

SUBMISSION SUMMARY AND RECOMMENDATIONS

The following is the assessment of submissions and further submissions with recommendations by the Planning Officer. They are ordered according to topic.

Topic 1: Support for Residential re-zoning

1 Submitter Name: Mr. Keryn Amon

Submission No: 7

Summary:

Support the Plan Change. There is high demand for residential property in this area. The elevated sites and views from this area have people moving to Whanganui in order to purchase.

Decision Sought:

Confirm the Plan Change as notified.

2 Submitter Name: Mr. Michael R O'Sullivan

Submission No: 12

Summary:

Supports the Plan Change. Increased demand for residential property results in ad-hoc development. The proposed Plan Change will facilitate a more coordinated approach in an area regarded as attractive for residential development.

Class I and II productive soils are not involved, meaning the area is suitable for residential development if earthworks are designed in sympathy with the topography. Sites of this nature are limited within and near the city.

Development in this area will serve as a catalyst for the creation of a stormwater management system as shown in the Structure Plan. This will not only cater for the additional development, but improve management of the existing catchment and create a recreation resource for the wider community.

Decision Sought:

Adopt the Plan change.

Further Submitter: New Zealand Transport Agency

Further Submission 1.10

Supports the creation of a stormwater management system in the area, as PC46 will result in a significant increase in hardstand areas adjoining the State Highway and potentially compromise the efficiency of the existing road network stormwater management.

3 Officer Comments:

1. Submissions 7 and 12 request that the Plan Change be adopted. This is noted and supported, except where refinements to the Plan change are requested as a result of other submissions also recommended to be accepted.
2. The points made in relation to the benefits to the wider area, including the State Highway network in the vicinity, of a comprehensive stormwater management system are noted and supported.

4 Officer Recommendation

That submissions 7 and 12 from Mr. Keryn Amon and Mr. Michael O'Sullivan and further submission 1.10 from the New Zealand Transport Agency be **accepted in part**, recognising changes are recommended in response to other submissions.

No amendments are recommended as a result of these submissions.

Topic 2: Reduce minimum lot sizes and expand the development area
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5. Submitter Name: Mr. Steven Archer and Mr. Bernard Reuters

Submission No: 16

Summary:

Request that the minimum lot size of 800m² is removed to provide for increased diversity and density for different residential options or market demands. Over time if further densification occurs it will cause long right of ways.

Decision Sought:

That the minimum lot size in Otamatea West is removed.

6 Submitter Name: Mr. Robert B Chamberlain

Submission No: 6

Summary:

Request that the area to be re-zoned be extended to the city boundaries, and in particular include 12 Sandcroft Drive.

Decision Sought:

That the Plan Change extends the Residential Zone to the city boundary.

Further Submitter: New Zealand Transport Agency

Further Submission 1.7

Opposes the extension of the city boundaries as this would impose a requirement on the Agency to reduce the speed without undertaking the normal consultation process with third parties.

Further Submitter: Powerco Limited

Further Submission 2.1

Relief sought is beyond the scope of the Plan change and should be struck out. No assessment of the effects of the extension has been completed.

Opposes extension of the city boundaries as insufficient detail of the effects of additional development on the electricity distributions infrastructure capacity. More information about proposed development and timing is required.

7 Submitter Name: Bennett Family Trust

Submission No: 8

Summary:

Request that consideration is given to the eastern side of Sandcroft Drive where all the services are in place, but which development is currently limited by the Rural Lifestyle zone minimum lot size (5000m²).

Develop an additional Plan Change to further advance the capacity of Whanganui to provide for residential development and roading connection between PC46 road network, Tayforth Road and Taylor Road. A reserve for walkers and cyclists could also be extended in this area. Investigate development potential out to Tayforth and Taylor Roads as it is sandy and slightly elevated (with the exception of the valley floor).

Decision Sought:

1. Extend the Plan change to land SW of properties on the eastern side of Sandcroft Drive. As per map provided.
2. Investigate development potential out to Tayforth and Taylor Roads via an additional plan change process. As per map provided.

Further Submitter: New Zealand Transport Agency

Further Submission 1.8

Opposes the extension of the Plan Change area as the traffic impacts are unknown and the Agency has not had time to provide comment.

Further Submitter: Powerco Limited

Further Submission 2.2

Relief sought is beyond the scope of the Plan change and should be struck out. No assessment of the effects of the extension has been completed.

Opposes extension of the city boundaries as insufficient detail of the effects of additional development on the electricity distributions infrastructure capacity. More information about proposed development and timing is required.

8 Submitter Name: Mr. Graeme W Young

Submission No: 10

Summary:

Request consideration is given to additional land serviced mainly by Sandcroft Drive and a small portion from Great North Road, where all the services are in place and are of sufficient size for re-zoning.

Decision Sought:

That the Plan Change extends the Residential Zone to land adjacent to Sandcroft Drive, as per map provided.

Further Submitter: New Zealand Transport Agency

Further Submission 1.9

Opposes the extension of the Plan Change area as the traffic impacts are unknown and the Agency has not had time to provide comment.

Further Submitter: Powerco Limited

Further Submission 2.3

Relief sought is beyond the scope of the Plan change and should be struck out. No assessment of the effects of the extension has been completed.

Opposes extension of the city boundaries as insufficient detail of the effects of additional development on the electricity distributions infrastructure capacity. More information about proposed development and timing is required.

9 Officer Comments:

1. It is recommended that submissions 16 be struck out as it was received late. The following comments record the reasons why the Hearing Panel should, as my recommendation, strike out this submission.
2. Submission 16 raises potential issues of natural justice, in that it seeks a reduction in the minimum lot size for all sites within the Structure Plan area, from that notified in PC46(N). No other parties have submitted either in support or opposition to this notified provision and no one potentially affected by the recommended change to minimum site area performance standard, has had an opportunity to lodge a further submission either in support or opposition.
3. In the event that the Hearing Panel does not consider it appropriate to strike out submission 16, an assessment of the matters raised in that submission is provided below.
4. It is not accepted that reducing the minimum lot size would facilitate greater diversity and better provide for different residential options. Council analysis of the historic development trends in the Residential Zone at Otamatea, where until 2012 no minimum lot size existed, supports the assumption that it is unlikely that high density development would routinely occur at this edge of the urban area.

5. This area comprises a number of recorded and as yet unrecorded archaeological sites. A larger minimum section size will provide additional flexibility for development in the event of accidental discovery of archaeological items.
6. Larger section sizes in this vicinity will support the retention of existing amenity values of the wider area, which include a spaciousness and openness resulting from a generally larger residential section size and a rural outlook in many locations. Should there be demand for development at a higher density, it would be appropriate that potential adverse effects on the existing amenity values and character, be considered through the resource consent process.
7. Submission 16 also expresses concern that larger lot sizes would lead to longer right of ways. Lengthy right of ways are discouraged in this area by the additional of proposed Policy 4.3.10(e). Integrated urban design utilising indicative roads will reduce any justification for rights of way from the State Highway. It is likely that the New Zealand Transport Agency would resist any future proposals within this Structure Plan area that do not adhere to the proposed Appendix L of PC46(R1).
8. Submissions 6, 8 and 10 each seek to increase the scope of the Plan Change to consider re-zoning additional land to Residential and promote another Plan change. In my view this is beyond the scope of PC46(N). The options for the boundary of the Residential zone extension at Otamatea were canvassed in the Scoping Report¹ presented to the Council in December 2016. No opportunity has been provided for those potentially affected to be consulted and their views considered.
9. Council has a responsibility to the public to allocate resources in a cost effective and efficient manner. PC46(N) provides for projected growth in Otamatea for the next fifty years. As the District Plan is reviewed every ten years, and Whanganui is generally operating a rolling approach to Plan review, there will be opportunities in the future to consider other options should demand for residential land be an issue.
10. The Agency and Powerco Ltd raise concerns about a lack of opportunity to consider the implications for infrastructure networks, which are consistent with concerns expressed in this report.

10 Officer Recommendation

That submissions 6, 8, 10 from Mr R Chamberlain, the Bennett Family Trust, Mr GW Young be **rejected** as they are beyond the scope of this plan change process and

If the Hearing Panel do not **strike out** submission 16 from Mr S Archer and Mr B Reuters, that submission 16 be **rejected**.

That further submissions 1.7, 1.8, 1.9 from the New Zealand Transport Agency and 2.1, 2.2 and 2.3 from Powerco Limited be **accepted**.

No amendments are recommended as a result of these submissions.

¹ WDC Plan Change 46 – Scoping Report, August 2016 prepared by Senior Policy Planner

11 Submitter Name: Mr. Barry Hodson

Submission No: 1

Summary:

Request a minor change to the Structure Plan to re-align the indicative road from its proposed location to the original location in the 2011 Structure Plan for the following reasons:

- a. Consistency with previous Council decisions and information as to location of the road.
- b. The previous location of the road is more agreeable to myself and Mr and Mrs Underwood.
- c. The practicality of the new location as there is a building in the way (Sharon Underwood's School of Dancing).
- d. The new location of the road covers a prime position for a house with the best view.

Decision Sought:

That the roading layout for 173-175 Great North Road is removed and placed back over the 16 metre wide strip on Mr Hodson's property, consistent with the former proposed road layout and indicated in the 2011 Structure Plan.

Further Submitter: New Zealand Transport Agency

Further Submission 1.2

Opposes the removal of Road 1 option as sought by the submitter. The Agency considers Road 1 the safest and more appropriate option given the land use and speed environment.

12 Submitter Name: Mr and Mrs Underwood

Submission No: 2

Summary:

Adamantly opposed to the road proposed on the southern boundary of 175 Great North Road. Request that this proposed road indicated on the Structure Plan be removed and relocated to the 16 metre strip which has always been designated as such on Mr Hodson's property.

Decision Sought:

1. That the roading layout for 173-175 Great North Road is removed and placed back over the 16 metre wide strip on Mr Hodson's property, consistent with the former proposed road layout and indicated in the 2011 Structure Plan.

Further Submitter: New Zealand Transport Agency

Further Submission 1.3

Opposes the removal of Road 1 option as sought by the submitter. The Agency considers Road 1 the safest and more appropriate option given the land use and speed environment.

13 Submitter Name: Mr and Mrs Lillington

Submission No: 3

Summary:

Opposed to the Plan Change. In particular the process undertaken (no consultation with us or our neighbours) and the proposed location of a possible future road.

Sale of property affected by Council officers actively advising prospective buyers that that road is in the Plan and it will affect development of our property.

Decision Sought:

1. Realignment of the proposed road relating to 173 Great North Road back to Mr Hodson's property, which has been indicated as proposed road for more than 50 years.
2. A written statement that no road will be built in the current location without the express permission of all owners.

Further Submitter: New Zealand Transport Agency

Further Submission 1.4

Opposes the removal of Road 1 option as sought by the submitter. The Agency considers Road 1 the safest and more appropriate option given the land use and speed environment.

14 Officer Comments:

1. Submissions 1-3 relate to the indicative road proposed to run between No.s 173 and 175 Great North Road. These submissions seek that the indicative road to be relocated to the driveway of Mr Hodson's property located between No.s 175 and 177 Great North Road (PC46(R1) Appendix L - Road 3). This strip of land is 15 metres wide.
2. The road layout as notified PC46(N), maximises connections to land parcels in this vicinity, provides safe and efficient access, ensures future good urban form and provides for the required section yields.
3. Council and New Zealand Transport Agency wish to discourage further multiple/ single access right of ways to properties on this stretch of Great North Road which has a posed speed of 70km/hr. The operative Plan rules require that where potential for seven or more household units exists, a road is required and a right of way is not sufficient (Rule 13.5.9(a)). No.s 173 and 175 Great North Road each have the potential for more than seven dwellings per site. Additional road access to State Highway 3 beyond those proposed within the Structure Plan will not likely be supported by the Council Infrastructure

team nor NZTA, when a resource consent is sought. PC46(N) at proposed Policy 4.3.10 encourages alternative road locations that are in general accordance with key criteria.

4. The decision sought by submitters 1-3 may limit the development options particularly for No.173 Great North Road as development will likely be restricted until a road is formed on Mr Hodson's land, and a link-road constructed through No.175 Great North Road is established. This option relative to PC46(N) will likely have a neutral effect for No. 175. Land will still be identified as indicative road. It is understood that Mr and Mrs Lillington at No.173 have aspirations to see the balance area of their site developed. This would require a connection to the Structure Plan indicative roading network in general accordance with at least one of the two recommended short indicative roads (PC46R1 – Appendix L), if the indicative road is moved as requested to the Hodson property.
5. The owners of No.s 173 and 175 Great North Road prefer this indicative road layout option. This option could still achieve the Council's broader objective of safe and integrated transport access without creation of additional rights of way onto Great North Road. I recommend that the indicative road on No.s 173 and 175 Great North Road be relocated as indicated on PC46(R1) Appendix L.
6. A short indicative road (cul de sac) also needs to be maintained to ensure linked access at the rear of No.175, to the boundary of No. 173 Great North Road and another cul de sac be indicated over the front section of No.175 to the boundary of No.173, as indicated on PC46R1 – Appendix L and the planning maps (refer to Appendix 4). Both cul de sacs need not necessarily be formed in future but given the location of the dwelling on No.173, options to achieve access to both the front and rear of the site needs to be preserved.
7. The New Zealand Transport Agency has clarified that its further submissions should in fact refer to Road 4 of the ITA report. The Agency's support for this indicative road is noted and appreciated.

15 Officer Recommendations

That submissions 1 - 3 from Mr B Hodson, Mr and Mrs Underwood and Mr and Mrs Lillington be **accepted in part**

That further submissions 1.2. 1.3 and 1.4 by the New Zealand Transport Agency be **accepted in part**.

The following amendments are recommended as a result of these submissions:

- Insert a new Appendix L to the District Plan, being Figures 11 and 12 of the Report amended as follows (refer to Appendix 4):
 - Delete the indicative road that straddles the boundaries of No. 173 and 175 Great North Road.
 - Insert an indicative road along the narrow strip adjacent to No. 177 Great North Road and insert two indicative cul de sac links through or adjacent to No.175 to connect No. 173 Great North Road to the State Highway via the amended indicative road network.
- Amend Planning Maps U3 and U8 to reflect the changes to Appendix L above.

16 Submitter Name: Mr. Geoffrey H Thompson

Submission No: 4

Summary:

Opposed to the proposed road that goes through the front of 193a Great North Road. The ground is unsuitable to support a new road and the existing road is adequate, the new road creates no additional building areas and would cover two duck ponds and a functional drain.

Decision Sought:

1. Delete the proposed road over 193a Great North Road from the Plan.

Further Submitter: New Zealand Transport Agency

Further Submission 1.2

Supports the removal of Road 3 option as sought by the submitter. The Agency considers Road 1 the safest and more appropriate option given the land use and speed environment.

17 Officer Comments:

1. Submission 4 relates to an internal cul de sac proposed as an indicative road which runs parallel to the State Highway across No.s 193a – 193d. It provides access to these sections and to a rear section at No.9 Tirimoana Place served by a narrow dog-leg access. Recent subdivision and construction of residential dwellings at Tirimoana Place has removed any potential to achieve a road link to the southeast.
2. Following a site visit, I consider that the indicative road as notified was impractical, given recent development. This can be addressed by relocating the indicative road slightly to the north and avoiding the natural drainage route on the boundary of No.193a which drains to the ponds on No.193c. This option would be more practical. The purpose of this indicative road extension is to maximise opportunity for a future residential density in an area where subdivision at a rural-lifestyle scale has created lengthy private and shared accessways off State Highway 3 and the location of dwellings has compromised potential good urban form and results in road conflict issues.
3. Of greater concern at Otamatea is the prevalence of single-lot access strips, where a collective roadway would be more appropriate. An example is the use of access strips to service No.s 193a – 193d Great North Road. The proposed indicative roadways within the Structure Plan area are intended to address this issue in part by requiring consideration of the implications of a specific proposal's ability to achieve, or to compromise, quality urban design outcomes across the wider development area.
4. In terms of benefits to the State Highway network, the proposed structure plan will concentrate traffic and property accessways to the proposed internal road network rather than continue the adhoc and incremental development of sites with single access strips and/or rights of way onto the State Highway. It is noted that the New Zealand Transport Agency has expressed concern for the safe and efficient functioning of the State Highway. It is likely that the Agency would resist future development proposals that do not adhere to the criteria and principles of the Structure Plan.

5. The further submission from the Agency, goes beyond the scope of the original submission as Mr Thompson does not specifically object to indicative Road 3 of the ITA report. His objection is to the internal cul-de-sac that connects to Road 3.

18 Officer Recommendations

That submission 4 from Mr Thompson be **accepted in part**

That further submission 1.6 by the New Zealand Transport Agency be **rejected**.

The following amendments are recommended as a result of these submissions:

- Insert a new Appendix L to the District Plan, being Figures 11 and 12 of the Opus Report, amended to relocate the indicative cul-de-sac road over No.s 193a - 193d to the north of No.193a and 193c. (Refer to Appendix 4)
- Amend Planning Maps U3 and U8 to reflect the changes to Appendix L above.

19 Submitter Name: Mr. Stephen Turner

Submission No: 9

Summary:

In particular the new road beside 187b Great North Road. The proposed road is right beside our driveway at 187b Great North Road and would make it dangerous to exit the property. It would also increase road frontage and reduce privacy by increasing both road and foot traffic.

Decision Sought:

Removal of the road beside 187b Great North Road from the District Plan and Structure Plan.

Further Submitter: New Zealand Transport Agency

Further Submission 1.5

Opposes the removal of Road 1 option as sought by the submitter. The Agency considers Road 1 the safest and more appropriate option given the land use and speed environment.

20 Officer Comments

1. Mr Turner seeks the deletion of the road adjacent to No.187b Great North Road Indicative Road 3 and this is supported by the ITA Report, although the Agency's further submission is confused on this point as the Agency supports the removal of Road 3 of the ITA Report and PC46(N).
2. Road 3 is promoted in PC46(N) as a loop connection for future public transport opportunities. It is acknowledged however, that this road is not strictly necessary to achieve internal road linkages to developable sites, as alternatives are available. It is accepted that four road connections to the State Highway are not necessary even under the optimistic development scenario applied in the ITA report. Road 3 does not, as Mr Turner identifies, create opportunities to develop additional land, not otherwise accommodated by the proposed indicative road. It has the least benefit as a connection to the State Highway. For these reasons the deletion of Road 3 is supported.

3. NZTA have requested that their further submission on this point be withdrawn, as it is an error.

21 Officer Recommendations

That submissions 4 from Mr S Turner and further submission 1.5 from the New Zealand Transport Agency be **accepted in part**.

The following amendments are recommended as a result of these submissions:

- Delete the Indicative Road adjacent to No.187b Great North Road from the Structure Plan area as identified in Appendix L (PC46R1).
- Amend Planning Maps U3 and U8 to reflect the changes to Appendix L above.

22 Submitter Name: New Zealand Transport Agency

Submission No: 15

Summary:

Supports the Plan Change. Request that an Integrated Transport Assessment (ITA) be prepared in conjunction with the Transport Agency given the sites proximity to the state highway and the number and location of proposed intersections on to the state highway network. It should be incorporated into the Plan Change and Structure Plan and implemented before development is permitted.

Particular issues that require additional consideration include:

- Number and location of indicative roads that connect with the State Highway. It is unlikely that they meet the Transport Agency minimum separation distances between intersections.
- Potential increase in indicative internal road connectivity instead of the current number of proposed State Highway connections.
- Triggers/threshold/discretion on when the intersections with the State Highway will be upgraded. Confirmation on the costs and where the funding comes from to connect the indicative roads to the State Highway.
- Why the Structure Plan in Plan Change 46 differs from the Structure Plan report prepared by Opus Consultant Ltd.
- Particular reference to the State Highway and 'safe and resilient' infrastructure within the policies.

Decision Sought:

1. Prepare an Integrated Transport Assessment (ITA) and recommendations be incorporated into the Plan Change and Structure Plan in consultation with the Transport Agency.
2. Amend Policies 4.3.9 and 4.3.10 to provide for 'safe and resilient' infrastructure.
3. Amend Policy 4.3.10 to include an additional point that considers the effect of development on the State Highway.

Further Submitter: New Zealand Transport Agency

Further Submission 1.1

Supports The Agency's submission and includes an Integrated Transport Assessment sought by the submitter. The further submission confirms The Agency's view that:

- local roads linkages should be prioritised over state highway connections to reduce travel times along this stretch of the Highway and the corridor at large.
- Footpaths be provided up to Road 2 and channelized right hand turn bays into Road 1 and Tirimoana Place (Road 2), to ensure turning traffic can manoeuvre away from main traffic flows.
- Internal connections be improved to enable trips within the Plan change area and reduce such movements via the State Highway.

23 Officer Comments:

1. An error exists on PC46(N) proposed Map U8, as the Structure plan area should not include No.171 Great North Road. The omission of an Appendix L from the notification documents has also created confusion. These are understood to be the errors referred to by the Agency's submission.
2. The Agency submits that evaluation of future development proposals should consider any impacts on the safety and resilience of infrastructure and specifically the State Highway. Changes proposed to policies 4.3.9 and 4.3.10 are supported.
3. Submitter 15, the Agency, requested an Integrated Transport Assessment (ITA) be prepared in order to make an appropriate assessment of the traffic effects on the State Highway network. This was jointly commissioned by the Council and the Agency and the report submitted as part of the further submission process (Attached as Appendix 6). The ITA report is summarised at Section 4.3 and recommended the following:
 - To ensure good safety outcomes, as a minimum, the road network access is rationalised and that State Highway connections are restricted to the 70kph zone. Road 1 would not be acceptable in its proposed location.
 - A single connection has been modelled and considered to operate acceptably although detailed design and location would need to be considered carefully.
 - Need to ensure that any connections do not interfere with existing side roads and that channelized right-turn bays are incorporated.
 - Internal road network be better connected to ensure it meets the Urban Design Protocol and structure Plan principals and facilitate better public transport and walking/cycling routes.
4. The detailed design for new roads and intersections with the State Highway will occur at the subdivision consent stage for each proposed development in the Structure Plan area, as it is progressively implemented over the next nearly 50 years to 2065.
5. At this Plan Change stage, it is necessary to be ensure that the proposed Structure Plan layout and associated Plan provisions are the most appropriate way to achieve the objectives of the Plan. At this time Council has indicated a road access into the Bristol property (Refer to PC46(R1) Appendix L - Road 1), as it is unlikely that Tirimoana Place

could safely and efficiently sustain traffic volumes associated with roughly 120 residential additional sites.

6. The requirements for a compliant road intersection with the State Highway network in 100km/hr posted speed environment have been identified. It is acknowledged that the State Highway has Limited Access Road (LAR) status in this vicinity. While it is accepted that potential issues exist with Road 1, these are not considered to be prohibitive. An intersection with the State Highway in the vicinity can be designed to address the Agency's safety concerns. This would be addressed at the consent stage in future when required. NZTA will be an affected party
7. This Plan change process seeks to establish a strategic framework including an indicative roading layout and policy to signal the criteria for development of roads, to facilitate quality urban design outcomes including an integrated transport network as far as practicable.
8. The requirements for channelized turn bays to avoid interference with existing side roads in the vicinity of Roads 3 and 4 (PC46)(N)) and to protect the safety of the State Highway network are acknowledged and would be addressed in the detailed designed at subdivision stage. At this time Council considers that such design requirements can be achieved.
9. A single additional road connection to the State Highway to serve the entire structure plan area is not practical or feasible when existing development and road design is taken into account. Such a layout is not good planning as emergency service access and options for public transport routes would be compromised. Tirimoana Place is the only existing road within the area. It is not designed to provide access to 120 plus residential sites. While Taylor Road is indicated as a potential road connection, this is unlikely to provide physical connection to Tayforth Road for a period beyond 2065 given the length of roadway required to be formed.
10. The Agency seeks greater internal connectivity to potentially facilitate a single State Highway connection or at least enable vehicle movement within the structure plan area to minimise such movements via the State Highway. The key opportunity to achieve road linkages from Tirimoana Place to properties to the southeast was lost with the completion of the most recent stage of residential development at Tirimoana Place. To achieve quality urban design outcomes opportunities to maximise road linkages and minimise use of cul-de-sacs were explored as a key focus from the outset of this structure plan design process. However the topography and cultural heritage values of the remaining area and the location of existing dwellings have prevented identification of further practical, cost effective road links.
11. An extensive network of walkways is proposed internally to the Structure Plan area, (Refer to PC46(R1) - Appendix L) and these will connect at various points to the existing footpath network along the State Highway to Tirimoana Place and on Tirimoana Place also. Provision for public transport could potentially be accommodated within a circuit of Tirimoana Place and through the Bristol property and out to the State Highway via the proposed Road 1.
12. Whilst Road 3 is promoted as a loop connection for future public transport opportunities, it is not strictly necessary to achieve internal road linkages to developable land, as alternatives are proposed. It is accepted that four road connections to the State Highway are not necessary even under the optimistic development scenario applied in the ITA report. Road 3 does not create opportunities to develop additional land and has the least benefit as a connection to the State Highway. Retention of the internal road layout as

proposed in PC46(R1) would provide for the limited development potential of No.s 187K and 185 Great North Road to be achieved without creation of additional right of way access via the State Highway. For these reasons the deletion of Road 3 is supported.

13. The ITA report identifies at page 18 that the indicative road proposed on No.s 175 and 173 Great North Road (Road 4) and the existing Turere Place are each approximately 85 metres in opposite directions from the existing Eaton Crescent. The NZTA preferred separation distance for such intersections within the posted speed environment would be 240 metres. Deletion of Road 3 and the relocation of Road 4 to the Hodson property would improve but still not comply with this safety requirement. For this Plan Change process, it is noted that Council's Civil Design Leader identifies there are feasible options to address the safety concerns at the Road 4 intersection, signalled by this lack of intersection separation. Ensuring intersection sight distances are achieved is the major safety concern. Such matters will be addressed at the subdivision stage with specific detailed design to ensure the intersection is safe for State Highway traffic as well as those travelling through the new local road intersection in either direction.
14. The submitter seeks details of timing for implementation and costs. This Structure Plan area will meet demand for residential development at Otamatea over a 50 year period. Current demand is directed to Tirimoana Place where approximately 33 lots are likely to be proposed. Council is also aware of longer term proposals to potentially develop No.s 173 and 181 Great North Road. There is no immediate expectation of development on the Bristol property at No.209 Great North Road. These are the assumptions that Council is tentatively applying to the development of its Long Term Plan under the Local Government Act 2002. Council anticipates that an extension of Tirimoana Place and possible development of Road 3 PC46(R1) – Appendix L) may be sought by landowner/developers in the next 10 years. These signals of demand pressures indicate that retaining the status quo, rather than adopting PC46(R1), will likely push developers to continue an adhoc approach to residential expansion and State Highway access, that saw the development of 10 residential lots at Tirimoana Place and numerous new accessways in recent years.

24 Officer Recommendations

That submissions 4 and 15 from Mr S Turner and the New Zealand Transport Agency and further submission 1.1 from the New Zealand Transport Agency be **accepted in part**.

That further submission 1.5 from the New Zealand Transport Agency be **rejected**.

The following amendments are recommended as a result of these submissions:

- Amend proposed Issue 4.1.6 to read"
 - 4.1.6 *Otamatea West has been experiencing residential development pressures. ~~Adhoc~~ Unplanned development ~~made~~ that occurs without ~~consideration~~ of an overall land use framework to guide and direct growth can result in ~~inappropriately located and designed activities~~ outcomes*
- Amend proposed Policy 4.3.9 to read:
 - 4.3.9 *Residential development at Otamatea West ~~shall~~ must ensure good quality urban design outcomes and provide efficient, safe and resilient infrastructure. ~~provision, with P~~particular regard must be given to achieving ~~consistency with the indicative roading layout, three water infrastructure,~~ historic heritage features and landscaping.*

- Amend proposed Policy 4.3.10 by inserting the following additional considerations and a new provision after (f):

4.3.10 ~~Developments which that propose seek to vary deviate from Appendix L (Otamatea West Structure Plan) are encouraged; provided but only if the following key criteria to ensure are achieved in a manner that secures quality urban design outcomes and the provision of efficient, safe and resilient infrastructure provision are adhered to, by requiring that development:~~

- ~~The development c~~Creates purposeful linkages for both vehicles and for active modes of transport, including pedestrian use that ~~which~~ are safe, pleasant and work with the natural landform;
- ~~The development e~~Establishes road linkages to existing residential development adjacent to the Structure Plan area and to adjacent land and achieves good quality road linkages in all four directions as currently proposed to optimise connectivity within the locality;
- ~~The development m~~Manages stormwater to ensure hydrological neutrality for each development parcel within the Structure Plan area, thus ensuring neutral environmental effects beyond the wider Structure Plan area.
- ~~The development e~~Ensures residential development and associated infrastructure are designed to work with the natural landscape as far as possible.
- ~~The development a~~Avoids lengthy private rights of way where a road access to serve rear sections is appropriate.
- ~~The development e~~Enhances stormwater management and cycle/pedestrian networks to facilitate the potential for ecological corridors through the Structure Plan area.
- ~~The development's transportation impacts (including demand generation) on the existing or proposed intersections with the state highway, and how these may vary from the effects modelled or anticipated in the development of the Structure Plan are taken into account. And to the extent the adverse effects are materially greater than modelled or anticipated these are mitigated by works or design.~~

- Delete the indicative road over No.187b Great North Road through to the indicative cul-de-sac intersection.
- Delete No.171 Great North Road from inclusion in the Structure Plan area on proposed Plan Map Urban 8.
- Move the indicative road from No.s 173/175 to between No.s 175/177 Great North Road and insert two short cul-de-sac links to No.173 Great North Road and make any consequential alignment changes.

25 Submitter Name: Powerco Limited

Submission No: 5

Summary:

Neutral towards the Plan Change. Seeks to ensure that Council is aware of Powerco's assets and adequate provision is made in the supporting documents to enable the construction of additional electricity distribution infrastructure to allow new residential development in Otamatea West.

Electricity reticulation in the Otamatea West area is supplied via an 11kV cable from Tirimoana Place and through overhead lines on State Highway 3. Powerco have advised that new power reticulation in this area would be designed and built as each stage is developed. However, the Otamatea West Structure Plan does not include any provision for electricity distribution infrastructure.

Powerco supports proposed Policy 13.3.35 e.) and Policy 13.3.8 as the electricity distribution infrastructure required for the Otamatea West Structure Plan area will need to be supplied from an existing 11kV cable in Tirimoana Place, and the overhead lines on Great North Road.

Objective OD1 and policies PA2 and PA3 of the National Policy Statement on Urban Development Capacity 2016 (NPS) relate to 'energy' and 'other infrastructure' which is not directly controlled by a local authority. In order to give effect to the NPS, the structure plan provisions need to ensure the planning and installation of development infrastructure and other infrastructure (including the electricity distribution network) will be undertaken in an integrated and coordinated manner.

All references to the Otamatea West Structure Plan in the Plan change text should be clarified to make specific reference to the external document (prepared by Opus International Consultants Limited 2017) and the correct figures where required. The Section 32 document identifies that Figure 12 will be included as Appendix L but this has not been incorporated into the Plan Change documents. It is unclear what specific document and the diagrams within it are being referenced, and this is made more confusing by the omission of Figure 12 as Appendix L.

Decision Sought:

1. Amend Policy 4.3.10 to provide for the construction of the electricity infrastructure required by inserting the following: "*g. Integrates other infrastructure within the Structure Plan area including the electricity distribution network.*"
2. Retain Policies 13.3.35(e) and 13.3.38.
3. Improve clarity within the Plan Change as to when the document is referring to the Structure Plan report and when it is referring to Figure 12 of the report, which should be incorporated as an appendix to the District Plan.

26 Officer Comments:

1. This submission is generally supported.
2. Support for Policies 13.3.35(e) and 13.3.38 is noted and appreciated.
3. As part of the structure plan development, information was sought from other infrastructure providers including electricity, fibre and gas. A high level confirmation that network capacity is available within each network was confirmed for the Structure Plan area. Service providers noted that they were not generally able to provide detailed service design and location information or confirm the need for any service capacity-boosting infrastructure until specific developments were proposed. This has limited the ability to identify such infrastructure within the Structure Plan area with any certainty, but provide sufficient confidence that any specific capacity issues can be resolved by detailed design at the subdivision stage, to accommodate proposed development over time.
4. Policy 4.3.10 identifies the considerations for a development which is not strictly in accordance with the Structure Plan. It is accepted as appropriate to consider any implications for all forms of key infrastructure. It is not appropriate to single out one type of infrastructure by name, as this may inadvertently lead to omission of others not specified. To address this potential it would be prudent to refer also to consideration of gas and fibre distribution networks or retain a generic statement.

27 Officer Recommendations

That submission 5 from Powerco Ltd be **accepted in part**.

The following amendments are recommended as a result of this submission:

- Amend Policy 4.3.10 by inserting the following additional considerations and a new provision after (f):

4.3.10 *Developments ~~which that propose~~ seek to vary deviate from Appendix L (Otamatea West Structure Plan) are encouraged; ~~provided but only if the following key criteria to ensure are~~ achieved in a manner that secures quality urban design outcomes and the provision of efficient, safe and resilient infrastructure provision are adhered to, by requiring that development:*

- a. The development ~~c~~Creates purposeful linkages for both vehicles and for active modes of transport, including pedestrian use that ~~which~~ are safe, pleasant and work with the natural landform;*
- b. The development ~~e~~Establishes road linkages to existing residential development adjacent to the Structure Plan area and to adjacent land and achieves good quality road linkages in all four directions as currently proposed to optimise connectivity within the locality;*
- c. The development ~~m~~Manages stormwater to ensure hydrological neutrality for each development parcel within the Structure Plan area, thus ensuring neutral environmental effects beyond the wider Structure Plan area.*
- d. The development ~~e~~Ensures residential development and associated infrastructure are designed to work with the natural landscape as far as possible.*

- e. The development ~~a~~ Avoids lengthy private rights of way where a road access to serve rear sections is appropriate.
- f. The development ~~e~~ Enhances stormwater management and cycle/pedestrian networks to facilitate the potential for ecological corridors through the Structure Plan area.
- g. The development integrates other infrastructure within the Structure Plan area including the electricity, gas and fibre distribution networks.

- Insert Figures 11 and 12 of the Opus Report, August 2017, as amended by other submissions, as a new Appendix L(A) and (B) to the Plan.
- Insert consequential references to “Appendix L (Otamatea West Structure Plan)” throughout the Plan Change text.

Topic 3: Cultural values

28 Submitter Name: Te Rūnanga o Tūpoho

Submission No: 11

Summary:

Supports the Plan Change in theory. Requests to be involved in refining the notified version of the Plan Change.

Decision Sought:

To be involved in the discussions and revisions of this Plan Change as it develops.

29 Submitter Name: [Te Kaahui o Rauru](#)

Submission No: 13

Summary:

Oppose the rezoning as it is not clear how cultural values and heritage will be protected in this area. The aspirations to prepare for urban growth is recognised. The area is within Ngaa Rauru Kiiitahi’s area of interest. The archaeological evidence indicates a history of occupation by tangata whenua and potential for unrecorded archaeology in the wider study area. We are concerned about recent construction activity in the area without appropriate archaeological or cultural advice.

We seek stronger recognition of the cultural significance of the area, including alternative names for the area. The area is waahi tuupuna and quite likely also to contain waahi tapu.

Zoning rural land to residential would perpetuate cultural disconnect and lead to further destruction of ancestral sites and heritage. Tangata whenua have aspirations to reconnect with the ancestral lands which were taken from them as part of the 1848 land confiscation.

Submission is supported by the Interim Cultural Values Report: Otamatea Structure Plan Change October 2017, prepared by Te Kaahui o Rauru.

Decision Sought:

1. Recognise cultural values outlined in the Cultural Values Report and the importance of the Otamatea West area to tangata whenua.
2. Retain current Rural Lifestyle Zoning over the area known as Otamatea.
3. Adopt the additional archaeological sites in the District Plan and the application of an archaeological overlay for the whole area, and stronger advocacy by the Council around the heritage values present.
4. More proactive and early engagement for future Plan Changes and development. Ngaa Rauru Kiitahi and Tamareheroto be identified as affected parties in relation to activities in this area.
5. Consideration of alternative names for the area.
6. Reference to the Ngaa Rauru Kiitahi Puutaiao Management Plan regarding protection of heritage and values in this process.

30 Submitter Name: Whanganui Land Settlement Negotiation Trust

Submission No: 14

Summary:

Opposes the Plan Change in principle. Our opposition is based on the need to preserve and protect ancestral heritage, the wellbeing of the land and its people and the desire and right of tangata whenua to reconnect with ancestral lands wrongfully taken as part of the 1848 land confiscation.

The area known to WDC as Otamatea West is associated with a congruent of iwi, hapū and whānau in Whanganui. The main iwi with interests in this area are Whanganui and Ngā Rauru Kiitahi. The Otamatea West area has been identified by tangata whenua as ancestral land of significance, once populated by early ancestors of Ngā Aruhe. There is archaeological evidence, held within the confines of WDC, to confirm this. Otamatea West is known to tangata whenua as wāhi tūpuna (ancestral land) and as a direct consequence encompasses and contains wāhi tapu (sacred land).

The relationship that Whanganui Iwi shares with wāhi tapu and wāhi tūpuna is layered with elements of tikanga, identity and reciprocity. There are a number of values that underpin this relationship and Māori see this connection to wāhi tūpuna as a lasting connection to their ancestors. As outlined in more detail in the Cultural Values Report (“the Report”), it compels respectful interaction with the environment and people of the land, both past and present.

WDC is obligated by the Resource Management Act 1991 (“the Act”) to recognise, as a matter of national importance, the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga. Further, requirements in terms of participation and the establishment of processes to provide opportunities for Māori to contribute to decision making processes of local authorities are outlined in the Local Government Act 2002.

Policies 14.3.3 and 15.3.3 of the District plan deals with Māori values in relation to earthworks required to develop the area. Although WLSNT understand that the above provisions obligate WDC to protect the sites that are of value to Māori, we do not consider

that PC46 recognises the importance of protecting wāhi tapu and taonga when there is no indication on what methods will be used.

Submission supported by the Interim Cultural Values Report: Otamatea Structure Plan Change October 2017.

Decision Sought:

1. WDC recognise the cultural values outlined in the Cultural Values Report; and the significance of the Otamatea West area to tangata whenua;
2. WDC continue to communicate in a transparent manner with all tangata whenua with expressed interest in the Otamatea West area;
3. WDC, with tangata whenua, proactively pursue methods to protect the cultural/heritage values inherent in the Otamatea West area; and
4. Retains the Rural Lifestyle zone classification over the area known as Otamatea.

31 Officer Comments

1. It is acknowledged that the Structure Plan area is within the Statutory Acknowledgement of rohe for Ngaa Rauru Kiihahi and within the rohe of Whanganui iwi.
2. Council notes that all land subject of this Plan Change is held in private ownership, that significant residential development has already occurred in this and the wider Otamatea area.
3. The ICV Report generally represents the interests and perspectives of both Whanganui iwi and Ngaa Rauru Kiihahi². The ICV Report provides a careful summary of the cultural values and the key issues. The report identifies that the area generally has cultural significance, as will all areas within the rohe. The archaeological evidence confirms periodic occupation of portions of the Plan change area by tangata whenua. The ICV Report identifies that tangata whenua know the land as wāhi tūpuna (ancestral land) and as a consequence it will likely encompass and contain wāhi tapu (sacred land).
4. A key reason that Council initiated a structure plan process, was to address the growing pressure for residential development in this area. The most recent example being the extension of Tirimoana Place for residential development even though this land was and still is zoned Rural Lifestyle. This pressure for residential development will likely continue regardless of zoning.
5. The Structure Plan area has been zoned for rural residential development for many years and this Plan Change will intensify that development density.
6. As discussed in section 8 of this s42a report, the RMA requires that Council must recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, wāhi tapu and other taonga; and the protection of historic heritage from inappropriate subdivision, use and development.
7. In a meeting with submitters (refer to Appendix 7 for meeting minutes), it was identified that abandoning PC46(N) and retaining the status quo Rural Lifestyle zone over the Otamatea West area, would not necessarily on its own achieve protection of identified cultural values,

² ICVR Section 1 page 6

reconnection of iwi with the land, protection of the wellbeing of the land and its people nor protection of the archaeological items either recorded or unrecorded.

8. During this discussion and subsequent discussions with Mr Taylor, Council's archaeologist, and planning officers, consideration was given to a number of potential options to provide for cultural relationships with ancestral land and protection of archaeological sites. As this Plan change is not of itself a development, there is a limitation to the level of certainty around what and when development might be proposed for this area.
9. Submitters were concerned to identify what methods exist for protection of cultural values within the District Plan. The primary method of protection sits outside the Plan being the Heritage NZ Pouhere Taonga Act 2014. Within the District Plan, a number of existing objectives, policies and methods provide for the protection of historic heritage and cultural values in the assessment of resource consent applications, including:
 - Objectives 9.2.1 – 9.2.3, 9.2.5 - 9.2.8 and 14. 2.1.
 - Objective 13.2.1(f) seeks to avoid, or minimise adverse effects on historic heritage including archaeological sites in relation to subdivision and infrastructure development.
 - Policies 9.3.18 sets out criteria for consideration of archaeological values and Policy 9.3.19 provides for site specific buffers for archaeological sites.
 - Policies 13.3.39 and 13.3.40 provide not just for protection of heritage, but promote opportunities for the identification and protection of historic heritage, in the subdivision and infrastructure development processes.
 - Policy 14.3.3 seeks to mitigate potential effects of large scale earthworks on cultural values.
 - Rule 14.4.2 defines large scale earthworks activities a restricted discretionary activity.
 - Performance standard 9.10.1 requires adherence to the Accidental Discovery Protocol for any activities involving land disturbance.
10. In relation to subdivision within the Heritage Alert Overlay it is proposed that the presumption against notification or requirements for written approvals of affected parties be explicitly removed. This does not mean that all such applications must be notified or affected parties approval required. Affected party status is determined on a case by case basis in accordance with s95 of the RMA. It cannot be determined via this Plan change process as it is beyond the scope. This is specifically addressed in the Advice note below Rule 13.4.2 in Appendix 4 of the s42a report.
11. Options explored to address submitter concerns were:
 - Setting aside archaeological sites as a zone or overlay in the District Plan– where land disturbance would not be permitted. Such areas might in time be incorporated as public open space or left in private ownership.
 - Within the Structure Plan area require an archaeological assessment be submitted to Council to confirm permitted status or to support any application to subdivide or undertake land disturbance; and introduce a definition for land disturbance allowing for practical use of existing developed sites. Where an Archaeological Authority is deemed necessary then this will include a cultural impact assessment.

- Provide opportunities for tangata whenua representatives to be present on site during land disturbance.
 - That contractors involved in land disturbance be briefed by tangata whenua about the cultural values of the area and potential significance of the specific earthworks site.
 - The Structure Plan includes public walkways and landscaped areas, where some physical re-connection and access to the land, could be achieved. Opportunities to acknowledge the cultural values by re-telling the stories of this place could be explored.
 - Require archaeological testing or sampling prior to subdivision to determine if an archaeological site is present. This would require an Archaeological Authority be obtained. It may provide some certainty for all parties.
12. The ICV Report supports the proposed application of a 'Heritage Alert Overlay' across the Structure Plan area. Mr Taylor, Council's Archaeologist, has confirmed that in the Whanganui context, and in this area specifically it is difficult to confirm the extent of archaeological sites or areas, as much of the evidence is hidden beneath a sand layer which is often up to 500mm thick. Definition of exclusive buffer areas around recorded sites proved impractical as there was no reliable way to ascertain the extent of any one site nor to exclude any meaningful areas from being potentially of archaeological interest, without excavation. Thus a zone/overlay or reserve option is not recommended at this time for the Structure Plan area. Mr Taylor concludes that there is potential for archaeological items to be uncovered on a number of further sites within the Structure Plan area. But that to a great extent this is true of the wider Whanganui urban area, as acknowledged in the District Plan³ and need not preclude potential development for residential purposes.

When an archaeological authority is deemed necessary and obtained, this would provide the opportunity for tangata whenua to be present. Further work is required to define processes beyond this Plan Change.

Such promotional and landscaping actions would generally sit outside PC46(R1) and opportunities could be further explored beyond this Plan change.

This option could be considered within an archaeological assessment for specific sites, but is not generally appropriate, as the Accidental Discovery Protocol is intended to achieve a similar outcome where not deemed an archaeological site.

13. After consideration of the options available it is proposed that a 'Heritage Alert Overlay' (HAO) be applied to those sites within the Structure Plan area proposed to be rezoned to Residential in the District Plan. Development within the HAO would require an archaeological assessment prior to any subdivision or land disturbance of previously undisturbed ground. A new definition of land disturbance is proposed that would exclude cultivation, works on existing paved roads or berms, fencing, maintenance and replacement of existing structures. The Accidental Discovery Protocol would continue to apply, as would the obligations of the Heritage New Zealand Pouhere Taonga Act 2014.
14. For completeness it is noted that the consideration of place names is not within the scope of this Plan change, but should be further explored as part of an ongoing discussion with Council.

³ Chapter 9 – Cultural Heritage – Archaeology page 9-5 paragraph 2.

32 Officer Recommendations

That submissions 11, 13 and 14 from Te Rūnanga o Tūpoho, Te Kaahui o Rauru and the Whanganui Land Settlement Negotiation Trust be **accepted in part**.

The following amendments are recommended as a result of these submissions:

- Amend District Plan Maps U3 and U8 to insert a 'Heritage Alert Overlay' to include all sites within the Structure Plan area that were either: Residential zoned land with development potential or zoned Rural Lifestyle immediately prior to notification of PC46.
- Amend District Plan Maps U3 and U8 to amend the indicative road network by:
 - Moving the link road at the end of Tirimoana Place as notified, slightly to the north.
 - Correcting site number information and insert three additional archaeological sites as recorded in the Archaeological Assessment Report being sites 990 – 992.
- Amend District Plan Maps U3 and U8 and Appendix K by inserting additional archaeological sites, (R22/568, R22/569 and R22/570) as recorded in the Archaeological Assessment Report.
- Insert a new definition of Land Disturbance in Chapter 2 - Definitions:

Land Disturbance For the purposes of Chapter 9 - Cultural Heritage and Chapter 13 Subdivision and Infrastructure – means the disturbance of land by any means including, earthworks; blading, trenching, side-cutting, surface excavation, overburden and spoil disposal, ground levelling and construction of earth dams, roading or tracking, construction, realignment or widening, but shall exclude the following:

- i) *land disturbance in accordance with the survey regulations 1972 and subsequent amendments;*
- ii) *land disturbance associated with fencing;*
- iii) *cultivation provided land disturbance does not extend beyond the area or depth previously disturbed;*
- iv) *land disturbance within paved roads and modified berms, provided land disturbance does not extend beyond the area or depth previously disturbed; and*
- v) *land disturbance associated with replacement, maintenance and minor upgrading of existing structures, provided land disturbance does not extend beyond the area or depth previously disturbed.*

- Insert the following in Chapter 9 – Cultural Heritage within the Introduction, after the section entitled ‘Site Identification’

Heritage Alert Overlay – Otamatea West

The area identified in the District Plan as the Otamatea Structure Plan Area, is known to be part of a wider area of ancestral land which has cultural value and significance for Whanganui iwi and Ngaa Rauru Kiihahi.

The information has been determined primarily through customary knowledge, sourced from oral tradition and documented evidence in the form of Maori Land Court records, museum artefacts, old maps and public information gained from Waitangi Tribunal claims and recorded in the Interim Cultural Values Report, October 2017 prepared by Te Kaahui o Rauru on behalf of Whanganui Iwi and Ngaa Rauru Kiihahi.

The Whanganui District has a wealth of historic heritage. It is acknowledged that this resource provides an identity unique to the people of Whanganui and should be recognised and protected.

In addition to site identification in the District Plan, the tools for recognition and protection of archaeological sites and cultural values within the Otamatea West Structure Plan area are primarily:

- *a Heritage Alert Overlay which uses a predictive approach, to identify an area where undiscovered archaeological items are likely to exist based on historic temporary human settlement activities in the area.*
- *an archaeological assessment and/or a cultural impact assessment may be required to assist Council’s assessment of effects of subdivision and land disturbance applications within the Overlay area.*

The intention of the Heritage Alert Overlay is to provide a trigger to acknowledge this area where pre-European human activities would have been likely. It will act as an early warning tool to alert developers and landowners that a proposed development will need to demonstrate a recognition of and provision for the cultural values of the area and the protection of any areas of waahi tapu or archaeological significance, including the potential for accidental discovery of additional archaeological items. The Heritage Alert Overlay will raise awareness for landowners and the community about the cultural heritage of the wider Otamatea area.

- Insert a new Policy within Chapter 9 –Cultural Heritage after policy 9.3.20 and renumber policies as required.

9.3.21 When assessing an application for subdivision or land disturbance activity within the Heritage Alert Overlay, Council must have regard to the following matters to ensure that adverse effects on historic heritage values are avoided in the first instance, but if that is not practicable then remedied or mitigated:

- *alternate methods and locations available for applicants to carry out the works or activities;*

- the nature, form and extent of the activity and the likelihood of damage, modification or destruction of the archaeological site;
- extent to which individual elements of historic heritage value are affected;
- measures taken to protect the historic heritage values including to restore a site to its former state after completion of the work, having regard to customs and values of tangata whenua;
- the findings of a cultural impact assessment carried out on behalf of tangata whenua;
- the findings of any archaeological assessment carried out by a suitably qualified archaeologist;
- any conditions imposed in an authority issued under the Heritage New Zealand Pouhere Taonga Act, 2014.
- the provisions of any relevant management plan where appropriate, whether the proposal meets the provisions of the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value;

Notes:

1. Council will hold a register of cultural impact assessments and archaeological assessments. Where an assessment has been previously received by Council for the same land, then a further report will not be required.
 2. However where an archaeological assessment has previously been received by Council for the same land, a further report or an update of an existing report may be required because of the naturally changing nature of the landscape. This is particularly due to sand movement, regularly covering and uncovering archaeological items or where the nature or scale of the work originally assessed has been altered.
- Insert new activity status rules in Chapter 9 – Cultural Heritage and renumber performance standard 9.10 as required, as follows:

9.10 HERITAGE ALERT OVERLAY - OTAMATEA ⁴

9.10 Permitted Activities

The following activities are permitted activities in the Heritage Alert Overlay:

- 9.10.1.1 *Any activity that includes land disturbance where an Archaeological Authority for that activity has been obtained under the Heritage New Zealand Pouhere Taonga Act, 2014 or where a suitably qualified archaeologist has confirmed that such an Authority is not required.*

Note:

1. *This Overlay is an area identified as reasonably likely to contain recorded and undiscovered archaeological items.*

⁴ Subs 11, 13 and 14 from Te Rūnanga o Tūpoho Te Kaahui o Rauru, Whanganui Land Settlement Negotiation Trust

2. *Recorded archaeological sites are identified on the Planning Maps. Aerial photo maps are available identifying individual sites and any associated buffer areas.*

9.10.2 Non-Complying Activities

The following activities shall be non-complying activities in the Heritage Alert Overlay:

- 9.10.2.1 *Any activity or use that includes land disturbance, not provided for as a permitted activity by Rule 9.10.1.1.*

- Amend Appendix K as required to indicate the Heritage Alert Layer applies to each recorded site.
- Amend Rule 13.4.2a by adding an additional matter over which Council restricts its discretion to read as follows:

13.4.2 Restricted Discretionary Activities.

The following are restricted discretionary activities:

- a. *Subdivision unless otherwise stated.*

Council restricts its discretion to the following matters:

- i. *The ability of a proposal to meet the relevant subdivision and infrastructure performance standards, and rules.*
- ii. *The ability of the proposal to meet the relevant general urban design criteria, subdivision general and infrastructure assessment and performance criteria.*
- iii. *Consequences for the implementation of (Otamatea West Structure Plan).*
- iv. *Whether potential land disturbance resulting from any proposed subdivision, within the Heritage Alert Overlay will affect historic heritage values or sites, including consideration of the:*
 - a. *Location and siting of building platforms and whether land disturbance exclusion areas should apply;*
 - b. *Effects of land disturbance associated with development of any allotments.*
 - c. *Extent to which individual elements of historic heritage value are affected; and*
 - d. *Any measures taken to protect the historic heritage values.*

Note: Applications subject to this rule (except on land within the Heritage Alert Overlay) shall be considered without service, public notification or written approvals from affected persons.