

Appendix 3

Submission Summary and Recommendations for PC53

SUBMISSION SUMMARY AND RECOMMENDATIONS

The following is the assessment of submissions and further submissions with recommendations by the Planning Officer.

1 Submitter Name: Mosston School

Submission No: 001

Plan Provisions: Entire Plan Change

Address: 211 Mosston Road, Westmere, Whanganui 4501

Summary:

1. Supports proposed Plan Change 53 and its commitment to enhance community wellbeing with the provision for walking and cycling shared pathways, inclusion of reserves open spaces, and the development of the Titoki Wetland.
2. Expresses concerns on the negative impact the increased heavy traffic flow may have on Mosston School, regarding the detriment to student safety, increased congestion to vehicle movement and school access.

Decision Sought:

Seeks the following actions to improve the health and safety of the area for Mosston School children:

1. Development of a bus parking bay or layby and drop-off area outside of Mosston School.
2. Inclusion of a pedestrian crossing outside of Mosston School.
3. An extension of the pathway/cycle way from town on Springvale Road and along Mosston Road on the left hand side.
4. A shared pathway linking Mosston School to the proposed walking and cycling shared pathway.

Officer Comments:

1. The submitter's support for proposed Plan Change 53 is noted and appreciated.
2. The submission point concerning student safety at Mosston School has been noted and forwarded to Mr Brent Holmes, the Council's Roding Manager. This matter and potential solutions regarding safety at the school will be dealt with separately to the Plan Change.
3. Mr Holmes acknowledges the safety concerns and confirmed the following:
 - a. Council roading is currently discussing a bus parking bay area outside Mosston School directly adjacent to the school pedestrian access. This should be implemented very shortly.
 - b. Council has recently installed electronic school speed signs on Mosston Road and extensive no-parking yellow lines to open up sightlines
 - c. Council is also costing up a footpath extension back to the Faith Academy for the next Long Term Plan period.

- d. The Urban Cycleways programme also details a section of “Springvale Shared Pathway” as an off-road walking/cycling link near the school. Funding and construction are anticipated in the 2021-2024 Long Term Plan period.

Officer Recommendation:

That submission 1 from Mosston School be **accepted in part** and no amendments are recommended as a result of this submission.

2 Submitter Name: Mr Ryan Carter and Ms Nadia Ballantine

Submission No: 002

Plan Provisions: Rule 12.4.3

Address: 134 Mosston Road, Westmere, Whanganui 4501

Summary:

1. Supports proposed Plan Change 53 and its commitment to enhance community wellbeing with the provision for walking and cycling shared pathways and to rezone small pockets of land vested as Council reserve, from Residential to Reserve and Open Spaces.
2. Ensure efficient, integrated and sustainable residential development of land is possible. Considers it unrealistic to require all new dwellings on sites adjacent to Mosston Road to obtain alternative access.

Considers ‘Chapter 4 Section 32 Evaluation’ needs review as options are based on earlier structure plan layout. Opposes proposed Rule 12.4.3 which makes new and intensification of existing vehicle access to Mosston Road a non-complying activity.

Decision Sought:

1. Review the need to amend policy 4.3.10 to limit access to Mosston Road.
2. Exclude Rule 12.4.3 which makes new vehicle access and intensification of existing access to Mosston Road a non-complying activity.

Officer Comments:

1. The submitter’s support for proposed Plan Change 53 is noted and appreciated.
2. The submitter considers it unrealistic to require all new dwellings on sites adjacent to Mosston Road to obtain alternative access. Mr Evis, the Transport Planner advising the Council, has reviewed the basis for the proposed restriction and the implications of PC53.
3. At a strategic level, Mosston Road is identified as a Secondary Arterial on the District Plan map. The posted speed limit on Mosston Road has recently been reduced to 60km/hr.

4. Mr Evis records in his expert evidence that:

The most recent traffic counts indicate Mosston Road has an average daily traffic volume of 4,500 vehicles per day, of which 6% comprises heavy vehicles. Heavy vehicle traffic demands on Mosston Road/Montgomery Road are expected to increase following the completion of the Mill Road Industrial Area.¹

The Whanganui Urban Transportation Strategy (2011) identifies Mosston Road/Montgomery Road as the primary linkage for heavy vehicle traffic to the north of Whanganui, stating that the road is a “key heavy transport route requiring protection from inappropriate development”.

5. Mr Evis records that accident rates rise with frequency of driveways and intersections. From a safety perspective, each additional crossing provided onto Mosston Road increases the number of potential conflict points on the network and increases accident potential. This is particularly relevant on a dedicated heavy vehicle route.²
6. As Mr Evis noted the proposed Structure Plan is intended to provide a logical and inter-connected network of streets to facilitate access from the future residential dwellings onto Mosston Road via Fox Road and Fitzherbert Avenue.
7. The TIA assessed the capacity of these intersections to support future traffic growth demand using industry standard traffic modelling tools. The TIA concludes that both Fox Road and Fitzherbert Avenue intersections have sufficient capacity to support future growth demand without the need for additional intersections or connecting roads.³
8. Mr Evis concludes that:

“The proposed restriction on new vehicle accesses on Mosston Road adjacent to Plan Change 53 site is in keeping with the objectives of the Whanganui Urban Transport Strategy. Existing restrictions are currently in place within the District Plan on other sections of Mosston Road and Montgomery Road.

Limiting future access onto Mosston Road seeks to maintain safety and efficiency of the road as an identified arterial route and a recognised heavy vehicle route. Access from future growth areas onto Mosston Road can be adequately supported through the local internal road network and existing/proposed intersections at Fox Road and Fitzherbert Avenue.”⁴

9. I rely on Mr Evis’ expert assessment of the safety benefits achieved by restricting development to avoid access directly onto Mosston Road and avoid additional allotments obtaining access via existing accessways directly onto Mosston Road. I note that he concludes that the alternative routes within the Structure Plan area are appropriate. I note that the alternative Structure Plan road layout is well documented through the Plan change process so those seeking to develop land for residential purposes in future can take account of that information in their design.

¹ Appendix 5A – HEARING Transport Planner, page 4

² Appendix 5A – HEARING Transport Planner, page 5

³ Appendix 5A – HEARING Transport Planner, page 6

⁴ Appendix 5A – HEARING Transport Planner, page 6

10. On that basis I support the proposed amendment to Policy 4.3.10(f) to limit access to Mosston Road and proposed Rule 12.4.3 which makes new vehicle access and intensification of existing access to Mosston Road a non-complying activity as notified in PC53.
11. Submitter 2 seeks a re-evaluation of 'options considered in relation to the protection of the Heavy Vehicle Route being section 4.3.3 'Protection of Heavy Vehicle route' of the s32 Evaluation Report.' The purpose of this section is to explore the reasonable options available to safeguard the strategically important functioning of Mosston Road as a heavy vehicle route. Options considered were:
 - a. Status quo/ do nothing;
 - b. Rezone all land to residential but include a minimum lot size of 1000m² as a development buffer adjacent to Mosston Road;
 - c. Require noise insulation for dwellings within 20 metres of Mosston Road similar to the approach taken adjacent to the state highway network.
 - d. Rezone land residential, minimise access to Mosston Road and require a 5 metre dwelling set back as applies currently in the Rural L zone.
12. Option B above did consider the option proposed in the original GHD Structure Plan of 2012. The merits of this option were canvassed as an indicative development plan has been included in the District Plan (Appendix J) since 2012. The purpose of that appendix and associated policies was to facilitate the residential development that has since been completed to the south of the structure plan area, as it was generally in accordance with the Council's intention to provide for residential growth in this area. Appendix J was simply the best information available at that time. It is superseded by PC53.
13. I consider the evaluation contained in the s32 Evaluation Report to remain generally accurate and appropriate.
14. In relation to the proposed five metre dwelling set back recorded as part of preferred Option D, this was omitted from the marked up text in Appendix 1 to the s32 Evaluation Report at notification. I recommend that PC53 be retained as notified on the basis that no submitter has raised concern about the potential for noise effects on those living in the proposed Residential Zone adjacent to Mosston Road. I note also that yards adjacent to Mosston Road in the Structure Plan area, will effectively become the back yard for such sites and it is quite likely that sheds rather than dwellings may be erected near this boundary in many instances.

Officer Recommendation:

That submission 2 from Mr Ryan Carter and Ms Nadia Ballantine be **accepted in part** and no amendments are recommended to be made as a result of this submission.

3 Submitter Name: Craig Moffitt

Submission No: 003

Plan Provisions: Proposed Road/ Designation

Summary:

1. Generally supports the proposed Plan Change 53, specifically supports the proposed park.
2. Believes he will be unreasonably disadvantaged as the proposed road/ designation will go through his property including through his house, studio and sheds.

Decision Sought:

1. Fair compensation for replacement value of the existing house, studio and sheds as well as the land that Council requires for the new road.
2. The new park be established as notified.

Further Submitter: Craig Moffitt

Further Submission FS5

Opposes in part submission 3 and wants proposed road over his property to be moved eastwards to enable more efficient subdivision of his property.

Officer Comments

1. The submitter's general support of proposed PC53, including the new park as notified, is noted and appreciated.
2. The submission points related to the purchase of land for the proposed designation and negotiations for fair compensation are matters beyond the scope of the Resource Management Act 1991 and thus cannot be addressed in this District Plan change process.
3. Mr Moffitt's submission is that he will be unreasonably disadvantaged as the proposed road and drainage will go through his property in a manner that does not enable efficient development of his property. Mr Moffitt expands on this concern in his further submission where he proposes an alternative location for the road to facilitate efficient subdivision of the balance land.
4. Engagement with the submitter during the pre-notification stage led Council to move the proposed road to the western boundary of Mr Moffitt's site. This coincides with the existing accessway.
5. Mr Moffitt sought advice more recently that has revealed that it may be more efficient for subdivision to revert to a previously discussed layout. The intent of the further submission is to enable further discussion with Council about the final location of the proposed road.
6. Mr Moffitt in his original submission was concerned that the propose alignment would got through not just his property but also his house, causing him to lose his home and studio as well as the land required for the new road.
7. The necessity and extent of the designation will be considered in detail in the assessment of the Notice of Requirement. However it is important to clarify for

the purposes of addressing this submission, that although the designation boundary does extend over a number of buildings including the dwelling at 113 Fox Road, that the detailed design and construction of the road itself will occupy a reduced area of land. It is intended that the dwelling be specifically avoided, and the road reserve be set back appropriately from the dwelling, unless design constraints make that impractical. As the detailed design has not been undertaken for the road, it is necessary to retain a degree of flexibility by identifying a larger area of land within the designation at this time.



Figure 1: Snip of extent of the proposed designation over 113 Fox Road



Figure 2: Aerial view of buildings and structures at 113 Fox Road

8. In relation to the potential to move the proposed road east and partially onto 113A Fox Road, no significant technical design issues would lead to a preference for the existing proposal. In fact, the submitter requests that Council revert to an earlier alignment amended at Mr Moffitt's request. A revised layout would remove the 'kink' created to accommodate Mr Moffitt's previous preference.
9. Council Infrastructure identify that additional costs, including the need to purchase a residential dwelling, would potentially be incurred making the further submission request a less cost-effective option. The notified PC53 alignment specifically minimises the potential need to demolish/remove residential dwellings.
10. The adjacent landowners at 113A Fox Road, whose property would be directly affected by the further submission proposal, have not had an opportunity to formally respond to the matters raised in the further submission. For this reason, the reporting officers sought feedback from the property owners, the only contact to date has been by letter and no response has been received. These landowners were formally notified of PC53 and the Notice of Requirement to designate for road and drainage purposes as identified in PC53.
11. As the owners of 113A Fox Road have not had the opportunity to engage on this proposal to designate their land, it would not be appropriate to amend the location of the key transport and drainage route (designation) as indicated in PC53 at this time. This may be addressed via the Notice of Requirement application or subsequent variation if appropriate.
12. Property acquisition matters will be addressed independently in due course.
13. The further submission raises matters not raised in Submission 3 and as such it is considered to be beyond the scope of a further submission as prescribed in Clause 8(2) of the First Schedule to the Resource Management Act and must be rejected.

Officer Recommendation:

That submission 3 from Craig Moffitt be **accepted in part** and further submission 5 from Craig Moffitt be **rejected** and no amendments are recommended as a result of this submission.

4 Submitter Name: Roland Hiri

Submission No: 004

Plan Provisions: Entire Plan Change

Summary:

Supports the provisions of the proposed Plan Change 53.

Decision Sought:

Not specified.

Officer Comments:

The submitters support of proposed Plan Change 53, is noted and appreciated.

Officer Recommendation:

That submission 4 from Roland Hiri be **accepted in part** and no amendments are recommended as a result of this submission.

5 Submitter Name: Hayman Industries, Todd Augers and Equipment, MTS Projects, Extol Engineering and Holland Engineering

Submission No: 005

Plan Provisions: Zoning

Address: 111 Mosston Road, Westmere, Whanganui 4501

Summary:

1. Opposes proposed Plan Change 53 and zoning of the land from rural lifestyle to residential. Site has been used as an engineering and manufacturing premises for over 40 years.
2. Concerned that moving the Mosston Road/ Fitzherbert Ave extension further north than previously indicated in the District Plan and rezoning land residential, that they will have 20 – 30 neighbours instead of the current two. These businesses make noise and they do not believe that highly incompatible activities next door is sound planning.

Decision Sought:

1. Revise PC53 to resemble original GHD structure plan (District Plan Appendix J) to include a buffer of rural lifestyle zoning along Mosston Road, specifically from the Fitzherbert Ave extension to the proposed reserves and open spaces zone, on the Castlecliff side.
2. Seeks the entrance to Broadview Lifecare & Village entrance at 108 Mosston Road be relocated to Fitzherbert Ave.

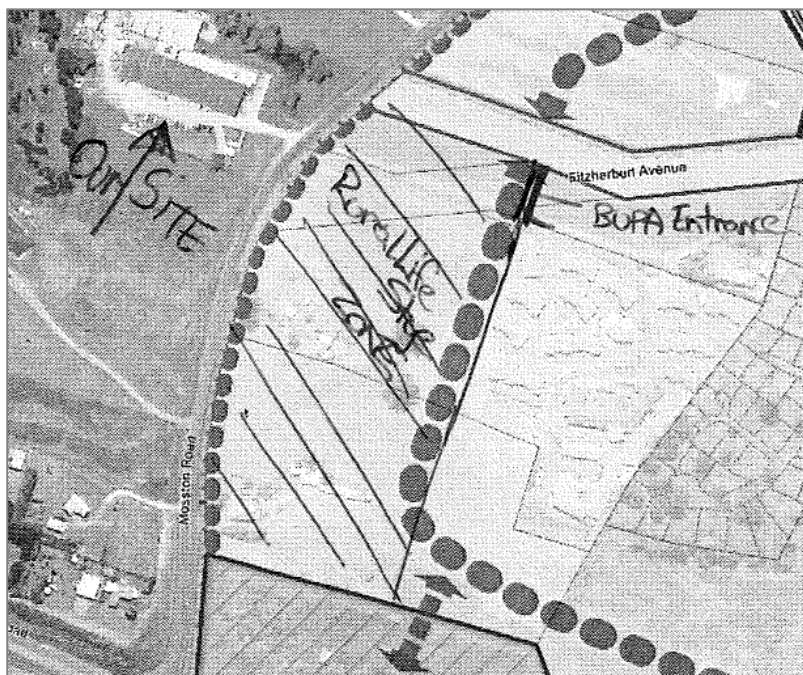


Figure 3: Snip from Submission 5 sketch of Springvale Structure Plan in vicinity of 111 Mosston Road

Officer Comments:

1. It is noted that the sketches referred to in Submission 5 did not upload with the submission form and were not identified as missing until after the close of further submission period. The sketch identifies proposed changes to the zoning and access of other properties who have not submitted. The written submission canvases the same recommendations and I do not consider any new points are raised in the sketch.
2. The existing businesses rely on a consent (Specified Departure 139), approved on 13 December 1973. It permitted the erection of a factory for light manufacturing. Activity on the site has been continuous and the submitter has operated a business at the site for around eight years.
3. Malcolm Hunt, a noise and environmental consultant based in Wellington, assisted the Council to develop the operative District Plan noise provisions. Mr Hunt has reviewed submission 5 and the resource consent for 111 Mosston Road. He notes that although the consent purportedly limits noise at the site boundary, it is his opinion that the condition is virtually unenforceable as no standards are mentioned, nor are noise units defined. However, Mr Hunt concludes that the consent authority did purposefully allow for noise from the proposed industrial activity but also stipulated that noise should be limited in magnitude, when measured at the site boundary.
4. Overall Mr Hunt concludes that meeting Lmax 90dB at the site boundary would result in a noise effect at the closest residential receiver locations across Mosston Rd approximately equivalent to the current District Plan permitted activity noise standards.⁵
5. It is important to note that the operative District Plan Noise provisions that apply to activities at 111 Mosston Road are driven by the zone applying to that site rather than surrounding land. Rule 17.5.6 specifies that in the Rural General Zone noise emissions shall not exceed specific limits at any point within the notional boundary unless provided for elsewhere in the Plan.
6. The District Plan defines the *notional boundary* to mean ‘a line 20 metres from the exterior wall of a dwelling or the legal boundary where this is closer’.
7. A number of dwellings exist in the vicinity. The closest existing dwelling is approximately 96 metres from 111 Mosston Road. PC53 may reduce this distance to a minimum of 60 metres, given the closest boundary is approximately 59 metres, and depending on the exact location of dwellings on each site.
8. Mr Hunt has assessed the potential reverse sensitivity noise effects for existing activities at 111 Mosston Road, if the land nearby is re-zoned for residential purposes. The relevant noise limits if PC53 were approved, were compared to those currently applying in the operative District Plan.
9. Mr Hunt found that a small reduction in maximum noise emission may need to occur should the closest PC53 zone land opposite 111 Mosston Road be developed for residential purposes. He noted that:

“There is a theoretical need to reduce maximum allowable noise by 4.2dB from activities within 111 Mosston Road to account for the compliance location (notional boundary) being located around 37 metres closer (compared to the distance to the closest existing notional boundary in the

⁵ Email 2nd October 2019

Rural General Zone). This reduction is not considered significant given a noise barrier fence can typically reduce noise levels by 10dB within adjacent sites.”⁶

10. Mr Hunt records that:

“It is important to note that there is no evidence to suggest activities taking place at 111 Mosston Road emit elevated noise such that noise emissions are just compliant with the [District Plan limits]. The submitter indicates a good relationship with neighbours. Council advises no records of noise complaints for this site”.⁷

11. Mr Hunt does not consider the theoretical reduction in noise buffer distance to elevate risks of reverse sensitivity noise effects on activities at 111 Mosston Road, compared to the default current situation. He notes that to a large extent, the risks of reverse sensitivity noise effects already exist in relation to the proximity of nearby dwellings in the Rural General Zone.⁸

12. Mr Hunt also notes that:

“The potential for reverse sensitivity noise effects for activities taking place at 111 Mosston Road (if any) is mitigated due to the presence of significant daytime ambient sound in the area mainly caused by road traffic passing the site.”

13. Mr Hunt identifies that the reverse sensitivity noise effects (if any) can apply whether or not PC53 proceeds with retention of a Rural Lifestyle Zone buffer area as originally proposed in the GHD Structure Plan 2011. He concludes that:

“There is therefore no reason to retain the buffer in the structure plan area near 111 Mosston Road, as was originally proposed in this area.”

14. I concur with Mr Hunt’s assessment and overall conclusion that PC53 does not introduce significant risk of reverse sensitivity noise effects for activities at 111 Mosston Road. I note that to a large extent the risks of reverse sensitivity already exist due to the proximity of dwellings in the Rural General Zone. It would appear that such risks are managed by good practice and good relationships with surrounding neighbours and will remain largely unchanged.
15. In addition, the presence of significant daytime ambient noise from existing traffic on Mosston Road and the duty to avoid unreasonable noise incumbent on persons carrying out activities on the site support [Mr Hunt’s] conclusion that reverse sensitivity noise effects are no more than minor for activities taking place at 111 Mosston Road, should PC53 be approved.
16. I rely on Mr Hunt’s technical assessment, in concluding that the reverse sensitivity noise effects on activities at 111 Mosston Road, of rezoning land as proposed by PC53 would likely be no more than minor.
17. The prevailing northwest wind will direct noise towards the proposed residential zone from both 111 Mosston Road and traffic on Mosston Road. Mr Hunt has considered the potential noise effect on proposed residential zoned sites and advised that:

⁶ Noise Advice – Plan Change 53, Malcolm Hunt Associates, October 2019, page 3- summary para 2

⁷Noise Advice – Plan Change 53, Malcolm Hunt Associates, October 2019, Page 3 observation 2

⁸ Noise Advice – Plan Change 53, Malcolm Hunt Associates, October 2019, Page 4 para 3

The relatively small distance sound will travel means that wind will have virtually no effect in increasing sound received downwind. We do find that sound levels can be increased by say 2 to 4dB downwind, but this is when the propagating distance is 1 to 2 kilometres. In this case the small distances involved mean there is virtually no effect.⁹

18. In relation to the proposed five metre dwelling set back recorded as part of preferred Option D, this was omitted from the Marked Up text in Appendix 1 to the Notification report. I recommend that this omission be left as notified on the basis that those affected have not had a fair opportunity to submit. No submitter has raised concern about the potential for noise effects on those living in the proposed Residential Zone adjacent to Mosston Road. The S32AA evaluation has addressed this option.
19. In relation to the relocation of the Fitzherbert Ave intersection, Transport Planner, Mr Evis confirmed that the existing alignment for the Fitzherbert Ave extension intersection has constrained visibility to the south resulting from curvature in the existing road alignment and hilly topography.
20. The realignment proposed in PC53 is approximately 100metres north. Mr Evis concludes that this alignment would provide a safer intersection environment through enhanced sight lines and improved approach angles compared with the current designation.
21. In response to the submitter's request to relocate the entrance to the Broadview Lifecare and Village at 108 Mosston Road to Fitzherbert Ave, Mr Evis reviewed the existing situation. He acknowledges that re-location of the entrance to either an indicative road or the Fitzherbert Avenue extension within the Structure Plan area would likely improve road safety on Mosston Road. However, any change to the existing entrance to the Village will be a decision for the landowners in discussion with Council. PC53 directs future development in the area including at the Village site to avoid Mosston Road and to establish access to Fitzherbert Avenue or other roadways within the Structure Plan area.

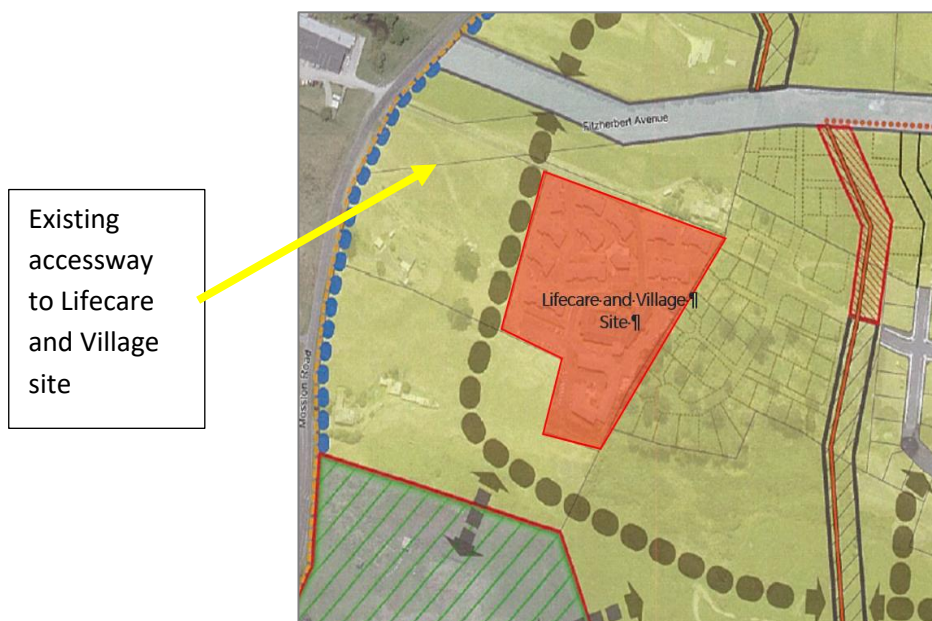


Figure 5: Snip of Springvale Structure Plan in vicinity of 108 Mosston Road

⁹ Email Malcolm Hunt 31 October 2019 6.01pm

Officer Recommendation:

That submission 5 from Hayman Industries, Todd Augers and Equipment, MTS Projects, Extol Engineering and Holland Engineering be **accepted in part** and no amendment be made as a result of this submission:

6 Submitter Name: First Gas Limited

Submission No: 006

Plan Provisions: Entire Plan Change

Summary:

1. Supports in part proposed Plan Change 53 but seeks to ensure it provides an appropriate framework to protect gas assets.

Supports the proposed Reserve and Open Spaces zone in the southern area of the structure plan as notified. Open spaces overhead of and within the vicinity of underground gas pipelines ensures network is protected and enabled.

Support the location of the proposed Residential zone as it is located a safe separation distance from gas infrastructure.

2. PC53 must give effect to the regional policy statement which confirms the gas network is regionally and nationally important infrastructure. The gas network needs to be both protected and enabled.

Decision Sought:

1. PC53 include provisions which protect gas infrastructure and does not restrict nor compromise its ongoing operation, maintenance and upgrade, including access.
2. Seeks clarity on management of drainage and stormwater within the existing Drainage Designation and proposed Stormwater Detention Area.
3. Seeks clarity on the design and location of the shared pathway, and design of the proposed Low Earth Bund, in consideration of the extent they will avoid or mitigate conflict with existing pipelines, including the ability for maintenance and inspection of the existing pipeline.
4. Land disturbance within 6 metres either side of the pipeline is a Permitted Activity within the Springvale Structure Plan.

Officer Comments:

1. The submitter's support for proposed Plan Change 53, including support for the proposed Reserve and Open Spaces zone in the southern area of the structure plan and support for the location of the proposed Residential zone is noted and appreciated.
2. The District Plan provisions give effect to the Horizons One Plan -regional policy statement (RPS). Policy 3-1 requires the District Plan to recognise 'gas facilities used for the transmission and distribution of natural and manufactured gas', as a physical resource of regional and national importance. This policy also requires that the District Plan must have regard to the benefits derived from the establishment, operation, maintenance and upgrading of such gas infrastructure. PC53 will give effect to the RPS as detailed in Section 8.3 of the 'Section 42A Officers Report' in that measures are included to protect gas infrastructure as

noted and supported by the submitter. PC53 enables First Gas Limited to continue to operate, maintain and upgrade facilities in the vicinity, as required without compromise.

3. The support of the submitter to the provision of clear separation of at least 20 metres from the centreline of the underground transmission pipeline and above ground infrastructure is noted.
4. The Reserves and Open Spaces Zone and drainage areas will not include structures other than a shared pathway and piped stormwater network and low bund around the retention pond as indicated in the structure plan to ensure separation from the Titoki Wetland. These are not expected to compromise the ability to access or maintain existing gas infrastructure.
5. The existing drainage designation (D152) is to be retained and is proposed to be rezoned to Reserves and Open Spaces Zone but otherwise is not altered by approval of PC53. D152 does not form part of the stormwater management plan for the Structure Plan area. All stormwater will be directed to the proposed stormwater detention area identified in purple on the notified Structure Plan map. The area identified as the Titoki Wetland within D152 will not be used for the management of stormwater and no structures are proposed.
6. Land disturbance either side of the pipeline is already a permitted activity, where earthworks are for the construction, maintenance, upgrade or removal of a network utility. This is subject to the land being reinstated following the earthworks. Such earthworks are exempt from compliance with Chapter 14 Earthworks, except where the land is contaminated. This is unchanged by PC53.
7. The ability for First Gas to undertake safe maintenance, inspection and access to existing gas infrastructure in the Wetland will be unchanged.

Officer Recommendation:

That submission 006 from First Gas Limited be **accepted in part** and no amendments are recommended as a result of this submission.

7 Submitter Name: Horizons Regional Council (Horizons)

Submission No: 007

Plan Provisions: Entire Plan Change

Summary:

1. Generally supports proposed Plan Change 53 and its approach to development in the Springvale area.

Supports the provision of walkways as well as new roading in the structure plan.

Supports the provision for stormwater management in the structure plan through drainage designations and a stormwater detention area and amended Policy 13.3.35(a) in particular. Concurs that section 2.2.3 of the Section 32 Report is consistent with One Plan Policy 6-1(c) relating to biodiversity.

Seeks retention of the structure plan, and supporting District Plan policies 13.3.35, 13.3.36, 13.3.37 and 13.3.38 as notified.

Decision Sought:

1. Seeks retention of the Springvale Structure Plan and the proposed amended supporting District Plan policies 13.3.35, 13.3.36, 13.3.37 and 13.3.38, Rule 13.5.10 as notified, insofar as they give effect to the One Plan and align with the Regional Land Transport Plan (RLTP).
2. Any further, alternative, or consequential relief to give effect to the One Plan and align with the RLTP.

Officer Comments:

1. The submitter generally supports the proposed Plan Change 53.
2. Specific support for policies 13.3.35, 13.3.36, 13.3.37 and 13.3.38 is noted and appreciated.
3. PC53 will give effect to the Horizons One Plan as detailed in Section 8.3 of the 'Section 42A Officers Report'. It is noted and appreciated that the submitter confirms that PC53 aligns well with Policy 3-4 of One Plan regarding land use strategies to manage urban growth.
4. Provision of an integrated network of roads and shared pathways which will serve as a safe alternative to Mosston Road, will encourage walking and cycling in an area where walking and cycling is currently unsafe as Mosston Road is prioritised as a Heavy Vehicle Route. PC53 will thus align with the strategic direction of the RLTP, which supports a multi-modal transport system that reduces the amount of private vehicle use within the city (particularly in the CBD), and enables increases in the use of active and public transport modes.

Officer Recommendation:

That submission 7 from Horizons Regional Council be **accepted** and no amendments are recommended as a result of this submission.

8 Submitter Name: Ministry of Education (the 'Ministry')

Submission No: 008

Plan Provisions: Entire Plan Change

Summary:

1. Ministry is neutral to proposed Plan Change 53 (PC53). The Ministry is responsible for managing all education property owned by the Crown. The safety of students and teachers is a high priority.

Tawhero School, St Marcellin Primary School and Rutherford Junior High School are within walking distance to the structure plan area and there are a number of schools in the surrounding area.

PC53 provides for 700 new dwellings in the next 50 years which need to be planned for in relation to impacts on the existing local school network.

Does not appear that the Ministry has been previously consulted during the PC53 process.

Decision Sought:

Seeks to be engaged on the implementation of the Springvale Structure Plan, as it relates to network demand, timing of staged development, impacts on school transport planning and avoiding, remedying or mitigating the potential adverse effects of PC53 on the local school network.

Officer Comments:

- 1 The indicative walkways and shared pathway networks are deliberately designed to encourage safe and efficient pedestrian or cycle movement of students to and from school. PC53 will require such linkages be constructed as land is progressively developed. Tawhero and St Marcelin schools will be linked to the residential environment by a series of well-connected shared paths, walkways and local roads within the structure plan area.
- 2 Council acknowledges the planning implications for the education sector of PC53. It is noted that the Minister, the local office and Tawhero and Mosston schools have been informed and local schools engaged about the proposal to rezone this area at key stages of the process. Consultation with the Ministry directly included:
 - a. Clause 3 letter to Minister's and Whanganui offices – 30 August 2018.
 - b. Presentation to Mosston School Board of trustees and Ministry representative – 11 Sept 2018.
 - c. Letter seeking feedback on draft Plan Change to Whanganui office of the Ministry – 29 April 2019.
 - d. Letter advising public notification of PC53 to Whanganui office of the Ministry – 14 June 2019.
- 3 Council will liaise via the Whanganui office to inform and engage with the Ministry as PC53 progresses and in relation to key development stages of the implementation of the Structure Plan.

Officer Recommendation:

That submission 8 from Ministry of Education be **accepted** and no amendments are recommended as a result of this submission.

9 Submitter Name: David and Jacque Flintoff (3F Developments Ltd)

Submission No: 009

Plan Provisions: Plan Change – Zone Extent

Address: 105 Lincoln Road, Westmere, Whanganui 4501

Summary:

1. Supports the intent of the proposed PC53, which is to facilitate provision of land for residential development in the Springvale area to meet the demand for development out to 2065.
2. Raises concerns about reasons for excluding Buxton Road properties from PC53. Archaeological evidence is not sufficient on balance to exclude the properties.

3. Cultural Impact Assessment (CIA) identification of 'no zones' would have a significant effect on the viability and practicality of PC53 as a whole. It is not appropriate on the basis of the CIA sections 13.4 to exclude the Buxton Road area from PC53. The CIA also considers the possibility that development may proceed as notified, in that event accidental discovery protocols should be adopted.
4. Submitted that any flood risk that may arise from residential development of the site can be mitigated by way of conditions on subdivision consent. Flood risk is not identified as sufficient to preclude development, particularly given its location at the urban boundary.
5. Not aware of any network infrastructure capacity issues that preclude development of the site, although downstream issues would need to be addressed via the wider structure plan, noting that the Development Contribution Policy applies to this site currently.
6. No grounds to excludes site on basis of National Policy Statement (NPS) for Urban Development Capacity 2016 particularly in the context of the site location on the urban boundary and proximity of available services.
7. Owners of 107 Lincoln Rd, 1 Buxton Rd, 98 Fox Road and 92 Fox Road have signed a letter of support for the incorporation of the property at 105 Lincoln Road in PC53.
8. Inclusion of the property at 105 Lincoln Road back into the Plan Change area zoned as Residential Medium Density is consistent with the Council documents that predate PC53. It is not reasonable to exclude the potential subdivision of the site in such a location on the urban fringe from normal residential development.
9. Chester Road properties zoned Rural Lifestyle but developed at residential density should be rezoned to reflect actual use and development. It is highly unlikely that the sites would ever revert to Rural Lifestyle activities.
10. Exclusion of the Buxton Rd area sets up an anomaly for 105 Lincoln Rd, as the area to east is residential zoned, the area to the northeast is developed residential but zoned Rural Lifestyle, and land to the southwest is proposed via PC53 to be zoned residential. This is not efficient from an urban design or infrastructure perspective. This would be consistent with the NPS for Urban Development Capacity 2016.
11. Site is suitable for at least 10 residential lots, being flat, with good safe access and access to services.
12. Considered that Structure Plan connectively would be supplemented by inclusion of additional 'proposed indicative roading' through the site, as this would potentially allow for access via Lincoln Road from the wider Structure Plan area and relieve congestion on Fox Road.
13. Inclusion within the Development Contribution area, enables the development potential of the site to be considered on its merits without being undermined by downstream network capacity concerns. If Council has concerns over wider infrastructure capacity for the Buxton Road area it should modify its Development Contributions Policy simultaneously with the promulgation of PC53.

Decision Sought:

1. The property at 105 Lincoln Road be incorporated into the area to be zoned as 'Residential – Medium Density'. This is consistent with the Council documents that predate PC53.
2. Seeks inclusion of one or both of the following areas;
 - All or part of the area northwest of 105 Lincoln Road along Buxton Road be included in the Springvale Structure Plan.
 - Area on the northwest side of Chester Road that already exhibits Residential zone characteristics but is zoned Rural Lifestyle.

Further Submitter: Jeff Robert Jurgens - FS1

Further Submitter: David and Myra Mitchell - FS2

Further Submitter: Brendan Lucas - FS3

Further Submitter: Davie Davidson - FS4

FS1 – FS4 support submission 9 and incorporation of the property at 105 Lincoln Road into PC53, to be zoned as Medium Density Residential.

Officer Comments:

1. The submitter's support for the intent of PC53 to facilitate provision of land for residential development in the Springvale area to meet projected demand is acknowledged and appreciated.
2. The engagement phases prior to notification identified a mix of views from landowners in Buxton Road. This factor combined with the identified higher costs for infrastructure development for this separate catchment and the likely reduced feasibility or attractiveness for development led to the exclusion of the area. This was on the basis that the notification process would test these conclusions.
3. Submission 9 is the only submission received from a landowner in the Buxton Road area. It is noted that the submission includes signed forms from all adjoining landowners supporting inclusion of 105 Lincoln Road only. Further submissions in support were lodged by each of the adjacent landowners.
4. I consider that the submissions and further submissions received provide scope to consider inclusion of the property at 105 Lincoln Road only within PC53. No other submissions have sought to extend the proposed boundary of the Plan Change to properties in Buxton Road. I consider that the stormwater management issues identified by Mr Wood and discussed below, would regardless preclude adoption of a Residential Zone for the wider Buxton Road area at this time.
5. Mr Thomas on behalf of the submitter Mr Flintoff has provided a comprehensive review of the issues as they relate specifically to 105 Lincoln Road. The considerations that led Council to exclude the Buxton Road area from PC53 are broadly:
 - a. Ecological, cultural and archaeological values.
 - b. Natural hazard flood risks.

- c. Cost effectiveness and feasibility of infrastructure.
 - d. Catchment boundaries and efficient provision of infrastructure.
 - e. Feedback from and uncertainty for Buxton Road landowners.
 - f. Areas of demand required to meet projected demand to 2065 in Springvale.
 - g. Retained option for future extension of Residential zone to Buxton Road area.
6. Technical experts have reviewed the issues raised in relation to traffic, archaeology and ecological management and concluded that any issues of transport integration, accidental discovery of either archaeological, cultural or ecological items whilst potentially complex or costly can be addressed via accidental discovery protocol, land use or subdivision consent processes. They do not preclude development at a residential density at 105 Lincoln Road. These are discussed in turn at points 7 - 12 below.
 7. Ecologist Melanya Yukhnevich, conducted a site visit on 24th September 2019 in response to Submission 9. Her assessment in relation to 105 Lincoln Road is:

“From an ecological perspective the development of this property into residential lots, will likely have minimal adverse effects on the ecology of the area as a whole. However, it is important to note that there is a shallow drainage channel along the southwest boundary of the property (Churton Creek) which flows through Whanganui township. If this property was developed as part of Plan Change 53 further ecological assessments would be required to ensure that there were no adverse effects on Churton Creek from the potential residential activities such as a stormwater discharge to the creek.

Should this property be included in Plan Change 53 a hydrological assessment should be undertaken to better understand the hydrology of Churton Creek and the associated effects of residential development in this area. Baseline water quality monitoring of Churton Creek will also be required to understand the current state of the water quality and to measure changes over time to ensure that any discharges to the Creek do not result in reduced water quality.”

8. The investigations recommended above would be a prerequisite to obtaining Regional Council consent to discharge stormwater to the Churton Creek.
9. The CIA prepared by the Combined Hapū, assessed the larger Structure Plan area identified in the GHD Structure Plan Report 2011. It recorded the Buxton Road catchment area broadly as a Tongi Tawhito Area.¹⁰ The CIA identifies four key Tongi Tawhito Areas the one most likely to be relevant to the Buxton Road area records at Section 13.4, that:

“Karaka trees are situated in the northern spaces (the vicinity of Buxton and Fox roads) of the Springvale study area. Karaka were often planted near prehistoric settlements, and elsewhere as a source of food for Māori. Their presence is often associated with Māori archaeological sites¹¹.”

¹⁰ Defined locally as ‘sites of significance of our ancestors passed down through the generations for our protection’ Section 6.1 of the CIA page 12

¹¹ Springvale Structure Plan – Archaeological Review, Archaeology North Ltd, page 5

10. Ms Yuhnevich confirmed Karaka trees were noted at:

- 92 and 98/100 Fox Road (within PC53 Structure Plan area)
- 9 and 13 Buxton Road (within CIA assessment area but excluded from PC53)

From an ecological perspective the Karaka trees on Fox Road do not warrant protection, however, the Buxton Road trees are more representative of remnant forest so may warrant retention, in a future Plan change process.

Ti trees in the Structure Plan area are identified only in the large dune area to the south of the Fitzherbert Avenue extension. No Karaka or Ti trees are currently established at 105 Lincoln Road.

11. No other cultural values or impacts recorded in the CIA relate specifically to 105 Lincoln Road or would preclude residential zoning or development of the site.

12. The Archaeological Assessment prepared in 2011 records that the Buxton and Lincoln Road areas were likely settled earliest in the vicinity and thus most likely to be comprise undiscovered archaeological items. Whilst only one archaeological site is formally recorded in the Structure Plan area, there is historic evidence to suggest the potential for others to be discovered.

Any future discovery of heritage items at 105 Lincoln Road would be required to adhere to the Heritage New Zealand Accidental Discovery Protocol, regardless of zoning or whether PC53 applies. This possibility does not in my view, preclude residential zoning or inclusion of 105 Lincoln Road in PC53.

13. In relation to downstream flood hazard risk and the decision to exclude the Buxton Road catchment from PC53, this is largely due to the stormwater management network in the Churton Creek area being at capacity. The specific constraint is at the Churton Culvert. Mr Damien Wood, Council's Land Development Engineer, advises that:

"The Buxton Road properties (Those indicated within the Flintoff submission) drain into the Churton Creek/Karamu Stream. While all other areas of proposed plan change 53 are serviced by the Springvale Swale. These are two very separate drainage catchments and require unique management measures. Such measures have not been investigated in detail for the Buxton Road area. This is illustrated on the plan below:



Figure 6: Catchment Boundaries Springvale Structure Plan

14. Mr Wood considers that the addition of 105 Lincoln Road to the existing system is not possible without downstream upgrades. The Churton Culvert is at capacity and it is not possible to add any additional flows to it without improvement. The implications of adding additional flow would be an increase in the flooding occurrences within the downstream network and potential for additional floors to be inundated.
15. Mr Wood has confirmed that the original GHD Structure Plan Report 2011 intended for the Buxton Road area including 105 Lincoln Road to be serviced by the proposed Springvale drainage designation and not the Churton Culvert. PC53 as notified does not include provision for this to happen as the stormwater designation does not extend to the Churton Creek/Karamu Stream.
16. Mr Wood has concluded that the Churton Creek is at or beyond capacity in peak storm events and could not reasonably be expected to sustain a further 10 residential sized allotments without significant upgrades. Servicing of an additional 10 residential dwellings at 105 Lincoln Road as proposed in the submission, would have to rely on the proposed Springvale stormwater designation for servicing.

17. I observe that a potential option for 105 Lincoln Road to be serviced by the Springvale Swale could be via an easement or similar over private land to Fox Road. Mr Wood considers this option is achievable but is likely to be cost prohibitive as it would involve pumping to the proposed designation.
18. Preliminary consideration of the likely upgrades required for both options above has identified that solutions exist, but these may be prohibitive, and it would not be prudent for the District Plan to indicate that the site is suitable for residential development at this stage prior to Council or the landowner completing further detailed investigations.
19. I rely on Mr Wood's assessment that the site at 105 Lincoln Road is not suitable for stormwater infrastructure servicing for residential development at this time.
20. In relation to the existing residentially developed sites zoned Rural Lifestyle at Chester Road, it is acknowledged that they are more suited to being zoned Residential. Like 105 Lincoln Road they border the Residential Zone. However, those sites were progressively subdivided between 2003 and 2007 when the Restricted Services Residential (RSR) Zone applied, with no restriction on minimum lot size and a relatively adhoc approach applied to reticulated service connections.

The Chester Road sites were connected to reticulated urban three water networks on subdivision, as this was deemed appropriate at that time. These sites should have been zoned Residential when the RSR Zone was replaced by the Rural Lifestyle Zone in 2012. This will likely be addressed as part of a 'mop up series of changes' at the end of the rolling Plan review process.
21. I do not believe any precedent for enabling residential density at 105 Lincoln Road has been established. Any application for a residential development and connection to urban reticulated infrastructure services would be assessed against the District Plan provisions applying at the time. At present the Rural Lifestyle Zone applies to the submitter's site, with a minimum lot size of 5000m² and an expectation of provision of independent three water services onsite for each dwelling.

Officer Recommendation:

That submission 9 from David and Jacque Flintoff and further submissions FS1 - 4 from Jeff Robert Jurgens, David and Myra Mitchell, Brendan Lucas, Davie Davidson be **accepted in part** and no amendments are recommended as a result of these submissions.

10 Submitter Name: Marion Joan Rainforth

Submission No: 010

Plan Provisions: Entire Plan Change

Summary:

1. Supports proposed Plan Change 53 and the change from rural to residential zoning. Supports the development of a swale as notified.

Submitter appreciates that time taken to consult local iwi and consider preservation of fishing and bird habitats and archaeological sites.
2. Expresses concerns regarding traffic congestion on Mosston Road and the safety of Mosston School's children.

Decision Sought:

1. Would like a cycle/walkway included in this area to reduce congestion on Mosston Road and provide safer passage for school children.
2. Development of an underpass to Mosston School to provide a safe crossing for school children.

Officer Comments:

1. The submitter's support for proposed Plan Change 53, and the time taken to consult local iwi, consider preservation habitats and archaeological sites is noted and appreciated.
2. Concerns regarding student safety at Mosston School have been noted and forwarded to Mr Brent Holmes, the Council's Roding Manager. This matter and potential solutions regarding safety at the school will be dealt with separately to the Plan Change.
3. Mr Holmes acknowledges the safety concerns and confirmed the following:
 - a. Council roading is currently discussing a bus parking bay area outside Mosston School directly adjacent to the school pedestrian access. This should be implemented very shortly.
 - b. Council has recently installed electronic school speed signs on Mosston Road and extensive no-parking yellow lines to open up sightlines
 - c. Council is also costing up a footpath extension back to the Faith Academy for the next Long Term Plan period.
 - d. The Urban Cycleways programme also details a section of "Springvale Shared Pathway" as an off-road walking/cycling link near the school. Funding and construction are anticipated in the 2021-2024 Long Term Plan period.

Officer Recommendation:

That submission 10 from MJ Rainforth be **accepted in part** and no amendments are recommended as a result of this submission

11 Submitter Name: Robert Craig and Linda Eve O'Keeffe

Submission No: 011

Plan Provisions: Rezoning, Designation, Mosston Road access restriction

Address: 130 Mosston Road, Westmere, Whanganui 4501

Summary:

1. Opposed in part to proposed Plan Change 53 (PC53). Opposes the rezoning from rural lifestyle to residential and opposes the restriction of access for new dwellings to Mosston Road.

2. Emphasises the need to improve Mosston Road and provide a shared pathway along it, to prepare for increased traffic in future. Identifies a need for a crossing or an underpass for the safety of the children at Mosston School.
3. Opposes the new drainage, road and shared pathway designation, and requests further research on the designated area in a more diligent manner. Would come close to our home, destroy our sewerage system, cut our water supply, cause noise and light pollution and cause us distress.

Seeks clarity on the Springvale Structure Plan and associated documents regarding definitive timeframes, and unreliable information. Documents are hard to understand, and no certainty is provided around timeframes, so it is hard to respond.

We don't know what the outcomes, timeframes and effects on our property and lifestyle will be. More research is needed before Council accepts PC53.

Amendment of the Plan to have underground drainage only (no road or shared pathway) from Fox Road to a cul-de-sac at 124 Mosston Road, would allow us to retain our property whilst development to the south could retain access to the drain.

4. No flood modelling has been done by Horizons (as at October 2018) and no onsite topographical studies at individual properties to determine if there is a need for a drain.
5. Encourages the inclusion of reserves and open spaces in the District Plan as it benefits the community.

Decision Sought:

1. Amendment of the Plan to have underground drainage only (no road or shared pathway) from Fox Road to a cul-de-sac at 124 Mosston Road.
2. To improve Mosston Road and provide a shared pathway along the road from Springvale Road to the Titoki Wetland.
3. Provision for safe road crossing or underpass near Mosston School and near the Wetland area.
4. The proposed On-Road Cycle Lane on Fitzherbert Avenue to continue west to Mosston Road as an Off Road Shared Pathway.

Officer Comments:

1. Submission 11, from Mr and Mrs O'Keeffe, seeks to retain a Rural Lifestyle zone for their property at 124 Mosston Road. Residential zoning and development in the structure plan area to the south, is not opposed, so long as the road does not extend beyond 130 Mosston Road.

No other landowners within the proposed structure plan area have sought to retain the Rural Lifestyle zone.

In essence, the submission promotes retention of a "rural island" within what will become a densely developed residential area. The potential for future reverse sensitivity issues, the potential for compromise of the rural environment that the submitters currently enjoy and the loss of opportunities to achieve a high quality well connected residential environment as proposed by the notified structure plan, make this an option that cannot be supported.

2. The submitter's support for the proposed location and provision of an open space reserve area, as notified in proposed PC53 is noted and appreciated.

3. Submission 11 opposes access restrictions for new dwellings to Mosston Road. It is important to note that the District Plan at performance standard 12.5.6(b) already limits the creation of new vehicle crossings from Mosston Road. PC53 seeks to strengthen the intent of that standard, in line with the objective of the Whanganui Urban Transportation Strategy 2011 to protect the functioning of this Heavy Vehicle Route from future development and protect cyclists and pedestrians.
4. PC53 provides for alternative property access and integrated transport networks including a shared pathway, that will avoid the need for direct access to Mosston Road and encourage orientation of future development to the proposed designation roadway.
5. It is considered neither safe nor efficient to encourage provision of cycle and pedestrian pathways on Mosston Road when a parallel shared pathway will avoid the risks associated with being near heavy vehicles. Mitigation of road safety risks is appropriate where no alternative exists such as in the vicinity of Mosston School, however PC53 offers an efficient and safe alternate route for residential vehicular traffic, pedestrians and cyclists travelling from the structure plan area, thus reducing the need to travel along Mosston Road.
6. The submitter requests that the proposed designation road be stopped south of their property boundary, being 124 Mosston Road, and that stormwater be piped underground from Fox Road through their property to the southern boundary of 130 Mosston Road.
7. The proposed stormwater management system assumes that the proposed road will act as a secondary overland flowpath in storm events. Council's Land Development Engineer, Mr Damien Wood, advises that if the road is not formed, it would create the need for an alternative overland flow path design across the property. The extent of the required earthworks/ landscaping would likely be comparable to the formation of a road way. An overland flow channel in grass needs steeper grade and scour protection features and the widths required are generally wider than that for a road surface.
8. The implications of the lack of road connectivity would affect the other underground utility services and would result in the removal of residential street connectivity. The District Plan requires¹² that a cul de sac provide an accessway for cycling and pedestrian access that connects to another road or public space. If the road formation was removed it would be expected that a linking accessway would be provided across the O'Keeffe property. The implications of this have not been considered as part of PC53. The option can reasonably be explored as part of the future detailed design of subdivision development and/or land acquisition.

Stopping of the road would not lead to removal of the proposed designation for transport and drainage purposes from 124 Mosston Road. Essential works, fundamental to the structure plan and future development of the area for residential activities, would still be required on that land. Options for exactly how development within the designation proceeds will be defined at the detailed design stage.

¹² Performance Standard 13.5.10(g)(iii)

9. The Notice of Requirement application and subsequent land acquisition processes, are the appropriate mechanisms to address the site specific implications of the designation for transport and drainage purposes. For the purposes of PC53 it is relevant to acknowledge that the impact of a road through 124 Mosston Road, will split the property into two allotments, which can be either developed for residential purposes or retained for rural purposes by the current owners. It is noted that the land would be adjacent to the proposed reserve area and that this was identified as a positive feature by the submitters in earlier discussions.
10. It is also relevant to acknowledge that the proposed designation will result in a road potentially being constructed relatively close to Mr and Mrs O'Keeffe's dwelling. In a Residential Zone context this is not unusual. It is acknowledged that the surrounding environment will necessarily change significantly over time from rural to urban, and that this is largely supported by the landowners affected. It is a deliberate and necessary consequence of PC53.
11. The submitter is concerned that HRC has no flood modelling information for this area and an apparent lack of site-specific topographical research has occurred. Overland flow path maps prepared by Cardno (NZ) Ltd and LIDAR information held by WDC were utilised by GHD to model how stormwater currently flows in a 1:200 year storm event. The modelling exercise confirmed existing constraints and the impacts of capacity constraints.

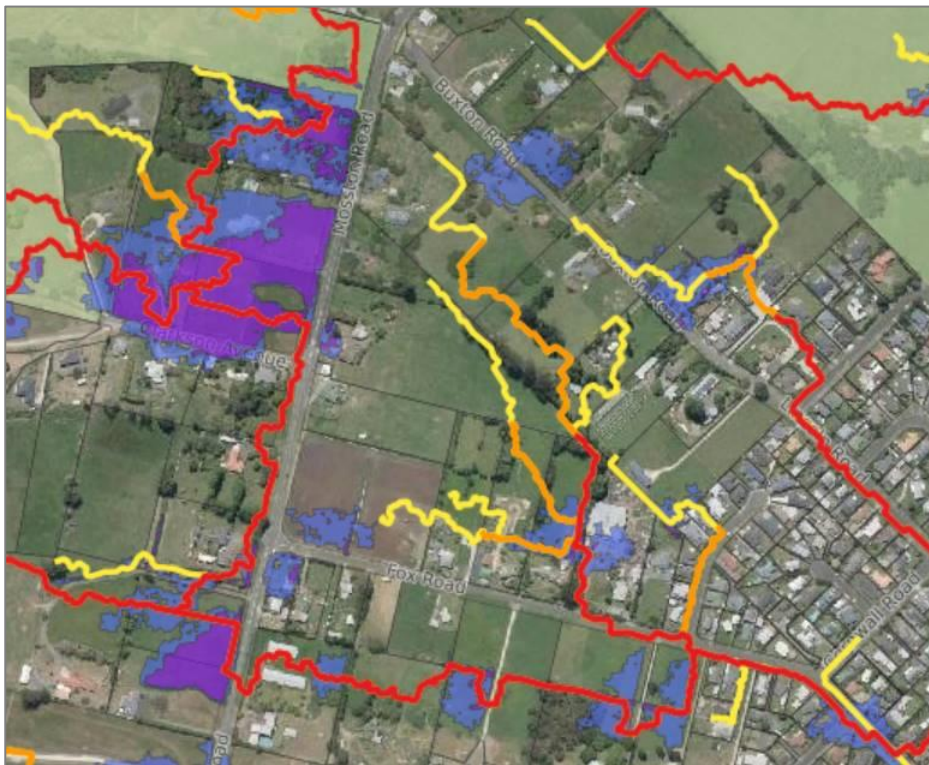


Figure 7: Extract of WDC Overland Flow Path at Buxton and Fox Road area

12. Council held LIDAR and previous investigations by Council Infrastructure identified that the options for stormwater alignment are incredibly limited due to topographic constraints.

It is acknowledged, that construction of, the proposed swale alignment will likely necessitate significant earthworks to contain the overland flow path of a 1:200 year (0.5% AEP) rainfall event. The use of a combination of piped primary flow and portion of secondary flow with the balance of secondary flow contained within an overland flow path (swale) is the preferred option. Containment of the secondary flow path within the road reserve presents the best outcome for protecting the flow path from obstruction, achieving a generally shallower depth of flow as the channel is the entire road width and reduces the need for scour protection measure as effects of scour and inundation of properties for the long term are minimised.

- Council officers appreciate that a key concern for the submitters is the need for certainty about timeframes, order of processes and outcomes so they can plan for their future. These matters will be addressed in the Notice of Requirement and land acquisition processes, suffice to note here that Council officers have indicated a willingness to commence steps to acquire land at 130 Mosston Road as soon as possible. This will hopefully provide a degree of certainty and conclusion in the short to medium term, noting that the submitters first faced this prospect 20 years ago and had thought it had been 'put to bed forever'.

That submission 11 from Robert and Linda O'Keefe be **accepted in part** and no amendments are recommended as a result of this submission.

- Submission No: 012
- Plan Provisions: Entire Plan Change

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adverse cultural and environmental effects that remain inadequately addressed by Council, in particular;

- a) the lack of clarity around protection of water quality in Titoki Wetland from storm and waste water discharge so that it remains a site for the safe gathering of mahinga kai,
- b) lack of recognition of the relationship of Māori to whenua beyond sites of significance,
- c) intention of council to ensure appropriate tikanga is followed prior and during earthworks and land disturbances, including, but not limited to, the need for koi iwi to remain in-situ in certain circumstances; and
- d) the commitment to ensuring that place and street names are used which acknowledge the Combined Hapū mana whenua over the area.

Decision Sought:

1. Seeks deeper engagement with the Council to assist in the meaningful implementation of the recommendations of the CIA assessment.
2. Further discussion of any measures to avoid, remedy and mitigate any further cultural impacts of the Springvale Structure Plan Change and pre-development.
3. Council to display how the recommendations of the CIA have been meaningfully implemented to guide the Plan change, and how subsequent developments will be informed by cultural principles.

Officer Comments:

1. The Council first liaised formally with the Combined Hapū by letter to John Maihi and Mike Neho on 29 March 2018 seeking to establish a process for engagement specific to this Plan change. Council formally approved commencement of PC53 as a project on 8 May 2018. A summary of the pre-notification engagement is detailed in the s32 Evaluation Report at section 3.2.1.
2. On 15th April 2019 the draft proposed PC53 provisions were provided to all iwi and nominated Hapū representatives. The draft report identified the proposed changes to the District Plan and how the recommendations of the CIA were to be implemented. No response was received prior to Council approval to notify on 15 June 2019.
3. A meeting was held on 2nd October to discuss the Combined Hapū submission. The Combined Hapū led the discussion which focussed primarily on the CIA recommendations. A site meeting was undertaken on Thursday 24th October. A number of outcomes were broadly agreed through the engagement process as listed below:
 - a. All parties want “to move forward in a collective, positive and collaborative manner”¹³
 - b. A joint Iwi/Council Working Group will be established to collaborate on landscaping associated with the proposed stormwater designation and public spaces.

¹³ Mariana Waitai – Combined Hapū (Tupoho) 2 October 2019.

- c. Titoki Wetland is to be safeguarded and the Working Group will explore ways to enhance the wetland as part of a wider collaborative landscape process.
- d. The primary stormwater management area (proposed designation) is to be partially piped (with provision to retrofit for fish passage) and part open swale/roadway for secondary flows. It will facilitate implementation of the Healthy Streams joint initiative, commenced by Council and Iwi around 2012. 'Healthy Streams' objectives include to reconnect Rotomokoia/ Lake Westmere to Karamu Stream and Te Awa; and to reconnect Kokohuia and Titoki Wetlands to the sea.

The proposed stormwater alignment represents the only location available for providing stormwater servicing to the Springvale Structure Plan Area. The alignment is in a location that can accommodate future potential connectivity between wetlands and the Karamu Stream. The proposed stormwater designation route is the only option to achieve gravity flows, essential for fish passage. The stormwater alignment will not directly connect to the Titoki Wetland as this is not permitted by the Regional Council, as the waters do not naturally flow to the wetland. However, Council's ecology adviser, Ms King confirms that fish will naturally move between the wetland and retention areas over time.

- e. Council is to explore adding the Cultural Health Assessment and Mauri Meter tools to its toolkit for assessing the potential impacts of infrastructure projects in the Structure Plan area.
 - f. Publicly visible karaka tree remnants are identified at 92 and 94/100 Fox Road. Council will informally encourage retention where landowners are supportive. In public spaces landscaping will be a collaborative design exercise which will facilitate re-establishment of local native vegetation such as Ti trees.
 - g. The large dune area is already approved for residential development and retention of Ti trees in that area is likely possible only in the small area retained as Council reserve to the south.
 - h. The Council is alert to the need to reflect local history in street and place names. The Council confirms its commitment and expectation that such processes be undertaken in a collaborative manner with mana whenua.
4. A formal written response to the issues raised in the CIA was provided to the Combined Hapū in March 2019, prior to notification. Refer to Appendix 8 of the s32 Evaluation Report, which identified how the CIA recommendations were proposed to be addressed in the Plan Change process. Following further engagement and consideration of the points raised in submissions, the Council's detailed response to each recommendation has been revised and recorded in Appendix 3A of this s42A report.
 5. Using submission point 2 numbering above, measures to ensure future developments will be informed by cultural principles and address any potential adverse effects on cultural values are identified below:

- a. Titkoki Wetland as a site for mahinga kai will be unchanged or potentially enhanced as tuna migrate over time from the proposed retention pond. No changes are proposed to the flow of water in or out of this wetland.
 - b. Recognition of the wider relationship of Maori to whenua beyond the sites of significance will be demonstrated via implementation of PC53 by:
 - i. Council continuing to collaborate in relation to restoration projects for the wider Titoki and Kokohuia Wetland areas and provision for fish passage to/ from the coast.¹⁴
 - ii. Providing opportunities to reconnect with ancestral land currently in private ownership; through collaborative approaches to landscaping and public spaces.¹⁵
 - iii. Providing opportunities to reflect the ancestral connections to the Structure Plan area and the wider Kokohuia area; including restoring ancestral names and plants.¹⁶
 - c. Council's District Plan and Heritage New Zealand processes ensure opportunities are provided for appropriate tikanga to be followed prior to and during earthworks activities, including by requiring implementation of the accidental discovery protocol in the event that heritage items are uncovered.
 - d. The Plan change process does not directly regulate street and place names. Council does however control the adoption of place and street names via other regulatory processes. The Council is alert to the need to reflect local history and has on a number of occasions already confirmed its commitment and expectation that such processes be undertaken in a collaborative manner with mana whenua.¹⁷
6. Ecologist, Melanya King from WSP conducted a site visit on the 24th September 2019. This site visit identified a number small areas of remnant native vegetation on street frontages of both Buxton and Fox Roads these areas contained common native and exotic species. These native areas included Karaka trees (*Corynocarpus laevigatus*), totara (*Podocarpus totara*), broadleaf (*Griselinia littoralis*), lemonwood (*Pittosporum euginoides*), Kohuhu (*Pittosporum tenuifolium*), Kowhai (*Sophora microphylla*), cabbage trees (*Cordyline australis*), Karo (*Pittosporum crassifolium*), and five finger (*Pseudopanax arboreus*). These areas were also found to contain common exotic species, likely planted for amenity purposes.
 7. Karaka trees were specifically identified on site sites within the Structure Plan area at 92 and 98-100 Fox Road.
 8. Council has investigated retention of the remnant native karaka trees identified at two properties at Fox Road. Discussion with Wendy Bainbridge, Council's Parks Officer suggests that the remnant native karaka trees would be unlikely to achieve a sufficient Standard Tree Evaluation Method (STEM) score to warrant protection

¹⁴ S.14.1.1 CIA recommendations (c) and (d)

¹⁵ S 11.2.1 CIA & Recommendation (f)

¹⁶ S 11.2.1 CIA & Recommendation (g)

¹⁷ S.11.2 CIA & Recommendation (g)

via the District Plan. Ms Bainbridge noted that karaka trees are identified as a weed in some locations locally, due to their tendency to spread and suffocate other plants. This was confirmed with Horizons Regional Council, although they are not listed formally in the Pest Management Plan 2017. Ms King confirms also that karaka tree berries are poisonous to dogs and potentially young children. They are unsuitable for street or public space planting.

9. Re-establishment of Ti trees as part of a deliberate approach to landscaping of public spaces as part of implementation of PC53 is supported.



10. Many of the environmental values and concerns expressed in the CIA are consistent across cultures. In relation to infrastructure design and construction, the District Plan currently requires strict adherence to the NZ Standard 4404:2010 'Land Development and Subdivision Infrastructure'.

Adherence to this best practice national standard ensures that three waters and transport infrastructure will be designed to avoid or minimise adverse effects on the environment and ensure that developments are fit for purpose. PC53 does not alter these provisions of the District Plan. They will continue to apply in the Structure Plan area.

11. Council will collaborate in the naming and landscaping of new and existing public space areas around the stormwater and road reserves. This is an opportunity to acknowledge and reflect Hapū specific and shared identity and history in a mutually appropriate way.
12. The Council's jurisdiction is limited to land use activities, to ensure that these activities do not create adverse effects on water bodies. Each application for land disturbance in the Structure Plan area will be assessed by the Regional Council to ensure it does not have any adverse effect on water quality. Measures would also be put in place to ensure any effects that may arise are managed effectively.

Officer Recommendation:

That submission 12 from Springvale Development Whenua Combined Hapū (Te Rūnanga o Tupoho and Te Kaahui o Rauru) be **accepted in part** and no amendments to Plan Change 53 are recommended as a result of this submission.

Beyond this Plan Change process a number of matters will be addressed by the Council as a result of this submission, including:

1. A joint Iwi/Council Working Group will be established to collaborate on landscaping and water management associated with the proposed stormwater designation and public spaces.
 - Titoki Wetland is to be safeguarded and the Working Group will explore ways to enhance the wetland as part of a wider collaborative landscape process.
 - collaborative landscape design which will facilitate re-establishment of local native vegetation such as Ti trees.
2. Council will explore the addition of Cultural Health Assessment and MauriMeter tools to its toolkit for assessing the potential impacts of infrastructure projects in the Structure Plan area.
3. Council will continue to collaborate in relation to restoration projects for the wider Titoki and Kokohuia Wetland areas and provision for fish passage to/from the coast.
4. Council's existing District Plan and Heritage New Zealand processes ensure opportunities are provided for appropriate tikanga to be followed prior to and during earthworks activities, including by requiring implementation of the accidental discovery protocol in the event that heritage items are uncovered.
5. The Council is alert to the need to reflect local history in street and place names. The Council confirms its commitment and expectation that such processes be undertaken in a collaborative manner with mana whenua.

APPENDIX 3A

HOW PC53 RESPONDS TO AND IMPLEMENTS CIA

| Recommendations (Section 17 of CIA) | WDC Initial Response | PC53 Implementation -revised responses |
|---|--|--|
| <p>(a) The Combined Hapū oppose the proposed plan change because of the adverse cultural and environmental effects it will create on the repo and any further re-establishment of repo that has been drained. These repo are of great cultural significance and must be retained and protected. It is the view of the Combined Hapū that these areas are not to be developed and the waterways connecting the original, much wider repo be re-established and conserved. The planned development would preclude the extension of the repo to occur at all and an urban development with proposed stormwater, other infrastructure would more than likely negatively impact the remaining repo.</p> | <ul style="list-style-type: none"> • The majority of land in the study area is in private ownership. Any reestablishment of the wetland outside of the Council owned land is beyond the Council’s jurisdiction. Development cannot be precluded because of a future possible land use change that could take place, such as wetland re-establishment. • Beyond PC53 opportunities exist for the Combined Hapū to collaborate to enhance the existing wetland environs in a mutually appropriate way. | <ul style="list-style-type: none"> • Titoki Wetland is not part of the infrastructure design for PC53. No discharge of stormwater or wastewater will flow to this Wetland from the proposed Structure Plan area. • Beyond the Structure Plan area, Kokohuia Wetland will also be unaltered by implementation of PC53. • The adjacent land to the north of the Titoki Wetland will be retained as Council reserve and will not be developed for residential purposes. |
| <p>(b) The Combined Hapū oppose the proposed plan change because of the adverse cultural and environmental effects it will create on the current stand of Tī and Karaka. These tāonga species are of great cultural significance and must be retained and protected. It is the view of the Combined Hapū that these areas are not to be developed and the re-establishment of the original area be a priority. The planned development would preclude the extension a regenerated ngāhere (bush or forest cabbage tree) and could impact on the current stand. Any impacts on the current trees or an encroachment of urban development as a result of the proposed plan change would preclude the establishment of an ‘Ara’ or a biodiversity corridor to ensure tāonga species are</p> | <p>Acknowledged and noted.</p> <p>Karaka trees within the Structure Plan area were noted at:</p> <ul style="list-style-type: none"> • 98-100 Fox Road • 92 Fox Road • 9 Buxton • 13 Buxton | <ul style="list-style-type: none"> • Karaka trees in the vicinity of Buxton Road are safeguarded by the exclusion of that area from the rezoning and structure plan, in recognition of cultural values and other stormwater catchment management issues. • Publicly visible karaka tree remnants are identified at 92 and 94/100 Fox Road. Council will informally encourage retention where landowners are supportive. In public spaces landscaping will be a collaborative design exercise which will facilitate re-establishment of local native vegetation such as Tī trees. Karaka trees are considered a weed due to their tendency to |

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| <p>supported and are flourishing giving effect to Hapū kaitiakitanga.</p> | | <p>spread and dominate. The berries are poisonous to dogs and potentially young children. They are unsuitable for street or public space planting.</p> <ul style="list-style-type: none"> • Re-establishment of Ti trees as part of a deliberate approach to landscaping of public spaces as part of implementation of PC53 is supported. • Council supports the co-establishment of an Āra' or a biodiversity corridor. This can only occur in the structure plan area if the designation to create a new stormwater drainage system is confirmed. No natural mechanism exists to connect the sea to Rotomokoia/Lake Westmere given the existing development patterns. |
| <p>(c) The Combined Hapū oppose the proposed plan change because of the adverse cultural and environmental effects it will create on the repo and any further re-establishment of repo that has been drained. This will in turn impact the life cycle of the tuna and any further restoration programmes focused on tuna if the repo (wetland) are impacted. The planned development would preclude the opportunity to create pātaka tuna (tuna storehouse, pantry larder), reduce the already declining number of practicing mātauranga Māori (knowledge, wisdom, understanding skill) and kaitiaki and contribute to the further negative impacts between the taiao (world, earth, environment, natural world, nature) and its Hapū.</p> | <p>Acknowledged and noted.</p> <ul style="list-style-type: none"> • PC53 will take into account advice provided by Hapū regarding the value of the area to mana whenua. • Council stormwater infrastructure will be designed to take account of fish passage connectivity. | <ul style="list-style-type: none"> • The Structure Plan design particularly the drainage spine will facilitate connectivity between water ways and potential for passage of tuna. It can contribute to a wider goal for passage of tuna from the coast to Otamatea and Westmere Lake. • It will not hinder restoration programmes focused on fish passage and the Titoki Wetland. |

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| <p>The Combined Hapū have indicated that, if the proposed plan change went ahead, despite Hapū opposition, the structure plan design must ensure connectivity of water ways and passage for tuna is provided.</p> | | |
| <p>(e) The Combined Hapū have indicated that, if the proposed plan change went ahead in spite of their opposition, the channel, identified as being used for stormwater/swale, should be retained in an area reserved for biodiversity restoration. Connecting the wetland, the dune and the karaka areas which will support the Hapū tāonga ecosystems, protect any water channelling used for stormwater and encourage better filtration. It is expected that this would be a jointly governed and managed area by the Combined Hapū and the Council as a reserve.</p> | <ul style="list-style-type: none"> • Acknowledged and noted. • The drainage spine (including partial swale) will not connect directly to the Titoki Wetland. It will instead lead to an attenuation area at the southern end of the Structure Plan Area. This will avoid any cross contamination between the storm water and the wetland. It is also a requirement of the One Plan due to the Titoki Wetland being classified as a threatened habitat. | <ul style="list-style-type: none"> • PC53 and the NOR application indicate that detailed stormwater design has not been completed, but it will likely involve the use of a combination of piped primary flow and portion of secondary flow with the balance of secondary flow contained within an overland flow path (road/swale). Containment of the secondary flow path within the road reserve presents the best possible outcome for protecting the flow path from obstruction, effects of scour and inundation of properties for the long term. A landscaped blue corridor can achieve stormwater management, biodiversity and connected community outcomes. • Council is alert to the need to work collaboratively on this facility. The stormwater corridor can be enhanced with appropriate planting to encourage better filtration. Collaboration with the Combined Hapū will enhance the design outcomes. |
| <p>(f) The Combined Hapū have indicated that, if the proposed plan change went ahead in spite of their opposition, the Hapū seek access arrangements which ensures the Combined Hapū have formalised opportunities to reconnect with the land which will</p> | <ul style="list-style-type: none"> • The Plan Change process does not alter the legal ownership status of land. Land can only be vested in | <ul style="list-style-type: none"> • Implementation of PC53 will establish new roads and an open space reserve area that will each be vested in Council as public space. |

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| <p>be essential in retaining the reo regarding the unique relationship that Hapū have with the specific Kokohuia Whenua. This will be made more difficult if land will be alienated further to multiple land owners. Without that access the development of whenua specific reo will be hindered.</p> | <p>either the Crown or the Council via a subdivision consent process.</p> | <ul style="list-style-type: none"> • This creates opportunities to access land that is otherwise privately owned and Council will collaborate in the naming and landscaping of these existing and new public areas. • This will provide an opportunity to acknowledge and reflect Hapū specific and shared identity and history in a mutually appropriate way. |
| <p>(g) The Combined Hapū have indicated that, if the proposed plan change went ahead in spite of their opposition, the Combined Hapū seeks formalised agreement from the Council that any naming of streets, reserves, communal areas in the development be reserved solely for the Combined Hapū to provide mandated names. The restoration of traditional names, remembering activities and events in any naming of areas will be essential to the long-term use of the correct usage and pronunciation.</p> | <ul style="list-style-type: none"> • Council's 'Road Naming and Numbering Policy 2018' outlines the process for the naming of new roads at the time of subdivision. • A final recommendation for a street name is confirmed by Council resolution. • The Council also has to comply with the rules in the Standard for Rural and Urban Addressing (AS/NZS 4819:2011). | <ul style="list-style-type: none"> • Street names are not determined as part of this plan change process. The Council is alert to the requirement of the Combined Hapū to see restoration of traditional names, remembering activities and events in any naming of areas. • The Council is committed to working collaboratively with the Combined Hapū in this process. Opportunity is available for the use of traditional or appropriate Hapū names, to be determined by the Hapū. • Council officers already advise developers to engage with Hapū on street and facility names and landscaping design, as demonstrated within the wider Structure Plan area. |
| <p>(h) That the mana whenua status of the Combined Hapū be reiterated in regard to any decisions, engagement, notifications and proposed impacts on the wider Kokohuia Whenua made by Council or potential users of the whenua. This does not denote</p> | <ul style="list-style-type: none"> • Acknowledged and noted. | <ul style="list-style-type: none"> • Chapter 9 Historic Heritage has been expanded to reference the CIA, māna whenua status for Springvale and |

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| <p>exclusive mana whenua; however, it clearly identifies that the Combined Hapū is one of the mana whenua groups that must be engaged with.</p> | | <p>connection to the wider Kokohuia whenua and wetlands.</p> |
| <p>(i) The Combined Hapū have indicated that, if the proposed plan change went ahead in spite of their opposition, any changes, diversions, quantity and quality decisions that are proposed to be made regarding ground or surface water must be made in partnership with the Combined Hapū.</p> <p>Wastewater stormwater and drinking water infrastructure must be developed with the Combined Hapū. This would take the form of a co-decision-making option by maintaining our Hapū voice through our collective Rūnanga, the Whanganuitanga Declaration of Nationhood (1994) and the development of Hapū/Iwi Management Plans. (Outstanding Natural Landscape Cultural Assessment – Appendix B; 4.3.3), and utilise co-governance tools such as those which are available within the RMAor Te Tiriti Statutory Agreements. This would enable the establishment of a co-design governing group, made up of both Council and the Combined Hapū to create any proposed plan changes, to oversee the notified and non-notified consent applications if development goes ahead, to make decisions on notified decisions and to ensure this CVA is given effect to by Council in their drafting of policy and plans. This group would be aligned with all statutory acknowledgements and Treaty settlement provisions currently in place and</p> | <ul style="list-style-type: none"> • Council’s Infrastructure Team will ensure three waters infrastructure design is compliant with the Council’s Engineering Document 2016 (Appendix I of the District Plan). • Council jurisdiction is limited to land use activities, to ensure that these activities do not create adverse effects on water bodies. • Each application for land disturbance in the Structure Plan Area will be assessed by the Regional Council to ensure it does not have an adverse effect on water quality. Measures would also be put in place to ensure any effects that may arise are managed effectively. • Beyond PC53, co-design of governance groups and processes are an evolving conversation between iwi and Council. • Council recognises that this is the Combined Hapū preferred approach in order to give effect to the | <ul style="list-style-type: none"> • Many of the environmental values and concerns expressed in the CIA are consistent across cultures. • Water quality and management (including diversions and changes in quality and quantity) are managed by Horizons Regional Council. These matters are therefore not within the scope of PC53. The Regional Council will address these issues for each residential or infrastructure development as proposed. • Council via PC53 will facilitate Combined Hapū input into the landscape design of the stormwater swale area and reserves. This will provide an opportunity to acknowledge and reflect Hapū specific and shared identify and history in a mutually appropriate way. • In relation to infrastructure design and construction, the District Plan currently requires strict adherence to the NZ Standard 4404:2010 ‘Land Development and Subdivision Infrastructure’. • Adherence to this best practice national standard ensures that three waters and transport infrastructure will be designed to |

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| <p>would ensure the relationship between the Combined Hapū and the Council are operating at both a co-governance level and on operational technical matters. This group would be able to commission further cultural monitoring, cultural assessment and the implementation of this CVA to ensure the values were operationalised through the full process. This work would be co-delivered by Council and the Combined Hapū.</p> | <p>protection and enhancement of the values held around wai.</p> | <p>avoid or minimise adverse effects on the environment and ensure that developments are fit for purpose.</p> <ul style="list-style-type: none"> PC53 does not alter these provisions of the District Plan. They will continue to apply in the Structure Plan area. |
| <p>(j) Mauri Measurement must be formally included in all infrastructure design and monitoring and resourced by the Council and the applicant. This will be delivered by the Combined Hapū using Dr Gail Tipa's Cultural Health Assessment or another measure that is defined by the Combined Hapū.</p> | <ul style="list-style-type: none"> Dr Gail Tipa is known to Council officers. The development of her Cultural Health index is particularly appropriate when co-management occurs in water quality regimes that are undertaken with respect to water bodies. Council officers are open to collaboration with Combined Hapū to consider when and how such tools might be applied to inform the design and construction of public infrastructure. | <ul style="list-style-type: none"> Dr Tipa's 'Cultural Health Assessment' and Dr Kepa Morgan's maurimeter are useful tools available to assist Council to consider how to sustainably provide essential infrastructure within the PC53 Structure Plan area. Water quality and management (including diversions and changes in quality and quantity) are managed by Horizons Regional Council. These matters are beyond the scope of PC53. |
| <p>(k) The Combined Hapū also endorses the 'Mauri Scale' as a way to provide clarity over the qualitative measures on a wider scale. The Combined Hapū requires the establishment of mauri and cultural monitoring specially regarding water management at all steps of the proposed plan change and future proposed developments.</p> | <ul style="list-style-type: none"> Ministry for the Environment 2017¹⁸ records Te Māna o te Wai as the integrated and holistic well-being of the water. It is up to communities and councils to consider and recognise Te Māna o te Wai in their regions. | <ul style="list-style-type: none"> Wastewater from all residential development in the Structure Plan area will be connected to the existing urban reticulated network. It will not enter any water way in the Structure Plan area and will be treated before disposal as part of the existing network. |

¹⁸ <https://www.mfe.govt.nz/sites/default/files/media/Te%20Mana%20o%20te%20Wai.pdf>

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| <p>Te Mana o te Wai demonstrates that the first right to water, both in terms of quality and quantity must be given to the waters themselves. The right for the waters to sustain themselves free of harmful contaminants and paru (sewage, dirt mud, earth) is a cultural bottom line for the Hapū. We expect any development, where changing water meets at least class B on the Mauri Scale; Mauri Piki.¹⁰</p> | <ul style="list-style-type: none"> • To achieve Mauri Piki (Class B) of the Mauri Scale as indicated in Section 19 of the CIA, in relation to the Titoki Wetland or other wai in the Structure Plan area would require collaboration of Council and Hapū to enhance the existing water quality. The existing water quality and surrounding environment of the wetland may not achieve Mauri Piki (Class B) currently. | <ul style="list-style-type: none"> • Implementation of PC53 will have little impact on the ability to achieve Mauri Piki on the Mauri Scale, as existing water quality standards enforced by the Regional Council apply regardless. • A Working Group to be established to collaborate on landscaping associated with the proposed stormwater management and public spaces will also explore ways to enhance the Wetland as part of a wider collaborative landscape process. |
| <p>(l) The Combined Hapū have indicated that, if the proposed plan change went ahead in spite of their opposition, a holistic assessment of the ecosystem be utilised in which the health and well-being of the mauri of water and land is considered and catered for.</p> <p>Before any kind of urban expansion is to be approved all environmental effects should be independently assessed and those reports made available to the Combined Hapū. The Hapū seek a detailed understanding of how any environmental impacts will be avoided. In particular, copies of the technical reports currently being developed by Council should be shared with the Combined Hapū.</p> | <ul style="list-style-type: none"> • All reports prepared to inform PC53 were made available to the Combined Hapū. • All reports continue to be available on the Plan change page of the Council website and the Combined Hapū have been directed to this information. • An Assessment of Environment Effects will be required to support each resource consent application to implement PC53. | <ul style="list-style-type: none"> • Potential environmental effects independently assessed are: <ul style="list-style-type: none"> ➤ Geotechnical ➤ Ecological ➤ Archaeological ➤ Cultural • An assessment of the environment and potential constraints was completed and reported in the Structure Plan report prepared by GHD in 2018. It reviewed relevant: <ul style="list-style-type: none"> ➤ Geology and Geomorphology ➤ Current land uses ➤ Context and character analysis ➤ Accessibility & connectivity ➤ Urban infrastructure servicing ➤ Urban Design principles ➤ Open Space and Attenuation areas ➤ Site constraints |

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| | | <ul style="list-style-type: none"> • PC53 as notified is cognizant of the potential effects, as documented in the s32 Evaluation Report. • PC53 notes that options exist to address any potential adverse effects that may arise from development enabled by the rezoning of land to Residential. |
| <p>(m) As a result of the late entry of our Combined Hapū into the process, we require a review of the Council's engagement with tangata whenua to ensure a more meaningful relationship and process be developed where Hapū input into the decision making can be made at the start of the process.</p> | <ul style="list-style-type: none"> • Acknowledged and noted. • It is acknowledged that the background research on infrastructure design to provide for residential development in the Structure Plan area commenced back in 2011. Council is alert to the need to engage early on such projects in the future. • Iwi were formally invited to engage on a possible Plan change in March 2018. • PC53 began formally in May 2018, when Council resolved to commence a plan change. | <ul style="list-style-type: none"> • Actions are generally beyond the scope of PC53, as they relate to future Council plan change processes. |
| <p>(n) The Combined Hapū require that the recommendations of this CVA be represented in the Springvale Structure Plan Change irrespective of whether they are supported or not by the Council. The Hapū require that all recommendations and how</p> | <ul style="list-style-type: none"> • A formal assessment is contained in the s32 Evaluation Report, which guided Council in the decision to publicly notify PC53. | <ul style="list-style-type: none"> • This s42A Officer Report records the responses to the CIA and post notification engagement with the Combined Hapū. It will assist the Commissioners and Council to make decisions on the submissions received to PC53. |

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| <p>they are to be addressed be provided in a separate report back to the Hapū.</p> | | <ul style="list-style-type: none"> • All CIA recommendations are addressed in this Appendix, which together with the broader discussion of the Combined Hapū submission, will form part of the official decision-making record and consideration will be given by the Council in arriving at decisions on submissions to PC53. |
| <p>(o) The Combined Hapū have indicated that, if the proposed plan change went ahead in spite of their opposition, it is recommended that the Combined Hapū maintain its Hapū voice through their collective Rūnanga, the Whanganuitanga Declaration of Nationhood (1994) and the development of Hapū/Iwi Management Plans. (Outstanding Natural Landscape Cultural Assessment – Appendix B; 4.3.3), or a Section 33 be utilised to establish a co-design governing group, made up of both Council and the Hapū (in the first two examples) to create any proposed plan changes, to oversee the notified and non-notified consent applications if development goes ahead, to make decisions on notified decisions and to ensure this CVA is given effect to by Council in their drafting of policy and plans.</p> <p>This group would be aligned with all statutory acknowledgements and Treaty settlement provisions currently in place and would ensure the relationship between the Hapū and the Council are operating at both a co- governance level and on operational technical matters.</p> <p>This group would be able to commission further cultural monitoring, cultural assessment and the</p> | <ul style="list-style-type: none"> • Acknowledged and noted. • Section 33 of the Resource Management Act enables the Council to transfer its functions to a public authority (such as an iwi authority), there is no intention at this time to do so. • Council will ensure that the Combined Hapū are engaged with at the earliest point in terms of the plan change process. Developers will be actively encouraged to engage with iwi throughout the resource consent process. | <ul style="list-style-type: none"> • Iwi were formally invited to begin engagement on a possible plan change in March 2018. • PC53 began in May 2018, when Council formally resolved to commence a plan change. • Actions are beyond the scope of PC53, as they relate to future Council plan change processes. |

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| implementation of this CVA to ensure the values were operationalised through the full process. This work would be co-delivered by Council and the Combined Hapū. | | |
| (p) The Combined Hapū have indicated that, if the proposed plan change went ahead in spite of their opposition, it is recommended that the mauri measure be applied across all waterways and whenua. This would then inform key restoration programmes, wāhi tapu and wāhi tūpuna management, as well as access and naming rights. The mauri of the waters, the whenua, the people would be holistically understood through Mātauranga Māori. This should be operationalised through the co-design group across all decisions and monitoring of any development. | <ul style="list-style-type: none"> Water quality and land management are regional council functions generally. The holistic application of the mauri measure has very limited scope within PC53. | <ul style="list-style-type: none"> No further comment |
| (q) The Combined Hapū have indicated that, if the proposed plan change went ahead in spite of their opposition, the Combined Hapū supports and advocates for a Mātauranga/tikanga based urban design which is detailed in principles of “Te Matapihi” design guide. This is a set of principles that assist in Tangata whenua housing design. | <ul style="list-style-type: none"> Acknowledged and noted. | <ul style="list-style-type: none"> PC53 is not inconsistent with the design outcomes sought. |
| (r) The Combined Hapū have indicated that, if the proposed plan change went ahead in spite of their opposition, the Combined Hapū requires that Combined Hapū cultural monitors be resourced to be present during all earth works and high impact activity taking place within the wider Kokohuia Whenua area. | <ul style="list-style-type: none"> Discovery of archaeological items or physical wāhi tūpuna or wāhi tāpu are regulated by the Heritage New Zealand Pouhere Taonga Act 2014. This legislation is administered and enforced by Heritage New Zealand. | <ul style="list-style-type: none"> In the event that archaeological items are discovered, then an Authority would be required from Heritage New Zealand. Cultural monitors are an accepted option for the observation of land disturbance in culturally significant areas or where there is a high likelihood of accidental discovery of |

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| (t) The Combined Hapū have indicated that, if the proposed plan change went ahead in spite of their opposition, the accidental protocol must be used. | <ul style="list-style-type: none"> • All persons undertaking land disturbance must abide by such legislation. • The Accidental Discovery Protocol is incorporated into the District Plan as a performance standard applying to all land disturbance activities. | <p>heritage items. Resourcing of cultural monitors is a matter to be discussed with the developer.</p> <ul style="list-style-type: none"> • All works within the Structure Plan area will be required to proceed cautiously and where items are uncovered all work would stop. This would trigger an Authority process with Heritage NZ, and the Accidental Discovery Protocol would apply. |
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| Recommendations | WDC Initial Response | PC53 Implementation – revised response |
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| <p>Definitions and Discrepancies</p> <p>That the definition of Waahi Tūpuna from the PC46 Report be amended to remove the words ‘Wāhi Tūpuna’ and replace with ‘Archaeological Sites’ where they refer only to physical remains, and Tongi Tawhito be used in conjunction with the District Plan definitions of Waahi Tapu and Waahi Tūpuna. It should be noted that Archaeological sites can be indicators of Waahi Tūpuna and Tongi Tawhito, but Waahi Tūpuna and Tongi Tawhito are not restricted to only having to provide physical or archaeological evidence to be classified as such.</p> | <p>The term ‘Wāhi tupuna site’ is derived from the PC46 Hearings Panel Decision, as it was deemed necessary for there to be a phrase to differentiate Maori archaeological sites containing evidence of Maori settlement from settler archaeological sites.</p> | <ul style="list-style-type: none"> • Deletes definition of ‘Wāhi tupuna site’ and reference to the term in the Plan. • Replaces the term ‘Wāhi tupuna site’ with the term “Archaeological site” except where it would create duplication of existing objectives and policies for archaeological sites. • Inserts a note in District Plan Chapter 2 - Definitions which records “Tongi Tawhito” as a local dialect term. |
| <p>Ngā Hītori: The Cultural Landscape</p> <p>Nga Rauuru Kiitahi has a mandated Pūtaiao Management Plan which must be given effect to in any proposed plan change and/or</p> | <p>Acknowledged and noted that these documents as a whole will inform the Plan Change process.</p> | <ul style="list-style-type: none"> • Section 2.2.4 of the s32 Evaluation Report (at pages 13 and 14) provides a written evaluation of PC53 against the objectives |

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| development in the wider Kokohuia Whenua area. | | and policies of the Puutaiao Management Plan. |
| <p>Tongi Tawhito Areas</p> <p>The Combined Hapū assert that this is a culturally sensitive area. As is clear from the tone of this report, the Plan Change and its proposed development is opposed. If the recommendations of this report are not given effect by the decision makers, the Hapū have identified clear no zones for development and these are highlighted in (figure 6 of the CIA).</p> <p>Acknowledging the Structure Plan Archaeological Reports and the 'Tongi Tawhito' or tupuna kōrero listed earlier in the report, there are three key areas which special consideration and specific tangata whenua conditions will be required to protect the relationship that tangata whenua have with the following tāonga sites.</p> | <ul style="list-style-type: none"> • Acknowledged and Noted. • PC53 will take into account advice provided by Hapū regarding the value of the area to mana whenua. • The large dune and stand of Ti trees are located on private land already approved for subdivision and beyond the scope of PC53 to affect. Informal discussions with the developer are encouraged. The Environment Court determined to allow development to progress in this area ahead of this PC53 process. | <ul style="list-style-type: none"> • Buxton Road area is to be excluded from PC53. • The stormwater management system, to be established will facilitate future provision for fish passage. • No water will be diverted to the Titoki Wetland. A proposed Iwi/ Council Working Group will collaborate to explore options to restore the health of the Wetland area. • PC 53 rezones the large dune Residential. • Trees within the Titoki Wetland environ and located on Council reserve land will be safeguarded in collaboration with the Combined Hapū. |