

Boffa Miskell





# New Plymouth District Council Plan Change Hearing Commissioners

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

30 October 2020



Document Quality Assurance

<p>Bibliographic reference for citation:          Boffa Miskell Limited 2020. <i>New Plymouth District Council Plan Change Hearing Commissioners: Rezoning land south of Waitara township from Rural Environment Area to Proposed Residential A and Open Space Areas</i>. Report prepared by Boffa Miskell Limited for Independent Commissioners Stephen Daysh and James Whetu.</p>		
<p>Prepared by:</p>	<p>Charles Horrell          Planner          Boffa Miskell Limited</p> <p>Hamish Wesney          Senior Planner   Partner          Boffa Miskell Limited</p>	  
<p>Reviewed by:</p>	<p>Juliet Johnson          Manager Planning New          Plymouth District          Council</p>	
<p>Status: Final</p>	<p>Revision / version: [1]</p>	<p>Issue date: 30 October          2020</p>
<p><b>Use and Reliance</b>          This report has been prepared by Boffa Miskell Limited on the specific instructions of our Client. It is solely for our Client's use for the purpose for which it is intended in accordance with the agreed scope of work. Boffa Miskell does not accept any liability or responsibility in relation to the use of this report contrary to the above, or to any person other than the Client. Any use or reliance by a third party is at that party's own risk. Where information has been supplied by the Client or obtained from other external sources, it has been assumed that it is accurate, without independent verification, unless otherwise indicated. No liability or responsibility is accepted by Boffa Miskell Limited for any errors or omissions to the extent that they arise from inaccurate information provided by the Client or any external source.</p>		

Template revision: 20180621 0000

File ref: U:\2016\W16098\_HWe\_Private\_Plan\_Change\_Oakura\Documents\Post-Notification\S42A Report

*Cover photograph:* Figure 6 of Plan Change request document.

# Contents

1.0	Executive Summary	i
2.0	Purpose of the Report	1
3.0	Background	1
4.0	Site and Surroundings	4
5.0	Public Consultation Process	7
6.0	Statutory Framework	9
7.0	Matters to be considered by the Council	9
8.0	Part 2 and Section 32 of the Act	10
9.0	Form of the Proposed Plan Change	13
10.0	Relevant Policy Framework	17
11.0	Evaluation of Proposed Plan Change	24
12.0	Overall Conclusions and Recommendations	48

# Appendices

Appendix 1: Zoning Map

Appendix 2: Submitter information (map of submitters)

Appendix 3: NZTA Planned Changes to SH3

Appendix 4: Pre-hearing report [Residents]

Appendix 5: Pre-hearing report [State Highway]

Appendix 6: Council Technical Assessment Advice

Appendix 7: Statutory Framework

Appendix 8: Relevant Objectives and Policies of Proposed District Plan

Appendix 9: Authors Qualifications and Experience

# List of Figures

Figure 1: Proposed Structure Plan. Source: Appendix A1 of Plan Change Request. ....	3
Figure 2: Site map and annotated features. ....	4
Figure 3: Current zoning under Operative District Plan. ....	6
Figure 4: Landscape Plan and indicative subdivision layout. ....	15
Figure 5: Proposed Staging Plan for Raleigh Street Subdivision.....	16

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

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

**PREPARED BY:** Charles Horrell and Hamish  
Wesney  
Consultant Planners  
Boffa Miskell Limited

**REVIEWED BY:** Juliet Johnson  
Manager Planning  
New Plymouth District Council

**REPORT DATE:** 30 October 2020

**HEARING:** Commencing 25 November 2020

---

## 1.0 Executive Summary

### Summary of Process

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

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

---

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

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

## Primary Issues

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

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

## Recommendations

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

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



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



## 2.0 Purpose of the Report

2.1 The purpose of this report is to:

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

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

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

## 3.0 Background

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

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

## Outline of the Private Plan Change Request

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

- Change the zoning of 9.8 hectares (“ha”) of land from Rural Environment Area (with Future Urban Development overlay) to Residential A Environment Area where the Applicant proposes to create 110 residential lots ranging from 350-1000 m<sup>2</sup>.
- Change the zoning of 1.54 ha of land from Rural Environment Area to Open Space B for the creation of a reserve within the riparian margins of the waterway that flows through the centre of the site.
- Introduction of a proposed structure plan (proposed “Appendix 33”) to direct the overall form and layout of subdivision and development.
- Insertion of three additional polices that relate specifically to the development and the amendment of various residential environment area rules to reference specific provisions of the structure plan. The most notable rule changes sought relate to reducing the minimum lot size, a decrease in the maximum height of buildings, a reduced front yard requirement for areas marked as ‘Smaller Lots’ on the Structure Plan, the introduction of rules to control external cladding on buildings to lower reflectivity, fencing restrictions, and controls on cut and fill batters where visible from the Rural Environment Area.

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



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

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

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

## 4.0 Site and Surroundings

### Site Location and context

#### Site description

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

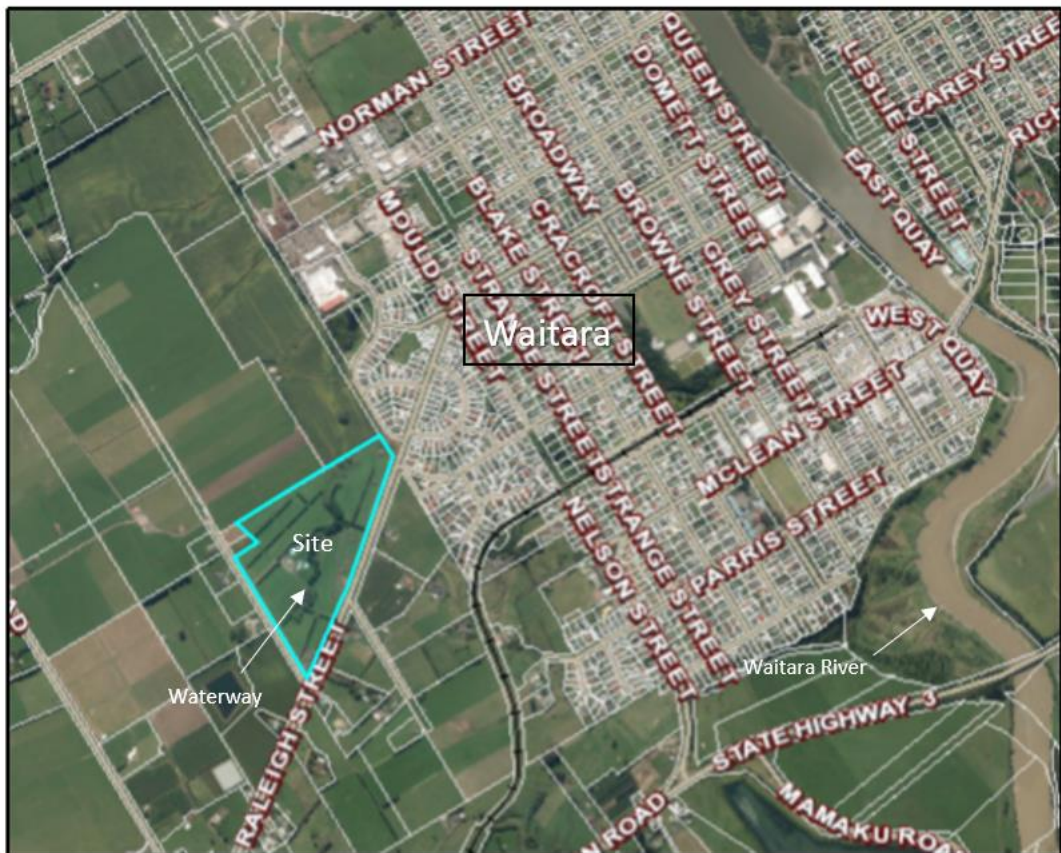


Figure 2: Site map and annotated features.

## Immediate environment

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

## Roading

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

## Zoning and Other District Plan Notations

### Operative District Plan

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



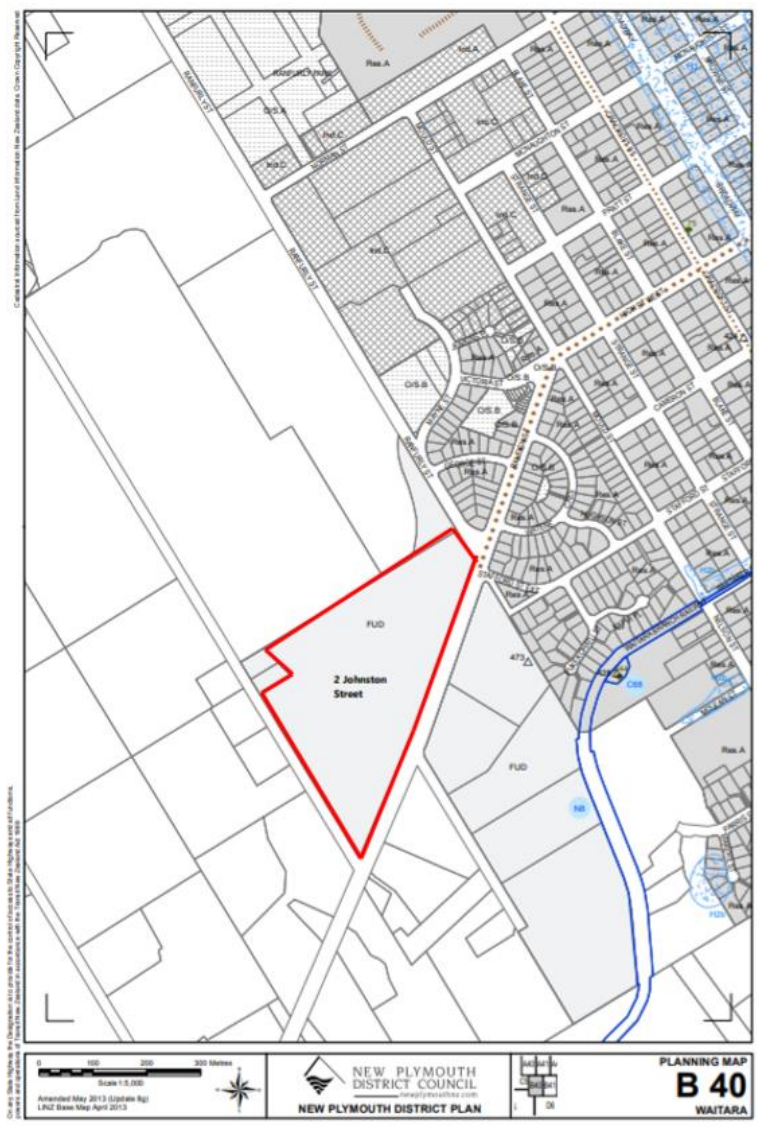


Figure 3: Current zoning under Operative District Plan.

### Proposed District Plan

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



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

## 5.0 Public Consultation Process

### Consultation before request lodged

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

### Public Notification of private plan change request

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

### Submissions

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

- Appropriateness of Rezoning
  - Traffic and Rooding
  - Loss of Rural Character and Reverse Sensitivity
  - Service Infrastructure and Stormwater
  - Cultural Impacts
  - Ecological Impacts
  - Environmental Impacts
- 5.9 A submission point made by Jordan Family Trust requests that land outside the area of land subject to this proposed plan change is rezoned<sup>2</sup>. It is noted that this request is outside scope of what may be considered by this plan change request and therefore will not be considered further. All other parts of the individual submission are relevant.
- 5.10 To assist the panel in understanding the spatial distribution of the submitters in relation to the site, **Appendix 2** provides two maps showing the spatial locations of the submitters where applicable<sup>3</sup> in relation to the site. The maps show both the wider submitters in a smaller scale map along with the immediate neighbouring residents who have submitted.

## Pre-hearing meetings

- 5.11 Clause 8AA of Part 1 of Schedule 1 of the RMA provides for pre-hearing meetings for the purpose of clarifying and/or facilitating the resolution of matters raised by submitters through the formal notification process.
- 5.12 Two pre-hearing meetings were held between the Applicant, NPDC and various submitters.
- 5.13 The first pre-hearing meeting was held on 17 September 2020 at the North Taranaki Sport and Recreation Centre, Waitara and focused on matters raised by the local residents. Issues focused on traffic and roading; loss of rural character and reverse sensitivity; service capacity issues; and the format of the proposed structure plan. In attendance were Matt Hareb and Kathryn Hooper for Hareb Investments Limited, Anne and Brett MacDonald, Jo Limmer, Julie Weston, Theresa and Simon Wilcox, Marilyn Cadle, Kathleen Weston, Wayne and Lynda Dougan<sup>4</sup> and Charles Horrell and Hamish Wesney for NPDC.
- 5.14 The meeting was facilitated by an independent facilitator (Callum Williamson) Community Partnerships Lead, NPDC who is not involved in the proposed hearing. A copy of Mr. Williamson's report prepared under Schedule 1 Clause 8AA (5) of the Act is attached as **Appendix 5**.
- 5.15 The second pre-hearing meeting was held on 18 September 2020 at the New Plymouth District Council Office and via video conferencing. The meeting focused on the matters raised in the submission from Waka Kotahi (New Zealand Transport

<sup>2</sup> Submission point number 17.01 of Submissions Summary.

<sup>3</sup> PO Box addresses and companies were not included

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

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

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

## 6.0 Statutory Framework

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

## 7.0 Matters to be considered by the Council

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

---

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

“(b) any –

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

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

7.3 Under s74 (2A) a territorial authority:

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

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

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

*“(a) any national policy statement; and*

*(b) any New Zealand coastal policy statement; and*

*(c) any regional policy statement”*

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

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

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

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

## 8.0 Part 2 and Section 32 of the Act

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

### Section 5

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

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

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

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

#### Section 6 – Matters of National Importance

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

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

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

#### Section 7 – Other Matters

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

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

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

#### Section 8 – Treaty of Waitangi

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

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

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

Section 32 – Consideration of Appropriateness

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 9.0 Form of the Proposed Plan Change

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

## Proposed Structure Plan

- 9.2 PPC49 entails a proposed structure plan detailing the character areas, internal roads, walkways and open space/reserves. The proposed structure plan is shown in **Figure 1**. The structure plan identifies a number of character areas based on the allowable lot size and where they are based spatially. These areas are described below.
- 9.3 The 'Road Frontage Lots' are proposed lots on the Raleigh Street boundary with lot sizes on average of 600 m<sup>2</sup> in area. Access to lots is to be direct access onto Raleigh Street.
- 9.4 The 'Larger Lots' are located on the north and south western boundaries of the site with average sizes of 1000 m<sup>2</sup>. Of these lots, the Johnston Street frontage properties would also rely upon direct access onto Johnston Street rather than internal access via the subdivision road.
- 9.5 The 'Internal Lots' are the lots of a variety of sizes between 500 – 700 m<sup>2</sup>. These lots would be accessible primarily by the internal subdivision road. It is anticipated that these lots would service detached family dwellings.
- 9.6 The 'Smaller Lots' are generally located in the centre of the subdivision and would provide lots of generally between 350 – 550 m<sup>2</sup> in size.
- 9.7 The remaining 1.54 ha of land within the margins of the waterway is to be provided as an open space reserve. A walkway is to be provided along its margin and native trees and shrubs are to be planted.
- 9.8 The Applicant prepared an indicative landscape plan and indicative subdivision layout in Appendix H4 of the request document and shown below in **Figure 4**.





Figure 4: Landscape Plan and indicative subdivision layout.

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



Figure 5: Proposed Staging Plan for Raleigh Street Subdivision.

## Plan Provisions

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

## 10.0 Relevant Policy Framework

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

### National Policy Statement for Urban Development 2020

- 10.5 The intent of this new national policy statement, as explained in the Ministry guidance<sup>6</sup>, is to ensure regional policy statements and district plans provide adequate opportunity for land development for business and housing to meet community needs. The national policy statement is designed to contribute to well-functioning urban environments, is integrated with infrastructure planning and funding decisions, and improves the responsiveness and competitiveness of land and development markets. This new national policy statement replaces the previous National Policy Statement on Urban Development Capacity 2016 which was evaluated in the plan change request document.
- 10.6 The applicant's evaluation has focused on Objective OC2 of the NPS-UDC 2016 which is for local authorities to adapt and respond to evidence about urban development, market activity and the four wellbeing's. I generally concur with the applicant's evaluation of this objective.
- 10.7 Under the NPS-UD 2020, I consider there are a few objectives specifically relevant to this matter.

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

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

---

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

National Policy Statement for Freshwater Management 2020

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

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

- 10.15 The objective of the NPS-FM states:

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

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

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

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

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

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

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

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

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

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

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

#### Taranaki Regional Policy Statement

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

#### Tai Whenua, Tai Tangata, Tai Ao

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

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

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

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

### Operative New Plymouth District Plan

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



### Proposed New Plymouth District Plan

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

### Other Planning Documents

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

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

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

## 11.0 Evaluation of Proposed Plan Change

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

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

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

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

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

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

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

### Submissions

- 11.6 A number of submissions were received in respect to the appropriateness of rezoning the land. A number of submissions supported the proposed rezoning on the basis that the development will provide a variety of housing and will provide for future growth of the district. Submitters also raised the following concerns in relation to the appropriateness of the proposed rezoning:
- Loss of rural amenity<sup>7</sup>;
  - Reverse sensitivity;
  - Insufficient infrastructure to cater for development (3-waters and electricity and gas);
  - Traffic safety and current roading capacity<sup>8</sup>;

### Reverse Sensitivity

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

---

<sup>7</sup> This is considered in the "Visual and Landscape Impact" section.

<sup>8</sup> This is considered in the "Traffic and Roding" section.

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

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

## Urban Form

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

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

## Contaminated Land

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

## Waitara's residential/housing development capacity and demand

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

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

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

#### Since preparation and notification of the Plan Change Request

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

#### Submissions

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

#### Evaluation

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

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

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

### Three Waters capacity

- 11.36 The next matter for consideration is whether there is an ability for Waitara's 3 waters infrastructure (e.g. water supply, stormwater and wastewater) to cater for the development. In responding to growth from an infrastructure perspective, the Council priority is to encourage growth in those areas where there is existing infrastructure, or where it is relatively easy and inexpensive to extend that infrastructure and provider services<sup>9</sup>. The NPDC Infrastructure Strategy and Long Term Plan set out the outcomes and projects for the 3 waters infrastructure. These outcomes and projects include renewals and upgrades to existing infrastructure, and expectations for new infrastructure which service new development. As an example, the approach for stormwater for new development is stated as:

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

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

---

<sup>9</sup> NPDC Infrastructure Strategy 2018 - 2028

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

- 11.39 It is noted that the capacity of current infrastructure (mainly stormwater) was identified by submitters as a key concern of the proposed plan change.
- 11.40 The Applicant has considered the impact of the development on the current infrastructure which is detailed in Appendix E1 and E2<sup>10</sup> of the request document.
- 11.41 Evaluation of the capacity of the infrastructure is provided below. There are other issues around quality of storm water and disposal methods.

## Water capacity

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

### *Submissions*

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

### *Evaluation*

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

---

<sup>10</sup> Response to further information request



## Stormwater

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

### *Submissions*

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

### *Evaluation*

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

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

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

## Wastewater

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

### *Submissions*

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

### *Evaluation*

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

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

## Tangata whenua matters

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

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

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

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

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

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

## Environmental Effects Assessment

### Traffic and Rooding

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

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

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

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

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

- 11.75 During consultation prior to lodging the plan change request, the applicant records the Waitara Community Board and nearby residents raised concerns about the negative effects of increased traffic, particularly safety concerns and effects on amenity values. The applicant commissioned Stantec to undertake an assessment of traffic impacts, including considering alternative layouts. Stantec concluded the proposed layout was appropriate, subject to a change in the speed limit on Raleigh Street.
- 11.76 A further traffic issue raised in consultation prior to lodging the plan change request were the traffic effects with State Highway 3 which Raleigh Street intersects. Waka Kotahi noted they were undertaking the SH3 Waitara to Bell Block project to improve the safety of this section of State Highway. These safety improvements could include closing the Raleigh Street intersection and installing a new roundabout at Tate Road/Waitara Road/State Highway 3 intersection<sup>11</sup>. Waka Kotahi contend subdivision and development in the plan change area should not proceed until the State Highway safety improvements have been implemented. The applicant does not support this proposition.

#### Submissions

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

#### Evaluation

*Internal road network and connections with Raleigh Street and Johnston Street*

---

<sup>11</sup> Waitara to SH3A Possible Safety Improvements Map, 1 December 2017, Waka Kotahi

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

*Raleigh Street*

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

side of the road<sup>12</sup>. Raleigh Street is identified as a Collector in the NPDC Roading Hierarchy. In the application document, no reference is made to upgrading Raleigh Street apart from the construction of the two new intersections and a new footpath<sup>13</sup>. Council's traffic advisor suggests the road width of Raleigh Street be reviewed along the frontage and potentially upgraded. Under the existing subdivision rules and standards in the District Plan, this matter can be assessed at the time of a subdivision application.

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

#### *Johnston Street*

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

#### *State Highway 3 Issues*

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

---

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

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

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

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

*Public Transport and Non-Vehicular Transport*

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

*Recommendation*

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



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

## Landscape and Visual Impact

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

### 11.102 Landscape Effects

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

### 11.103 Visual Effects

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

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

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

#### *Submissions*

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

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

#### *Evaluation*

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

---

<sup>15</sup> Paragraph 2 of page 2 of the “Landscape Memo” – Appendix H4

- 11.110 As an alternative Council's landscape and visual impact advisor has recommended that a more visually permeable fencing solution is employed, in the form of timber post and rail fencing. This type of fencing would fit in with the surrounding rural character, maintain views for residents north towards the coastline, while securing the property boundary. Planting could be employed within individual properties if privacy was desired by residents. I discuss this recommendation further below.
- 11.111 The properties on Raleigh and Johnston Streets will face out onto these roads, creating a new urban edge. The lot sizes proposed along these two streets are slightly larger at 1,000m<sup>2</sup> than others within the site, however they are much smaller than the surrounding rural lifestyle properties. Council's landscape and visual impact note that the 1,000m<sup>2</sup> lots would have an average frontage width of 20m, while the existing adjacent rural lifestyle properties on Johnston Street are around 50m in width, with those on Raleigh Street being even larger. Council's landscape and visual impact advisor does not consider the proposed lot sizes provide any form of mitigation to the development. However, Council's landscape and visual impact agree that the proposed street tree planting along Raleigh Street will assist with integrating the development into the surrounding area, and this is the most effective mitigation measure in buffering the proposed development from the adjacent rural lots. Council's landscape and visual impact advisor recommends that similar tree planting is carried out along the Johnston Street boundary to assist with filtering views of the development from the adjacent rural area.
- 11.112 Council's landscape and visual impact advisor considered the two alternative layout options and noted that both would effectively create a continuous fence line along Raleigh Street. This outcome is undesirable as it would create an unattractive road frontage along Raleigh Street which would be out of character with the adjacent rural area (see Figure 17 in the Plan Change request document as an example). Based on this, Council's landscape and visual impact advisor agrees with the Applicant's consideration of the proposed structure plan over the alternatives.
- 11.113 To provide greater certainty that the landscape and visual effects are effectively managed and outcomes achieved as proposed by the applicant, Council's landscape and visual impact advisor recommended that the following items should be required to accompany any resource consent application at the subdivision stage of the development:
- A detailed landscape plan is developed for the reserve area illustrating areas of open space and proposed planting, including details of plant species, trail surfacing, furniture and any other features.
  - Detailed plans and sections of the proposed road crossings of the stream, illustrating the treatment of any culverts and abutments, areas of proposed planting (including species) to remediate the stream banks and any other features required to create an attractive crossing point when viewed from the proposed reserve.
  - A species list for tree planting along the Raleigh Street and Johnston Street boundaries and for the main accessway within the site.
  - Typical street cross section details for the E11 and E12 roadways, illustrating how the proposed tree planting is accommodated within the road corridor.
- 11.114 I agree that these matters are best managed during the subdivision stage. Current provisions of the operative District Plan are not prescriptive and may not provide for

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

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

## Open Space and Reserves

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

### *Open Space Provision*

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

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

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

#### *Esplanade Provisions*

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

#### *Streetscape and amenity*

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

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

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

#### *Recommendations*

- 11.134 Along with the evaluation outlined above by Council's Open Space Planner, a number of recommendations have been made:
- (a) That a small neighbourhood park provision would be required within the southern portion of the proposed development to ensure appropriate recreation and well-being opportunities for future residents.
  - (b) That an area of minimum 3,000m<sup>2</sup> and up to 5,000m<sup>2</sup> be integrated in an appropriate location that provides for good road frontage and easy access, as a component of the structure plan. Ideally there would be some relationship and linkage to the proposed esplanade
  - (c) That the proposed walking network is maintained with consideration during developed design of best practice CPTED outcomes for the routes along the esplanade reserve.
  - (d) That consideration be given for some additional width of esplanade at the very southern and most narrow end of the proposed esplanade reserve in order to provide for a more sustainable riparian ecosystem and open space amenity outcome.
  - (e) That online stormwater detention is reconsidered, to ensure open and flowing stream environment is maintained.
  - (f) That preference is given to layouts that provide for road frontage along the esplanade reserve.
  - (g) That only native species appropriate to the local area are used within the esplanade reserve planting.
  - (h) That consideration be given to creating improved street frontage outcomes in terms of vegetation along Raleigh Street, with a focus on reducing dominance of the residential lots along the street through possible groupings of larger areas of planting. This may require consideration of lot access and mixing up of lot sizes in order to facilitate such a response or consideration of partial implementation of alternative layout 1.
  - (i) That the fencing recommendations of maximum on 1.2 be maintained to ensure amenity outcomes.

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

## Ecological Effects

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

### *Submissions*

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

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

#### *Evaluation*

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

## Historic Heritage

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



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

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

## Economic and Social Impacts

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

## 12.0 Overall Conclusions and Recommendations

### Conclusion

12.1 Private Plan Change 49 seeks to:

- Change the zoning of 9.8 ha of land from Rural Environment Area (with Future Urban Development overlay) to Residential A Environment Area where the Applicant proposes to create 110 residential lots ranging from 350-1000 m<sup>2</sup>.
- Change the zoning of 1.54 ha of land from Rural Environment Area to Open Space B for the creation of a reserve within the riparian margins of the waterway that flows through the centre of the site. and with rezoning from Rural Environment Area to Open Space B zoning.
- Introduction of a proposed structure plan and associated policies and rules to direct the overall form and layout of subdivision and development.

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

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

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

### Recommendations

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

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

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

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

Report prepared by:



Charles Horrell  
**Planning Consultant**



Hamish Wesney  
**Planning Consultant**

Report approved by:

Juliet Johnson

Manager Planning

**New Plymouth District Council**



# Appendices



# Appendix 1: Zoning Map

## Appendix 2: Submitter information (map of submitters)



## Appendix 3: NZTA Planned Changes to SH3

## Appendix 4: Pre-hearing report [Residents]

## Appendix 5: Pre-hearing report [State Highway]

# Appendix 6: Council Technical Assessment Advice

## Appendix 7: Statutory Framework

# Appendix 8: Relevant Objectives and Policies of Proposed District Plan

# Appendix 9: Authors Qualifications and Experience