards).</b>						
<b>Rule Number</b>	<b>Parameter</b>	<b>Conditions Permitted</b>	<b>Standards and terms</b>		<b>Matters over which control is reserved</b>	<b>Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters for land use consents</b>
					<p>when viewed from the reserve.</p> <p>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.</p> <p>b) Provision for defects liability.</p>	<p>f) The degree to which the activity achieves public access along the Mangaiti.</p> <p>g) The extent to which the design/layout of the INDICATIVE ROADING NETWORK and the Open Space area is integrated.</p> <p>h) Protection of the Mangaiti and its margins is achieved.</p> <p>i) Roading/pedestrian connectivity is provided.</p> <p>j) Procedures to be followed if physical archaeology is discovered including the provision of an opportunity for on- site monitoring during excavation by TANGATA WHENUA</p>

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<b>TKOTA Rule Header (Land use consents restricted discretionary if unable to meet permitted or controlled standards, Subdivision Consents fully discretionary if unable to meet permitted or controlled standards).</b>						
<b>Rule Number</b>	<b>Parameter</b>	<b>Conditions Permitted</b>	<b>Standards and terms</b>		<b>Matters over which control is reserved</b>	<b>Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters for land use consents</b>
						<p>k) Provision for adaptive management in the event of the discovery of previously unrecorded archaeological remains.</p> <p>l) the degree to which the detailed design matters over which control is reserved under this rule are achieved.</p>
OL60P TKOTA					i)-v) could be replaced with the cultural narrative plan	<p>If commission accepts TKOTA option for policy 23.11 add:</p> <p>m) The degree to which the design will give effect to the cultural narrative plan.</p>
<p><i>Comment:</i> Parties note that this rule and associated assessment criteria have not been informed by cultural expertise or a cultural narrative plan.</p>						

<b>NPDC &amp; Applicant Rule Header (all activities Restricted Discretionary if unable to meet permitted/controlled standards)</b>						
<b>Rule Number</b>	<b>Parameter</b>	<b>Conditions Permitted</b>	<b>Standards and terms Controlled</b>	<b>Discretionary</b>	<b>Matters over which control is reserved</b>	<b>Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters</b>
<b>TKOTA Rule Header (Land use consents restricted discretionary if unable to meet permitted or controlled standards, Subdivision Consents fully discretionary if unable to meet permitted or controlled standards).</b>						
<b>Rule Number</b>	<b>Parameter</b>	<b>Conditions Permitted</b>	<b>Standards and terms</b>		<b>Matters over which control is reserved</b>	<b>Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters for land use consents</b>
OL60Q New Rule proposed by TKOTA	Earthworks that alter (EXCAVATION or FILLING) the existing GROUND LEVEL of Lot 3 DP 446773 as shown in Figure 1 Appendix 33 <sup>3</sup> ; or  Any earthworks to implement any subdivision of Lot 3 DP 446773	N/A	N/A	All earthworks		<ol style="list-style-type: none"> <li>1. Consistency with the Waitara Area D Structure Plan.</li> <li>2. Adaptive Management process to protect/reflect any historic heritage encountered.</li> <li>3. Consistency with the cultural narrative for the overall development</li> <li>4. Protection of the Mangaiti from adverse effects which may arise from earthworks.</li> <li>5. Consistency with an archaeological discovery protocol and archaeological/ cultural construction management plan</li> <li>6. Cultural monitoring during earthworks. .</li> </ol>

<sup>3</sup> Contours should be shown on the structure plan in sufficient detail to show existing ground level. This will assist in the application of the OL60N above also

<b>NPDC &amp; Applicant Rule Header (all activities Restricted Discretionary if unable to meet permitted/controlled standards)</b>						
<b>Rule Number</b>	<b>Parameter</b>	<b>Conditions Permitted</b>	<b>Standards and terms Controlled</b>	<b>Discretionary</b>	<b>Matters over which control is reserved</b>	<b>Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters</b>
<b>TKOTA Rule Header (Land use consents restricted discretionary if unable to meet permitted or controlled standards, Subdivision Consents fully discretionary if unable to meet permitted or controlled standards).</b>						
<b>Rule Number</b>	<b>Parameter</b>	<b>Conditions Permitted</b>	<b>Standards and terms</b>		<b>Matters over which control is reserved</b>	<b>Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters for land use consents</b>
<p><b>Comments</b></p> <p><i>TKOTA: TKOTA's planner (S Mako) makes the following comment directly:</i></p> <p><i>The protection of historic heritage cannot be achieved through subdivision rules with a controlled activity status. In this instance there is limited evidence available to the commission regarding archaeological material and the CIA clearly articulates that there are risks of encountering historic heritage at time of subdivision. In the absence of a clear rule with a discretionary activity status I struggle to see how this meets the requirements of the section 32 efficiency and effectiveness requirements for the provisions. This is consistent with the policy framework in the Proposed District Plan for earthworks (policies EW-P2, EW-P3 and EW-P4).</i></p> <p><i>Reference to the specific Lot makes this rule a 'sunset' clause which addresses the bulk earthworks associated with subdivision. A specific rule is required, as opposed to reliance on earthworks considered through OL60H above as OL60H provides for subdivision and associated earthworks as a controlled activity which is not appropriate given the lack of certainty around acting with respect to the expert advice regarding historic heritage at this time.</i></p> <p><i>The evidence of Mr Bruce acknowledges the archaeological record in this area is incomplete. As set out in the CIA there is a long and documented history of people living in this area, and despite the disruption from land use activities like ploughing, historic heritage features associated with this area, may remain in-situ beneath that area of disturbance.</i></p> <p><i>The requirements to protect historic heritage under the Resource Management Act 1991 are different to those requirements under the Heritage New Zealand Pouhere Taonga Act. In practise this is not well understood in the District; and this may have contributed to the destruction of historic heritage resources in the District historically.</i></p> <p><i>This proposed rule, and the requirement for discretionary consent for the initial earthworks would ensure that there is a mechanism to provide for the protection of historic heritage resources that are yet to be recorded in this area.</i></p> <p><i>Applicant and NPDC: Disagrees that this proposed rule is the most appropriate to achieve the objectives in the ONPDP, specifically Objectives 11 (heritage) and 19 (cultural and spiritual values) which we understand are the primary concerns of TKOTA in relation to earthworks. Mr Bruce at the hearing highlighted the level of land disturbance of the subject site associated with earlier market gardening and farming activities on the subject site. Therefore, large-scale excavations would likely be required to uncover physical archaeological material. The proposed rule would apply to also types and scale of excavation, which does not correspond with the evidence for the level of risk of potential effects on historic heritage.</i></p>						

<b>NPDC &amp; Applicant Rule Header (all activities Restricted Discretionary if unable to meet permitted/controlled standards)</b>						
<b>Rule Number</b>	<b>Parameter</b>	<b>Conditions Permitted</b>	<b>Standards and terms Controlled</b>	<b>Discretionary</b>	<b>Matters over which control is reserved</b>	<b>Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters</b>
<b>TKOTA Rule Header (Land use consents restricted discretionary if unable to meet permitted or controlled standards, Subdivision Consents fully discretionary if unable to meet permitted or controlled standards).</b>						
<b>Rule Number</b>	<b>Parameter</b>	<b>Conditions Permitted</b>	<b>Standards and terms</b>		<b>Matters over which control is reserved</b>	<b>Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters for land use consents</b>
<p><i>The existing rules in the ONPDP relating to earthworks (Res44 – Res 47) manage volume and proximity of excavation and filling are effective and efficient in managing the potential effects that TKOTA raise. In addition, the new rule above for subdivision and development (OL60H) provide for an assessment of these matters. The combination of the other proposed rules and existing rules are considered the most appropriate methods to achieve the ONPDP objectives.</i></p> <p><i>In relation to previous destruction of historic heritage in the district referred to by TKOTA and the different requirements under the Heritage New Zealand Pouhere Taonga Act not being well-understand in the district – this issue is an implementation issue and does not mean the existing mechanisms are ineffective. NPDC and Heritage New Zealand have been working on increasing awareness and understanding of these requirements.</i></p> <p><i>The applicant notes that Mr Bruce's evidence specifically addresses the concerns raised by TKOTA, see paragraph 6.1 of Mr Bruce's Evidence in Chief (page 3). Aside from disagreeing with this rule in its totality, the applicant disagrees that contours need to be shown on the Structure plan, as the ONPDP has a definition of GROUND LEVEL which can be relied upon.</i></p>						

\*Update the Cross reference matrix: Overlays rules to policies at the end of the Overlays Rules chapter of the Operative District Plan

## C: Proposed Appendix 33

### 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, including;

- Existing ONPDP Issues, Objectives, Policies, Methods, and associated rules;
- Policy 23.10A;
- Policy, Reasons and Methods 23.10;
- Policy, Reasons and Methods 23.10B;
- Policy, Reasons and Methods 23.11;
- Policy and Reasons 23.12;
- Policies 23.14 and 23.14A and Reasons and Methods 23.14; and,
- Rules OL60H to OL60P

are intended to provide for the comprehensive development of the site.

*Note: the reference to OL60P above will need updating if the earthworks rule (OL60Q) is accepted.*



Figure 1. Waitara Area D – Structure Plan



PROJECT: Raleigh Street Private Plan Change

DRAWING TITLE: STRUCTURE PLAN

DRAWING NO.: GA6.0

SCALE: 1:2000@A3

REVISION: 01

DATE: 17.12.20

FILE NO.: 3077

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Do not scale off drawings. Contractors must verify all dimensions on site before commencing any work.

## **Structure Plan Guidance**

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 is of cultural, traditional, historical and spiritual significance to Te Atiawa Iwi, Manukorihi and Otaraua Hapū. Despite the Mangaiti not being listed as WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI or ARCHAEOLOGICAL SITE in the District Plan, it is identified as Statutory Acknowledgement to Te Atiawa under the Te Atiawa Claims Settlement Act 2016 and 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 Mangaiti and its protection must be recognised and anticipated to be provided for through the Waitara - Area D Structure Plan design and also through site specific policies.

### **Stormwater**

The Mangaiti 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, a site and area of significance to Manukorihi and Otaraua Hapū. Because of its undulating topography, soils, climate and relatively small catchment size, Mangaiti can be prone to surface flooding during medium to large scale storm events. Subdivision, and the resulting land uses, can increase the amount of impermeable surfaces within a catchment, increasing levels of stormwater runoff and the potential for flooding. Therefore, when undertaking a subdivision of land, it is important that the stormwater is managed to best practice to as far as practical avoid additional flooding. This is achieved by ensuring that the stormwater system installed achieves hydraulic neutrality.

Direct stormwater discharges to a waterway can cause adverse effects on its natural processes and ecological function. An increase in stormwater discharge could contaminate the waterway or result in the growth of nuisance weeds. Te Atiawa Iwi, Manukorihi Hapū and Otaraua Hapū have concerns over additional stormwater entering the Mangaiti and polluting and damaging it. A solution for this is to have the stormwater discharged into low impact stormwater systems. Low impact design approaches to stormwater management can be simple and effective tools that ensure potential adverse effects on people, property and infrastructure is minimised. If stormwater is discharged into a low impact stormwater system this will ensure that additional stormwater entering the Mangaiti will have a positive effect on the stream health and aims to enhance water quality.

Waitara is the subject of a number of stormwater management projects, and future stormwater management projects for the McNaughton 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 along with providing for the concept of Te Mana o Te Wai.

The Mangaiti is of cultural, traditional, spiritual and historical significance to Te Atiawa Iwi, Manukorihi Hapū and Otaraua Hapū. Stormwater discharges and modification of the stream function can adversely affect those cultural, traditional, spiritual and historical values. This policy requires consideration to be given to protecting those values.

In designing and implementing the stormwater management system, it is important it integrates with outcomes for the transportation and open space/reserve areas. This integration would ensure the long-term sustainable use and development of the land, including the open space/reserve areas.

All structures in and discharges to the Mangaiti are subject to the Taranaki Regional Freshwater Plan and the National Policy Statement for Freshwater, and may require consent under the rules in these documents.

### **Open Space B**

An Open Space B environment area has been placed along the margin of the eastern and western boundaries of the Mangaiti. The reserve will manage and preserve the stream margin as a whole and ensure that the Mangaiti remains in one ownership to assist this. Placing the Open Space B Environment Area along the margins of the Mangaiti 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 Stream**

Section 6 (a) of the Resource Management Act 1991 requires councils to recognise and provide for the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development.

Section 6 (d) of the Resource Management Act 1991 requires councils to recognise and provide for the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers.

Section 6 (e) of the Resource Management Act 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.

Section 6 (f) of the Resource Management Act 1991 requires councils to recognise and provide for the protection of historic heritage from inappropriate subdivision, use, and development.

Section 7 (a) of the Resource Management Act 1991 requires councils to have regard to the ability to exercise kaitiakitanga.

Section 8 of the Resource Management Act 1991 requires councils to take into account the principles of the Treaty of Waitangi.

Policy 1 of the National Policy Statement for Freshwater Management 2020 requires that freshwater is managed in a way that gives effect to Te Mana o te Wai.

The Mangaiti, a tributary of the Waitara River runs through Waitara Area D. The Waitara River and its tributaries are Statutory Acknowledgement to Te Atiawa under the Te Atiawa Claims Settlement Act 2016. It is entirely within the Open Space B Environment Area which will allow for opportunities to recognise and provide for the cultural, traditional, historical and spiritual significance of the Mangaiti.

### **Archaeological Discovery Protocol**

The area identified as Waitara Area D is located within Pekapeka, a cultural landscape of national significance, surrounded by known pā, papakāinga and other sites and areas of significance.

The Mangaiti is of cultural, traditional, historical and spiritual significance to Te Atiawa Iwi, Manukorihi Hapū and Otaraua Hapū. Despite the Mangaiti not being listed as WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI or ARCHAEOLOGICAL SITE in the District Plan, it is identified as Statutory Acknowledgement to Te Atiawa under the Te Atiawa Claims Settlement Act 2016 and 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. *Tai Whenua, Tai Tangata, Tai Ao*, the Te Atiawa iwi environmental management plan contains specific provisions in relation to sites and areas of significance to Māori and any disturbance of these.

Any consent for earthworks, subdivision and/ or development within Waitara - Area D shall include reference to the above legislation, and shall include a condition requiring the Consent Holder to adhere to the following Archaeological Discovery Protocol:

*In the event that taonga (Māori artefacts), burial sites or kōiwi tangata (human remains), or Māori archaeological sites are discovered, the following procedure must be followed. Prior to commencement of any works, a copy of this Archaeological Discovery Protocol (ADP) must be made available to all contractors working on site:*

- *Work must cease immediately at the site of the discovery and within 200 metres of the discovery site until an appropriate site extent is determined by the relevant Heritage New Zealand Pouhere Taonga Regional Archaeologist and iwi groups or kaitiaki representatives including Te Kotahitanga o Te Atiawa, Manukorihi Hapū and Otaraua Hapū (contact details to be provided and recorded at time of development).*

- *All machinery immediately at the site of the discovery and within 200 metres of the discovery site must be shut down and the area must be secured. The relevant Heritage New Zealand Pouhere Taonga Regional Archaeologist and the Consent Authority must be notified.*
- *If the site is of Māori origin, the Consent Holder must also notify the appropriate iwi groups or kaitiaki representatives (as above) to ensure site access and to enable appropriate cultural procedures and tikanga to be undertaken to ensure the site is safe, whilst ensuring all statutory requirements under legislation are met (Heritage New Zealand Pouhere Taonga Act 2014, Protected Objects Act 1975).*
- *If kōiwi (human remains) are uncovered, the Consent Holder must advise the New Zealand Police, the relevant Heritage New Zealand Pouhere Taonga Regional Archaeologist, the Consent Authority and the appropriate iwi groups or kaitiaki representatives (as above). Remains are not to be disturbed or moved until such time as the New Zealand Police, Heritage New Zealand Pouhere Taonga, and iwi groups or kaitiaki representatives have responded.*
- *Works affecting the archaeological site and any kōiwi must not resume until Heritage New Zealand Pouhere Taonga gives written approval for work to continue and/ or the appropriate authority is obtained. Further assessment by an archaeologist may be required.*
- *Where Te Atiawa Iwi, Manukorihi Hapū and Otaraua Hapū so request, any information recorded as the result of the discovery (such as a description of location and content) must be provided for their records.*

*Comments: All parties are in agreement on the structure plan guidance.*