

**Hareb Investments Ltd  
Request for Private Plan Change to  
New Plymouth District Council**

**To Rezone Land from Rural Environment Area  
with Future Urban Development Overlay  
to Residential A Environment Area and Open  
Space**

**13 March 2019**

**2 Johnston Street  
Waitara, New Plymouth**



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**GLOSSARY**

NPDC	New Plymouth District Council
NPDP	New Plymouth District Plan
PCR	Plan Change Request
PPC	Private Plan Change
HIL	Hareb Investments Limited, the applicant
RMA	Resource Management Act 1991
HPTPA	Heritage New Zealand Pouhere Taonga Act 2014
HNZPT	Heritage New Zealand Pouhere Taonga
FUD	Future Urban Development overlay (from New Plymouth District Plan)
HAIL	Hazardous Activities and Industries List
PSI	Preliminary Site Investigation
DSI	Detailed Site Investigation
ITA	Integrated Transport Assessment
SUD	Sustainable Urban Development (Taranaki Regional Policy Statement)
UDR	Use and Development of Resources (Taranaki Regional Policy Statement)
RPS	Regional Policy Statement
TRC	Taranaki Regional Council
NPS-UDC	National Policy Statement on Urban Development Capacity 2016

## EXECUTIVE SUMMARY

Hareb Investments Limited (HIL/the applicant) is requesting this private plan change so that it may use its land at 2 Johnston Street, Waitara for residential living. The development proposal involves 11.34 ha on the corner of Raleigh and Johnston Streets in Waitara, land currently zoned Rural, but under the Future Urban Development Overlay (Waitara Area D) in the New Plymouth District Plan (NPDP).

To better facilitate the proposed development it is sought to change the land zoning; hence this Plan Change Request (PCR) to the New Plymouth District Council (NPDC), in accordance with the provisions of the Resource Management Act 1991 (the RMA). If approved the zoning of the subject land will change from Rural to Residential, with an area of Open Space also provided.

The land has been subject to a wide range of technical investigations to evaluate its suitability for the change in land use and subsequent development. These investigations include economics, landscape, archaeology & historic heritage, land stability, infrastructure and traffic; and have concluded that the land is suitable.

Where specific mitigation of any potential adverse environmental effects has been identified by the technical experts, it is proposed that these be added to the NPDP. The gully and tributary on the site will be retained and enhanced, and a public walkway will be provided that may connect through to existing NPDC Open Space in the future.

A vision for the development of the area has been produced and a comprehensive urban design prepared. To give certainty to the community, it is proposed that this plan be incorporated into the NPDP statutory framework by means of a Structure Plan.

Discussions with NPDC commenced in February 2018. Te Atiawa Iwi, Manukorhi Hapu and Otarua Hapu have been consulted. Discussions have been held with the New Zealand Transport Authority. Neighbouring property owners have been consulted, as has the Waitara Community Board.

If approved, the PCR will be able to deliver serviced residential land to the Waitara Community that can be used for a variety of living types. Open Space will also be provided and the tributary on the property will be enhanced and protected.

Stormwater is able to be managed so that the site is hydraulically neutral (i.e. does not further exacerbate Stormwater concerns in the Waitara West Catchment). Furthermore, it is identified that there is opportunity on this site to design a stormwater detention system within the subject land that will assist the NPDC in addressing the downstream stormwater issues in the catchment. The applicant has proposed the installation of this detention bund, as detailed in the Supplementary Engineering Report in Appendix E.

The site is able to be connected to the municipal sewerage system, and the municipal water supply with connections available nearby, and capacity of the existing system confirmed.

This will contribute to supporting and sustaining present and future generations in Waitara, enabling them to provide for their social, economic, and cultural well-being and for their health and safety – which is consistent with the purpose of the RMA.

This development will also contribute positively to the wider District by providing sections to meet demand. It will assist the NPDC with its functions for the purpose of giving effect to the RMA in terms of ensuring that there is sufficient development capacity in respect of housing land to meet the expected demands of the district.

Requests for further information were received from the NPDC on 19 December 2018 and 11 January and 22 February 2019. This version of the application includes the additional information requested.

# 1. INTRODUCTION

## 1.1 Plan Change Sought

HIL is seeking a Private Plan Change for its land at 2 Johnston Street, Waitara.

Accordingly, HIL formally requests that New Plymouth District Council (NPDC) change Planning Map B40 (included in the Volume 3-Maps of Operative New Plymouth District Plan (NPDP)), to rezone Lot 3 Deposited Plan 446773 from Rural Environment Area (with Future Urban Development Overlay) to Residential Environment Area A and Open Space as per the Structure Plan in **Appendix A**.

This request is made pursuant to Section 73(2) and Clause 21 of Schedule 1 of the RMA and in accordance with Schedule 1 and Section 32 of the RMA.

## 1.2 Why the applicant seeks the plan change

The land subject to this request was purchased by HIL in 2016. It was purchased because of the future rezoning that has been indicated on the land (FUD) making it consistent with the applicant's investment strategy. At the time of purchase, due to the market conditions in Waitara, the applicant had a longer development time frame in mind.

However based on its observations and experience of a lack of land and housing supply in Waitara, the applicant's own inability to keep up with the demand for its smaller infill developments in the township, and the declining viability/increasing costs of infill development activities, HIL is making this Plan Change Request (PCR) to enable it to develop the land on 2 Johnston Street within the next 5-10 years.

The NPDC asked for explanation of why application is required at this time given the new proposed plan is possibly due for notification in mid-2019.

There are two reasons for the PCR being made at this time:

- 1) HIL has reviewed the draft of the proposed new proposed NPDP. HIL is concerned that the proposed plan suggests that the FUD overlay be removed from the subject property, and for it to revert to Rural zoning. HIL's investigations indicate to the contrary, i.e. that the land is needed, is suitable, and needs to be developed soon to meet the demand in Waitara.
- 2) The new proposed plan has been 'on the cards' for some time. HIL is concerned that the timing of the public plan change process will, assuming that the NPDC accept the studies put before them in relation to the need for the land to be rezoned, mean it will be some years before any development can occur on the site. The subject proposal, if successful, enables the development of the land within 12-18 months, which HIL has confirmed is suitable and will have benefits for Waitara.

NPDC has also sought explanation on why specific changes to the District Plan are required. The specific changes, being the proposed new planning maps, policies, rules and structure plan, are required to give effect to the PPC in the NPDP. They reflect the findings of the investigations into the

suitability of the land for rezoning, and allow the recommendations made by experts and interested parties to be adopted into the plan by way of rules.

NPDC suggests that further background on the FUD overlay also be provided in this section.

The FUD overlay was placed on this property as a result of the Land Supply Review (discussed in more detail in section 7.1) which was conducted by the NPDC, and commenced in 2006.

Within the NPDP Management Strategy, Issue 1A (page 16d) discusses *“The adverse effects of activities on the future rezoning and development of areas identified as FUTURE URBAN GROWTH AREAS”*.

Importantly to the decision that was made to pursue the subject PCR, under Issue 1A it is identified that;

*“The Land Supply Review was initiated in 2006 in response to recent economic and household growth. The aim of the Land Supply Review was to address the supply of residential and employment land in New Plymouth/Bell Block and in those other towns which currently have residential zoning and have the physical potential to grow. This included Waitara, Inglewood, Okato, Onaero, Lepperton and Egmont Village. Oakura and Urenui were considered separately through the Coastal Strategy Structure Plans. The Land Supply Review also considered the need for further employment land in the larger towns of New Plymouth, Bell Block, Waitara and Inglewood.”*

From the Land Supply Review came the Framework for Growth, and Issue 1A in the NPDP identifies that;

*“The Framework for Growth (March 2008), the Oakura Structure Plan and the Urenui Structure Plan set out the recommended growth direction policies for the urban expansion of land in the district as a result of the Land Supply Review and the Coastal Strategy Structure Plans through the identification of FUTURE URBAN GROWTH AREAS. The FUTURE URBAN GROWTH AREAS therefore provide the context for future COUNCIL decisions related to managing residential and commercial growth and ensuring that COUNCIL funded infrastructure is delivered in a cost effective and timely manner based on these priorities. The FUTURE URBAN GROWTH AREAS also provide the COUNCIL with the necessary direction and context for assessing any urban growth related private plan changes.”*

*“One of the key principles underpinning the Framework for Growth is that a compact urban form is desirable to ensure the efficient use of land. Urban development should be focussed into or immediately around existing towns where services and infrastructure exist, or can be efficiently provided. Compact towns also encourage a density of population necessary to support alternative passenger transport and local services. ”*

These policies provide a very strong signal to the applicant that, in addition to their own belief (subsequently backed up by the investigations that form part of this PCR), the NPDC also considers the land is both suitable and appropriate for future growth and development.

### 1.3 Vision for the site and development

The vision for the site is;

*To create an attractive Greenfield's development that;*

- *offers a variety of dwelling options for people looking for a new home in Waitara and the wider New Plymouth District; and*
- *Takes advantage of the existing natural features of the site and is integrated into surrounding land uses.*

The more affordable land in Waitara will mean that the development will appeal to and cater for a wide range of people. The site is elevated, with views to the ocean and Mount Taranaki. It is sunny and pleasant, and positioned in an excellent location near the main access routes into the town, up-gradient of municipal services (water and sewerage) and adjoining existing residential land.

The vision for the site includes approximately 110 lots of varying sizes to accommodate a variety of living types, as illustrated in the Landscape Plan and Structure Plan, Appendix A1.

As detailed in section 2 of the LVIA (page 6), there are four character types identified within the Structure Plan, which reflect the site and its surroundings.

- 'Road frontage lots' adjoin Raleigh Street and will average 600 m<sup>2</sup> in area. Typical detached family dwellings are anticipated in this area, however specific landscaping controls will apply to ensure that there is no perception of a 'gated' community and to avoid Raleigh Street appearing as the 'back' of the development. (as per the LVIA)
- 'Larger Lots' will average 1000 m<sup>2</sup>, and are proposed on the border of the site, where it adjoins rural zoned land. Larger yard areas are anticipated in this area and the larger lot sizes will reduce density along the margins of the development.
- 'Internal Lots' will have lot sizes of 500-700 m<sup>2</sup>, where typical detached family dwellings are anticipated. These lots are larger than the current controlled minimum allotment size for the current operative Residential A Environment Area (450 m<sup>2</sup>).
- 'Smaller Lots' – this area provides for smaller lots of generally 350-550 m<sup>2</sup>. These are designed to meet the needs for affordability and/or smaller living. These smaller lots may encourage duplex type units or smaller units more suitable for retired people, for example.
- Approximately 1.54ha of Open Space is provided for along the boundary of the waterway on the site. A walkway will be provided here, and this area will be planted in native tree and shrub species representative of the local environment.

## 1.4 About the applicant

Hareb Investments Limited (HIL) is a locally owned business. It is active in infill redevelopment predominantly in Waitara and New Plymouth, but also has experience in other parts of New Zealand. Originally the land subject to this request was purchased with a much longer development time frame in mind, based on the market conditions in Waitara at the time.

However, HIL requests this PCR to enable it to develop the land on 2 Johnston Street now, based on its observations and experience of a lack of supply in Waitara, its inability to keep up with the demand for its smaller infill developments in the township, and the declining viability/increasing costs of infill development activities. It has also observed the need for a quality, greenfields development in the town.

HIL is committed to Waitara, and is in regular contact with real estate agents in the township, who have all been encouraging in relation to the development. Feedback to this effect has been provided, and is attached in **Appendix K**.

The applicant is well resourced, and has the necessary experience to complete the development of the site.

## 1.5 Planning Approach Adopted

This section describes why this PCR is the most appropriate way to achieve the purpose of the RMA.

Given the land has been zoned rural, with the FUD overlay, future potential residential use of this land (and accordingly, future likely rezoning) has been considered and signalled by NPDC. This previously signalled potential for development is one of the reasons why the applicant purchased the land.

As the land is Rural and under the FUD overlay, any consent application for subdivision would be a non-complying activity. This approach was considered, but discarded by the applicant because, while it would it could be consistent with the FUD policies, the activity is occurring in a faster timeframe than the FUD policies anticipate, and it would remain inconsistent with some of the underlying rural policies in the NPDP.

The PCR was therefore seen as the most aligned with the NPDC's policies and objectives and the most appropriate way to achieve the sustainable development of the land.

The zone was selected as Residential A/Open Space as this is consistent with and has connectivity to some of the adjoining land; and is also contemplated by the FUD.

The approach in the PCR has been to remain consistent with the NPDC planning approach, with the provision of a structure plan and specific policies, objectives and, rules relating to the structure plan. Where specific mitigations have been identified as part of the PCR, these are captured in the policies and where applicable, as proposed rules. This approach is consistent with the approach taken for other Urban Growth Areas – in particular the approach taken for the Armstrong Avenue Plan Change (plan

Change 17), also in Waitara. This provides consistency for planners and the community and where appropriate similar wording has been adopted.

## 1.6 Timeframe for development

The applicant, HIL, advises that it aims for completion of the development of the land within 5-10 years, subject to market conditions. It is expected that the development will occur in 4-5 stages, in a manner that allows for the progressive extension of services within the development.

An indicative staging plan is provided in **Appendix A3**.

Stage 1 will involve the main connections to power, sewer and water, installation of the section of roadway shown in stage 1, and at this time the installation of the walkway, stormwater detention bund (see Supplementary Engineering Report in Appendix E) and the landscape planting of the open space area adjacent to the waterway on the site will be completed.

Stages 2-5 will gradually build on the base established in stage 1, with the roadways and services extended as required.

Engineering approvals (roading, sewer and water) may be sought stage by stage, or as a complete package.

Note: If further stormwater detention (i.e. above that detailed in Appendix E) is to be provided for in the waterway, the timing of this will be discussed with the NPDC and it will be incorporated at the appropriate time.

In response to the NPDCs request for further information dated 22 February 2019, the following table has been developed to provide a summary and clarity around potential timing.

**Table 1. Summary of Project Staging and example timing**

Stage	Description	Lots	Expected timing	Example dates based on PCR being approved by 31 December 2019
	Obtain subdivision consent		Within 6 months of approval of PCR	June 2020
1	Stage 1 will involve the main connections to power, sewer and water, installation of the section of roadway shown in stage 1, and at this time the installation of the walkway,	22	Enabling works will commence as soon as consent is granted. Titles for stage one expected	June 2021

Stage	Description	Lots	Expected timing	Example dates based on PCR being approved by 31 December 2019
	stormwater detention bund (see Supplementary Engineering Report in Appendix E) and the landscape planting of the open space area adjacent to the waterway on the site will be completed.		within 12 months of consent.	
2	Stages 2-5 will gradually build on the base established in stage 1, with the roadways and services extended as required, in the areas shown in the staging plan.	17	Titles 12-18 months after stage 1	June 2022- December 2022
3		10	Titles 12-18 months after stage 2	June 2023-June 2024
4		29	Titles 12-18 months after stage 3	June 2024- December 2026
5		26	Titles 12-18 months after stage 4	June 2025- June 2027

Table 1a makes it clear that as project activities are projected further into the future, the more uncertain timing will become.

## 1.7 Technical Reports

This plan change request (PCR) is supported by the technical reports that have been commissioned by the applicant; and the reasons these were sought, are discussed below.

This report should be read in conjunction with the full technical reports that form part of this PCR.

### 1.7.1 Archaeological Assessment, Archaeological Resource Management, Appendix D

The archaeological assessment ("the Archaeological Assessment") was undertaken by Ivan Bruce of Archaeological Resource Management Limited, and commissioned by HIL to ensure appropriate steps had been taken to identify and, if necessary, protect potential and actual archaeological sites that may be on the land. This was also necessary to inform HIL as to whether an authority from HNZPT would be required. The report concludes (second to last paragraph, Page 2);

*"As no archaeological site will be affected by this project and I am not aware of archival material that would lead me to expect that unrecorded sites could potentially be affected, I consider that there is no requirement at this time for any further mitigation with regards to archaeological sites. In particular there is no requirement that earthworks for subdivision are undertaken under authority from Heritage New Zealand Pouhere Taonga (HNZPT)."*

### **1.7.2 Geotechnical report, Engineers Report and Design Plans, Civil Infrastructure Consulting Ltd, Appendix E**

This report ("the Engineering Report") was undertaken by Michael Matangi of Civil Infrastructure Consulting Limited, and was prepared to specifically address the engineering aspects of the proposal. The Engineering Report addresses the concerns raised by the NPDC Engineers in pre-application discussions, particularly relating to stormwater management.

In relation to stormwater management, the Engineering Report finds (section 3.4, pages 7- 8) that;

*"The large majority of the upper soil layer of the subject site is comprised of a firm Taranaki Volcanic Ash layer of approximately 3.0m to 3.2m in thickness, which is well draining in terms of on-site stormwater disposal.*

*Given the depth of the water table below existing ground level as discussed in Section 3.3 , shallow soak pits or rain cells are a viable option for surface stormwater runoff from residential building roofs, hardstand areas and road pavement.*

*Alternatively, a stormwater detention pond (as discussed in Section 3.2 ) could be designed to attenuate additional stormwater flows from residential building roofs, hardstand areas and road pavement if required."*

Section 3.2 (page 7) of the Engineering Report also confirms an opinion the applicant has held since the land was purchased, that;

*"..given the ability to provide a large volume of stormwater detention within the proposed development area by way of a new detention pond, additional stormwater detention could be provided within a new detention pond to reduce the existing flooding problems experienced downstream of the proposed development area in the Norman Catchment, which are discussed in the Waitara West Stormwater Catchment Management Plan Report compiled by Opus in November of 2015."*

The Engineering Report concludes that a hydraulically neutral development is able to be achieved.

In relation to water supply to the site, the Engineering Report confirms the following in section 4.5 (page 11);

*"The existing potable Water Supply in Waitara has sufficient capacity for urban residential development in the proposed development area as required by NPDC."*

And makes the following water recommendation in section 4.5 (page 11);

*"It is recommended that the existing length of 63 OD PE water main adjacent to the proposed development area on Raleigh Street be paralleled by a new 150mm diameter water main."*

Wastewater reticulation is also assessed in the Engineering Report, and in relation to this, the report concludes (section 5.6, page 13);

*"The existing Wastewater reticulation in Waitara has sufficient capacity for residential development in the proposed area."*

And, in section 5.6, also makes the following wastewater recommendation;

*"It is recommended that NPDC confirm the capacity of the larger 300mm diameter sewer trunk main on McNaughton Street, and 900mm diameter sewer trunk main on Queen Street, for capacity to allow for additional sewage from the proposed development area."*

The site has also been investigated to confirm that the soil is suitable to establish dwellings upon. The Engineering Report concludes (section 5.0, of Appendix B to the Engineering Report);

*"Peat was encountered in one of the test holes, but with the exception of this test hole, the test results confirm that there is firm clay silt present throughout a large portion of the site. Subsequently, we consider that suitable stable flood free building platforms can be created on the site, in accordance with New Zealand Building – Acceptable Solutions B1/AS4 of approved Documents B1/4: Structural Foundations."*

In summary, the Engineering Report confirms that the site is suitable for building dwellings upon, and that the necessary infrastructure is available to ensure the dwellings are serviced by water and wastewater. It also confirms that the stormwater on the site is able to be managed so that at a minimum the site is hydraulically neutral, with opportunities to make it hydraulically positive – thus by working with the NPDC, there is an opportunity to assist in addressing the concerns about stormwater in this part of Waitara.

A stormwater detention bund is allowed for and proposed, and details are provided in this Supplementary Engineering Report.

Surface stormwater from the road and berm area is intended to be collected by traditional kerb and channel into sumps, and drained via concrete pipes to the existing stream. The final ground contour and road network will be designed as such that secondary overland flow (surface stormwater greater than a 20% AEP storm event) will naturally drain overland into the stream.

As detailed in the “*Johnston Street Waitara, Subdivision Feasibility Report 16-09-2018 – Table 3.1*”, the peak stormwater discharge into the stream for a 1% storm event would be 448m<sup>3</sup>, with a peak flow of 1.43 m<sup>3</sup>/s.

Additionally, if necessary roof water could (if approved by NPDC) also be connected into the piped stormwater reticulation and drained into the stream, with a total additional volume of 231m<sup>3</sup>, and a peak flow of 1.5m<sup>3</sup>/s for a 1% AEP storm event.

Water modelling was undertaken at the NPDC’s request and provided in an amendment to the above report in March 2019. This confirmed that FW3 could be achieved with current infrastructure.

### **1.7.3 Integrated Transport Assessment, Stantec, Appendix F**

An Integrated Transport Assessment (ITA) was commissioned by HIL to assess the transport related elements of the proposed development; including details of the development plan, access to the wider network, expected traffic generation levels, as well as consideration of the pedestrian and cycle connectivity to the adjacent Waitara urban area to the north.

This report concludes at section 12, page 19;

*“The proposed Plan Change area is well located for residential development from a transportation perspective. It has been identified by Council as a FUD area and aligns well with the transport outcomes expected and with the directions of the Operative District Plan.*

*Good connectivity will be possible to the surrounding land use with walking and cycling connections provided between the site and the established Waitara urban area. Across the wider area, the site is well situated for accessing the primary road network, with the SH3 corridor in close proximity to the south. Access and circulation within the subdivision itself has been designed to deliver a high level of amenity for all transport modes, in the manner anticipated by the New Zealand Standard 4404.*

*An assessment of the current speed limit on Raleigh Street adjacent the site has shown the current 80km/h speed limit is higher than that recommended by the NZTA Speed Management Guidelines. Whilst it is noted that the process to revise speed limits sits outside of the District Plan and Resource Consent process, the additional development facilitated by this Plan Change would further reinforce the appropriateness of reducing the speed limit on this part of the network.*

*An assessment of the likely traffic generation levels associated with the residential subdivision indicates modest additions of around 1-2 extra vehicles on the network during the daily peak hours. Traffic from the subdivision in the proposed Plan Change area would be dispersed across the adjacent road network, with local trips to the Waitara town centre to the north and district trips via SH3 to the south. The planned changes to the SH3 corridor between New Plymouth and Waitara, including connections for local traffic, will provide benefits to the both current traffic as well as that associated with new development such as that enabled under the Plan Change.*

*Overall, it is assessed that the proposed Plan Change to provide for development of the site for residential subdivision would not cause the function, safety or capacity of the surrounding road network to be compromised, and that an appropriate transportation outcome for all modes and users can be delivered in this location."*

#### **1.7.4 Economic Assessment, Market Economics, Appendix G**

Market Economics Ltd (ME) was commissioned by HIL to undertake an assessment of the potential economic and urban form implications of the PCR, to enable these effects to be assessed and to confirm for the applicant that there will be demand for the development, and that its own assessment of the economic demand was correct. This report ("the ME Report") considers how the PCR would fit into the New Plymouth residential land market given existing and planned future supply and growth projections and makes the following conclusion at section 6, page 21:

*"New Plymouth District, and the urban fringe around New Plymouth, is experiencing relatively strong growth in household numbers, with consequent pressure on land and house prices. There are few large residential developments in the District underway to accommodate this growth, with the largest being those around Whaler's Gate and elsewhere on the southern periphery of New Plymouth and in Bell Block. The total supply by all lots in these developments currently on the market equates to around a year's growth at current growth rates."*

*"The proposed residential development at 2 Johnston St would create 110-120 residential lots, and at expected sell down rates would account for less than 10% of District household growth over a three to five year period. The proposal would provide a range of lots sizes and be intended to accommodate a range of dwelling types. The additional supply would likely be the only greenfields residential development in Waitara if it comes to the market within the next two years, given the absence of any other developments at present. That is perhaps surprising, given the popularity of the recent subdivision at Armstrong Ave in eastern Waitara where most of the development, nearly 50 lots, was sold in the first 18 months."*

*"Waitara offers a point of differentiation to other locations within the District, with lower land prices enabling purchasers to afford more home for the same money, and allowing entry to the new property market at lower price points than is possible in urban New Plymouth. Waitara is easily commutable to New Plymouth, and has the capacity to accommodate a proportion of the District's future growth similar to, or larger than has been the case historically. Even if Waitara takes a higher share of future growth, there will still be a need for many large residential developments elsewhere in the New Plymouth housing catchment to be created over the next two decades, and ongoing infill housing."*

*"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. The PPC would have predominantly positive economic and urban form effects for both Waitara and New Plymouth, and therefore represent a positive change to the operative Plan. Notwithstanding that the*

*current FUD status of the Site is proposed to be removed, the PPC would also be consistent with Council's recent vision for residential development."*

The findings of this report confirmed for the applicant, HIL, that its assessment of the Economic conditions in Waitara, and the wider district, was correct, and in fact the demand was likely higher than it had originally anticipated, and was likely to continue to grow.

### **1.7.5 Landscape Values Impact Assessment, blueMarble, Appendix H**

blueMarble was commissioned to assess the effects of the proposal on the landscape and visual amenity of the area, and to prepare the structure plan (Appendix A).

This report concludes in the final paragraph of section 9 (page 18) that;

*"There is significant benefit in using this site for urban development as it abuts an existing residential area and therefore offers a logical and coherent extension to Waitara. The landscape effects of the proposal, both within the site itself and its receiving environment, are limited in scale and intensity. With mitigation, the essential character of this urban/rural landscape can be retained."*

Further information has been provided (March 2019) in the form of an additional Landscape Memo (Appendix H4) and accompanying revised Landscape Plan (Appendix H2) and alternative layout options (Appendix H3).

### **1.7.6 PSI, Landpro Limited, Appendix I**

Landpro Ltd was commissioned to complete a Preliminary Site Investigation (PSI) to identify historical hazardous activities with the potential to cause soil contamination, and to confirm the suitability of the site for residential use. Soil samples were taken as part of this report. This report concludes at section 7, page 25 that;

*"The preliminary investigation results presented in this report indicate a low level of risk, but nonetheless some remediation or management will be required for soil near the existing/former buildings in the yard area."*

*"Based on the results of this investigation, we consider that:*

- *It is highly unlikely that a risk to the health of future residents at the site will exist at the site due to contaminants in soil, provided that the future land use is generally consistent with that assumed in this report, and that further investigation and remediation/management are carried out before residential use or soil disturbance commences (probably during the subdivision consent application process).*
- *At this stage, there is no reasonable cause to suspect that asbestos-contaminated soil is present at the site, and therefore clause 10(1) of the Asbestos Regulations does not apply to soil at the site. It would still be prudent to consider the possibility of asbestos contamination*

*during future investigations, including (at a minimum) a detailed walkover inspection of the areas near present and former buildings.*

- *Nonetheless, some of the topsoil at the site contains contaminants at least slightly above background levels. While the preliminary sampling results indicate that most soil is suitable for residential use, soil with above-background contaminant concentrations cannot be treated as cleanfill, if removed from the site. Any future earthworks should be designed to maximise the amount of topsoil that can be retained on site. If this is not possible, options for cost-effective off-site disposal as managed fill should be considered well in advance to avoid unnecessary additional costs."*

### **1.7.7 Ecological Impact Assessment, Landpro Limited, Appendix L**

Landpro Ltd was commissioned to complete an Ecological Impact Assessment (EIA), to assess the ecological values of the land at 2 Johnston Street Waitara, and any potential ecological impacts from the proposed development.

This report concludes that;

- The site is dominated by exotic plant species;
- The site is ecologically a disturbed site, due to it being cropping farmland;
- Few bird species were encountered, with only two native species seen;
- No fish were detected during the spotlight fish survey of the entire stream within the property;
- No threatened species were found on site;
- Water quality at the site is currently relatively low;
- The site currently has low ecological value; and,
- The proposed landscape plantings using native species will be beneficial to water quality within the stream, and provide better cover for wildlife.

And recommends that;

- That the use of the native wetland plant raupō (*Typha orientalis*) is considered as part of the native planting in the man-made pond. Raupō forms dense beds that provide good habitat for wetland birds that may start to use the stream. It also uses nutrients in the water and sediment; and,
- 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 (NIWA 2018).

## **2. DESCRIPTION OF PROPOSAL**

### **2.1 Scope, Purpose and Objectives**

Pursuant to Section 73(2) of the RMA, the applicant requests that the NPDP be changed to re-zone Lot 3 DP 446773 from Rural Environment Area with a Future Development Overlay to Residential A Environment Area. A Structure Plan is provided (see **Figure 1**, and **Appendix A**). The NPDC Planning Map (B40) is shown in **Figure 2**.

The waterway located in the middle of the property and its immediate environment will be developed into Open Space Area. A walkway will be provided in this area to increase the amenity of the area and provide connection with the natural and surrounding environment.

The purpose of PCR is to;

*Change the Operative New Plymouth District Plan to rezone the subject land from Rural Environment Area (subject to Future Urban Development overlay) to Residential A Environment Area with a limited area of Open Space within it. This will be implemented through the statutory planning mechanism of a Structure Plan and additional rules to be inserted into the plan.*

The requested changes will enable future residential development and the expansion of Waitara's residential area in a manner that is consistent with;

- The NPDP;
- The Taranaki Regional Policy Statement (RPS);
- The RMA;
- the NPDC Framework for Growth; and
- The NPS-UDC.

The PCR introduces a structure plan for the site (see Appendix A) and if granted, will assist in ensuring the sufficient supply of residential land to meet growth demands for the District.

A Section 32 evaluation is provided in section 11 of this report.

There are no specific objectives associated with this PCR. In accordance with s32(6) of the RMA, the purpose of the PCR is therefore adopted.

In terms of the current Objectives in the Operative NPDP, the PCR is seeking to give effect in particular to Objective 23, which is *"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."*

While doing this, the PCR also seeks to achieve NPDP;

- Objective 1, which is *"To ensure activities do no adversely affect the environment and amenity values of areas within the district or adversely affect existing activities"* ;
- Objective 1A, which is *"To ensure that activities within and adjacent to the Future Urban Development OVERLAY do not adversely affect the ability to rezone and subsequently develop areas identified as FUTURE URBAN GROWTH AREAS"* ;
- Objective 4, which is *"To ensure the subdivision, use and development of land maintains the elements of RURAL CHARACTER"* ; and,

- Objective 5, which is *“To maintain and enhance the character and coherence of the urban areas of the New Plymouth District.”*

## 2.2 Description of Request

It is proposed to rezone 2 Johnston Street to enable the site to be developed for residential use. The proposed structure plan for the site has been prepared by blueMarble, and is shown in Figure 1 and provided in full in Appendix A.

As discussed above, the vision for the site includes approximately 110 lots of varying sizes to accommodate a variety of living types, as illustrated in the Landscape Plan and Structure Plan, Appendix A1.

To provide an indicative breakdown of the areas and lot sizes proposed (from page 4 of the LVIA in Appendix H);

**Table 2. Summary of Lot Types**

<b>Lot Type</b>	<b>Lot Size</b>	<b>Area for this type</b>	<b>Indicative Number of lots</b>
Road Frontage Lots	Average 600 m <sup>2</sup>	1.63 ha	25
Larger Lots	Average 1000 m <sup>2</sup>	1.91 ha	18
Internal Lots	Range 500-700 m <sup>2</sup>	3.54 ha	53
Smaller Lots	350 – 550 m <sup>2</sup>	0.72 ha	14
Open Space	-	1.54 ha	-
Roads	-	1.98 ha	-

In between, ‘standard’ ‘Residential A’ lot sizes are proposed (550-750 m<sup>2</sup>), where typical detached family dwellings are anticipated. There are approximately 53 lots of this type.

25 lots front Raleigh street. These too will be about 550-750m<sup>2</sup> in size.

Open Space is provided for along the boundary of the waterway on the site. A walkway will be provided here, and this area will be planted in native species – such as hebe, flax and cabbage tree.



Figure 1. Structure Plan, 2 Johnston Street

## 2.3 Changes to Plan Required to Give Effect to Proposal

This request proposes to;

- Change Planning Map B40 to show the subject land as Residential A Environment Area and Open Space Environmental Area;
- Remove the Future Urban Development Overlay – Waitara Area D;
- Introduce a structure plan for the subject land;
- Add indicative roads to the area to be rezoned;
- Add new Policies and Reasons (proposed Policy 23.10-12 and Reasons 23.10-12); and
- Add new rules OL60H-N to the NPDP to give effect to the proposed policies.

Proposed wording of the additional policies, reasons and rules to be added to the NPDP is provided in **Appendix C**.

## 2.4 Reasons

The reasons for the plan change are detailed earlier in this report, and discussed further below.

### 2.4.1 *The Land is Available*

HIL is an experienced land development company that is committed to the growth of Waitara, and it wishes to make 2 Johnston Street available for residential development. The land is held in one ownership by HIL, and is appropriate for subdivision into lots of a size that suits the local market. With the capabilities of the applicant and experience with developments in Waitara, a successful development can be achieved.

### 2.4.2 *Shortage of Supply*

The applicants own experience is that there is a shortage of supply of land for residential dwellings in Waitara, with demand for its current developments far exceeding the supply of land upon which to complete them.

Section 3.2 in the ME report in **Appendix G** details the projected growth in demand for households in Waitara, and the wider New Plymouth District. The report identifies that proposed residential development at 2 Johnston St would create 110-120 residential lots, and at expected sell down rates would account for less than 10% of District household growth over a three to five year period. The proposal would provide a range of lots sizes and be intended to accommodate a range of dwelling types. The additional supply would likely be the only greenfields residential development in Waitara if it comes to the market within the next two years, given the absence of any other developments at present. That is perhaps surprising, given the popularity of the recent subdivision at Armstrong Ave in eastern Waitara where most of the development, nearly 50 lots, was sold in the first 18 months.

The ME report identifies that Waitara offers a point of differentiation to other locations within the District, with lower land prices enabling purchasers to afford more home for the same money, and allowing entry to the new property market at lower price points than is possible in urban New Plymouth. Waitara is easily commutable to New Plymouth, and has the capacity to accommodate a proportion of the District's future growth similar to, or larger than has been the case historically.

As at 22 November 2018, a search of the three main NZ property listing websites (open2view.com; realestate.com and trademe.co.nz) showed that there were two sections available to purchase within the Waitara residential area.

At 13 March 2019, the same search yielded two residential sections on the market.

The recent historic rate of residential development in Waitara is discussed in the ME Report in Appendix G of this PCR. Figure 3.2 (page 7) of the ME report shows the Statistics New Zealand (SNZ) growth projections for Waitara, and demonstrates that actual growth has been at the high end of these projections. The ME report identifies (paragraph 4, page 8), *"SNZ appears to have consistently underestimated how much growth is likely in Waitara"*, and while this is no guarantee as to what future growth will look like in the town, the report continues; *"However, this analysis of the historic projection series indicates that for the purposes of growth planning, it more appropriate to plan for a future in which household counts lie somewhere between the current projection's medium and high growth scenarios."*

This PCR will ensure the demand for new residential serviced building sites in Waitara will be able to be satisfied well into the future.

### **2.4.3 Location**

The subject site is adjacent to the existing Waitara Residential A Environment Area, located on Raleigh Street; which is currently one of the main access roads in and out of Waitara, and which will soon be more important as changes to SH3 are made. (See **Figure 14**).

The site can be readily connected to the local roading network, being located on Raleigh street. NZTA proposals to upgrade SH3 will see this road become even more frequently used to access the town (a copy of the latest report on the proposed upgrade, and a summary of community feedback is included as **Appendix J**).

The site is elevated, presents few constraints for development, and is well positioned to develop a pleasant living environment for people and communities.

The site is also easily connected to the municipal sewer and water systems of Waitara, being upgradient of the existing wastewater network.

It is logical that the urban expansion of Waitara occurs on the perimeter of the town, close to access nodes and expansion in this manner is clearly recognised by the NPDC in the development of the FUD areas for the town in the NPDP.

The land is zoned Rural Environment Area and is subject to a Future Urban Development (FUD) overlay providing further indication that the NPDC has considered and contemplated growth in this area.

## **2.5 Resource Consent Application to Follow**

The applicant has a concept development for Lot 3 DP 446773 which would require resource consent application for a staged subdivision (and where necessary, land use consent<sup>1</sup>) once rezoned. This will result in the creation of 100-120 lots of various lot sizes.

The lots proposed adjacent to northwest and southwest boundaries will be larger sized lots of approximately 1000 m<sup>2</sup> to allow transitional rural character. In addition, a covenant to provide landscape planting on the property site boundaries to the northwest and southwest will be part of the proposal.

The inner lots and the lots along Raleigh Street will be medium-sized lots with areas ranging from 500 m<sup>2</sup> to 700 m<sup>2</sup>. The innermost lots will be the smallest lots but will not be less than 400 m<sup>2</sup> (consistent with Residential A Environment Area allotment sizes). The gully in the middle of the property will not be built on to protect the area surrounding the waterway, and to provide amenity values for future lot owners and the wider Waitara township. The front sites will have access directly off Raleigh Street and the inner lots will be accessed through the indicated road on the structure plan. The roads are to be vested, and would have entrance and exit points off Raleigh Street.

A Structure Plan is attached as Appendix A.

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<sup>1</sup> Land use consents may relate to activities such as earthworks if these do not comply with the NPDP permitted activity criteria.

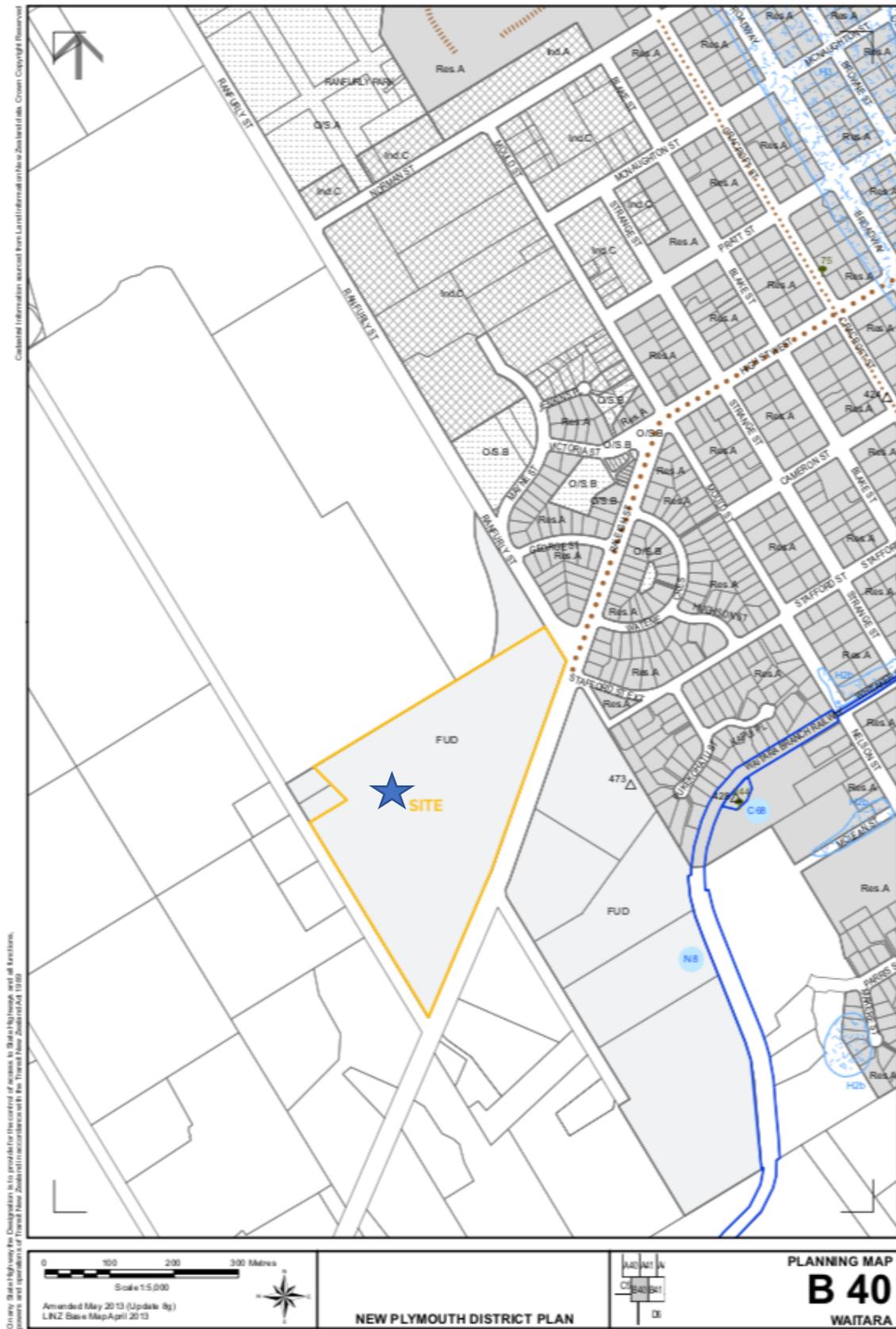


Figure 2. Current zoning of Lot 3 DP 446773

### 3. SITE AND CONTEXT

#### 3.1 Location

The site is located in the intersection of Johnston Street and Raleigh Street with a street address of 2 Johnston Street Brixton, Waitara. The site is less than 1 kilometer from SH3. The subject site is located immediately adjacent to the residential area of Waitara (Figure 2 and Figure 3).



Figure 3. Location map of 2 Johnston Street Brixton, Waitara (TRC GIS Maps, 2018)

#### 3.2 Land Owner and Legal Description

The property is legally described as Lot 3 Deposited Plan 446773 and owned by HIL. It is held in Computer Freehold Register 563208 and covers an area of 11.34 ha. There are no relevant interests on the title, a copy of which is included as **Appendix B**.

#### 3.3 Zoning

The subject site is located within the Rural Environment Area as per NPDC Planning Map B40 with the FUD overlay over the whole site (Figure 2).

### **3.4 Existing Nature of Site and Receiving Environment**

#### **3.4.1 The subject site**

The subject site has been used as a dairy support block by a local farmer, for maize cropping and pastoral farming. It is currently a vacant site and there are no dwellings present.

The PSI for the site (Appendix I) identifies that historically the site was a dairy farm or a similar agricultural operation until between 1975 and 2001 (probably before 1984), after which it was redeveloped as a market garden or similar. There may have been two tunnel houses constructed in the mid-1980s, although, if so, these were removed before the time of the next available aerial photograph (2001). Horticultural activity at the site ceased in approximately 2011.

#### **3.4.2 The Surrounding Environment**

The property is surrounded by a mixture of residential and rural activities, and activities that would be described as rural lifestyle in nature, being located next to Residential Environment Area and on one of the main access roads into Waitara.

On the northern boundary, the land is currently used for agricultural purposes. The land adjoining Johnston Street is a dairy operation (the Johnston Property), and parcels adjoining Ranfurly street are dairy support (the Jordan Property).

The owners of both blocks have indicated during discussions that they wish to be able to develop their land more intensively for residential use. The title immediately to the North of the subject site on the Jordan property has recently been subdivided into five lifestyle sized blocks, however the owner is concerned that separate ownership of these blocks may preclude future development of Waitara in this area in future years. Similarly, the owner of the Johnston property has developed scheme plans for a rural lifestyle development. They too are concerned that large lifestyle blocks are inappropriate in this area and in the future may constrain opportunities for future growth.

Along Johnston Street are 5 lifestyle blocks in the rural environment area. Two blocks (about 2000 m<sup>2</sup> each) on the eastern side of Johnston Street (numbers 44 and 46) were subdivided from the subject title in 2008 by previous owners. On the western side of the road are three blocks - 45 Johnston Street, 4000 m<sup>2</sup>, 39 Johnston Street at 1.6 ha (over two 6000 m<sup>2</sup> titles) and 21 Johnston Street at 4.2 ha. Dwellings on these blocks are set back from the road boundaries by between 8m and 32m. The closest side boundary setback is 46 Johnston Street at 5m.

On the opposite side of Raleigh Street (to the South of the subject site), also zoned rural, is a row of four lifestyle blocks ranging from 1.2 to 2.6 ha. There is a wide road berm, and setbacks from the road range from 10m to 100 m.

On the eastern corner of Johnston Street and Raleigh street is a block of land used for agricultural support (maize/grazing) which is owned by Otaraua Hapu Management Committee Incorporated. This

land is also zoned rural. Otaraua hapu has indicated that they may develop this block for housing in the future, but currently are constrained by the rural zoning.

East of the subject site (over Ranfurly Street) is the residential zone of Waitara. This is shown in Figure 2.

The proposal is compatible with this adjacent residential use, and the surrounding lifestyle blocks. The owners of the adjoining blocks that are used for rural purposes have either subdivided to lifestyle blocks, or have intentions to do so – though would prefer their land to be able to be developed for residential purposes also and can see opportunities for this to occur.

No special or notable values in the surrounding environment have been identified, however the elevated location of the site, its proximity to entrance corridors, and its position within a stormwater catchment that allows stormwater management in Waitara make it appealing for development.



**Figure 4. View of site , inside Johnston Street Boundary. (Johnston Street to right)**



**Figure 5. View of site , inside Raleigh Street Boundary. (Raleigh Street to right)**



**Figure 6. View of site – from northern corner looking across stream.**



**Figure 7. View across site towards the north.**

### **3.5 Services**

There is an existing water connection along Johnston Street and Raleigh Street. Located in Rural Environment Area, there is no sewage or stormwater connection immediately available on the site, however these services are available near the intersection of Raleigh and Ranfurly Streets (see **Figure 8**). Adjacent properties to the north within the existing Residential A Environment Area are connected to sewage reticulated system.

Existing services are discussed further in the Engineering Report in **Appendix E**.



Figure 8. NPDC Services (source NPDC GIS, 2018)

### 3.6 Roading

The property can be accessed from both Johnston Street and Raleigh Street. Johnston Street is a rural road which is about 3.5 m wide. Raleigh Street intersects with SH3 about 850 m south off the subject site. Upon entering Raleigh Street from SH3, the speed limit is 80 kph and this reduces to 50 kph after passing the subject site and entering the residential area.

The NPDP classifies Raleigh Street as an Arterial Road, from the intersection with Stafford Street north towards Waitara town centre. South of this intersection, the district wide road hierarchy map does not identify Raleigh Street as either an arterial or collector, which appears to be either be an anomaly in the District Plan maps or indicates that it is a local road. It is noted however that Raleigh Street forms part of the Heavy Vehicle bypass route for Waitara. Under the NZTA One Network Road Classification, Raleigh Street is identified as a 'Primary Collector' between SH3 and Stafford Street, and a 'Secondary Collector' to the north of this.

Johnston Street, which forms the site's western boundary, is classified as a Local Road within the NPDP, providing access to half a dozen residential dwellings and a farm.

The existing roads are discussed in detail in section 4 of the ITA in **Appendix F**.



**Figure 9. Johnston Street – view from site entrance towards Raleigh Street.**



**Figure 10. Johnston Street – View from entrance towards the west (end of road)**



**Figure 11. Intersection of Johnston Street and Raleigh Street**



**Figure 12. Raleigh Street – looking from Johnston Street Intersection to the North-West**



**Figure 13. Intersection of Raleigh Street and Ranfurly Street**

NZTA proposals to upgrade SH3 are shown in **Figure 14** and will see Raleigh St become and even more important access into Waitara. A copy of the latest report on the proposed SH3 upgrade, and a summary of community feedback NZTA received is included as Appendix J. On 21 November 2018, NZTA announced that funding has been approved and the upgrades will proceed. Final plans and designs for the works will be available in early-mid 2019.



**Figure 14. Consultation information on proposed changes to SH3 between Waitara and SH3A (Source NZTA Information Sheet One, Waitara to SH3A Safety Improvements December 2017, <https://www.nzta.govt.nz/assets/projects/sh3-waitara-to-bell-block/w2bb-info-sheet-one.pdf>)**

### 3.7 Topography and Natural Features

The subject site is generally flat to undulating. A small gully and an unnamed tributary of the Waitara River traverse the property, and this area is surrounded by pine trees and weedy vegetation with some individual natives also present. There are also some rows of mature pine trees and shelterbelts on the property which will be removed.

The property is in the Waitara River Catchment. The unnamed tributary described above runs for approximately 380m through the property before entering the neighbouring land. Approximately 350m downstream of HIL's land the tributary enters a pond, the outlet of which enters a culvert which appears to run from that point for around 1300 m before discharging in the Waitara River Estuary, slightly upstream of the boat ramp at the river mouth. This is shown in **Figure 15** below.



Figure 15. Site (yellow outline) in relation to waterways. (Source TRC GIS LocalMaps, October 2018)

The natural features and site topography is visible in the photos in Figure 4 to Figure 7.

### 3.8 Archaeology

An archaeological survey and assessment of the site was conducted by Ivan Bruce from Archaeological Resource Management who visited the site on 30 July 2018 (**Appendix D**). He has confirmed that there are no archaeological sites that are apparent and that the development of the land will not affect known archaeological sites. An accidental discovery protocol will be developed that is consistent with Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA).

### 3.9 Heritage

While no archaeological sites have been found, the waterway on the property is likely to be of importance to local iwi due to the cultural importance of Wai and the historical use of waterways by Maori. There are some anecdotal concerns that taonga may be present in the area surrounding the tributary.

Avoiding excavation in the tributary and the protection of it by providing for it as Open Space area is therefore recognised and provided for through the Waitara Area D Structure Plan (Appendix A).

## 4. RESOURCE MANAGEMENT ACT 1991

This PCR is made pursuant to Section 73(2) of the RMA.

Section 74(1) of the RMA requires a territorial authority to, inter alia, prepare and change its district plan in accordance with its functions under Section 31 and clause 21, Schedule 1 Part 2 of the RMA and to have a particular regard to an evaluation report prepared in accordance with Section 32 of the RMA.

A Section 32 Evaluation Report is provided in Section 11 of this report in accordance with Clause 22(1) of Schedule 1 and Part 2 of the RMA. This satisfies the requirements of Sections 32(1) and 32(2).

### 4.1 Part 2 of the RMA

Part 2 of the RMA sets out the purpose and principles of the RMA which is to 'promote sustainable management'. In the context of the RMA, sustainable management centres on managing the use, development and protection of natural and physical resources while safe-guarding the life-supporting capacity of the environment, sustaining the needs of future generations and avoiding, remedying and mitigating adverse effects. There is a logical hierarchy to the RMA with policy and planning instruments developed at national, regional and district levels. Further statutes may also weigh into an assessment of whether the activity achieves the purpose and principles of the RMA.

Section 5 sets out the purpose of the RMA – the sustainable management of natural and physical resources, while enabling people and communities to provide for their social, economic and cultural well-being and for their health and safety.

This plan change would not compromise the sustainable management of natural and physical resources. With the mitigation measures proposed, the changes proposed in this PCR will not adversely affect the sustainable management of the Rural and Residential environment that surrounds the site. It will provide housing in a manner which minimises adverse effects on existing infrastructure and maximises the benefits to the wider community.

Sections 6, 7 and 8 of the RMA provide further context and guidance to the constraints found in Section 5(2)(a), (b) and (c). The commencing words to these sections differ, thereby laying down the relative weight to be given to each section, Section 6 matters having the highest priority.

Section 6 of the RMA sets out the matters of national importance which need to be recognised and provided for and includes, among other things and in no order of priority:

- the preservation of the natural character of wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;
- the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers;

- the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development;
- the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;
- the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga; and
- the protection of historic heritage (from inappropriate subdivision, use and development).

The PCR will preserve the natural character of the waterway that is present on the subject site by protecting it and enhancing it, and providing for it as Open Space B Environment Area. Pest plant species will be removed and replaced with indigenous species. The PCR will also enhance public access by providing a walking track and public access to the waterway (which does not exist at present). The walking track, when complete, will be approximately 2 km in length.

The mechanism to achieve this is able to be determined with the NPDC, with the most logical possibility being via conditions on future subdivision consents requiring this to be completed before titles are able to be issued.

No significant indigenous vegetation or significant habitats of indigenous fauna have been found at the site.

The site is not identified as an archaeological site (as confirmed by the report in Appendix D). Similarly, no structure with historical significance is found on site. An accidental discovery protocol for the site will be developed. The area surrounding the waterway that runs through the site is likely to have cultural significance, and measures have been put in place to protect this area; including ensuring works in the area are minimised, and that the area surrounding the waterway is zoned Open Space B Environment Area. The activities are therefore considered consistent with section 6.

The mechanism for achieving this is by notation in the Structure Plan, and the supporting policies and guidance to the structure plan (drafted in Appendix C).

Section 7 of the RMA requires all persons exercising functions and powers under it to have particular regard to those matters listed in the section. Section 7 matters are not expressly ranked in order of priority. Therefore, all aspects of this section are to be considered equally. In the case of this particular PCR, the following matters are considered relevant:

- kaitiakitanga;
- the efficient use and development of natural and physical resources;
- the maintenance and enhancement of amenity values;
- maintenance and enhancement of the quality of the environment; and,
- any finite characteristics of natural and physical resources.

The matters in section 7 are addressed throughout this report, and the applicant is focused on enhancement of the environment rather than simply maintaining it. The opportunities to enhance the environment are identified throughout this report. Through implementing residential development with properly designed stormwater, there is an opportunity to improve the stormwater infrastructure in this area (detailed in Appendix E).

As part of ensuring that Otaraua and Manukorihi Hapu are able to exercise Kaitiakitanga over the land, they will be invited to undertake monitoring of the site, and are currently being consulted with regard to any other input they wish to have. As consultation is ongoing, the specific mechanisms to give effect to this process have not been finalised.

Section 8 of the RMA requires all persons exercising functions and powers under it to take into account the principles of the Treaty of Waitangi.

An archaeological survey was undertaken and the gully in the middle of the project site will be protected and nothing will be built on it.

Consultation is in progress with local iwi and hapu.

The principles of the treaty include partnership, mutual benefit and active protection. HIL recognises these principles and is engaged with Iwi and Hapu in relation to the application and the process.

## **4.2 Regional Policy Statement**

The Taranaki Regional Policy Statement (RPS) became operative on 1 January 2010. The relevant parts of Taranaki RPS to this PCR are Sections 4 and 15. Section 4 addresses the use and development of resources and Section 15 deals with the built environment. In this section of this report, the two relevant RPS sections are presented with their relevant objectives and policies, and an assessment of the PCR against these policies and objectives follows.

### **Section 4 RPS - Use and development of resources (UDR)**

UDR Issue 1 is *"recognising the role of resource use and development in the Taranaki region. Its objective is "To recognise the role of resource use and development in the Taranaki region and its contribution to enabling people and communities to provide for their social, economic and cultural wellbeing."*

Under UDR Policy 1 – *"Recognition will be given in resource management processes to the role of resource use and development in the Taranaki region and its contribution to enabling people and communities to provide for their economic, social and cultural wellbeing."*

The PCR gives effect to the above objective and policy as follows:

- It can provide additional housing supply which a High Growth Urban Area needs. New Plymouth District's population has one of the highest growth rates in the country.

- The provision for additional residential lots provided for by the PCR will boost local businesses in Waitara and New Plymouth District.
- The proposed development recognises and provides for the need to maintain the rural character of the surrounding environment, to the extent possible in this location which adjoins the Residential A Environment Area.
- The suitability of the site for the construction of dwellings and ability to provide services has been assessed and confirmed.
- Local iwi and the community are being (and will continue to be) consulted.
- An archaeological assessment has been conducted and the recommendations of this assessment will be implemented.

## **Section 15 RPS - The built environment**

SUD (Sustainable Urban Development) Issue 1 is *"promoting sustainable urban development in the Taranaki region."* The objective is *"To promote sustainable urban development in the Taranaki region."*

SUD Policy 1 is – *"To promote sustainable development in urban areas by:*

- (a) encouraging high quality urban design, including the maintenance and enhancement of amenity values;*
- (b) promoting choices in housing, work place and recreation opportunities;*
- (c) promoting energy efficiency in urban forms, site layout and building design;*
- (d) providing for regionally significant infrastructure;*
- (e) integrating the maintenance, upgrading or provision of infrastructure with land use;*
- (f) integrating transport networks, connections and modes to enable the sustainable and efficient movement of people, goods and services, encouraging travel choice and low-impact forms of travel including opportunities for walking, cycling and public transport;*
- (g) promoting the maintenance, enhancement or protection of land, air and water resources within urban areas or affected by urban activities;*
- (h) protecting indigenous biodiversity and historic heritage; and*
- (i) avoiding or mitigating natural and other hazards."*

The PCR gives effect to the above objective and policy as follow:

- The proposed structure plan provides for and recognises the unique location, landscape and character of the site and its position between residential and rural areas.
- It can provide for different lot sizes and housing opportunities to give a range of lifestyle choices and encourage a diverse community.
- The proposed development reinforces the principle of providing sufficient supply of residential land housing consistent with National Policy Statement on Urban Development Capacity, which the RPS is required to give effect to.
- The proposed development can be connected to water and sewer services. Stormwater can be contained within the site, and there are opportunities within this site to improve the stormwater issues that are occurring in the downstream catchment . This has been assessed and confirmed.

- The open space B zoning of the waterway is an initiative to provide amenity values, connectivity for pedestrians and cyclists (also providing recreation opportunities) and to recognise potential cultural significance of the waterway.
- A landscape buffer is also provided along Raleigh Street and lot sizes on the northwest and southwest edges are larger in size to provide for transition and integration.
- An archaeological assessment has been conducted and although no artefact or site with cultural significance has been found above ground level, an accidental discovery protocol can be developed, and any previously unidentified archaeological remains addressed in accordance with Heritage New Zealand Pouhere Taonga Act 2014.
- The roads inside the subdivision will be part of the road network to be connected to Raleigh Street. Based on the ITA (Appendix F), the PCR *"would not cause the function, safety or capacity of the surrounding road network to be compromised, and that an appropriate transportation outcome for all modes and users can be delivered in this location."* (Section 12, page 22)

Overall, the PCR development provides a unique opportunity to meet and give effect to the Council's sustainable use, management and development of resources policies without significant adverse effect on the rural environment and existing established residential areas. The PCR development provides the opportunity to meet the growth demand of the district while at the same time improving the amenity of the area, and providing opportunities for the township of Waitara and the local community.

### **Section 5 RPS - Land and Soil**

The issues identified in the RPS that relate to Land and Soil are protecting our soil from accelerated erosion, maintaining healthy soils and managing the effects of hazardous substances and contaminated sites.

It is not anticipated that the proposed development will accelerate erosion, and in fact may slow it on this specific site as the land use will change from annual cropping and agriculture to residential use, which will, once complete, be largely undisturbed. Additionally the Open Space B area and the protection of the riparian margins that are part of the proposal will mitigate effects of any sediment runoff on water quality.

The effects of hazardous substances and contaminated land are detailed in the PSI in Appendix I.

### **Section 6 RPS - Fresh Water**

The issues identified in the RPS that relate to Fresh Water are;

- sustainable allocation of surface water resources;
- maintaining and enhancing the quality of water in our rivers, streams, lakes, and wetlands;
- maintaining groundwater flows and quality at sustainable levels;
- protecting the natural character of our wetlands;

- managing land drainage and other diversions of water;
- managing effects associated with the use of river and lake beds; and
- maintaining and enhancing public access to and along rivers and lakes.

There will be no water takes (ground or surface) required in association with the proposed development, groundwater quality is unlikely to be affected (and may be enhanced with the removal of agricultural land use), and no land drainage or diversion is proposed.

With regard to the relevant issues;

WQU POLICY 1 is that *"Sustainable land management practices and techniques that avoid, remedy or mitigate adverse effects on surface water quality will be encouraged, including:*

- (a) the retention and restoration of effective riparian buffer zones;*
- (b) the careful application of the correct types and quantity of fertiliser and agrichemicals;*
- (c) the careful application of the appropriate quantities of farm dairy effluent having regard to topography, land area, weather and soil conditions;*
- (d) the development, recontouring and restoration of disturbed land to reduce diffuse source discharges of contaminants to water;*
- (e) farm management practices that avoid, remedy or mitigate the effects of stock entry to rivers and streams, trampling and pugging by stock, overgrazing, and accelerated erosion from inappropriate land use on erosion prone land; and*
- (f) other land management practices, including the discharge of contaminants to land and the diversion of stormwater runoff to land, which avoid or reduce contamination of surface water."*

The proposed development will provide for Open Space B surrounding the waterway on this site, and the proposal includes the establishment of riparian vegetation. This, along with the removal of tilling/cropping, fertiliser application and stock from the land (stock also have direct access to the waterway at present and this too will cease) will result in improvements to water quality. The protected Open Space B area will also reduce the likelihood of contaminants from residential use entering the waterway (e.g. runoff). Onsite stormwater disposal will also serve to mitigate this.

WQU POLICY 2 is *"The retirement and planting of riparian margins throughout the Taranaki region will be promoted, with a particular focus on ring plain catchments."*

The proposal is consistent with this policy in that the Open Space B area will result in riparian vegetation being established and maintained.

WET POLICY 1 is that *“The protection of wetlands in the Taranaki region from inappropriate subdivision, use and development will be promoted”* and WET POLICY 2 is that *“The enhancement and creation of wetland areas will be encouraged, where appropriate.”*

While there are no wetlands on the subject property, the additional stormwater detention developed within this site this may provide additional wetland habitat. The improvement of water quality in the waterway that will result from the enhancement of the Open Space B area (riparian planting and protection) will benefit downstream wetland areas, including the Waitara Estuary.

RLB POLICY 1 states that *“The use of and disturbance to river and lake beds will be carried out in a manner that avoids, remedies or mitigates as far as practicable:*

- (a) adverse effects on the natural character, ecological and amenity values, including indigenous biodiversity values and fishery values;*
- (b) adverse effects on fish passage, fish spawning and aquatic habitats, including the habitat of trout;*
- (c) adverse effects on the relationship of tangata whenua with the water body;*
- (d) adverse effects on ecological values associated with river and lake beds through the spread of pest plants;*
- (e) adverse effects on water quality and in-stream habitat, including the passage of fish;*
- (f) erosion or accretion of river and lake beds or banks;*
- (g) the exposure or destabilisation of existing structures within the bed;*
- (h) the unintentional impoundment of water and adverse effects associated with flooding and erosion;*
- (i) reductions in the capacity of river channels to convey flood flows;*
- (j) adverse effects of flooding on adjacent properties or uses; and*
- (k) adverse effects on historic heritage.”*

An Ecological Assessment has been completed and this is provided in **Appendix L**. This report assesses the ecological value of the site and the impacts of the proposed activities and concludes that;

- The site is dominated by exotic plant species;
- The site is ecologically a disturbed site, due to it being cropping farmland;
- Few bird species were encountered, with only two native species seen;
- No fish were detected during the spotlight fish survey of the entire stream within the property;
- No threatened species were found on site;
- Water quality at the site is currently relatively low;
- The site currently has low ecological value; and
- The proposed landscape plantings using native species will be beneficial to water quality within the stream, and provide better cover for wildlife.

In summary, the proposed development will improve the natural character of the waterway by providing vegetation and protection, and this in turn will enhance the ecological values and amenity values of the waterway. The EIA recommends that large culvert pipes be partially buried in the stream bed, to provide fish passage, and at the time when consents are sought for culverts for the roadways

(stage 4 and 5), this will be incorporated and imposed as condition of consent if the TRC considers it necessary.

The waterway on site has been identified as the most likely area in which previously unrecorded archaeological remains may be found if excavated and measures identified to minimise disturbance in the first instance, and monitor works in the areas where works are necessary.

## **Section 9 Indigenous Biodiversity**

The relevant policies relating to biodiversity are discussed below as follows:

### **BIO POLICY 1**

*"The maintenance, enhancement and restoration of indigenous biodiversity will be promoted throughout the Taranaki region and at different scales within the region and will include ecological landscapes, ecosystems, and ecological processes, habitats, communities, species and populations".*

The development will result in an improvement in biodiversity along the banks of the tributary that runs through the site, with the removal of pest plants and pines, and the establishment of indigenous landscape plantings. Stock will be excluded from the waterway.

### **BIO POLICY 2**

*"Adverse effects on indigenous biodiversity in the Taranaki region arising from the use and development of natural and physical resources will be avoided, remedied or mitigated as far as is practicable."*

No adverse effects on ecology or biodiversity have been identified (see EIA, Appendix L).

### **BIO POLICY 3**

*"Priority will be given to the protection, enhancement or restoration of terrestrial, freshwater and marine ecosystems, habitats and areas that have significant indigenous biodiversity values."*

Significant ecological or indigenous biodiversity values have not been identified (see EIA, Appendix L).

### **BIO POLICY 4**

*"When identifying ecosystems, habitats and areas with significant indigenous biodiversity values, matters to be considered will include:*

- 1. (a) the presence of rare or distinctive indigenous flora and fauna species; or*
- 2. (b) the representativeness of an area; or*
- 3. (c) the ecological context of an area.*

*Once identified as significant, consideration should be given to the sustainability of the area to continue to be significant in future when deciding on what action (if any) should reasonably and practicably be taken to protect the values of the area."*

The above have been taken into account in the EIA, Appendix L.

#### BIO POLICY 5

*"The maintenance, enhancement or restoration of indigenous biodiversity will be promoted in ecosystems, habitats and areas not covered by Policies 3 and 4 above, but still important for the continuing functioning of ecological processes, including those aspects important for the maintenance, enhancement or restoration of:*

- (a) connections within, or corridors between, habitats of indigenous flora and fauna;*
- (b) ecosystems, habitats and areas that provide buffering of habitats of indigenous flora and fauna;*
- (c) botanical, wildlife, fishery and amenity values;*
- (d) biological and genetic diversity;*
- (e) water quality, water levels and flows; and*
- (f) soils, substrate, minerals, nutrients or other physical factors or processes necessary for the survival of any indigenous flora or fauna species or community. "*

The planting proposed adjacent to the waterway and the protection of this area as Open Space B will give effect to BIO Policy 5.

#### BIO POLICY 6

*"The Taranaki Regional Council will work with landowners, resource managers and resource users and will co-ordinate and liaise with other agencies and community groups to promote the maintenance and enhancement of indigenous biodiversity in an integrated and cost-effective way."*

The planting proposed will be undertaken at the cost of the applicant. TRC resources are available to be utilised where appropriate.

#### BIO POLICY 7

*"In the maintenance and enhancement of indigenous biodiversity in Taranaki consideration will be given to the social and economic benefits of appropriate use and development of resources."*

The proposed development is considered an appropriate use and development of land resources, and has positive effects on indigenous biodiversity. It is therefore consistent with this policy.

#### POLICY

8

*"When re-establishment or restoration of indigenous vegetation and habitat is carried out, preference should be given to the use of local genetic stock."*

Preference will be given to local genetic stock, if available, when selecting plants for the Open Space B area.

## **Section 10 Natural Features and Landscapes, Historic Heritage and Amenity Value**

NFL POLICY 2 is most relevant to the subject proposal, and states *“Recognition shall be given to the appropriate management of other natural areas, features or landscapes not covered by Policy 1 above, but still of value to the region for one or more of the following reasons:*

- (a) the maintenance of water quality and quantity;*
- (b) soil conservation;*
- (c) the avoidance or mitigation of natural hazards;*
- d) natural character amenity and heritage values and scientific and educational significance;*
- (e) geological and geomorphological, botanical, wildlife and fishery values;*
- (f) biodiversity and the functioning of ecosystems;*
- (g) ‘sinks’ or ‘pools’ for greenhouse gases; and*
- (h) cultural features of significance to tangata whenua. ”*

The above have been taken into account throughout this PCR and the proposal is consistent with this policy, and has benefits in relation to (a), (b), (d), and (f). Measure to mitigate effects on cultural features of significance to Tangata Whenua have been identified and allowed for. The amenity value of the waterway will be improved as a result of the exclusion of stock, and the planting proposed.

## 5. NATIONAL ENVIRONMENTAL STANDARDS

### 5.1 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011

A PSI has been conducted on Lot 3 DP 446773 (**Appendix I**).

No contaminants of concern were found and the report confirms at section 7 paragraph 4, that;

*“It will be highly unlikely that a risk to the health of future residents at the site will exist at the site due to contaminants in soil, provided that the future land use is generally consistent with that assumed in this report, and that further investigation and remediation/management are carried out before residential use or soil disturbance commences (probably during the subdivision consent application process).”*

Some additional further sampling work is identified, and as it is appropriate that this occur at the time of subdivision; the applicant will ensure this work is carried out. At the time of subdivision the NES will need to be addressed for this site (in any subdivision application). The report attached in Appendix I will be available, and the recommendations regarding sampling on each lot will be captured at this stage.

### 5.2 National Policy Statement on Urban Development Capacity

The National Policy Statement on Urban Development Capacity 2016 (NPS-UDC) sets out the objectives and policies for providing development capacity under the RMA; and came into effect on 1 December 2016.

The NPS-UDC was developed by the Ministry for the Environment and the Ministry of Business, Innovation and Employment to recognise the national significance of:

- Urban environments and the need to enable such environments to develop and change; and,
- Providing sufficient development capacity to meet the needs of people and communities and future generations in urban environments.

The NPS-UDC directs local authorities to provide sufficient development capacity in their resource management plans, supported by infrastructure, to meet demand for housing and business space.

Development capacity refers to the amount of development allowed by zoning and regulations in plans that is supported by infrastructure. This development can be ‘outwards’ (on greenfield sites) and/or ‘upwards’ (by intensifying existing urban environments).

Sufficient development capacity is necessary for urban land and development markets to function efficiently, to meet community needs. In well-functioning markets the supply of land, housing and business space matches demand at efficient (and typically more affordable) prices.

The NPS-UDC contains objectives and policies that local authorities must give effect to in their resource management decisions.

It provides direction on:

- outcomes that urban planning decisions should achieve;
- evidence underpinning those decisions;
- responsive planning approaches; and,
- coordination between local authorities and providers of infrastructure.

Within these four areas, the NPS-UDC targets the more challenging requirements to local authorities that have jurisdiction over urban areas experiencing the most significant growth.

In the summary of the NPDS-UDC updated on 23 November 2017, New Plymouth is one of the newly identified High-Growth Urban Areas and therefore has to give effect to all the objectives and policies of the NPS-UDC. In PC12-14 of NPS-UDC, local authorities of High-Growth Urban Areas are required to produce a future development strategy that demonstrates there will be sufficient, feasible development capacity in the medium and long terms; and that the minimum targets will be met. This strategy shall identify the location, timing and sequencing of future urban development capacity for the long-term, including both future greenfield areas and intensification opportunities in existing urban environments.

The housing and business development capacity assessment for New Plymouth is required to be completed this year and has not yet been released by the NPDC.

As a newly identified High Growth Urban Area, NPDC must provide recommendations on how to provide sufficient housing to address continuous demand through planning and infrastructure development. This PCR and subsequent land development and subdivision will provide additional supply and can help address the housing demand of the district.

The greenfield development that will result from this PCR will target a slightly different market from infill subdivision (as discussed in the Economic Assessment in **Appendix G**). The proposed development of the subject site will offer different lot sizes which can accommodate different housing types, new dwellings and a lifestyle away from New Plymouth centre but in a commutable distance. The success of market sale of lots from Armstrong Avenue subdivision is a proven example that there is a demand for greenfield development in this area.

The PCR will encourage more households to relocate in Waitara and this can boost local businesses and the economy of the town.

An Economic Assessment has been prepared by M.E Consulting (Appendix G). Based on the growth of New Plymouth District, the report identifies that the PCR development would be generally in keeping with the share of District growth Waitara has captured historically. It is clearly identified in this report

that although infill subdivision can assist in providing the demand, at the rate it occurs, there is still need for greenfield development to meet the demand in the long term. The current level of vacant supply identified indicates that new supply will need to emerge to meet projected market demand.

In summary, the PRC assists the NPDC in giving effect to the NPS-UDC by providing affordable residential land within the New Plymouth District that can be used to provide sufficient housing, and address the continuous demand for housing. This will assist the NPDC in meeting its requirements under the NPS-UDC.

In particular, Objective OC2 of the NPS-UDC is that;

*“Local authorities adapt and respond to evidence about urban development, market activity and the social, economic, cultural and environmental wellbeing of people and communities and future generations, in a timely way”*

This PCR provides evidence to the NPDC that there is strong market activity in Waitara, and demand and need for housing there. The PCR identifies that this can occur in a way that provides for the social, economic and cultural well being of people and communities (and for their health and safety).

## 6. NEW PLYMOUTH DISTRICT PLAN

### 6.1 Overview

The NPDP became operative as of 28 November 1998. The District Plan is in the process of review. A Draft Digital District Plan was released in February 2018. NPDC is still considering comments on this draft, which holds no statutory weight at this time.

Under the NPDP, the site is zoned Rural Environment Area with Future Urban Development Overlay (FUD).

The NPDP identifies in its Management Strategy in Reasons 1.1 (pages 14 and 15), that all the land outside of the 'Urban Environment Areas' is Rural Environment Area. It details that; *"The elements associated with the rural environment include spaciousness, low density, built form, vegetation (such as pasture, crops and forest), and distinctly 'rural' noises and smells. These elements are largely developed as a result of traditional 'rural' practices such as pastoral farming, horticulture, intensive farming activities and other rural industries..."*

'Future Urban Growth Area' is defined in the NPDP (Definitions, page 408 of the NPDP) as *"any area of land within the areas defined by the Future Urban Development OVERLAY on the planning maps"*.

Within the NPDP Management Strategy, Issue 1A (page 16d) discusses *"The adverse effects of activities on the future rezoning and development of areas identified as FUTURE URBAN GROWTH AREAS"*.

Importantly to the subject PCR, under Issue 1A it is identified that;

*"The Land Supply Review was initiated in 2006 in response to recent economic and household growth. The aim of the Land Supply Review was to address the supply of residential and employment land in New Plymouth/Bell Block and in those other towns which currently have residential zoning and have the physical potential to grow. This included Waitara, Inglewood, Okato, Onaero, Lepperton and Egmont Village. Oakura and Urenui were considered separately through the Coastal Strategy Structure Plans. The Land Supply Review also considered the need for further employment land in the larger towns of New Plymouth, Bell Block, Waitara and Inglewood."*

*"The Framework for Growth (March 2008), the Oakura Structure Plan and the Urenui Structure Plan set out the recommended growth direction policies for the urban expansion of land in the district as a result of the Land Supply Review and the Coastal Strategy Structure Plans through the identification of FUTURE URBAN GROWTH AREAS. The FUTURE URBAN GROWTH AREAS therefore provide the context for future COUNCIL decisions related to managing residential and commercial growth and ensuring that COUNCIL funded infrastructure is delivered in a cost effective and timely manner based on these priorities. The FUTURE URBAN GROWTH AREAS also provide the COUNCIL with the necessary direction and context for assessing any urban growth related private plan changes."*

*"One of the key principles underpinning the Framework for Growth is that a compact urban form is desirable to ensure the efficient use of land. Urban development should be focussed into or immediately around existing towns where services and infrastructure exist, or can be efficiently provided. Compact towns also encourage a density of population necessary to support alternative passenger transport and local services. "*

Residential Environment Areas in general and Residential A are also discussed under Reasons 1.1, on page 14 of the NPDP Management Strategy:

*"The Residential Environment Areas are located in urban areas and represent those areas where the majority of people choose to reside. They are characterised by a medium to high density built form, low to medium traffic movements, low levels of environmental nuisance (such as noise) and high levels of visual and aesthetic amenity."*

Under Reasons 6.1 (page 39 of the NPDP Management Strategy" it is noted that;

*"The development of Residential Environment Areas will ensure that areas with similar characters, in terms of space, are grouped together..."*

And;

*"The Residential A Environment Area is representative of the typical allotments found in developed residential areas where reticulated sewerage is available. Based on the average existing section size, a minimum subdivision size of 450 m<sup>2</sup> is considered appropriate for this area. "*

## **6.2 Zoning**

As discussed above, the subject site is currently zoned Rural Environment Area with Future Urban Development Overlay (FUD). In this Environment Area, for the subdivision to be a controlled activity, either the minimum allotment size is 20 ha or one allotment of not less than 4000 m<sup>2</sup> from the Parent Title can be subdivided provided there is a balance area remaining from the Computer Freehold Register subject to subdivision that is not less than 20 ha in area. However under the FUD, all activities are non-complying. The reason for this is to ensure any rural development does not compromise the ability of the land to be used for future urban development.

The applicant proposes that the site be re-zoned as Residential A where 450 m<sup>2</sup> allotment size will be a controlled activity, with smaller lots allowed for in some areas as per the Structure Plan. Areas of Open Space B will also be provided.

*The OPEN SPACE B ENVIRONMENT AREA is characterised by those areas that are predominantly focused towards informal recreational pursuits, usually of a more passive nature, such as walking, playing or fishing. They are more open, with less built features than the OPEN SPACE A ENVIRONMENT AREA.*

Examples include Matekai Park, Te Henui Walkway, James Nuku Park, and the motorcamps at Oakura and Belt Road.

### 6.3 Issues, Objectives and Policies

The relevant issues, objectives and policies listed in the NPDP are discussed and assessed whether the PCR will achieve the objectives and policies of the NPDP.

#### 6.3.1 Issue 1

Issue 1 addresses *"The adverse effects of activities on the character of area and on other activities."*

Its Objective 1 is *"To ensure activities do not adversely affect the environment and amenity values of areas within the district or adversely affect existing activities."* To address this objective, the policies are as follows:

- *Policy 1.1 Activities should be located in areas where their effects are compatible with the character of the area.*
- *Policy 1.2 Activities within an area should not have adverse effects that diminish the amenity of neighbouring areas, having regard to the character of the receiving environment and cumulative effects.*
- *Policy 1.3 – New activities that are sensitive to the elements that define the character of the area in which they intend to locate should be designed and/or located to avoid conflict.*

The changes proposed in the PCR are consistent with the character of the area as the property is located within the Future Urban Development (FUD) Overlay and next to Residential A Environment Area and part of the Urban Environment. Landscaping along Raleigh Street will be provided to limit any adverse visual amenity and character effects. The lots next to northwest and southwest boundaries which are adjacent to Rural Environment Area will be lifestyle lots which will have average lot sizes of 1000 m<sup>2</sup> to allow transition and integration from rural character to urban environment.

#### 6.3.2 Issue 1A

Issue 1A addresses *"The adverse effects of activities on the future zoning and development of areas identified as FUTURE URBAN GROWTH AREAS."*

Objective 1A is *"To ensure that activities within and adjacent to the Future Urban Development OVERLAY do not adversely affect the ability to rezone and subsequently develop areas identified as FUTURE URBAN GROWTH AREAS"*. The policies related to this objective are:

- *Policy 1A.1 Activities within the Future Urban Development OVERLAY should be located and undertaken in a manner that does not have any actual or potential adverse effects on the future rezoning and subsequent development of land identified as a FUTURE URBAN GROWTH AREA.*

- *Policy 1A.2 Subdivision of land within the Future Urban Development OVERLAY should be located and undertaken in a manner that does not have any actual or potential adverse effects on the future rezoning and subsequent development of land identified as a FUTURE URBAN GROWTH AREA.*

The PCR will enable a property located within Future Urban Development Overlay to be rezoned to Residential A Environment Area which is consistent with (and essentially gives effect to) Policies 1A.1 and 1A.2. Rezoning the property to Residential will enable residential subdivision and will address the needs of household growth of New Plymouth. As newly identified High Growth Urban Area, there is current and potential increase in housing demand in the district.

Reflecting on “One of the key principles underpinning the Framework for Growth” (discussed in section 6.1 above) that gives context to Issue 1A, (being that “Urban development should be focussed into or immediately around existing towns where services and infrastructure exist or can be effectively provided”) it is highlighted that the PCR is within a Future Urban Development area that has been identified under the Framework for Growth, and is located immediately adjacent to the Residential A Environment Area of Waitara. The Engineering Report confirms that services and infrastructure exist and can be efficiently provided.

### **6.3.3 Issue 4**

Issue 4 addresses “Loss or reduction of rural amenity and character.”

Objective 4 is “To ensure the subdivision, use and development of land maintains the elements of RURAL CHARACTER.” The policies to achieve this objective are:

- *Policy 4.1 Control the density and scale of subdivision by providing for one small ALLOTMENT where there is a large balance area, that promotes Spaciousness and a Low Density, Production Orientated Environment.*
- *Policy 4.2 Control the density, scale, location and design of subdivision by providing limited opportunities for small ALLOTMENT subdivision.*
- *Policy 4.3 Control the density, scale, location (including on-site location) and design of activities.*
- *Policy 4.4 Control the density, HEIGHT and on-site location of HABITABLE BUILDINGS.*
- *Policy 4.5 Ensure the design of subdivision and development is sensitive to the surrounding environment.*
- *Policy 4.6 Retain vegetation, particularly indigenous vegetation and require the planting of new vegetation to mitigate the effects of activities.*
- *Policy 4.7 BUILDINGS, plantation forests and SHELTER BELTS should not adversely affect adjoining properties by shading.*
- *Policy 4.8 Activities within the rural environment should not generate traffic effects that will adversely affect RURAL CHARACTER and the intensity of traffic generation should be of a scale that maintains RURAL CHARACTER.*

Although the property is located within Rural Environment Area, the property has Future Urban Development Overlay. This means that it is identified as FUTURE URBAN GROWTH AREA. Therefore, rezoning of the property to be part of the Urban Environment could happen when there is a need for more urban environment area. However, the neighbouring properties to the northwest, southwest and southeast have no Future Urban Development Overlay. To provide the transition and integration from rural to urban environment, the proposed lot sizes on the edges to the northwest and southwest are larger lots and along Raleigh Street, the lots are medium-sized with proposed landscape to provide screening. The PCR is also for Residential A Environment Area which is the most conservative type of Residential Environment Area within the NPDC Planning Framework, which is appropriate for a residential area next to a Rural Environment Area.

The proposed PCR and subsequent development will provide connectivity to the surrounding land use with walking and cycling connections provided between the site and the established Waitara urban area which can also be enjoyed by rural residents in the surrounding environment. The ITA also confirmed that the proposed development will not cause significant adverse effects on the function, safety and capacity of the surrounding roading network.

#### **6.3.4 Issue 5**

Issue 5 addresses *"Adverse effects of activities on the pleasant and coherent nature of the urban environment."*

Objective 5 is *"To maintain and enhance the character and coherence of the urban areas of the New Plymouth District."* The policies that address this objective are:

- *Policy 5.1 The importance of open space areas to the community and the values associated with these areas should be recognized and provided for.*
- *Policy 5.3 The positive contribution vegetation makes to urban amenity should be recognised, maintained and, where possible, enhanced.*

The gully in the middle of the property will be preserved and is proposed to be zoned as Open Space B Environment Area to provide a walkway for future residents of subdivision and the general community. The lot sizes are larger on the edges and smaller in the middle. This will provide bigger outdoor space for lots next to Rural Environment and will also provide more room for vegetation. The smaller lots will not be less than 400 m<sup>2</sup> which can also provide adequate outdoor space and space for landscape or vegetation.

#### **6.3.5 Issue 23**

Issue 23 addresses *"The need to comprehensively plan for future urban development."*

Objective 23 is *"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."* The policies that relate to this objective are:

- *Policy 23.1 To control the design and layout of future urban areas through structure plans to allow for the comprehensive development of the area by ensuring:*
  - a) *The type, location and density of the development is suitable for the site;*
  - b) *Infrastructure is provided in a coordinated manner by considering location, type and staging;*
  - c) *The development considers topography and minimizes changes to landform;*
  - d) *That the constraints are identified and managed to ensure resilient and safe communities;*
  - e) *Interfaces with surrounding land-uses are assessed and adverse effects are mitigated;*
  - f) *Open space, parks and esplanade reserves or strips are provided for; and*
  - g) *That special features are recognized and that those features of particular significance are protected.*

The property is adjacent to Residential A Environment Area and the PCR will allow the property to be rezoned with this same Environment Area. This will create a continuous Urban Environment pattern in the area which makes it a suitable site to address the need for urban development. This will also allow an integrated approach to land development. The proposed residential development will provide connectivity and coherence to existing urban environment.

The property is part of FUD Waitara Area D which has identified that stormwater catchment investigations and stormwater works will be required before it can be considered for future residential growth. Detailed engineering investigation has confirmed that the stormwater from the site can be managed on-site and adverse effects on the stormwater network of Waitara is not expected, and can in fact be improved from the status quo (if the NPDC wishes to pursue this with the applicant).

There is also adequate capacity and pressure for connection to existing water and sewer services; this is detailed in the report in Appendix E.

The site's topography is generally flat with small depressions near the waterway. The Engineer's Report confirms that the site is geotechnically sound and suitable for the construction of dwellings. An Open Space B zone in the middle of the property is proposed to be used as a walkway for public use.

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.

Therefore, the PCR is consistent with Policy 23.1.

It is noted that the NPDP identifies under "*Methods of Implementation 23.1*" that "*Rules requiring development and subdivision to be undertaken in accordance with the relevant structure plan*" will be imposed.

In accordance with Policy 23.1 a structure plan has been developed with a-h of the policy, and is provided in Appendix A. A rule requiring development to be undertaken in accordance with the structure plan has been drafted and is included as **Appendix C**.

## 7. NEW PLYMOUTH DISTRICT COUNCIL DOCUMENTS

### 7.1 Land Supply Review 2007-2027 'Framework for Growth'

A Land Supply Review and the Framework for Growth was initiated in 2006 and was approved by the Council on 4 March 2008.

The aim of the Framework for Growth (FFG) was to ensure that there is adequate residential and industrial available for future development over a projected 20 year period (2007 to 2027).

Additional recommendations for Waitara growth areas, which include the subject site, were approved by the Council on 27 May 2008. Hence, the subject site has Future Urban Development (FUD) Overlay. The plan for FUD areas is to be released in stages to convert into urban environment upon implementation of stormwater upgrades.

During approval of the subject land in the FUD overlay, NPDC raised initial concern that the stormwater discharge from this land will flow into the Waitara West stormwater catchment and exacerbate existing stormwater concerns. Therefore, it is noted in the recommendation for additional Waitara Growth Areas that these areas will only be subject for consideration for rezoning Plan Changes once stormwater catchment investigations are completed and stormwater works schedules for completion.

Stormwater issues in the catchment are detailed in the Waitara West Stormwater Catchment Management Plan Report compiled by Opus in November of 2015 (the Opus Report).

The Engineering Report (Appendix E) has clarified in relation to stormwater that Section 5.5.1.1 of the Opus report details concerns about the subject area (referred to as "Area D" in the Opus Report). Specifically mentioned is the development of the subject land, which is stated would increase surface stormwater runoff into the "Brookes" catchment, and further compound flooding in the Makere Street area which is at the greatest risk of property damage due to flooding. (From Engineering Assessment Report, Appendix E).

However, the Engineering Report confirms that a large majority of the subject area naturally drains north into the "Norman" catchment, and not northeast into the Brookes Catchment as stated in the Opus Report.

The Engineering Report also notes in section 3.2 (page 7) that *"Additionally, given the ability to provide a large volume of stormwater detention within the proposed development area by way of a new detention pond, additional stormwater detention could be provided within a new detention pond to reduce the existing flooding problems experienced downstream of the proposed development area in the Norman Catchment, which are discussed in the Waitara West Stormwater Catchment Management Plan Report compiled by Opus in November of 2015."*

## 7.2 New Plymouth District Blueprint Key Directions – June 2015

The NPDC's 30 year vision is set through the District Blueprint (the Blueprint). One of the key directions in the Blueprint is to strengthen and connect local communities, which the subject proposal is considered to achieve. The consultation report prepared in relation to adoption of the Blueprint (and presented to the NPDC on 9 June 2015 where the Blueprint was adopted) identified the following feedback received in relation to the blueprint's impact on Waitara:

- There was support for a local area blueprint for Waitara to encourage positive change and growth.
- Need to strengthen existing community: Lack of healthy homes in Waitara. Existing infrastructure does not handle flooding well, 60% of Waitara has no kerb and channel.
- Need for different types of housing.
- Potential for infill growth in Waitara.
- The need for a focus for growth in Waitara.
- There was also feedback that local planning in Waitara could '*untap its potential*'.

The above are relevant to the PCR at hand and it is considered that the proposal would be positive, and assist in untapping Waitara's potential when considered in relation to some of the specific feedback received by the NPDC in their consultation on the Blueprint.

The Blueprint has eight "*Key Directions*" which are listed below, and discussed in turn (source NPDC Website - <http://www.newplymouthnz.com/Council/Council-Documents/Plans-and-Strategies/New-Plymouth-District-Blueprint>);

***"Environment – Enhance the natural environment with biodiversity links and clean waterways***

*The district is home to a unique natural environment with significant areas of indigenous vegetation, and rivers and waterways that flow from the mountain to the sea. Enhanced biodiversity will not only be positive for the natural environment and clean water but will also have significant cultural and economic spin-offs. Biodiversity outcomes will be achieved through collaborating with landowners and agencies – a multi-agency approach is required to achieve the desired environmental outcomes."*

The protection and enhancement of the waterway on the subject site will improve the biodiversity of the area, and will also achieve the 'cultural spinoffs' referred to in the Blueprint.

***"Communities – Strengthen and connect local communities***

*New Plymouth District is made up of many communities and neighbourhood centres. Strengthening and connecting local communities ensures that they become successful, safe and liveable environments for residents. The Council's role is to support community, business and industry initiatives by providing high-quality public infrastructure and a pragmatic regulatory response that helps our community achieve their goals."*

The economic growth and opportunities that the PCR and subsequent development will create are consistent with the direction indicated in this section of the Blueprint. The growth will strengthen the local community, it will allow for affordable housing to be developed there and for more people to live in and appreciate Waitara. This is discussed in section 5.2 of the M.E Report.

***“Citizens – Enable engaged and resilient citizens*** *Engaging and enabling citizens will help to build community resilience. Encouraging community participation in events that are run in our parks and places will promote community connectedness and overall well-being. It is the Council’s role to build strong strategic partnerships and encourage public and community sector collaboration, leading to more sustainable social, economic and environmental outcomes.”*

While not directly applicable, there are some indirect benefits associated with the proposed PCR and subsequent development of 2 Johnston Street. Recreational opportunities will be provided for within the Open Space B area surrounding the waterway on the site and long term could provide greater recreational connectivity for the town.

Increasing the population of Waitara, and providing for a diverse range of household types will ensure that there is a cross section of citizens within the community, with different interests and at different stages of life. This will contribute to the vibrancy and engagement of the community.

***“Growth – Direct a cohesive growth strategy that strengthens the city and townships*** *Our district is growing and we need to consider how we provide for growth into the future. As a result of the anticipated population growth, new growth areas will be required in the city and towns to provide for additional dwellings during the next 30 years. Determining the appropriate locations for growth will contribute to all the community outcomes. The Council needs to be clear on how and where it will accommodate growth into the future, through providing adequate land supply and planning for network infrastructure in appropriate locations.”*

The subject land has been identified as an appropriate location for growth under the Blueprint. This PCR provides further evidence to the NPDC that the district is growing, will form part of the solution in accommodating that growth, and will ensure that the benefits of the growth are shared with Waitara.

***“Industry – Strengthen and manage rural economy, industry, the port and the airport*** *Our economy has a strong agricultural base and a nationally significant oil and gas sector. It also has a fast-growing poultry sector with significant expansion likely in the short term. Protecting and strengthening these industries will be important for ongoing economic growth and the subsequent benefits for the community. The Council’s role is through its funding of economic development initiatives (Venture Taranaki Trust) to help drive economic activity in the region. The Council can also support industry through appropriate infrastructure provision and a pragmatic solutions-focused District Plan and regulatory framework.”*

The PCR will assist to drive economic activity within the New Plymouth District and more specifically, Waitara.

***“Talent – Grow and diversify new economies that attract and retain entrepreneurs, talented workers and visitors - The New Plymouth District economy is strong, supported by agricultural economies, oil and gas and small business. There is a need to focus on growing a more diverse economy based on our ability to attract and retain talented workers, entrepreneurs and visitors. The Council has a role in ensuring that the highly-regarded Taranaki lifestyle is maintained, supported by our unique landscape, recreation opportunities, rich culture and history.”***

The growth of talent links to the growth of the district as a whole. Providing diverse locations and dwelling types in which to live within the district, including more affordable options, will ensure that New Plymouth maximises the potential pool of talent.

***“Central City – Champion a thriving central city for all - The central city of New Plymouth is the social, cultural and business hub for the district and the wider region. However, retail in the central city is facing a challenging transition in the face of new format retail experiences and online retail sales. The central area will need to deliver a diversity of speciality retail, entertainment, cultural and social experiences. The Council has a role in working with business and other stakeholders to develop a strategic approach to drive the success of the central business area.”***

The proposed development does not include any Retail, Commercial or Business rezoning that may compete with either the New Plymouth or Waitara Central Business Districts (CBD). It will however provide for the increasing population that these CBD's will serve.

***“Destination – Become a world-class destination - Our natural assets – our parks, rivers, coast and Maunga Taranaki – are what make the district a unique and special place to live and visit. A ‘flagship’ initiative to lead this direction is the Taranaki Traverse – a world-class recreational, environmental and cultural tourism experience. This is a long-term initiative that will require time, focus and a collaborative, multi-agency approach.”***

Providing diverse areas and housing types in which to live will only assist in providing the diversity in population and skills required to showcase New Plymouth as a world-class experience.

### **7.3 Waitara Community Board Plan**

*“The Waitara Community Board Plan sets out the visions and aspirations of the community. The Plan has been developed by the community for the community. The Plan provides the New Plymouth District Council with an insight about the matters that are important to the Waitara community board area, and where investment and action is needed.”* (The Waitara Community Board Plan, A Thirty Year Vision, 4 July 2017). (WCBP)

The WCBP connects to the Blueprint (7.2 above), to aid the NPDC with its decision making. This includes the eight key directions.

The priorities of the WCBP are listed on pages 6-8 of the WCBP. Of relevance to the subject application are;

*Years 1-3: Development and growth*

*District plan rules to provide for;*

- *Waitara area zoning (residential and commercial)*
- *Increased protection of green spaces*
- *Increased protection of sites of cultural significance*

*Stormwater and wastewater upgrades in the Waitara and Lepperton townships*

The PCR will give effect to the Future Urban Development opportunity identified for this site in the NPDP. As one of the areas identified for Future Urban Development in the NPDP, and with the protection of the water way (including any cultural significance of this waterway); the PCR is consistent with the priorities identified in the WCBP.

#### **7.4 Long Term Plan 2018-2028**

The NPDC Long-Term Plan 2018-2028 (LTP) was adopted by the Council on 27 June 2018. The LTP gives effect to the District Blueprint (the Blueprint, discussed above), and sets out a detailed budget for the next ten years. Every three years a new LTP is adopted.

From the LTP it is noted that:

- Upgrades to the Waitara Stormwater System are scheduled for 2018/2019; and
- Extending the Coastal Walkway from Tirimoana Crescent to Waitara is identified as occurring from 2018 to 2023.

Ensuring that the proposed development of 2 Johnston Street does not adversely affect the stormwater network (i.e. does not add to the stormwater flows) is a key focus of this PCR.

The extension of the Coastal Walkway to Waitara will enhance the appeal of the town and improve the connectivity of the town with New Plymouth and Bell Block.

The walkway and Open Space B area proposed in the PCR will further add to non-vehicular connectivity and recreation opportunities, and there may be opportunities to connect this area to the coastal walkway in the long term given the proximity to the coast.

## 7.5 Draft Digital District Plan

The Draft Digital District Plan (DDDP) was released on 5 February 2018. It has no statutory effect.

In the Draft e-Plan, Future Urban Development Overlay has been removed and an Urban Growth Area Overlay is introduced. However, the subject site is not within the Urban Growth Areas, as is the same with some other FUD areas. i.e. the potential for future growth of this area has been removed.

The e-Plan was only released early this year and New Plymouth was only identified as High Growth Urban Area late last year. It was a Medium Growth Urban Area prior to this. The housing and business development capacity assessment for New Plymouth is required to be completed this year and has not yet been released by the NPDC. As a High Growth Urban Area, NPDC has to give effect to more policies under the NES-UDC than when it was only a Medium Growth Urban Area.

The subject PCR development will assist the district to meet its obligations to meet its medium and long term targets. Infill subdivision will also assist but at the rate it is able to occur, it will not be adequate to meet the demand and, therefore, greenfield development will definitely boost the supply in the more immediate term. Since the development is proposed to occur in 4-5 stages, and the projected demand will be continuous, it will not adversely affect the residential development occurring elsewhere in New Plymouth including infill subdivisions.

The PCR at hand identifies that the current direction indicated (albeit in draft form only) by the NPDC is inconsistent with previous direction, and that the subject land is strategic, is able to be developed in accordance with the RMA and will be positive for Waitara.

The NPDC has requested additional assessment against the policies and objectives of the Draft Digital District Plan (DDDP). While in agreement that it has no legal effect, this has been requested as the DDDP reflects NPDC's current and latest thinking on urban growth, and understanding how consistent the plan change request is with this thinking is requested.

Accordingly, a brief assessment is carried out below;

### **Indigenous Biodiversity**

#### *Draft Objectives*

*IB-O1 Areas of significant indigenous vegetation and significant habitats of indigenous fauna are protected, and where appropriate, enhanced.*

*IB-O2 Indigenous biodiversity is maintained and, where appropriate, enhanced.*

While at a small scale, indigenous biodiversity will be enhanced as a result of the PCR.

There are a number of policies under this objective, however these focus on larger scale protection and removal of indigenous habitat.

## **Water Bodies**

### *Draft Objectives*

*WB-O1 The values of waterbodies and their natural surroundings are protected, maintained or enhanced.*

*WB-O2 Waterbodies provide a network of indigenous biodiversity.*

*WB-O3 Public access is provided along waterbodies with high recreational, scenic or amenity values.*

*WB-O4 The adverse effects of activities on the values of waterbodies are avoided, remedied or mitigated.*

The PCR is consistent with these objectives, and the policies associated with them, where relevant; in particular;

*WB-P2 Protect the values of waterbodies by:*

- 1. managing subdivision adjacent to priority waterbodies which adversely impact on waterbody values;*
- 2. requiring building activities and structures to be set back an adequate distance from priority waterbodies to avoid adverse effects on those values; and*
- 3. controlling earthworks adjacent to waterbodies.*

## **Historic Heritage**

### *Draft Objectives*

*HH-O1 Historic heritage is recognised, protected and maintained.*

*HH-O2 Heritage buildings are actively used and maintained.*

*HH-O3 Historic heritage is appreciated by the community and is acknowledged as important to the district's identity.*

No heritage items are identified on the site under the DDDP and accordingly the Draft Policies are not relevant. This notwithstanding, the mitigation offered as part of the application ensures consistency with these objectives.

## **Public Access Corridors**

### *Draft Objectives*

*PA-O1 Public access is provided along the coast and along waterbodies with high recreational, scenic or amenity values.*

*PA-O2 The district's shared pathway network is developed to provide access to the natural environment, enhance recreational opportunities and improve the district as a world class destination.*

*PA-O3 Access to the coast and waterbodies does not result in adverse effects on natural character, indigenous biodiversity, historic heritage, cultural, or landscape values.*

The PCR is consistent with these objectives, in that it provides an opportunity to extend the reach of the public access network deeper into Waitara with the provision of a walkway and Open Space B zoning adjacent to the waterway. In relation to the policies on public access, the PCR gives effect to the intent of these by enhancing public access rather than restricting it.

## Urban Growth Areas

The site is not currently identified as an Urban Growth Area (UGA) under the DDDP. It is however under the FUD in the NPDP at present and has therefore by default been subject to policies of this nature.

Under the PCR, the urban growth will be enabled by way of a structure plan, and the land will be rezoned for residential purposes. If the land was to retain UGA/FUD status, the PCR is entirely consistent with the policies relating to urban growth areas. The applicants concerns about the removal of the FUD status from the subject land are detailed above.

## Subdivision

### *Draft Objectives*

*SUB-O1 Subdivision results in the efficient use of land and achieves patterns of development that delivers good quality community environments that are compatible with the role, function and predominant character of each zone.*

*SUB-O2 Subdivision is designed to minimise any adverse effects on the environment and occurs in a sequenced and coherent manner that:*

- 1. responds positively to the site's physical characteristics and context;*
- 2. is accessible, connected and integrated with the surrounding neighbourhoods;*
- 3. contributes to local character and sense of place;*
- 4. recognises the value of natural systems in sustainable stormwater management and water sensitive design; and*
- 5. protects, maintains or enhances natural features and landforms, waterbodies, indigenous vegetation, historic heritage, sites of significance to tangata whenua, and/or scheduled features.*

*SUB-O3 Infrastructure supporting subdivision and development is planned in an integrated and comprehensive manner and is provided at the time of subdivision.*

The PCR will result in subdivision occurring. The assessment of the PCR has confirmed that this is an efficient use of land, consistent with the character of the surrounding area. Methods to minimise potential adverse effects are identified and where appropriate, formalised in this application. Accordingly, the subdivision that would result from the PCR would be consistent with the policies identified under these objectives, notwithstanding that this will be assessed at the time application is made for subdivision consent.

## Earthworks

### *Draft Objectives*

#### *EW-O1*

*Earthworks and associated retaining structures are designed and located to protect the safety of people and avoid, remedy or mitigate adverse environmental effects.*

The earthworks that will occur are minor and able to occur in a manner consistent with EW-01.

## **Transport and Connectivity**

### *Draft Objectives*

*TC-O1 The transport network is a well-connected and integrated system that:*

- 1. is responsive to current and future needs, including projected population growth;*
- 2. maximises integration with land use; and*
- 3. promotes the use of public transport and reduces dependency on private motor vehicles.*

*TC-O2 The transport network is safe, efficient and effective in moving people and goods within and beyond the district.*

*TC-O3 Activities generate a type or level of traffic that is compatible with the roads they are located on.*

*TC-O4 The existing and future transport network is protected from conflicting activities and reverse sensitivity effects.*

*TC-O5 Adverse effects from the construction, maintenance and development of the transport network are managed.*

The PCR is consistent with these objectives, and comes at a time when the overall connectivity of Waitara is to be improved by the NZTA. This site is on a main entrance corridor, with excellent connectivity and the activities proposed are compatible with the type of road. Details on the traffic related components are discussed in full in the ITA in Appendix F. In particular the matters in Policy TC-P2 (below) are addressed in the ITA, and it is noted that the walkway proposed within the Open Space B area will provide opportunities for connectivity to the wider pedestrian network.

*TC-P2 Ensure that additions and upgrades to the transport network achieve connectivity through design and construction by:*

- 1. linking to existing networks, including pathway connections, public transport routes and open space networks where possible;*
- 2. not precluding connectivity to future developable land;*
- 3. contributing to shorter travel distances and providing choices for users;*
- 4. allowing ease of movement within, to and from the activity for a variety of users;*
- 5. providing increased opportunity for social interaction, particularly in Centres and residential neighbourhoods;*
- 6. supporting low impact urban design principles, including the integration of natural features; and*
- 7. making it accessible for all users, including the transport disadvantaged and mobility impaired.*

## **Contaminated Land**

### *Draft Objectives*

*CL-O1 The risks to human health from contaminated land are avoided, remedied or mitigated.*

Confirmation that the activities proposed are consistent with this objective (and its related policies, not duplicated here) is provided in the PSI in Appendix I.

### **Specific Zoning Policies and Objectives**

Under the DDDP, the land would be zoned rural. These policies and objectives are largely the same as the Operative NPDP and are discussed elsewhere in this report.

## **8. TE ATIWA IWI ENVIRONMENTAL MANAGEMENT PLAN**

There is no Iwi Environmental Management Plan (IEMP) currently available for Te Atiawa Iwi however it is understood that a draft is currently being prepared.

An indication of what the IEMP may contain in relation to urban development and Waitara in particular has been sought from Te Atiawa.

## 9. ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

This section provides the assessment of the actual and potential environmental effects that may result from the implementation of the PCR as required by Clause 22(2) of Schedule 1 Part 2 of the RMA.

This Assessment should be read with sections 4, 5 and 6 of this report, and in particular section 6.3 which assesses this PCR against the Objective and Policies for "Issue 23: *The need to comprehensively plan for future urban development.*"

The effects have been assessed by considering the current use of the land against the use of the land should the PCR be granted, and determining the effects of the change. Expert reports have been commissioned to support this assessment, these are appended and detailed in this report.

### 9.1 Effects on Amenity Values, Natural Character and Landscape

The proposed development of the project site will result in an increase in built form. The site will be part of the urban environment. As shown in the Structure plan, a transition of amenity, natural character and landscape are discussed in the Landscape Values Impact Assessment (LVIA) report in **Appendix H**. The report concludes in section 9 (page 18) that *"using a Structure Plan to guide the site's development avoids potential adverse landscape and visual effects, as the Structure Plan creates and locates various character types. The combination of these areas, in conjunction with amenity facilities such as walkways, ecological enhancements, and infrastructure avoids a haphazard approach to development. The creation of character types provides variety, and the provision of design controls (such as fencing controls and building height) provides amelioration of effects for the receiving environment."*

There is significant benefit in using this site for urban development as it abuts an existing residential area and therefore offers a logical and coherent extension to Waitara. The potential landscape effects of the proposal, both within the site itself and on its receiving environment, are limited in scale and intensity.

With mitigation, formalised by way of rules in the NPDP, the LVIA concludes at section 9, page 18 that *"the essential character of this urban/rural landscape can be retained"*.

The state of the waterway is described in various sections of this report, and in summary it is degraded at present, with stream banks either bare or a mixture of pine trees or pest plant species (with occasional interspersed natives). Water quality is also low. At present, the waterway is also not accessible to the public. The current values of the waterway therefore reflect the state of it. The activity that is proposed will enhance the waterway, preventing stock access, providing for the area as Open Space B, and providing for planting with indigenous species. Accordingly the associated values will improve, and access to the waterway will be achieved and enhanced. It is considered that there will be positive effects on the values and characteristics of the waterway for this reason.

## 9.2 Ecological Effects

The site has been used for horticulture and pastoral farming. It is not known or recorded to be a habitat of any indigenous species. The gully is intermittently dry and not known to be a permanent habitat of some species. The property is highly modified and, due to the nature of previous land use of the land, the vegetation adjacent to the waterway is largely introduced species – pines and pest plants. Pines and pest plants will be removed, and the area will be enhanced as per the Structure Plan and Landscape Plan in the LVIA.

The waterway that traverses the property is considered to be the only likely habitat for indigenous flora and fauna and this will be enhanced, and protected, by way of Open Space B zoning.

Therefore, the PCR has no anticipated adverse effects on indigenous flora and fauna, but has potential positive effects in terms of protection and enhancement of the existing waterway, which may improve the quality of the ecosystem there in the future.

An Ecological Report has been commissioned by the applicant and will be provided to NPDC as additional information once it is complete.

## 9.3 Effects on Archaeological, Cultural and Historic Features

There are no recorded or identified heritage or archaeological sites during the survey of the subject site. There are however some anecdotal concerns that taonga may be present in the area surrounding the tributary.

Avoiding excavation in the tributary and the protection of it by providing for it as Open Space B area is therefore recognised and provided for through the Waitara Area D Structure Plan.

An accidental discovery protocol will be put in place to ensure compliance with the Heritage New Zealand Pouhere Taonga Act 2014 and this is referenced in the notes accompanying the structure plan (drafted in Appendix C).

While it is considered that the Open Space B zoning proposed for the waterway and its surrounds provides protection, any specific mechanisms identified can be imposed at the time of subdivision consent. The stream and the protection of it is recognised and provided for through the draft additions to the NPDP (see Appendix C) and also through specific consideration to stormwater disposal.

## 9.4 Natural Hazards

The property is not susceptible to natural hazards. The Engineer's Report (Appendix D) also confirms that the development of the subject site will not cause stormwater discharge offsite with a proper design of stormwater control system.

The site is not contaminated. Soil sampling has been conducted. Please refer to PSI Report (Appendix I). The site is not subject to flooding, or liquefaction, and provides for stable building foundations (see Engineer's Report, Appendix E).

## 9.5 Services

It is confirmed that there is adequate capacity and pressure for the development to connect to existing water and sewer services.

The stormwater can be managed on-site and unlikely to discharge to other properties with proper stormwater control design. The Engineer's Report details these assessments in Appendix E.

Scope for detention of stormwater on this site has been identified by engineering investigations, which may be beneficial for downstream stormwater management. A stormwater detention bund is provided for, and discussed and detailed in the Supplementary Engineering Report (Appendix E). The applicant is open to further discussions on this with the NPDC, particularly if more beneficial use of detention can be made.

The report in Appendix E confirms that FW3 level water can be provided with existing infrastructure.

## 9.6 Community Infrastructure

### School

Three primary schools are located within Waitara and there is also an Intermediate (Manukorihi) and Waitara High School. The subject site is in close proximity to two primary schools (Waitara and St Joseph's). There is also a kindergarten nearby.

It is not expected that the small increase in population that will result from the development of the land will place undue stress on the schools in the area.

Historically, rolls at Manukorihi intermediate and Waitara Central have been as high as 328 and 220 (2009), indicating that there is capacity in these schools.

ME have been asked to provide additional comment on this aspect of the information requested by the NPDC, and respond as follows:

*"The proposed development is expected to yield 110-120 lots, depending on the ultimate configuration adopted. For the purposes of responding to this question only the higher yield (120 lots) is assessed, because that would generate the largest school age population. Those 120 lots would be expected to yield a population of between 289 and 297 people. That range is calculated by applying respectively the current (2018, from Statistics NZ population and household projections) estimated average household size for Waitara (2.41 people per household) and New Plymouth District (2.47). Applying then a round figure of 300 people that might live in the development, various population density effects can be assessed.*

*First, the effect of increasing Waitara's school aged population can be assessed. Currently there are estimated to be around 545 children in Waitara's primary schools, 230 in the intermediate, and 343 at Waitara High School (secondary school). These figures are from the school rolls provided in the most recent education review office review (2016-2018). Those figures splits the roll of St Joseph's (a full primary) to the primary and intermediate school categories. Those rolls indicate that around 8% of the Waitara population (6,900) is enrolled in the town's primary school, 3% at the intermediate, and 5% at the secondary school.*

*An alternative assessment applies Census 2013 data, which indicates that 9% of the Waitara population is primary school aged (5-10), 3% is intermediate-aged (11-12) and 7% is secondary school aged (13-17). In New Plymouth District overall the shares are respectively 8%, 3% and 6%. Those figures are generally consistent with the school roll-based assessment, although differences would be expected because:*

- they are based on different years (2013 Census versus current rolls), and;*
- are unable to take account of where children actually go to school (some Waitara children may not go to school in Waitara), and;*
- are unable to take account of where children attending Waitara's schools live (they may live in the surrounding rural area, for example).*

*So having provided two alternative ways of assessing the share of the population that is currently of school age, those shares can be used to estimate the potential school-aged population of the proposed development. The highest shares that might attend schools are applied to be conservative, and we have further added a 20% buffer (analogous to the NPS-UDC buffer for short-term planning) that indicates that the following school aged population might be expect from the development's total (buffered) population of 360 (i.e. 300 +20%):*

- 33 primary school aged children (9% of the 300 people)*
- 10 intermediate school aged children (3%)*
- 24 secondary school aged children (7%).*

*If all of those school aged children were enrolled at Waitara schools, that would represent an increase of 6% in the roll of Waitara's primary schools, 4% for the intermediate school, and 7% for the secondary school. Those are relatively low growth amounts, which would equate to an increase of 1-2 children per classroom on average, if no additional classes were developed. This is expected to be well within the capacity of existing schools and class sizes, particularly when considering the historic rolls of Manukorihi Intermediate and Waitara Central School.*

*A second potential effect of increased population in Waitara would be on community infrastructure generally. The development's population of up to 360 would represent an increase of 5% in Waitara's current population. That is a relatively modest increase, and given growth is projected in Waitara with or without the proposed development, much of that that increase is likely to be growth that would happen with or without the proposal. An increase of 5% in the town's population is very unlikely to result in any*

*noticeable increased pressure on community infrastructure capacity, and rather might result in a positive effect due to more people in the town to support community activities’.*

In summary it is not anticipated that the effects of the additional population will be adverse.

### **Park or Reserves**

The subject site is close to Marine Park, Pukekohe Domain, and Ranfurly Park. The town also has Waitara River Walkway. NPDC has also confirmed to extend the Coastal Walkway from its current ending on Mangati Road to the Waitara township. There is also plan to develop a new fishing area at the Marine Park in 2019-2020.

### **Roads**

The ITA (Appendix F) also confirms that the effects of the PCR on the safety and efficiency of Raleigh Street and Johnston Street will not be more than minor.

## **9.7 Reverse Sensitivity**

Residential, rural lifestyle lots and dairy farming occur in the surrounding environment.

To ensure that future residential use of the subject site will not have reverse sensitivity effects, the proposed lot sizes on the edges next to Rural Environment Area will be larger and a vegetated strip as per Landscape Plan (Appendix H) will be provided.

Due to larger lot sizes, the houses to be built can also have adequate set back from the rural boundary. especially from the northwest boundary. These mitigation measures will ensure that potential reverse sensitivity or incompatibility issues between the proposed development and the adjacent rural properties can be mitigated or avoided. This notwithstanding, some of these issues do exist at present given the variety of land uses in the immediate area. Discussion with the adjoining parties to the north of the site (both farmers) has confirmed that a reverse sensitivity situation already exists with complaints about agricultural related activities from the existing residential area.

The proposed development will also be connected to the town’s water supply and this will avoid the possibility of contamination of drinking water via sprays on collected rainwater.

Therefore, the proposed residential development subject to the PCR would be unlikely to generate any reverse sensitivity effects upon implementation of proposed mitigation measures.

The need to maintain adequate setback and a vegetated strip adjacent to the rurally zoned land is identified in the structure plan. At the time of subdivision there will be a need to give effect to the structure plan, and it is anticipated that this will be addressed at the subdivision stage by way of consent notices or covenants or addressed via other assessments.

The adjoining land will remain rural, and in this instance the adjoining neighbours (Johnston) are concerned the reverse sensitivity issues they already have in this area (see section 10) will potentially be exacerbated for surrounding Rural Zoned Land that remains rural. It is noted however that the applicant currently experiences reverse sensitivity complaints from adjoining residential area, and this situation will be eliminated.

In terms of the magnitude of effect, the nature of activities that occur in these areas are that they are not high noise emitting activities, being rural production land or lifestyle use. In particular, the activities are not noisy at night time. Similarly, the nature of the surrounding environment is such that there is already a high density of rural dwellings and nearby residential areas. We do not envisage compliance with the current district and regional planning rules is a concern for any adjoining landowner, and note that there are already reverse sensitivity type complaints occurring from the nearby residential zone.

Reverse sensitivity is highly subjective, and such effects must be kept in context, and within what would be considered fair and reasonable. It is fair and reasonable to believe that, the majority of people purchasing land adjacent to open, rural farmland, will envisage rural activities occurring there and be familiar with what this entails.

HIL does however propose that mitigation of some potential reverse sensitivity effects be incorporated into the PCR, as is discussed below.

A solid paling fence will be established along the boundary between the subject site and Lot 1 DP 19222 to stop wandering pets (mainly dogs) and provide a visual barrier. This has been assessed by our landscape experts and incorporated into the Landscape Plan for the area (see Appendix H2) and Figure 16 below.

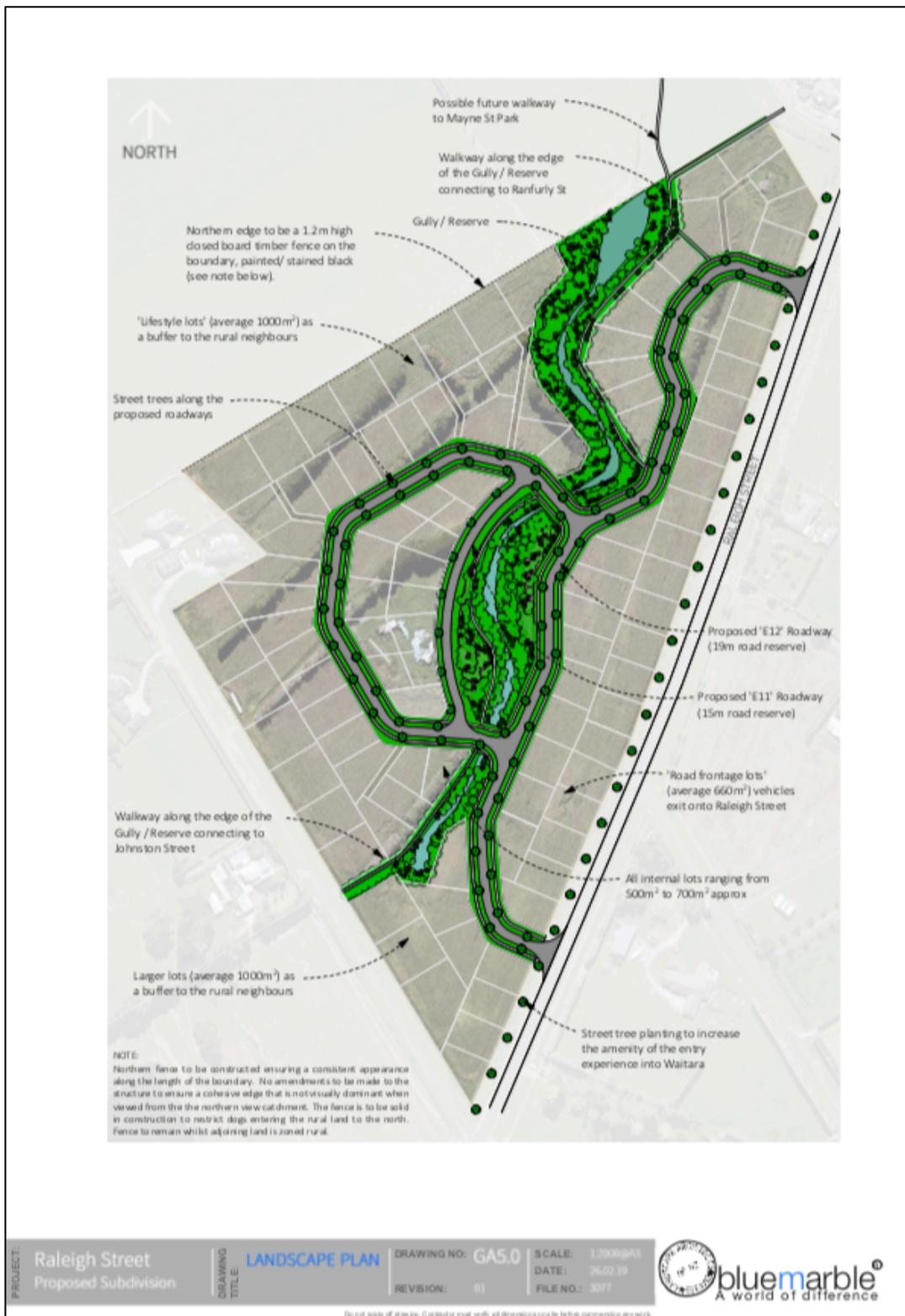


Figure 16. Updated Landscape Plan

It is recommended that this fence be no more than 1.2m in height, and be painted black to minimise landscape impacts. The applicant is agreeable to establishing this fence, and anticipates that this will be a requirement on conditions of subdivision consent once sought. In terms of reverse sensitivity, the following is noted in the landscape memo accompanying the revised Landscape Plan (**Appendix H4**);

*'A fence along the northern boundary of the subdivision will be a visible element from the surrounding view catchment (this generally consists of adjacent rural land). This dividing element should be articulated in a manner that is not visually dominant.*

*At virtually every rural residential boundary in the district there are dividing fences, which do not have to be constructed for 'reverse sensitivity' (when the adjacent land is used for grazing or dairy). These properties are not at risk of anything more than experiencing rural sounds and smells, which are an anticipated outcome of purchasing a property adjacent to a rural boundary.*

*Appropriate design could be in the form of a closed board fence to restrict pets from entering the adjacent rural land, but limiting the structure to 1.2m high, so not to block sun or northern views. The finish of such fence should be stained/painted black to reduce its visual dominance within the rural environment. If further height is required there would be no restriction on hedging or vegetation. This fence should remain while the adjoining land is zoned rural.'*

HIL has considered a vegetative strip along the rural/residential margin. This has been discounted because it will be inaccessible, and would potentially fall into disrepair. Inevitably, stock adjoining the landscaping would eat the vegetation which while being an animal health concern with some species, would detract more from the visual appeal than it gives.

We also note that the larger allotment sizes along these margins will be retained.

Consideration has also been given to allowing for increased setbacks between the proposed residential and existing rural zones. The concern with this approach is that it would discourage people pushing the back of their dwelling as close to the boundary as possible and developing outdoor living on the other, more residential side. If this occurred, it is more likely that outdoor living areas being placed in the setback area which could inadvertently exacerbate potential reverse sensitivity problems. For this reason, an increased setback is not currently proposed at the structure plan stage, however there will remain the mechanism available to the NPDC at subdivision consent stage should this be deemed necessary to mitigate effects.

Other mechanisms considered include no-complaints covenants and requirements for acoustic design requirements on dwellings adjoining the rural zone to mitigate noise. These are discounted at this PCR stage as follows:

#### *No complaints covenants*

The Regional Air Quality Plan for Taranaki (RAQPT) places controls on effects such as odour, dust and spraying. The RAQPT allows for a number of agricultural activities to occur as permitted activities, subject to performance criteria.

All rules relevant to agricultural activities (including Rule 45 which addresses fertiliser and soil conditioners and Rule 56 which addresses agricultural spraying) apply at **the boundary of the property on which the discharges occur**, generally requiring that; "discharge must not result in offensive or objectionable odour or dust at or beyond the boundary of the property" or in the case of agricultural spraying; "there shall be no

adverse effects from the discharge or drift of any agrichemical beyond the boundary of the subject property”.

The point of compliance for any party therefore will not change. The general standard for the emission of odour is that it should not be noxious, dangerous, offensive or objectionable at or beyond the boundary of the subject property, and there are established methods for Council to determine whether odour is noxious, dangerous, offensive or objectionable. The requirement for dust is similar.

#### *Acoustic Design Certification*

The need for acoustic design certification on any dwellings established on the subdivision was considered an discounted as there are already mechanisms in the New Plymouth District Plan (NPDP) to address noise emissions, (detailed in Appendix 12 of the NPDP), and there is no precedent in the plan for this type of requirement on any rural/residential interface. This mechanism is typically used for residential activities establishing in industrial or other high noise zones.

At present the adjoining rural sites must comply with Appendix 12 of the NPDP, with requirements at the notional boundary of nearby dwellings located in the rural zone, and at the residential boundary. The proposed development will add a residential boundary against the adjoining rural properties to the west, and across the road from rural properties to the east. Compliance at a residential boundary is currently 5dba (L10) less than at a notional rural boundary at night (daytime limits are the same). The Draft NPDP indicates that this will change to be

The use of tractors or other farm machinery is unlikely to trigger compliance concerns at or beyond the property boundary under the current NPDP, and under the DDDP these are proposed to be exempted. In particular, the adjoining activities are not noisy at night time. The nature of the surrounding environment is such that there is already a high density of rural dwellings and nearby residential areas. We do not envisage compliance is a concern, and note that there are already reverse sensitivity type complaints occurring from the nearby residential zone.

This notwithstanding, should the PCR be granted, at the time of application for subdivision consent the effects of the detailed activities on the environment will need to be assessed and documented in the Assessment of Environmental Effects (AEE). If it is deemed necessary to place covenants on the allotments to protect against reverse sensitivity, then there will be opportunity to implement and enforce these via conditions of consent.

## **9.8 Traffic**

The ITA is provided in Appendix F.

The report confirms that (summarising the conclusion of the report at section 12, page 19);  
*“The proposed Plan Change area is well located for residential development from a transportation perspective. It has been identified by Council as a FUD area and aligns well with the transport outcomes expected and with the directions of the Operative District Plan.*

*Good connectivity will be possible to the surrounding land use with walking and cycling connections provided between the site and the established Waitara urban area. Across the wider area, the site is well situated for accessing the primary road network, with the SH3 corridor in close proximity to the south. Access and circulation within the subdivision itself has been designed to deliver a high level of amenity for all transport modes, in the manner anticipated by the New Zealand Standard 4404.*

*An assessment of the current speed limit on Raleigh Street adjacent the site has shown the current 80km/h speed limit is higher than that recommended by the NZTA Speed Management Guidelines. Whilst it is noted that the process to revise speed limits sits outside of the District Plan and Resource Consent process, the additional development facilitated by this Plan Change would further reinforce the appropriateness of reducing the speed limit on this part of the network.*

*An assessment of the likely traffic generation levels associated with the residential subdivision indicates modest additions of around 1-2 extra vehicles on the network during the daily peak hours. Traffic from the subdivision in the proposed Plan Change area would be dispersed across the adjacent road network, with local trips to the Waitara town centre to the north and district trips via SH3 to the south. The planned changes to the SH3 corridor between New Plymouth and Waitara, including connections for local traffic, will provide benefits to the both current traffic as well as that associated with new development such as that enabled under the Plan Change."*

Overall, the report concludes that:

*".....the proposed Plan Change to provide for development of the site for residential subdivision would not cause the function, safety or capacity of the surrounding road network to be compromised, and that an appropriate transportation outcome for all modes and users can be delivered in this location."*

To respond to Item 1(e) in the request for information dated 11 January 2019 which requested:

*"In order to assess the potential noise associated with the roads, can you comment on the proposed surface material for Raleigh Street along the frontage of the subdivision, as well as the subdivision roads."*

It is not proposed to change the surface of Raleigh Street or redevelop the actual street surface in any way. The street is a significant route into Waitara, and is the Heavy Traffic Route as it is at present. Within the subdivision itself, speeds will be low, and street surface will have little bearing on the noise from traffic moving along them. A more important mechanism for reducing noise is to ensure the streets are maintained so there are no pot-holes or unnecessary bumps or hollows, and positioning of service lids (manholes etc) to avoid wheel noise when crossing them.

### **9.8.1 Response to NZTA SH3 Upgrade Timing Uncertainty**

Table 1a above summarises the likely timing of the development at 2 Johnston Street and is useful to refer to in relation to this question.

NZTA have been unable to confirm their timing for the upgrade to the Raleigh St intersection. This therefore makes it impossible for us to comment on how the timing of development will interact with the timing of the upgrade.

With the timing completely unknown, HIL is unable to agree to waiting for the works on the intersection to be completed before releasing the land at 2 Johnston Street for development, due to the concern that they may never occur.

The latest correspondence from the NZTA, highlighting the inability to commit 100% to a timeframe, is attached in **Appendix J**. Subsequent to the most recent email in Appendix J, NZTA have also confirmed that their current approved funding programme is for 2018-2021, however it may be that the work has to run into the next National Land Transport Programme period (2021-2024).

Therefore in terms of responding to this uncertain timing, it is proposed at the current time to continue to consult with the NZTA on timing of the works. If the works are scheduled, and then completed within 3 years, then it is likely that this poses no concern, and the development and the upgrade will be aligned.

Timing of processing the PCR too will have a bearing on the alignment of the two projects.

There will also be a time lag between title and the development of the individual sites for residential living, by the time building consent is obtained and construction is completed.

Furthermore (as identified in the Stantec RFI response provided in January 2019 and forming part of this PCR in Appendix F), at the time of application for subdivision consent, the effects of the subdivision activities will be required to be assessed. The NPDC will have the mechanism (under either the Operative or Draft District Plans) to require further assessment of effects of the actual subdivision activities on the environment, including traffic and transportation effects.

To highlight this, it is noted that the Draft NPDC Plan currently proposes the following policy;

*Require high trip generator activities and activities generating heavy vehicle movements which propose to access and utilise the district's roads to be assessed in an Integrated Transport Assessment prepared by a suitably qualified person that as a minimum demonstrates how any adverse effects on the transport network will be avoided, remedied or mitigated, and assesses:*

- *the road's capacity and the likely effect of the proposed use on the road and its users;*
- *effects on the amenity values and character of the road;*
- *the effect on ongoing maintenance of the road and the need for road maintenance agreements;*
- *whether opportunities for alternative access and/or routes exist;*
- *appropriate traffic management and travel planning mechanisms;*

- *whether it is appropriate to stage the activity and/or undertake improvements to the transport network; and cumulative effects.*

Page 15 of the ITA (Appendix F) makes the following statement:

*"In again noting that the subdivision would occur over time, it is recognised there is some ability to revisit the effects of development traffic on the Raleigh Street intersection with SH3 to the south, if NZTA's programmed improvement works are delayed. Such a contingency could appropriately be provided for at the resource consent stage, through implementation of associated consent conditions which required assessment of the intersection's performance over time, relative to the levels of subdivision traffic that could be added to the network."*

The report goes on from this paragraph to conclude:

*"Overall, it is assessed that the effects of development of the scale intended by the Plan Change will have no material effects on the transport network".*

Given the uncertainty of timing of both the PCR, any future subdivision and the SH3 upgrade works, this is considered the preferred mechanism for dealing with actual and potential effects at the point they are known, rather than trying to 'second guess' these.

We note that should this intersection not be identified as a priority for improvements, then a) it could be considered that the safety issues are clearly not as significant as other intersections on the highway, indicating that there is some tolerance at this point for additional traffic and b) the roading network will, regardless, benefit from the wider improvements to the route and the surrounding area. Again, until this is known (information regarding which we are entirely reliant upon NZTA to provide), assessing the effect cannot occur.

HIL is committed to keeping in contact with the NZTA and responding appropriately when there is more certainty with both activities. We also note that the NZTA has clearly expressed their commitment to upgrading this section of SH3, and committed funding to it. There will therefore be safety improvements, it is just uncertain right now exactly what these will be.

### **9.8.2 Alternative Options for Raleigh Street Access**

Feedback received from the Waitara Community Board related to the speed limit on Raleigh Street, and the desire for this to remain 80km/h, and alternatives for access from Raleigh that may enable the current speed to be maintained.

Feedback from Stantec on alternative layouts that have been considered is that from a traffic impact perspective there will be little difference, and they note that the posted speed limit is already too fast

for the surrounding environment. Section 7.2, page 9 of the Integrated Traffic Assessment (ITA) included as Appendix F (and provided at the time of original PCR) states;

*'...the calculated speed for this section of Raleigh Street of <80km/h (identified through application of the SMG methodology above) indicates the safe and appropriate speed should currently be 60km/h.*

*Accordingly, this assessment indicates two things, firstly that the current speed limit on Raleigh Street in the vicinity of the site is higher than that assessed using NZTA's guidelines, and secondly that there is clear justification for a reduction in the speed limit commensurate to the changing nature of the carriageway function that Raleigh Street will serve, following residential development of the Plan Change site (i.e. introduction of new intersections and vehicle crossings for property access).'*

For this reason, and reasons of landscaping and community connectivity that are discussed below, **the original structure plan (Appendix A1) remains the preferred option.**

If the NPDC disagrees with the assessment that this is the most suitable option, this would be the trigger for reverting to one of the alternative layouts. The applicant confirms that if this is the case, the NPDC is to identify the layout they prefer, and they will agree to changing to this option. The options are provided as alternative structure plans in **Attachment C**, along with commentary on the landscape effects associated with each.

The environmental effects of the alternative layouts are provided in **Appendix H3** and assessed in the Landscape Memo attached as **Appendix H4**, and expanded on from a planning context as follows;

Both alternative layouts 1 and 2 remove individual access points from Raleigh Street. The concerns from a planning perspective of this approach are that;

- If the land across Raleigh Street (i.e. on the eastern side of Raleigh Street) was to be rezoned in the future (noting that it is zoned for Future Urban Development under the NPDC Plan) there will be no connectivity between the two residential areas, with the subject development having no connectivity to the street.
- There is a risk that such a layout results in the felling of a more exclusive, separate community. This is not what HIL seeks to achieve with the development, and we do not consider this is desirable for Waitara.

The landscape memo accompanying the proposed alternative layouts identifies the following landscape related concerns:

*'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.'*

A screenshot of the streetview images for Devon Road adjacent to Bell Block is provided below (Figure 17) for context. While required for practical reasons in this instance (the houses backing onto a highway and highway frontage being undesirable), there does not seem to be the same practical need for such an approach on Raleigh Street.



**Figure 17. Streetview image of Devon Road – where houses ‘back’ onto the highway.**

Furthermore the landscape memo notes in relation to the preferred layout;

*‘This proposed subdivision layout enables all outside street edge properties to open onto the adjacent road enhancing vibrancy along the street edge along with passive surveillance. This continues the existing pattern already in place to the north as one enters Waitara, forming a contiguous visual environment. This edge treatment differs to the opposite side of the road where the properties are still overtly rural with shelterbelts and open paddocks.’*

The alternative layouts (1 and 2) will detract from this overall concept.

In addition to this, it is also noted, when comparing the preferred option to the alternatives:

- Layout ‘1’ results in area being used up for vehicle access and ROW space, as opposed to outdoor living. There will also be increased paved areas and potentially increased runoff.
- Layout ‘2’ would result in the ‘front’ of the properties being adjacent to the internal road leaving the ‘backs’ facing Raleigh Street. The internal road alignment removes public space away from the waterway which results in less access to the stream, but more private stream boundaries.

- The original landscape plan was guided by a desire to retain public connection with the waterway and riparian vegetation. The proposed road in the preferred layout follows the alignment of the stream and provides an attractive outlook from public spaces and roads. The landscape memo notes in particular that; *'Although having a stream boundary can be a positive feature of private properties, it can also become the 'back' of the section where a high fence is inevitably erected and lawn clippings etc. are dumped'*. This is a concern with layout 2, where properties would back on to the stream.

## 9.9 Economic Effects

The ME Report provides an economic assessment for the project, and is attached as Appendix G.

This report provides excellent data about demand for housing within Waitara and the wider NP District and concludes at section 6, page 21 that;

*"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. The PPC would have predominantly positive economic and urban form effects for both Waitara and New Plymouth, and therefore represent a positive change to the operative Plan. Notwithstanding that the current FUD status of the Site is proposed to be removed, the PPC would also be consistent with Council's recent vision for residential development."*

## 10. CONSULTATION

### 10.1 NPDC

Pre-application meetings have been held with Juliet Johnston and Sarah Edwards of the NPDC. On Monday 30<sup>th</sup> July 2018, a 'case management' meeting was held between the NPDC Policy Team, Roading Team and Engineers, and the applicants experts (at the NPDC).

Concerns raised throughout discussion with the NPDC centred largely around stormwater issues in this area of Waitara, and that the NPDC's advisers to their draft Plan Review had indicated that the Waitara Area D was no longer being considered for Future Urban Development. Overall, future urban development areas were being reduced in Waitara, with a focus on infill housing.

The Engineering Report addresses the concerns raised by the NPDC Engineers in pre-application discussions, particularly relating to stormwater management.

The ME Report confirms that there is the need for greenfields development in Waitara (and the District as a whole), and that the proposed location is appropriate (as originally contemplated by the FUD Overlay).

The NPDC Policy Team provided comment on a draft table of contents for this PCR on 10 October 2018, and these comments have been considered and incorporated as appropriate.

## 10.2 Iwi and Hapu

The Resource Legislation Amendment Act 2017 introduced a further requirement under Section 32 (4A) requiring the report to summarise all advice concerning the proposal received from iwi authorities and the response to the advice, including any provisions of the proposal that are intended to give effect to the advice.

This is provided below:

Te Atiawa was contacted in October 2018 and advised that Otaraua and Manukorihi Hapu should be informed. This occurred on 25 October 2018, with relevant information sent to both parties. Follow up was conducted on 12 and 13 November 2018, and a meeting was held on 20 November 2018 with D. Eriwata, Manager of Otaraua Hapu, and P. Bodger, Chairperson of Manukorihi Hapu.

Key concerns initially raised include management of stormwater and whether there is demand for these sections in Waitara. The advice in relation to stormwater is that both Hapu will need to be satisfied that Stormwater can be managed in such a way that there are no adverse effects downstream. The response to this advice was to provide both Hapu with the Engineering Report for the land for their review and discuss it in general. An offer has also been made to arrange a meeting between the author of the Engineering Report and the hapu to discuss stormwater management in more detail, and explain the findings of the report. With respect to the demand for sections in Waitara, a copy of the Economic Report was provided. The next step is for each representative to discuss the proposal further with their respective Hapu and provide any feedback to the applicant.

For completeness, a full set of reports has been provided to each of the Hapu, and Te Atiawa. A full copy of the application will also be provided upon lodgement. [This has now occurred].

Additionally, feedback from these same two Hapu on the Private Plan Change at Armstrong Avenue was reviewed. It is anticipated that some matters will be very similar to those encountered on Armstrong Avenue, and where appropriate have been incorporated to pre-empt concerns about;

- Effects of earthworks on the cultural values of the waterway.
- The need for protocols in the event that unexpected archaeological remains are uncovered.

The matters above are incorporated into the application as appropriate and consultation is ongoing. As further advice is received, this will be recorded along with the response to it.

Consultation with Otaraua and Manukorihi Hapu is ongoing, and HIL has agreed work with the hapu to make home and section packages available to hapu members, and has committed to giving hapu

members first option on five sections. Details of this agreement are yet to be worked through, however the intent has been clearly signalled to the hapu in writing.

### **10.3 Waitara Community Board**

Andrew Larsen of the Waitara Community Board initially provided the following feedback (18 October 2018) in response to the first approach to them in relation to the proposal;

- The council is carrying out a review of the current council zoning. The community board are aware of the progress of this and are concerned that anyone would look to short cut this process;
- There is an issue over services to that area, as major expenditure may be required to service that area;
- Several years ago the council identified several areas in and around Waitara for Future residential development. The community board noted that Area A has and is being developed (this was Armstrong Ave), but that 2 Johnston St was well down that list, after all the areas inside the town boundaries had been developed;
- As a community board we would not be in favour of this, as we would like to see other areas within the Waitara township developed first.

In response to this feedback, on 16 November 2018, HIL met with the Waitara Community Board to discuss the proposal further and understand their concerns (raised above) better. Once the proposal had been detailed and discussed, the Community Board conveyed that the majority of their concerns had been addressed and they were feeling more positive about it, and wished to be kept informed about progress. HIL plans to make a deputation to the Waitara Community Board meeting in January/February 2019 to provide a formal update.

At this meeting, the community board expressed a strong preference for kerb and channel stormwater systems based on their experience with alternative management systems on another similar development in Waitara, and concerns that large parts of Waitara do not have kerb and channel at present.

### **10.4 Adjoining landowners**

The owners of rural land to the north of the subject site have indicated they are supportive of the proposed development, as this is consistent with their own vision for this area.

There are two owners involved – Jordan and Johnston. Ongoing discussions have been occurring since August 2018, via phone, email and in person, with both parties identifying that their land would be potentially suitable for rezoning also.

Discussions with the wider community are ongoing, with immediate neighbours provided with the Structure Plan, and contact details should they wish to discuss the proposal with the applicant. This

occurred on 20 November 2019 with information delivered directly to adjoining mail boxes. One owner has made contact and indicated that they would like to be kept informed, but no specific issues raised.

To date (19 January 2019) no issues have been raised. Three adjoining owners have indicated they would like to be kept informed of progress.

Matt Hareb of HIL is also onsite regularly and there has been occasional informal discussions with Waitara Residents since early 2018. These have not been specifically documented, however the feedback has been positive and no issues raised.

The owners and occupiers of Lot 1 DP 19222 and Lots 1-5 DP 490616 generally support the proposed development in the context that this will give them a greater chance of getting their land rezoned in the future, and a successful plan change would give them some assurance that their case, which would be similar to Matts, is one the NPDC is willing to listen to. These parties are continuing to discuss their thoughts with the applicant. They have however raised concerns about reverse sensitivity, because as it currently stands their land will be rural, adjoined immediately by residential. HIL has identified mitigation measures to address specific concern and reverse sensitivity issues are discussed in section 9.7.

All neighbours received a copy of the structure plan and contact information (delivered by hand to mail boxes). The following have been in touch:

- 81 Raleigh Street – has been provided with a full copy of the application, has some concerns about traffic effects may addressed by the further information provided.
- 40 Johnston St – simply wanted to be kept up to date.
- 101 Raleigh Street – simply wanted to be kept up to date.

Generally the informal feedback from Waitara (and other) residents is that this is positive for the town, and is an opportunity, particularly with the elevated location of the site and the connectivity to NP, and the current house and rent prices putting pressure on in the township. HIL is committed to undertaking wider community information sharing at a suitable stage, however at this stage is focussing on the immediate neighbours and stakeholders.

## 10.5 NZTA

Ongoing discussion with NZTA has been occurring.

NZTA were provided with a draft copy of the Traffic Report and made comments on this report as follows;

1. Further detail and explanation of traffic generation is required from 120 lots subdivision in table 3 section 10 – the applicant has used a daily figure of 9.0 vehicles per dwelling for the Traffic Generation rate – the standard rate for assessments of 10.0 vehicles per day.
2. With figures used in section 10.1 – Table 2 for 120 dwellings – Table 3 figures require more explanation as the SH3 north and SH3 south figures for AM and PM peaks are very low in comparison to the average vpd figure in Table 2 (of 1,080 vpd). This does not make much sense and I suppose a full TIA might provide some clarity here.

3. If the applicant is basing section 10 Transport Network Effects on having improvements in place at SH3 Raleigh / Tate Rd intersections in place (as part of the Waitara to Bell Block Safety Improvement – W2BB) – the applicant would not be able to implement this subdivision until the intersection improvements have been constructed.

In response to these comments the report was updated, and the updated version provided to NZTA on 21 November 2018 (this is the version of the report attached in **Appendix F**). Specifically:

- To address item 1, additional wording was provided around the rationale of why the adopted rates are appropriate for the proposed activity and location;
- To address item 2, TDG suspect there may have been some mis-interpretation that the values in Table 10.2 related to 'daily' rather than 'peak hour' flows, or that they represented all traffic rather than 'development trips only'. Additional wording was added to make this clearer; and
- Wording was added noting that if SH3 improvements don't go ahead/are delayed, then a level of development can still occur at the site, with the quantum able to be determined/controlled at the Resource Consent stage through adoption of appropriate conditions.

In relation to item 3, it is noted that NZTA announced on Tuesday 20<sup>th</sup> November 2018 that the funding has been approved for the upgrade of SH3 from Bell Block to Waitara, providing considerable certainty in relation to the transportation effects at the SH3 intersection. This also cements the importance of Raleigh Street as a main route into Waitara.

See <https://www.stuff.co.nz/national/108729130/29m-to-improve-killer-SH3-between-New-Plymouth-and-Waitara> for the media release about the proposed upgrades to SH3.

To summarise the NZTA's comments on the proposal itself:

*"The Agency is, overall, in support of the Plan Change once the infrastructure is in place to ensure the road safety of future residents is able to be achieved."* The email from the NZTA confirming this has been included in Appendix J.

Detailed discussion of how the uncertainty in relation to NZTA's SH3 upgrade timing will be addressed is provided in section 9.8 above. It is reiterated here that HIL is committed to keeping in contact with the NZTA and responding appropriately when there is more certainty with both activities. We also note that the NZTA has clearly expressed their commitment to upgrading this section of SH3, and committed funding to it.

## **11. SECTION 32 EVALUATION REPORT**

### **11.1 Statutory Context**

Clause 21(1) of Schedule 1 Part 2 of the RMA allows any person to request a change to a district plan or a regional plan and Clause 22(1) requires the request made to contain an evaluation report prepared in accordance with Section 32 for the proposed plan change.

In 2017, Ministry for the Environment released “A guide to section 32 of the Resource Management Act: Incorporating changes as a result of the Resource Legislation Amendment Act 2017.” As pointed out in the Executive Summary on page 5 of this guide, “Section 32 (s32) of the Resource Management Act 1991 (RMA) is integral to ensuring transparent, robust decision-making on RMA plans and policy statements (proposals).”

It requires the section to have the following:

- New proposals must be examined for their appropriateness in achieving the purpose of the RMA;
- The benefits and costs, and the risks of new policies and rules on the community, the economy and the environment need to be clearly identified and assessed;
- All advice received from iwi authorities and the response to the advice needs to be summarised; and,
- The analysis must be documented, so stakeholders and decision-makers can understand the rationale for policy choices.

## 11.2 Objective and Description of Proposed Plan Change

The subject PCR has no stated objectives, and accordingly the objective adopted in this case is the purpose of the proposal (as per s32(6) of the RMA). The purpose of the request is set out in Section 2 of this PCR, as follows:

*The purpose of this Plan Change Request is to; change the Operative New Plymouth District Plan to rezone the subject land from Rural Environment Area (subject to Future Urban Development overlay) to Residential A Environment Area with a limited area of Open Space within it. This will be implemented through the statutory planning mechanism of a Structure Plan and additional rules to be inserted into the plan.*

This will enable the expansion of Waitara’s residential area in a manner that is consistent with the RPS and NPS-UDC, providing for sustainable use of resources for social and economic well-being and health and safety of people and the community and responding to continuous growth of New Plymouth.

As a newly identified High Growth Urban Area, this greenfield development has a great timing to assist the growing residential needs of New Plymouth where infill subdivision is not adequate to cope with its increasing rate of demand. In addition, the subject site has a perfect location, which is contiguous with the established residential area of Waitara. It is located along Raleigh Street which is a Collector Road and in close proximity to the SH3 arterial route which allows for safe and efficient roading network. It is also within the Future Urban Development Area as identified by the Operative Plan.

This Section 32 evaluation is presented below under headings addressing the following matters:

- Definition of the key issue;
- Consideration of the PCR within the wider statutory planning context;

- Identification and assessment of objectives;
- Options; and,
- Evaluation of options.

### **11.2.1 Definition of Key Issue**

The key issue to be determined is whether it is appropriate to rezone the subject land, having regard to the purpose of the RMA. The rezoning will provide for a change of land use from Rural (under the FUB overlay) to Residential; which will assist the NPDC to carry out its functions under the RMA to achieve the purpose of the RMA.

The NPDC made the following comment in relation to the Key Issue for this PCR;

*“The underlying issue for this plan change relates to the supply of land for housing in Waitara to meet future demand. Assess the scale and significance of this issue.”*

To assess the scale and significance of this issue, the following must be considered by way of background;

- The New Plymouth District has recently been identified as a High Growth District under the NPS-UDC.
- There are some significant trends in increasing house prices, land prices and rents within Waitara, and strong evidence of a shortage of properties – which is detailed in the Economic Report (see also Appendix K).
- The DDDP identifies areas for future growth, and mechanisms to reduce minimum allotment size and encourage infill. The NPDC advises that this DDDP is likely to be notified in later 2019. Given the timeframes of the DDDP, it is unlikely that these changes will come into effect before 2021. The subject plan change provides land for growth in advance of this, at a time when it is required, as identified in the Economic Report (Appendix G);

The applicant considers that the issue is significant, particularly for current and future residents of Waitara. However, in terms of the scale of the issue, it is not as simplistic as quantifying it by way of numbers and statistics. Essentially Waitara is becoming an attractive place to live. Taking some steps to address the obvious demand for housing as soon as possible may ease the pressure on rents and property prices in Waitara, however moreover, will enable Waitara to capitalize on the wave of demand to encourage positive growth in the town. This will have benefits for the wider community.

There are a number of positive investments occurring in Waitara by the NPDC – improving the wastewater network, improving the stormwater system and connecting the town to the Coastal Walkway being some of the key items identified in the Long Term Plan (see section 7.4). These investments indicate that NPDC is committed to the future of Waitara. Additionally the NZTA has committed to improvements to SH3 between Bell Block and Waitara - a project clearly benefiting Waitara and improving access to the town. With this commitment, and the work that the NPDC and

TRC did to ensure that NZTA made the necessary commitment, indicating that there is a general consensus and that there is potential in the town, and it is likely to grow.

The PCR will contribute to growth and opportunities in Waitara, which is consistent with the desire of NPDC (and the government of New Zealand).

### **11.2.2 Statutory Planning Context**

This evaluation considers the proposal in the wider context of the relevant hierarchy of plans and policies, including;

- the National Policy Statement on Urban Development Capacity, 2016 (section 5.2);
- the Regional Policy Statement (section 4.2);
- the Operative NPDP (section 0); and,
- the Framework for Growth 2008 (section 7.1).

The Draft District Plan/e-plan (section 7.5) is also discussed however this document has no statutory weight at the time of this PCR.

### **11.2.3 Objective**

As discussed above, this PCR has no stated objectives, and it is considered appropriate that the objective adopted is the purpose of the proposal.

The extent to which this PCR is the most appropriate way to achieve the purpose of the RMA is discussed in section 1.5 and throughout this report.

## **11.3 Evaluation of Alternative Options for the Land and alternative forms of development**

Development on this site could range from status quo – continuing to use it as it is currently used – through to high density development.

High density development (i.e. entirely of small lots of Residential B size) was discounted as there is no residential B existing in Waitara, and a development of this density would be inconsistent with the area and the objectives of the NPDP to create a variety of living types and uses.

The three options are summarised as;

1. Status quo;
2. Subdivision as a Rural Environment Area with FUD; and,
3. Residential Development.

Considering the below the following figures have been used (sourced from Statistics NZ) in relation to population and building costs:

- Average household population of 2.67 persons per dwelling.

- Average building cost of \$1800.00 per m<sup>2</sup> (excl. GST) – building construction only (excludes consents and permits and peripheral requirements such as driveways, landscaping, fencing).

In discussing the options, the social, economic, cultural, environmental, efficiency and effectiveness of the option are assessed, and a conclusion drawn as to whether the option is consistent with the objective (adopted from the purpose) of the PCR.

Alternative planning mechanisms include resource consent or submitting on the DDDP when it is notified. The reasons for the planning approach that has been adopted (i.e. PCR versus Resource Consent) are discussed in section 1.5. The reason for progressing the PCR now is because the applicant strongly believes that the DDDP process provides little certainty, and is a long term process as opposed to addressing the more immediate opportunity.

### **11.3.1 Discussion of Options**

#### **Option 1: Status Quo**

The subject site is leased and currently used for grazing and cropping by a local dairy farmer. The property is too small to be an economic stand-alone dairy farm (the average dairy farm size in New Zealand is 147 ha (effective) (Dairy NZ, 2016/17).

The annual lease payment for the land is the only income it generates, and associated costs are incurred such as administrative costs, finance costs and Council rates. The subject site was charged \$3,291.00 rates in 2017.

The local economic benefit will be limited to farm inputs (predominantly fertiliser and contractors to sow and plant crops annually). Local contractors are used for cropping activities, however fertiliser is sourced from New Plymouth. Given the small size of the block, the overall economic benefit to the contractors used for these services is minor, and it can be difficult to get the contractors to service the block for this reason (larger blocks are more economic).

There is no dwelling on the land at present, and accordingly it makes no contribution to the local population. One dwelling could be established with minimal impact on the current grazing operation, and if one dwelling was to be established in the future it could be expected that;

- The population of Waitara would be increased by (on average) 2.67 people.
- The economic contribution associated with construction of the dwelling, based on the establishment of a larger dwelling (300 m<sup>2</sup>) would be approximately \$540,000.00.
- There would be a minor economic contribution to local contractors for the creation of driveways, landscaping and fencing. (based on experience the applicant anticipates this would be in the range of \$15-20,000.00).
- Rates would increase in proportion to the value of the property.

In this scenario, there would be minor benefits associated with the establishment of a dwelling should this occur, and it would be possible to continue with the current use of the land as dairy support. However, this in itself is marginal in terms of economic use of the land.

**Table 3. Summary of Option 1**

	<b>Benefits</b>	<b>Costs</b>
<i>Economic</i>	Retain one small dairy support block.	Shortage of serviced residential land available in Waitara remains. Uneconomic unit remains, with costs disproportionate to benefits. Opportunity cost = economic benefits from increased population will not occur.
<i>Social</i>	Possibly develop one new farming household in the district.	Opportunity for residential expansion and increase in population lost. No land made available for residential use. Opportunity to develop the waterway area as Open Space is lost to the community, including potential connectivity to other Open Space (also Open Space B) areas downstream. Opportunity to develop Stormwater retention within the subject land to assist in addressing downstream Stormwater issues will be missed.
<i>Cultural</i>	Status quo in relation to effect on Maori, historic heritage or other cultural values. No change.	Opportunity to protect and enhance the waterway is lost.
<i>Environmental</i>	Small scale mitigates environmental impact to waterways etc; rural character maintained.	Potential adverse effect from pastoral farming on waterways. Opportunity to protect and enhance the waterway is lost.
<i>Efficiency</i>	The current block is too small to be economically efficient.	
<i>Effectiveness</i>	Small scale limits increasing production. The objective of the PCR will not be achieved.	
<i>Risks</i>	Opportunity (willing land owner of suitable land that is well placed strategically for development) is lost.	
<i>Meets Objective?</i>	Objective not met	

### **Option 2: Subdivision as a Rural Environment Area with FUD**

Under the rules for the rural environment area, the property can only be subdivided into two allotments as a discretionary activity: however with the FUD overlay in place, any subdivision is non-complying.

Disregarding the FUD overlay and treating this as a Rural site, further disregarding the risks associated with obtaining consent, and taking into account that Raleigh Street may soon become one of the main roads into Waitara (further reducing the 'rural peacefulness' of the area) the benefits of a 2-lot rural subdivision after estimated costs would be in the order of \$600,000.00.

If divided into two, the rates paid to the NPDC would increase (potentially double to \$6000.00-7000.00), and on the basis that a larger dwelling was built on each lot (3000 m<sup>2</sup>) there would be:

- An increase to Waitara's population of (on average) 5.34 people;
- The economic contribution associated with construction, based on the establishment of a larger dwelling (300 m<sup>2</sup>) on each lot would be approximately \$1,080,000.00;
- A minor economic contribution to local contractors for the creation of driveways, landscaping and fencing. (based on experience the applicant anticipates this would be in the range of \$30-40,000.00); and
- Rates would increase proportionally to double the current level, or more.

In this scenario, there would be minor benefits associated with the establishment of dwelling should subdivision be successful, however it would be difficult to continue with the current use of the land as dairy support, making the use of the remainder of the land even more inefficient.

**Table 4. Summary of Option 2**

	<b>Benefits</b>	<b>Costs</b>
<i>Economic</i>	Minor benefits from development and very minor increase in households/population.	Shortage of serviced residential land available in Waitara remains. Uneconomic use of the land. Opportunity cost = economic benefits from increased population will not occur.
<i>Social</i>	Development of two rural-lifestyle households in the district.	Opportunity for residential expansion and increase in population lost. No land made available for residential use. Opportunity to develop the waterway would not be taken to its full potential, as Open Space opportunity is lost to the community, including potential connectivity to other Open Space areas downstream.
<i>Cultural</i>	Status quo in relation to effect on Maori, historic heritage or other cultural values. No change.	Opportunity to protect and enhance the waterway would not be realised to maximum potential.
<i>Environmental</i>	Small scale mitigates environmental impact to waterways etc; rural character generally maintained.	Opportunity to protect and enhance the waterway would not be realised to maximum potential. Onsite wastewater treatment systems would be used.
<i>Efficiency</i>	The current block is too small to be economically efficient, dividing it in two would make it even less so.	
<i>Effectiveness</i>	The objective of the PCR will not be achieved.	
<i>Risks</i>	Opportunity (willing land owner of suitable land that is well placed strategically for development) is lost. The land is fragmented, meaning that in the future when this area is required for development, it will be more difficult and less certain to achieve.	

	Benefits	Costs
Meets Objective?	Objective not met	

### Option 3: Residential Development

Changing the use of the subject property from dairy support to Residential as put forward in this PCR is considered to be the most efficient and effective means of development for the subject property, and the option that is most consistent with the purpose of the RMA, being the promotion of the sustainable management of natural and physical resources, the meaning of which is worth repeating here as follows (s. 5(2) RMA);

*...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 well-being 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.*

The reasons include:

- While a very small dairy support block would be lost from production, the site will enable approximately 110 lots for residential use for people and communities in Waitara.
- With a dwelling on each lot, occupied by an average of 2.67 persons (Statistics NZ, 2016) per household, the population of Waitara would be boosted by 290-310 people. Long term this will result in more children attending local schools, more use of local amenities and local retail spending.
- In terms of contribution to the economy, and using conservative figures; an average house floor area of 180 square metres with construction costs of \$1,800.00 per square metre (construction only), development of the land would result in economic activity of approximately \$35,000,000.00 over the construction phase of the development.
- Development of the infrastructure (roads, power, water supply, sewer) will generate significant construction phase economic activity.
- Increased population and a positive greenfields investment in the town will have positive social and cultural effects. Community groups and organisations reliant on volunteers from the local population may also benefit.

**Table 5. Summary of Option 3**

	Benefits	Costs
Economic	Additional serviced land available for residential development. Economic activity related to construction and increased local	Loss of small dairy support block. Costs of development outweighed by benefits.

	<b>Benefits</b>	<b>Costs</b>
	permanent demand for goods and services .	
Social	Additional population growth = sustainability, vibrancy and social cohesion of Waitara community. More population available for local organisations (e.g. Fire and Emergency New Zealand), employment, school community.	Loss of one small dairy support block.
Cultural	No Maori, historic heritage or other cultural values affected.	Opportunity to protect and enhance the waterway would be realised to maximum potential. Ability for tangata whenua to be involved with the protection of the waterway.
Environmental	Retention and enhancement of natural features. Improved opportunities for recreation with enhancement of waterway, and opportunity for future connectivity.	Loss of rural character. Increase in traffic on Raleigh Street and at SH3/Raleigh Street intersection.
Efficiency	Extension of services (sewer, water ) would be sized to service the full extent development for the long term, and stormwater infrastructure can be developed to mitigate Stormwater issues in this catchment. Timing co-incides with NZTA upgrades to SH3 intersection and greater use of Raleigh Street for access to Waitara. Strategic location in relation to existing residential and open space zoning.	
Effectiveness	Well located and comprehensively planned development to meet community housing needs and provide housing choices for the community of Waitara, and the wider NP district well into the future.	
Risks	The applicant has a proven track record of delivering on projects within Waitara, and risk of not undertaking the development as promoted is therefore low. Council and applicant cannot agree on the required changes to the speed limit on Raleigh Street.	
Meets Objective?	Meets objective	

### **11.3.2 Options Conclusion**

The subject property, along with other land around Waitara was identified for urban expansion of the Waitara township by its incorporation into the NPDP as a Further Urban Development (FUD) area. This occurred in March 2013.

The FUD Overlay over the property confirms the subject site is strategic in its location to the further expansion of Waitara. While the NPDC has indicated (*pers.comm. J. Hickford*) that some the NPDC Officer's opinions are that this area may be being refined, the ME Report provided in support of the PCR (Appendix G) confirms that there is demand for residential land, and this assessment confirms that the land is strategically well positioned.

To summarise the preferred option;

**Economic Benefits and Costs** - The residential development will have significant economic benefits for New Plymouth and specifically for Waitara that include increased support for existing and new businesses, infrastructure development, and additional employment opportunities during construction or due to increased demand for goods and services. However, the development means loss of a small area of rural land that can be used for pastoral farming or horticultural activity.

**Environmental Benefits and Costs** - The provisions will ensure that the proposed development is consistent with the existing residential area contiguous with the property. The environmental effects will be similar to the adjacent Residential A environment area, but will provide a transition from rural to residential by having larger lots on the edges next to Rural Zone. There is a potential effect on landscape and visual effects from additional built environment, which is addressed in the LVIA (Appendix H). Loss of contaminants to groundwater or waterways from pastoral farming or horticultural activity will be avoided.

**Social Benefits and Costs** - The proposed development offers different lot sizes, and these will attract diverse household types which will result in a diverse community. This will also cause an increase in population growth in Waitara that will result in a more vibrant and active community. The proposed development provides connectivity of the surrounding environment through provision for walkways and pedestrians. On the other hand, population growth can also cause pressure on community services and facilities (but as this report has shown, Waitara has the capacity to absorb this growth).

**Cultural Benefits and Costs** - The proposed development has no heritage or cultural or loss associated with it, and will provide an opportunity to protect and enhance the tributary through the site.

**Effectiveness** - The adoption of the provisions of Residential A Environment Area, which is compatible with the adjacent established residential area, will ensure that the PCR can be easily integrated with the existing Operative District Plan, and future changes to it. The Council determined that this property is ideal as an urban area and sits well with the District Plan when FUD overlay was decided and applied over the property. While the draft NPDC e-plan suggests that the NPDC has had a change in this opinion, this plan has no formal weight, and has not yet been subject to the due process of public notification and submissions etc. The proposed rezoning and subsequent development will supply residential lots which will correspond with the demand growth and infrastructure development in the following years.

In conclusion;

- maintaining the property as it is (Option One) has little merit, the uses being either a small scale dairy support block, or a large lifestyle block. Both are uneconomic uses of the land.
- Developing the property as a 2-lot subdivision (Option Two) will also be an inefficient use of the land and will also result in an inefficient use of the remainder of the property. This option may also further fragment the land, meaning future development for residential purposes may be difficult to achieve.
- The assessment of the benefits and costs of the Option (Three) proposed confirm that this option is the best option for the land.

#### **11.4 Open Space B Area**

NPDC has made the following comments and requested the following information in relation to the Open Space Area proposed:

*"Initial feedback from Council's Parks and Reserves team is that they have some concerns with the amount of proposed green space if it is owned by Council. Provide an assessment of alternative purposes and forms for the gully area, including ownership and management options.*

Firstly, it is confirmed that Open Space B Environment Area zoning is sought. The applicant and its relevant expert consultants maintain that this is the most appropriate zoning, it is consistent with the park areas downstream, and it is consistent with the objectives and policies of the NPDP, in particular those relating to amenity and public access. The Open Space B zoning allows for cohesive management of the area with a public good focus. Alternative management/ownership options for this gully area include;

- Culvert the stream and develop over top of it;
  - While potentially the easiest option for the applicant, this option would result in the loss of the ecological, amenity and public access benefits associated with creating an open space area.
- Leave as green space but incorporate into ownership by allotments;
  - This may achieve some of the benefits, however would result in the area being owned by a number of different people, all of whom would have different objectives and resources to manage the area. Public access may be compromised, as may the ecological benefits. There would be reduced ability to cohesively manage the area, even with covenants, with this having to be achieved by body corporate or other mechanisms. We do not believe this sort of arrangement suits the development, which is aiming for the more affordable land options.
- Require esplanade strips;
  - This would have the same issues as above, and while the public access component would be more easily enforced, there would still be the same issues relating to cohesive management. We believe clearly demarking this area as public land is important, due to

its potential connectivity with one of NPDC's upcoming major projects – extension of the Coastal Walkway.

- Separate private ownership;
  - While a possibility, this is not a favourable option as it is difficult to envisage how private ownership of the waterway would achieve the public access and ecological benefits identified while also somehow making a viable return for a future owner.

### **11.5 Section 32(1)(a): Extent to which objectives are the most appropriate way to achieve the purpose of the RMA**

To restate the objective (adopted from the purpose) of this PCR:

*The purpose of this Plan Change Request is to; change the Operative New Plymouth District Plan to rezone the subject land from Rural Environment Area (subject to Future Urban Development overlay) to Residential A Environment Area with a limited area of Open Space within it. This will be implemented through the statutory planning mechanism of a Structure Plan and additional rules to be inserted into the plan.*

On balance, it is considered that converting the subject property to residential use by way of the PCR represents the most efficient use of the land for the long term, and is the most consistent with and the most appropriate way to achieve, the purpose of the RMA. The Assessment of Effects presented in section 9 confirms that the PCR will enable people and communities to provide for their social, economic and cultural well-being and 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.*

Achieving this by way of the PCR put forward means that infrastructure can be planned comprehensively, ahead of demand, and integrated into the exiting local networks, enabling provision of services to be cost effective. Strategically the land is ideal in this respect.

The imposition of a FUD overlay over the subject site confirms that the Council recognises the strategic location of the land in relation to the urban environment of Waitara. There has been a concern relating to the stormwater discharge from this site going to Waitara West stormwater catchment without a stormwater infrastructure in place.

However, the PCR has put forward a comprehensive plan and includes a stormwater control design to ensure that the stormwater is controlled and managed properly on-site without off site effects. Therefore, it is unlikely that there will be off site stormwater effects from the proposed greenfield development. As per the Land Supply Review 2007 – 2017 updated in May 2008, this area will only be

subject to consideration for rezoning Plan Changes once the stormwater catchment issue has been addressed. In addition, stormwater catchment upgrades in Waitara have been also been identified as one of the key investments in NPDC's 10-Year Plan 2018-2028. The applicant is also committed to working with NPDC to achieve its common objective for the area and has conveyed in pre-lodgement discussions that it is willing to work with the NPDC in relation to potential options on the land to assist in addressing the downstream concerns with stormwater in the Waitara West catchment.

The proposal offers a unique location and a choice of lifestyle for prospective buyers, while addressing the demand for housing in the district and providing for social and economic benefits for people and the town. While it will convert a rural environment into urban environment, the development allows for a transition from rural character to urban character and provides amenity values for future residents and neighbours and the public in general. The land is eminently suitable for residential development, and the inclusion of the proposed Structure Plan, as well as reports from technical experts, provides further protection against potential adverse environmental effects and greater certainty.

The assessment in the previous sections of this report demonstrates that the objective of the PCR is consistent with, and gives effect to, the relevant objectives and policies of the Regional Policy Statement, National Policy Standards and the Operative District Plan. In the assessment of effects, potential adverse effects of the proposed development can be mitigated, remedied or avoided and with proposed mitigation measures, the effects will be less than minor. This report has identified beneficial positive effects that will flow from the proposal.

Based on the above reasons, the objective of PCR is considered to be appropriate to achieve the purpose of the RMA; and will assist the local authority to carry out its functions under the RMA to achieve the purpose of the RMA.

### **11.6 The risk of acting or not acting**

The assessment of effects, technical assessment reports and the rest of this document have sufficient information to confirm that the risk of acting (i.e. granting the PCR) will not be more than minor. The risk of NPDC implementing this change to the NPDP is considered minimal in terms of the potential for future development of the site and its potential adverse effects on the environment. Further, the benefits of rezoning the site for residential development, in terms of the social, cultural and economic well-being of the district and region, outweigh any costs that the PCR will have.

The risks of not acting in relation to the rezoning are that;

- Other options have to be considered to address the growing residential needs of New Plymouth and these may not be comprehensively planned, timely, or in an ideal location as the proposed greenfield development.
- The chance to carry out such a greenfields development in Waitara, and provide the associated social and economic benefits in this township, may be missed.

The risks of acting and not acting in relation to the PSI;

- The PSI identifies minor soil issues. It is considered that there is no greater risk of acting versus not acting. Acting will ensure the concerns identified in the soil are addressed and remedied. Not acting will result in the status quo remaining. Either way there will be no greater risk to human health.

The risk of acting or not acting when the NPDC urban capacity assessment required under the NPS-UDC is not yet available;

- The risk of acting in the absence of this information is that the NPDC urban capacity assessment later indicates that there is sufficient capacity in Waitara. To mitigate this risk the applicant has undertaken its own assessments, which demonstrates there is a demand.
- The risk of not acting (i.e. waiting until the information is available) is that the assessment shows there is a strong need, and there has been a delay in waiting for the information before starting, and a subsequent delay in making the required land available.

We also note that the current FUD overlay on the land may have a bearing on this assessment.

### **11.7 Appropriateness of District Plan Zone objectives, policies & rules**

The Operative NPDP is a 'First Generation' district plan developed under the RMA. It is therefore a totally 'effects based' plan. Notwithstanding that more recent planning practice nationally has tended toward an activities-based approach, the New Plymouth Operative District Plan has retained this effects-based approach. A large number of plan changes have been incorporated since the Plan first became operative in 2005 but these have been incorporated into the original effects based framework of the Plan.

It is considered that the current District Plan zoning of Residential A is appropriate for the proposed residential areas, and the Open Space Zone is appropriate for the area surrounding the waterway on the site. This is because such zoning would link this land to other nearby land of the same zoning (the Ranfurly Street Residential A zone across the street from the site, and the Mabey Park Open Space Area downstream on the same waterway). The PCR has no stated objectives and the purpose is adopted.

Additional Policies, Reasons and Rules will be required to give effect to the PCR and these are drafted in Appendix C.

With the exception of the additional policies, reasons and methods of implementation identified in Appendix C, provisions of the proposal are able to be the same as those associated with existing Residential A and Open Space Environment Areas of the Operative District Plan.

Additional rules are proposed to address the following;

- The number of habitable buildings per lot shall be restricted to one.
- The height of habitable buildings shall be restricted to 6 m.

- Controls will be placed on the cladding and roofing of the dwellings to ensure they are compatible with the surrounding environment.
- Reduced front yard requirements will be allowed in the 'smaller lots' area, to enable a wider variety of housing types to be developed.
- Landscape, earthworks and fencing controls will be put on parts of the property.

These are considered appropriate and consistent with the NPDP, and the purpose of the RMA.

It is identified that the NPDC is proposing to publicly notify its district plan review in 2019, and accordingly, if successful, it is proposed that the zoning will change to the equivalent of that stated above, along with all land currently carrying that zoning.

A comparative assessment to enable the additional policies and rules (Appendix C) to be assessed is provided in Table 6 below.

**Table 6. Summary of proposed additional policies, objectives and rules**

<b>Proposed change (Ref Appendix C)</b>	<b>Existing NPDP wording</b>	<b>Analysis</b>
Rules OL60L-N	None	These are new rules to enable the insertion of the structure plan into the NPDC rule framework. This approach is consistent with other PPC's that rezone land. The rules reflect the mitigation measures offered.
Policy & Reasons 23.10 (Stormwater)	New	Consistent with other PPC's in Waitara and concerns raised pre-slodgement by the NPDC, and items identified in the engineering assessment supporting the PCR.
Policy, Reasons and Methods 23.11 (Design of buildings and structures within Waitara Area D)	New	Inserts the mitigations identified for Area D into the NPDP. Consistent with other PPC's. Allows for the insertion of rules OL60L-N.
Appendix 32	New	Inserts the Waitara Area D structure plan into the NPDP.

As discussed above – no changes to the Rural, Residential or Open Space Policies or Objectives are required or sought.

The provision of a Structure Plan to enable comprehensive development planning of the area is in accordance with Objective 23 and Policy 23.1 of the NPDP.

### **11.8 National Environmental Standards**

The PCR is consistent with relevant National Environmental Standards. No additional or revision of standards are introduced other than what currently exist. Therefore section 32(4) of the RMA is not relevant.

### **11.9 Conclusion**

The proposed greenfield development related to the PCR aligns completely with the obligations and targets of NPDC to provide sufficient residential lots for its growing population while achieving sustainable management of resources and social, economic and cultural benefits; thereby achieving the purpose of the RMA.