

Councillors

WHANGANUI DISTRICT COUNCIL

Subject: **Section 42a Officers Report**
Proposed Plan Change 46 – Otamatea West

Meeting Date: **11 December 2017**

Prepared for Chief Executive by: **Brenda O’Shaughnessy**

1. Summary

- 1.1 Section 73 of the Resource Management Act 1991 (the RMA) provides for councils to initiate plan changes as necessary and appropriate. This Plan Change relates to the Otamatea area.
- 1.2 The purpose of Proposed Plan Change 46 (PC46N) is to re-zone some of the Rural Lifestyle land at Otamatea to Residential to provide opportunities for a residential density of development without adversely affecting the supply of land for lifestyle development and to provide for the projected additional demand for residential land, out to 2065, at Otamatea. At the same time, the Plan Change reviewed whether the Otamatea Development Overlay (inserted as part of Plan Change 26) is necessary, given that modelling of the infrastructure services network in this area has been largely completed.

Recommendations (to the Statutory Management Committee)

That the Council:

1. receives the report.
2. strike out submission 16 under section 41D of the Resource Management Act 1991. The reasons are recorded in Section 5 of this Report.
3. accepts, accepts in part or rejects the submissions as set out in Appendix 3 of the Report for the reasons given.
4. adopts Proposed Plan Change 46(R1) to the Whanganui District Plan, with the changes recommended through this report.

2. Introduction

- 2.1 My name is Brenda O'Shaughnessy. I have over 20 years' experience as a planner and have worked for a unitary authority and various local authorities as a consultant. I am employed by Opus International Consultants Limited as a Principal Planner based in the Whanganui Office. I have a Bachelor of Town Planning from Auckland University. I am a full member of the New Zealand Planning Institute. I have been engaged by Whanganui District Council to assist them with this Plan Change Hearing.
- 2.2 I have worked on a number of Plan Changes for Whanganui, Gisborne and Manawatu District Councils and other local authority clients. I have also prepared and processed a number of resource consent applications and notice of requirement applications. I am therefore familiar with the issues associated with preparing and applying District Plan provisions.
- 2.3 This report has been prepared in accordance with section 42A of the Resource Management Act 1991 (RMA). The purpose of this report is to assess the proposed plan change in terms of the relevant statutory considerations and obligations, taking into account those issues raised by submissions and any subsequently recommended amendments.
- 2.4 I have read the Code of Conduct for Expert Witnesses (Section 5 of the Environment Court Consolidated Practice Note 2014) and I agree to comply with this Code of Conduct. This evidence is within my area of expertise, except where I state I am relying on evidence from another expert. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
- 2.5 The Council has commissioned Mr Michael Taylor of Archaeology North Ltd to provide expert opinion on archaeological matters relating to the land included within the proposed Plan change at Otamatea West. Mr Taylor has a long professional association with this specific area of Whanganui, as well as the wider District. He has prepared the Archaeological Assessment report. Mr Taylor concurs with the recommendations where they relate to archaeological matters. Mr Taylor will not be presenting evidence on PC46, but will be available to assist the Commissioners as required.
- 2.6 Mr Shane Stanfield, Civil Design Leader at Opus International Consultants Ltd, has led the design of the indicative road network for the Otamatea West Structure Plan. He has reviewed the submissions and recommends some structure plan revisions as a result. Mr Stanfield has a short statement of evidence and will be available to answer any questions. His evidence is in Appendix 8. Mr Damien Wood, Council's Subdivision and Development Engineer has coordinated the structure plan process to ensure efficient provision and management of Council services and infrastructure. He is available to clarify any matters relating to planning and provision of Council infrastructure to meet demand, to assist the Commissioners as required.
- 2.7 I have also relied on a range of background information, technical documents, policies and plans (including higher level resource management documents such as the Regional Policy Statement (RPS)) as outlined below, and in the section 32 report.
- 2.8 The following is a list of abbreviations referred to throughout my report:
- PC46 - Proposed Plan Change 46: Otamatea West Structure Plan
 - Proposed Appendix L – Figures 11 and 12 of the Otamatea Structure Plan Report, August 2017
 - Structure Plan area - Otamatea West Structure Plan area (Appendix L)
 - Opus Report - the Otamatea Structure Plan Report, August 2017
 - RMA or the Act – Resource Management Act 1991
 - Plan – District Plan

- PC46(N) – the Plan change text and maps as notified.
- PC46(R1) – the Plan change with recommended changes in this S42A report.
- AA – Archaeological Assessment Report for Otamatea West Structure Plan Area Whanganui, Archaeology North Ltd, August 2017
- ICV Report – the Interim Cultural Values Report: Otamatea Structure Plan Change, Te Kaahui o Rauru, October 2017
- ITA – Otamatea Structure Plan Change - Integrated Transport Assessment, Beca Ltd October 2017.

2.9 This report outlines

- The submissions and further submissions received.
- An assessment of and recommendation for each submission received.
- Whether any changes to the District Plan are proposed as a result of the submissions and an additional assessment under S32AA of the Act.

2.10 In accordance with clause 10(3) of Schedule 1 to the Act, and for reasons of efficiency, I have evaluated submissions through an issues-based approach.

2.11 The following appendices are attached:

- Appendix 1 Copy of the Public Notices
- Appendix 2 Submissions and Further Submissions Received
- Appendix 3 Submission Summary and Recommendations by Topic
- Appendix 4 Proposed District Plan Maps and Marked up Plan Text
- Appendix 5 Interim Cultural Values Report, October 2017
- Appendix 6 Integrated Transport Assessment, September 2017
- Appendix 7 Minutes of Pre Hearing Engagement
- Appendix 8 Evidence of Technical Expert
- Appendix 9 Section 32AA Re-Evaluation PC46(R1)

3. Purpose of the Plan Change

3.1 PC46 was prepared and notified in accordance with Section 74 of the RMA, and the first part of Schedule 1 which outlines the requirements for changing a District Plan. PC46 is a plan change being undertaken separately from but alongside the Whanganui District Council's Phased District Plan Review.

3.2 Otamatea, Springvale and Whanganui Central have been identified as potential areas to accommodate future residential development. There is a demand for 630 new dwellings at Otamatea by 2065 based on a 2015 desktop study undertaken by Council. These new dwellings would mostly be accommodated within existing areas already zoned for residential activities.

The study area is 58ha and 4.5km northwest of the town centre. It is a mixture of rural lifestyle and residential zones. PC46 seeks to re-zone approximately 50 hectares of this Rural Lifestyle zoned land in Otamatea to Residential, to meet the additional demand for residential development, without compromising or adversely affecting supply of land for rural lifestyle purposes at Otamatea.

3.3 PC46 will through the implementation of the 'Otamatea West Structure Plan' sustainably manage, staged development to achieve more integrated transportation networks, quality informal open spaces, protection of cultural values and associated archaeological items and facilitate provision of new cost effective and efficient infrastructure in the specified area.

- 3.4 PC46 seeks to remove the Otamatea Development Overlay. A 1000m² site area density restriction called the 'Otamatea Development Overlay' currently applies to land zone Residential at Otamatea. This Overlay was introduced as a short term measure by Plan Change 26 (PC26), due to uncertainty over the capacity of infrastructure services to accommodate additional development at Otamatea. At that time Council committed to complete infrastructure modelling to confirm capacity and constraints. The modelling was completed and confirms capacity exists within the existing area zone Residential for development at a density commensurate with the rest of the Residential zone (being a minimum site area per dwelling of 400m²). This would be a return to the status quo prior to 2012 for landowners.
- 3.5 The Council completed or commissioned relevant technical reports and supporting documents to inform the development and drafting of PC46. These include:
- Tirimoana Place Structure Plan Future Residential Development Area, Opus Consultants Ltd (2011).
 - Otamatea Development and Infrastructure Report, Opus Consultants Ltd (2012).
 - Wanganui District Council District Plan Review – Phase 2: Residential – Residential Growth Discussion Paper – Discussion Paper 2D (21 February 2012).
 - Wanganui District Council District Plan Review – Phase 2: Residential – Infill Capacity Assessment Report – Discussion Paper 2 C (8 February 2012).
 - Residential Growth Study, Whanganui District Council (2015).
 - Plan Change 46 – Scoping Report, Whanganui District Council (August 2016).
 - Archaeological Assessment for Otamatea West Structure Plan Area, Whanganui, Archaeology North Ltd (August 2017).
 - Otamatea West Structure Plan, Opus Consultants Ltd (August 2017).
- 3.6 A 2015 desktop growth study identified that during the period 2016 - 2065 a further 455 dwellings (an 85% increase) would be required as infill within the existing Residential Zone at Otamatea. To achieve this, the minimum site area density per dwelling would need to be 400m². Demand for an additional 195 new dwellings in greenfield areas around the Otamatea periphery was also identified.
- 3.7 Conversely, demand for 195 rural lifestyle dwellings in the Rural Lifestyle Zone is projected over the next 50 years, whereas up to 447 dwelling sites could be accommodated on land already zoned for this purpose.
- 3.8 Otamatea West is the preferred area for expansion of residential development as development pressure already exists in this area. Otamatea East has significant stormwater constraints which Council is continuing to investigate. The extent of the Structure Plan area within Otamatea West was restricted to the amount of land required to service the expected demand.

4. Additional Technical Reports

- 4.1 Two technical reports were requested and commissioned following notification of PC46. The Interim Cultural Values Report, October 2017 was commissioned by Council and included in support of a submission by Te Kaahui o Rauru. The Integrated Transport Assessment jointly commissioned by Council and the New Zealand Transport Agency was included in the Agency's further submission. These documents are briefly summarised below:
- 4.2 **Interim Cultural Values Report, Otamatea Structure Plan Change:**
- 4.2.1 This report is written primarily from a Tamareheroto hapuu perspective, with additional commentary from Te Kaahui o Rauru (TKOR), the iwi governance entity for Ngaa Rauru Kiihahi. Through genealogy and geographic location, Tamareheroto acknowledges descent from both Ngaa Rauru Kiihahi and Whanganui iwi.

- 4.2.2 The Hapuu identify this land as ancestral land. The cultural values seek to underpin and address:
- The need to preserve and protect ancestral heritage
 - The wellbeing of the land and its people
 - The desire and right of tangata whenua to reconnect with ancestral lands.
- 4.2.3 The Hapuu and TKOR seek recognition of the cultural significance of this area and request consideration of a new name for the area and reference to its Puutaiao (environmental) management plan regarding the protection of heritage and values in this process.
- 4.2.4 TKOR support a proposed application for an archaeological site layer over the whole site.
- 4.2.5 The Hapuu and TKOR do not support a residential zone status as it is unclear how a change in zoning will achieve greater protection.
- 4.2.6 TKOR also seeks Ngaa Rauru Kiihahi and Tamareheroto to be identified as affected parties in relation to activities in this area.
- 4.2.7 Archaeological sites such as middens and food pits are known to be present in the area. The original people of this area are called Ngaa Aruhe, according to tribal elders these ancestors came from the land. Archaeological evidence of occupation in the Otamatea West area and Rapanui areas are the only remaining physical connection that Hapuu have with these ancestors. The cultural values associated with this area speak of the importance placed by tangata whenua on the interconnectedness of the people with their ancestral lands. This area is a waahi tupuna and as a direct consequence is likely to contain waahi tapu.
- 4.2.9 Tangata whenua believe that the re-zoning of the area from rural 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.
- 4.3 **Otamatea West Structure Plan – Integrated Transport Assessment:**
- 4.3.1 This report is a short-Integrated Transport Assessment (ITA) intended to inform the NZ Transport Agency on strategic land use and transport matters arising from the proposed Structure Plan for Otamatea West.
- 4.3.2 State Highway 3 has limited access road (LAR) status from the 70km speed limit change northwards. New vehicle crossings require approval of the Agency. The current intersections on this stretch of highway are all classified as low risk.
- 4.3.3 The report suggests optimistically that structure plan area could accommodate up to 340 lots and generate up to 270 trips during peak hours in and out of the area. It is noted that no allowance has been made in Table 1 for roadways and public areas within the structure plan area. As a rule of thumb this generally might be expected to occupy around 20% of a total development area.
- 4.3.4 The report notes that current sight distances for the proposed intersections appear appropriate subject to confirmation of detailed design. The location of existing side roads conflict with the safety and operation of the proposed roads. The minimum distance to maximise the ability of cars to re-enter the through traffic stream within a 70km/hr speed zone is 240m, neither Road 3 nor Road 4 achieve this. The safety record within the urban zone of this site is good, the increase in turning movements, lack of turning facilities and the close proximity of intersections is likely to reduce this safety level.

- 4.3.5 On that basis the report considers an intersection upgrade is needed at the Tirimoana place/SH3 intersection prior to any further residential development, including a right-hand turn lane. These details will be appropriately addressed as part of subdivision consent applications. At this Plan change stage, it is only necessary to be satisfied that reasonable options exist to address any specific road safety issues.
- 4.3.6 The report also notes that the current internal road layout is in accordance with the Council's Subdivision Design standards, but suggests issues with the Urban Design Protocols within the District Plan. This is related to the lack of public transport facilities and the limited connectivity within the internal road network. It also suggests poor footpath connectivity. This commentary is likely the result of the omission of Appendix L from the notification material in PC46(N).
- 4.3.7 The report recommends that to ensure a good safety outcome for this site it is recommended that as a minimum the road network access is rationalised and that connections are restricted to the 70kph zone. Careful consideration is required to ensure that the existing side roads do not interfere with the new connections and that channelized right-turn bays are incorporated into the design.
- 4.3.8 The report findings are discussed in relation to submissions in Appendix 3 of this report.

5. Submissions

- 5.1 PC46(N) was publicly notified in accordance with Clause 5 of the 1st Schedule of the RMA on 9th September 2017, with the period for submissions closing on Friday 6th October 2017. A copy of the public notice is included as Appendix 1.
- 5.2 Sixteen submissions were received at the close of submissions, one of which was late.

Submission 16 from Steven Archer and Bernard Reuters was received late on 10 October 2017.

I am of the opinion that this submission should not be accepted and could be struck out. It was received outside both the period for lodging of submissions and further submission, and it raises new matters not canvassed in other submissions. It 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. No parties have submitted against this notified provision and no one has had the opportunity to lodge a further submission either in support or opposition. A recommendation to the submission has been provided in Appendix 3, in the event that the Hearing Panel are not minded to strike out this submission.

5.3 Submissions were received from the following parties. Copies of these submissions are found in Appendix 2:

Original Submitters			
S01	Barry Hodson	S09	Stephen Turner
S02	Sharyn and Geoff Underwood	S10	Graeme W Young
S03	Graham and Jane Lillington	S11	Te Rūnanga o Tūpoho
S04	Geoffrey H Thompson	S12	Michael R O'Sullivan
S05	Powerco Limited	S13	Anne Marie Broughton, Kaiwhakahaere, Te Kaahui o Rauru
S06	Robert B Chamberlain	S14	Whanganui Land Settlement Negotiation Trust
S07	Keryn Amon	S15	New Zealand Transport Agency
S08	Bennett Family Trust AKA DWA Bennett	S16	Steven Archer and Bernard Reuters (Late Submission)

5.4 All submissions received were summarised and the decisions requested by submitters were publicly notified in accordance with Clause 7 of the First Schedule of the RMA. The further submission process closed on 6th November 2017. Two further submissions were received from the following parties.

Further Submitter		Original Submitter		Support/ Oppose
No.	Name	No.	Name	
FS1.1	New Zealand Transport Agency	S15	New Zealand Transport Agency	Support
FS1.2		S01	Barry Hodson	Oppose
FS1.3		S02	Sharyn and Geoff Underwood	Oppose
FS1.4		S03	Graham and Jane Lillington	Oppose
FS1.5		S09	Stephen Turner	Oppose
FS1.6		S04	Geoffrey H Thompson	Oppose
FS1.7		S06	Robert B Chamberlain	Support
FS1.8		S08	Bennett Family Trust	Support
FS1.9		S10	Graeme W. Young	Support
FS1.10		S12	Michael R O'Sullivan	Support
FS2.1	Powerco Ltd	S06	Robert B Chamberlain	Oppose
FS2.2		S08	Bennett Family Trust	
FS2.3		S10	Graeme W. Young	

5.5 A copy of each submission and further submission is included in Appendix 2.

5.6 The focus of this s42A report is to assess the issues raised in submissions to determine whether the decisions requested are appropriate, taking into account:

- Good planning practice
- The requirements of the RMA
- The relationship with the broader planning framework under the District Plan and its implementation and consistent administration, and
- The direction set by other Plan changes in the Whanganui Phased District Plan Review.

6. Key issues raised by submitters

- 6.1 The summary of submissions is included within Appendix 3 of this report where details of each submission are addressed. However, I consider the following to be key submission topics/issues:
- a. Protection of cultural values.
 - b. Lack of consultation with landowners affected.
 - c. Implications for State Highway 3 and transportation effects.
 - d. Practicality of the indicative internal roading layout.
 - e. High demand for residential property in this area.
 - f. Risks of ad-hoc development avoided.
 - g. Stormwater management system, will cater for the additional development, and improve management of the existing catchment.
 - h. Need to provide options for diversity and density for varied residential demand.
 - i. Extend Residential Zone further than proposed.
 - j. Give effect to the National Policy Statement on Urban Development Capacity 2016 (NPS), ensure the planning and installation of infrastructure occurs in an integrated and coordinated manner.
 - k. Clarify references to the Structure Plan and supported report, in the Plan change text.

7. Analysis of Submissions

- 7.1 Before a plan change can be incorporated into a district plan it must fulfil a number of statutory requirements set down in the RMA, including:
- a. Part 2, comprising Section 5, Purpose and Principles of the Act; Section 6, Matters of National Importance; Section 7, Other Matters; and Section 8, Treaty of Waitangi;
 - b. Section 31 Functions of Territorial Authorities;
 - c. Section 32 Duty to consider alternatives, assess benefits and costs;
 - d. Section 32AA Requirements for undertaking and publishing further evaluations;
 - e. Section 74 Matters to be considered by territorial authorities; and
 - f. Section 75 Contents of district plans.
- 7.2 The assessment of this Plan Change must also include an evaluation of the provisions to determine their adequacy in terms of:
- a. Their relationship and workability with other District Plan provisions, and
 - b. The appropriateness of such provisions (for example, their reasonableness and consistency).
- 7.3 The decisions requested by the submitters are considered in Appendix 3 of this report. For ease of reference submissions have grouped by topic.

7.4 Appendix 4 comprises a marked up version of the notified maps and text and identifies recommended changes following consideration of submission points. Each recommended change or group of changes (to text only) is shaded yellow and referenced with the submitter name and submission number as a footnote. Appendix 4 also comprises recommended changes to Planning maps and appendices as detailed in Appendix 3.

8. Statutory Considerations

8.1 Resource Management Act 1991

8.1.1 Section 74 of the RMA requires the Council to change the District Plan in accordance with its functions under Section 31, the purpose of the RMA in section 5 and the other matters under sections 6, 7 and 8, any further evaluation required by section 32AA, and to have particular regard to the evaluation reports and any regulations.

Territorial authorities have the following functions under the Act:

31 Functions of territorial authorities under this Act

1. *Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:*
 - a. *The establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources.*
 - aa. *the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district:*
 - ...
 - f. *any other functions specified in this Act.*
2. *The methods used to carry out any of the functions under subsection (1) may include the control of subdivision.*

8.1.2 The Council is given these functions for the purpose of promoting the sustainable management of natural and physical resources, which is defined in section 5(2) as:

In this Act, “sustainable management” means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while:

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

In accordance with Section 5 of the RMA, PC46 has been developed with a focus on proactively providing for the community’s longer term economic and social wellbeing by identifying a number of potential future development areas. The Otamatea West Structure Plan is the first to proceed to a Plan change. It will provide for a variety of housing development to meet projected future demand in a sustainable manner. A structure plan approach is proposed as this provides opportunity to consider integrated development options for key infrastructure including transport. It facilitates opportunities for improved quality urban design and public space outcomes, identifying and safeguarding any significant natural values and a more comprehensive consideration of historic heritage and cultural values. It also provides opportunities to plan for and manage a range of potential adverse effects, ahead of site specific development proposals. This approach is consistent with achieving sustainable management.

- 8.1.3 As set out in section 72 of the Act, the purpose of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of the Act.
- 8.1.4 Other statutory policy documents influence district plans. Sections 74 and 75 of the Act identify matters to be considered by the Council and those documents that a district plan must give effect to respectively. I discuss these in further detail later in this report, however, the plan change has been prepared to be consistent with and give effect to the statutory requirements of higher order policy documents, where relevant and applicable.
- 8.1.5 The following provisions of section 76 are also relevant:
- (1) *A territorial authority may, for the purpose of –*
 - (a) *Carrying out its functions under this Act; and*
 - (b) *Achieving the objectives and policies of the plan, - include rules in a district plan.*
 - (3) *In making a rule, the territorial authority shall have regard to the actual or potential effect on the environment of activities, including, in particular, any adverse effect.*
- 8.1.6 In order to achieve sustainable management of resources not only must any adverse effects be avoided, remedied or mitigated but the potential of natural and physical resources, including residential development and urban infrastructure services, must be sustained to meet the reasonably foreseeable needs of future generations. The objectives and policies of the Residential Zone, Subdivision and Infrastructure and Cultural Heritage chapters have already been subject to review and notification as part of Plan Changes 26 - 29 respectively.
- 8.1.7 PC46(N) and PC46(R1) as recommended to be amended following consideration of submissions and discussions with submitters, as documented in Appendix 3, is considered to be consistent with promoting the purpose of the Act.
- 8.1.8 Further guidance and direction on the way in which resources are to be managed is provided in sections 6, 7 and 8 of the Act. Section 6 matters to be recognised and provided for in relation to this Plan Change are:
- (e) *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;*
 - (f) *the protection of historic heritage from inappropriate subdivision, use, and development.*
 - (h) *the management of significant risks from natural hazards.*
- 8.1.9 The ICV Report (Refer to Appendix 5) has confirmed that the entire Structure Plan area is known by tangata whenua to be wāhi tūpuna (ancestral places) and it is believed there are therefore likely to be wāhi tapu (sacred places) areas.¹
- 8.1.10 The AA Report has confirmed that 11 archaeological sites have been recorded within the Structure Plan area. Three of these sites are within the area proposed to be retained as Rural Lifestyle Zone. It also confirms that this general area *“has a high risk for the presence of further pre-European archaeological remains. ... These sites are likely to have significant archaeological values.”*²
- 8.1.11 PC46(N) sought to recognise and provide for the known and unknown archaeological items within the Structure Plan area by recording the entire area as an 'archaeological site' in the

¹ Interim Cultural Values Report: Otamatea Structure Plan Change, 17 October 2017, Raukura Waitai and Te Kaahui o Rauru.

² Archaeological Assessment for Otamatea West Structure Plan Area, Whanganui August 2017, Archaeology North Ltd, Page 34

Plan. This would trigger a requirement to obtain an archaeological assessment and potentially an Archaeological Authority from Heritage New Zealand for any land disturbance. Consideration of Chapter 9 - Cultural Heritage objectives, policies³ and methods targeted at achieving protection of historic heritage across all zones within the District would also be required.

8.1.12 Mr Taylor, Senior Archaeologist at Archaeology North Ltd, and co-author of the AA Report, has confirmed that it is his view:

“The archaeological remains in the study area could potentially provide a variety of evidence concerning the pre-European settlement of Whanganui. Information recovered from such remains could develop a greater understanding of aspects of the early Maori settlement near Whanganui and on the wider west coast area, which (as noted above) is not well known.

There appears to be a very limited potential for the discovery of complex or extensive pre-European archaeological sites, as the archaeological evidence found suggests that the area was not intensively occupied or inhabited for extended periods. No evidence of fortifications or pa sites was located during the assessment and there are no pa identified or recorded archaeologically in the wider Westmere/Tayforth area.

*There is limited potential for there to be other historic archaeological sites of European origin that were not recognised during the field survey or identified through the background research”.*⁴

8.1.13 As a result of pre-hearing meetings with submitters, it is recommended that PC46(N) be amended to more specifically reflect cultural values and aspirations of tangata whenua to reconnect with this wāhi tūpuna. This is detailed in Appendix 3 of this report. PC46(R1) and other methods are considered to appropriately recognise and provide for section 6 (e) and (f) matters.

8.1.14 In relation to section 6(h) of the RMA, the Opus Report has considered and documents the natural and physical constraints of this area, and reviewed the natural hazard risks to determine that land instability is a risk that can be avoided by excluding the steepest and least stable land from any residential zone extension and instead retaining the Rural Lifestyle zone over such land.

8.1.15 Section 7 of the Act identifies “other matters” that must be given regard to. The sections relevant to PC46 are identified and considered in the table below:

(a) kaitiakitanga:

(aa) the ethic of stewardship:

(b) the efficient use and development of natural and physical resources.

(c) the maintenance and enhancement of amenity values.

(f) maintenance and enhancement of the quality of the environment:

(g) any finite characteristics of natural and physical resources:.....

(i) the effects of climate change:

(j) the benefits to be derived from the use and development of renewable energy.

8.1.16 PC46(R1) is considered to have given particular regard to the above matters as set out in the table below:

³ Whanganui District Plan, Chapter 9 – Cultural Heritage, particularly objectives 9.2.5 – 9.2.8 and policies 9.3.17 - 9.3.20.

⁴ Archaeological Assessment for Otamatea West Structure Plan Area, Whanganui August 2017, Archaeology North Ltd, Page 33

Section 7 Matters	Explanation
<i>(a) kaitiakitanga:</i>	PC46(R1) acknowledges the cultural values of the area and promotes development that will enhance opportunities for tangata whenua to physically reconnect with this ancestral land, and to exercise guardianship/stewardship over the area including potential involvement in landscaping and development options for public spaces; and actions/activities to raise awareness and protect of specific sites.
<i>(aa) the ethic of stewardship:</i>	
<i>(b) The efficient use and development of natural and physical resources.</i>	The structure plan approach ensures that the area will be developed in a comprehensive and integrated manner. Infrastructure resources can be efficiently allocated and installed, protection of historic heritage and cultural values can be considered and provided for ahead of site specific development to achieve efficient use and development, whilst achieving protection and quality environmental outcomes, particularly in relation to the benefits of a comprehensive system for management of stormwater and transport infrastructure.
<i>(c) The maintenance and enhancement of amenity values.</i>	An integrated structure plan will maximise opportunities for quality transport network connectivity and minimise single access right of way development which has been prevalent in the area to date. Provision of a connected stormwater management network has created opportunities for quality urban walkways and open space areas, protecting cultural values, historic heritage with a variety of transport mode linkages within and beyond the structure plan area.
<i>(f) Maintenance and enhancement of the quality of the environment.</i>	No significant natural landscape values or areas are present in this structure plan area, thus such environments are not compromised. The quality of the urban environment will be enhanced by proactive zoning of this land for residential purposes, enabling ad hoc development in other locations can then potentially be more effectively resisted. Provision of a connected stormwater management network has created opportunities for enhancement of the environment through creation of quality urban walkways and open space areas, protecting cultural values, historic heritage with a variety of transport mode linkages within and beyond the structure plan area
<i>(g) any finite characteristics of natural and physical resources:</i>	Land Use Class IV and VII are predominant in this area being generally sandy with moderate to severe limitations for arable use. Class I and II land is limited within the District and predominantly located near the urban periphery. These highly productive soils are not present in this Structure Plan area, assisting to potentially safeguard that resource from urban development pressures.
<i>(i) the effects of climate change:</i>	The Opus Report identifies at section 4.2.8 that the frequency of severe weather events and the magnitude of erosion and flooding hazards may increase due to the effects of climate change. Risk management has been incorporated into the design of infrastructure to date and will be a requirement for all aspects of each stage of implementation of the area over the next 50 years.

Section 7 Matters	Explanation
<i>(j) the benefits to be derived from the use and development of renewable energy.</i>	This Structure Plan area is anticipated to be developed over an extended period of time, facilitating opportunities to adapt to the inevitable improvements in technology that will make renewable energy a feasible source at both the domestic and territorial scale.

8.1.17 Following consideration of points raised in submissions, it is recommended that adjustments be made to be more explicit about how this Plan change provides opportunities for tangata whenua to physically reconnect with this land and actively protect cultural values within a context of competing Part II matters.

8.1.18 Section 8 requires that the principles of Te Tiriti o Waitangi (the Treaty) be taken into account in the preparation of PC46 and now with the consideration of submissions received. The principles of the Treaty are detailed by the Ministry of Justice⁵. An assessment of those principles applicable to Council's functions and PC46(R1) is provided below:

Relevant Principles	Assessment against Treaty Principles
Partnership - to act in good faith	Council engaged early with tangata whenua. Cultural values were identified and an archaeological assessment obtained as part of the structure plan development. This, confirmed historic heritage values and signalled cultural values would need to be explored and better understood prior to any development. Developers, where required, will obtain a cultural values assessment either as part of an Archaeological Authority or Council resource consent process, for each proposal prior to any further residential development. Council commissioned a cultural values assessment and has sought to identify opportunities to achieve the outcomes sought in that report where appropriate through this Plan change process.
Reciprocity - exchanges for mutual advantage and benefits	This land is privately owned. In this circumstance Council is working to facilitate residential development in an area of demonstrable market demand where rural lifestyle development is provided for already, whilst also striving to recognise and provide for the relationship of tangata whenua and their culture and traditions with their ancestral lands and protection of historic heritage.
Autonomy – to protect Māori autonomy, to govern themselves	PC46(R1) does not alter or impinge mana whenua rights to political autonomy. This Plan change creates an opportunity, to establish physical reconnection with some of this now privately owned landscape.
Active protection Crown's duty to protect Māori rights and interests	The Council is however bound by Part II of the RMA as discussed elsewhere in this report.

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<https://www.google.co.nz/url?sa=t&rct=j&q=&esrc=s&source=web&cd=3&cad=rja&uact=8&ved=0ahUKEwig5eK3o73XAhVJNJKHREuArEQFggwMAI&url=https%3A%2F%2Fwww.waitangitribunal.govt.nz%2Ftreaty-of-waitangi%2Fprinciples-of-the-treaty%2F&usq=AOvVawOFStp8xIRoWTEz9HweE6e5>

8.1.19 As outlined PC46(R1) is considered to be consistent with and taken account of Section 8 of the RMA.

8.1.20 In summary, PC46(R1) as recommended following consideration of submissions, is considered to meet its obligations under Part II of the RMA.

8.2 National Policy Statements and Environmental Standards

The RMA requires that district plans give effect to any relevant national policy statements or national environmental standards (NPS and NES). A NPS sets a national direction and a NES sets specific minimum standards to be enforced by each council.

The National Policy Statement on Urban Development Capacity 2016 (NPSUDC) provides direction to councils on planning for urban environments to:

- enable urban environments to grow and change in response to the changing needs of the communities, and future generations; and
- provide enough space for their populations to happily live and work. This can be both through allowing development to go “up” by intensifying existing urban areas, and “out” by releasing land in greenfield areas.

It requires Whanganui District Council to provide within the District Plan sufficient suitably zoned land to ensure that demand can be met for the next thirty years. This development capacity must be commercially feasible to develop and plentiful enough to recognise that not all feasible development opportunities will be taken up.

The purpose of this Plan Change is to achieve the requirements of the NPSUDC in regards to Otamatea which is an area where rural residential development is already provided for and has been experiencing relatively high pressure for residential development.

The requirements of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (2011) were incorporated into the Plan via Plan Change 27 in 2012. Council is not aware of any specific HAIL activities within this area. Compliance with the NES will be a matter for detailed consideration as part of any subdivision or land disturbance proposal.

8.3 Regional Policy Statement and Regional Plan (the One Plan)

Sections 75 (3) and (4) of the RMA require that a district plan must give effect to any regional policy statement and must not be inconsistent with any regional plan. Horizons Regional Council’s One Plan contains issues, objectives and policies relating to urban development, however only those relating to the District Plan are assessed below.

The One Plan became operative on 19 December 2014.

Table 1

Regional One Plan - Proposed Plan Change 46		
Issue	Objective	Policy
3-3 The strategic integration of infrastructure with land use – urban development that is not strategically planned can result in the piecemeal and inefficient provision of associated infrastructure.	3-3 The strategic integration of infrastructure with land use – Urban development occurs in a strategically planned manner which allows for the adequate and timely supply of land and associated infrastructure.	3-4 The strategic integration of infrastructure with land use – Territorial Authorities must proactively develop and implement appropriate land use strategies to manage urban growth, and they should align their asset management planning with those strategies, to ensure the efficient and effective provision of associated infrastructure.
<p>Evaluation: PC46(N) and PC46(R1) are consistent with the relevant One Plan issue, objective and policy. By promoting further residential development on land, identified as generally appropriate for that purpose, where rural lifestyle development is already provided for and where specific impediments to such development are addressed (predominately through the Structure Plan). This allows for integrated development, protection of historic heritage and efficient infrastructure rather than the less sustainable outcomes from ad hoc residential scale subdivision proposals in the Rural Lifestyle zone.</p>		

8.4 Other Plans & Strategies

Another matter to which Council must have particular regard is other management plans and strategies. Those which are relevant to this Plan Change. They have informed the preparation of the section 32AA analysis.

Whanganui Urban Transportation Strategy (2011)

The Whanganui Urban Transportation Strategy (WUTS) identifies key transportation objectives over a 30 year lifetime. It seeks to improve management of the road infrastructure by planning ahead to:

- Support environmental sustainability
- Assist economic development
- Provide transport infrastructure to meet the city’s long term needs
- Enhance and promote public health and personal safety
- Facilitate real transport choices including improved access and mobility
- Integrate transport systems and land use planning

The strategy sets out objectives and key actions under each theme. The objectives and key actions relating to parking, loading and vehicle crossings have been incorporated into this Plan change by the provision for walking and cycling pathways, the focus on maximising practical road linkages to facilitate opportunities for future public transport and improved safety outcomes. Council will be well placed to facilitate orderly development by acting ahead of demand to develop infrastructure in a coordinated manner.

Iwi Management Plans

Te Kaahui o Rauru has prepared a Puutaiao (environmental) management plan. An assessment of PC46(R1) against the objectives and policies of this management plan is provided below:

3.4.1 RELATIONSHIPS	Evaluation
Objective 1.1 To establish, grow and maintain relationships which maximise the ability of Ngaa Rauru Kiitahi to exercise kaitiakitanga over resources within our rohe.	Council has an evolving relationship with TKoR, and this Plan Change provides opportunities to work collaboratively to achieve some physical access to and reconnection with ancestral lands, as well as establishing opportunities to further investigate other methods beyond the scope of this Plan change to strengthen the exercise of kaitiakitanga. Working together through archaeological assessment processes to ensure appropriate protection and recording of archaeological sites and cultural values.
Policy 1.1 To work collaboratively with other Iwi and/or tangata whenua organisations, local and central government agencies, environmental organisations, stakeholders, professionals, technical experts and the public.	
3.4.2 PAPATUUAANUKU	
Objective 2.1 To ensure that the realm of Papatuuaanuku is managed appropriately in accordance with Ngaa Raurutanga	This land is privately owned and variously zoned for rural and residential activities currently. Within that constraint, the lands are to be managed sustainably. As stated above PC46 will facilitate physical connections to ancestral lands and potential collaborative management of some public spaces.
Policy 2.2 TKOR will work to protect and enhance Ngaa Rauru Kiitahi relationships, culture and traditions with our ancestral lands.	
3.4.5 TAONGA TUKU IHO	
Objective 5.1 To ensure that Ngaa Taonga Tuku Iho are managed appropriately in accordance with Ngaa Raurutanga.	Two archaeological surveys and one report have been completed since 2011, assessing and recording the historic heritage and archaeology of this area. These have identified a number of sites including 8 new sites in 2017. The recording of such sites in the District Plan will assist in the protection of heritage values. PC46(R1) recommends rules that require an archaeological assessment be completed prior to any land disturbance activity or subdivision consent approval. Where an Archaeological Authority is required from Heritage NZ, then a cultural values assessment will be required as part of that process.
Policy 5.1 To protect our Ngaa Rauru Kiitahi heritage as an integral part of our cultural identity and continued prosperity.	
Policy 5.3 Protect our waahi tapu / waahi tuupuna from inappropriate subdivision, modification and development that would cause adverse effects on the qualities and features which contribute to the cultural, spiritual and historical values of these sites	
Policy 5.5 To advocate for the return of artifacts and other taonga belonging to Ngaa Rauru Kiitahi.	
3.5.4 ECONOMIC DEVELOPMENT	
"...economic development should not occur at the expense of Ngaa Rauru Kiitahi cultural and environmental values. Ngaa Rauru Kiitahi does not support unsustainable exploitation of natural and physical resources. A	This Plan Change is consistent with achieving sustainable management as defined in the RMA. In turn this equates to sustainable development within the rohe of Ngaa Rauru Kiitahi.

<p>notable feature of our rohe is the reliance on the region's natural resources for our social and economic wellbeing. We encourage investors to bring business into our rohe. Ngaa Rauru Kiitahi wants economic development in our rohe to be sustainable so that the needs of present generations are met without compromising the ability of future generations to meet their own needs."</p>	
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9. Section 32 Evaluation

9.1 The RMA requires that when a council undertakes a plan changes that it produce a report evaluating the costs and benefits of primary options considered. This is known as a Section 32 evaluation.

9.2 Section 32AA Re-Evaluation

Section 32AA of the Act requires that any proposed changes be subject to further evaluation. As a result of considering the various submission points, I have identified a number of recommended changes to the proposed Plan provisions in Appendix 3. Rather than repeat the reasons and evaluation for each of the changes in this section, I have included my additional assessment as amendments to the notified S32 Evaluation Report. The affected provisions of that report are appended as Appendix 9 to this Report (shown as highlighted text for ease of reference). This approach is considered appropriate to reflect the scale and significance of the changes relating to the decisions requested by the submissions. These extracts, combined with the balance of the section 32 Report, fulfil the requirements of S32AA of the Act.

9.4 The majority of changes are recommended to improve the certainty and clarity of the provisions for plan users.

9.5 Unless otherwise stated within the s32AA Report in Appendix 9, the assessment undertaken in the section 32 Evaluation Report still applies.

10. Conclusion and Recommendations

10.1 To effectively and efficiently facilitate an environment conducive to growth of residential activity in Otamatea, it is necessary to zone additional land which is appropriately located and of suitable size. Such activities are essential for economic and social wellbeing.

10.2 It is intended that the Structure Plan will provide clear expectations about connectivity and minimise future additional access points on to the State Highway via accessways. PC46 expands zoning for residential activities in an area where rural residential density living is already provided for and where the market has identified it to be an attractive and natural location for residential activities within the District.

10.3 The Council has a particular interest to achieve enhancement of amenity values and integrated provision of cost effective infrastructure services within greenfield residential development areas. Structure plans are Council's favoured method to proactively define development areas and parameters to achieve this outcome.

10.4 Inclusion of a Structure Plan map as Appendix L will add certainty and clarity for Plan users. It includes the indicative walkways and stormwater detention areas provided for within the Opus Report.

- 10.5 Having considered the submissions of various parties, I am of the view that the indicative road layout should be amended to reduce the total intersections with the State Highway and optimise the safety of recommended intersection locations. However it is not considered practical, feasible or necessary to limit development within the Structure Plan area to one road intersection with the State Highway. Adjustments to other internal road layouts are recommended in recognition of practical and physical constraints and to ensure that all significant potential development sites are linked to an indicative road. No additional accessways to the State Highway are likely to be supported by either Council or NZTA.
- 10.6 The significance of the area as ancestral land for mana whenua is acknowledged. Further work is required beyond the Plan change process to find ways to recognise this significance. Protection of historic heritage values is specifically addressed in Chapter 9 of the Plan and new provisions are proposed to require confirmation that land disturbance will not adversely affect archaeological items or cultural values. Opportunities for mana whenua to reconnect with their ancestral lands can be achieved through the provision of public spaces within the Structure Plan area and through collaborative approaches to design and implementation of such spaces. Beyond this Plan Change process, opportunities exist to explore place naming conventions with Council and potential developers.
- 10.7 A re-evaluation in accordance with Section 32AA of the Act has been completed (refer to Appendix 9 of this report), in relation to all recommended changes and following consideration of issues raised in submissions.
- 10.8 It is recommended that PC46 be amended as indicated in the marked up text (refer to Appendix 4 of this report) and decisions on submissions be confirmed as recommended in Appendix 3.
- 10.9 I consider that the amended provisions will be efficient and effective in achieving the purpose of the Act, the relevant objectives of the proposed plan, and other relevant statutory documents, for the reasons I have recorded as part of the analysis and recommendations within and attached to this report. I am of the view that the plan change gives effect to the RPS, and has been prepared in accordance with the sustainable management purpose of the Act.

Brenda O'Shaughnessy
30 November 2017