

**Subject:** **Section 42A Officers Report**  
**Proposed Plan Change 53 and Notice of Requirement**  
**– Springvale Residential**

**Meeting Date:** **17 December 2019**

**Prepared for Chief Executive by:** **Brenda O’Shaughnessy (PC53)**  
**Johanna Verhoek (NoR)**

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## **Summary**

- 1.1 Section 73 of the Resource Management Act 1991 (**the RMA**) provides for councils to initiate plan changes as necessary and appropriate.
- 1.2 The purpose of Plan Change 53 (**PC53**) is to change the operative Plan to facilitate provision of land for residential development in the Springvale area, to meet projected demand for such land out to 2065. PC53 principally introduces a revised Structure Plan to replace Appendix J, expands the extent of the Residential and Reserves and Open Spaces zones, replaces the definition of Wāhi Tupuna Site with a more appropriate term. PC53 also makes consequential amendments to ensure the objectives, policies and rules are the most efficient and effective way to achieve the sustainable management of natural and physical resources.
- 1.3 Within a structure plan context, PC53 focuses on the need to achieve a high-quality amenity within residential areas particularly through provision of integrated and safe transport networks. PC53 addresses potential impacts on Mosston Road being the designated heavy vehicle route as well as potential ecological, archaeological and cultural values.
- 1.4 Notice of the requirement for designation of land within Springvale to construct, operate and maintain a new road/shared pathway and stormwater network was lodged with the Whanganui District Council (Council) on 05 June 2019.
- 1.5 Council has submitted a NoR pursuant to Section 168A RMA to designate land to establish a stormwater network, road and shared pathway. The purpose of this designation is to construct operate and maintain a new road/shared pathway and stormwater network in the Springvale area.
- 1.6 The NoR applicant has proposed seven conditions and two notes for the requirement. I agree with some of these, as well as recommend additional conditions, contained in Appendix 9 of this report.

## **Recommendations** (to the Independent Commissioners)

That the Council:

1. receives the s42A officers report.

In relation to Plan Change 53, that the Council:

2. accepts, accepts in part or rejects the submissions as set out in Appendix 3 of the Report for the reasons given.
3. adopts Plan Change 53 to the Whanganui District Plan, with the changes recommended as a result of the Hearing as set out in Appendix 4 of this report.

In relation to the NoR, that the Commissioners:

4. confirm the NoR (DES19/001) subject to eight conditions as set out in Appendix 9 of the Report.

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## 2 Introduction

- 2.1 This report has been prepared jointly addressing both the Plan Change 53 submission and the Notice of Requirement application. The report is prepared by the following officers:
- 2.1.1 Brenda O'Shaughnessy has prepared the responses to Plan Change 53 submissions and supporting information. Brenda has worked for over 20 years' experience as a planner and worked for a unitary authority and various local authorities as a consultant. She is employed by WSP (formerly WSP Opus) as a Principal Planner based in the Whanganui Office and has been engaged by the Council to assist with the completion of the Plan change process. She has a Bachelor of Town Planning degree from Auckland University and is a full member of the New Zealand Planning Institute.

Brenda has worked on a number of Plan changes for Whanganui, Gisborne and Manawatu district councils and other local authority clients. She has also prepared and processed a number of resource consent applications and notice of requirement applications. Brenda is therefore familiar with the issues associated with preparing and applying district plan provisions.

- 2.1.2 Johanna Katherine Baddeley Verhoek is employed as the Planning Team Leader at Whanganui District Council ('Council'). Her role includes the management of the Resource Management Team, providing senior level technical advice, processing resource consent applications, ensuring statutory compliance, and monitoring and enforcement. Johanna has has four and a half years local government experience in the processing of planning applications for the Council.

Johanna's qualifications include a Bachelor of Science majoring in Economics and Geography, a Post-Graduate Diploma in Planning and a Master of Resource and Environmental Planning. The Bachelor of Science was achieved through Canterbury University. The Post Graduate Diploma and Masters were achieved through Massey University. She is currently a graduate member of the New Zealand Planning Institute however I am in the process of upgrading this to an intermediate membership.

- 2.2 This report has been prepared in accordance with section 42A of the RMA. The purpose of this report is to assess the proposed plan change in terms of the relevant statutory considerations and obligations, taking into account those issues raised by submissions and any subsequently recommended amendments.

- 2.3 Both Brenda and Johanna confirm they have read the Code of Conduct for Expert Witnesses (Section 5 of the Environment Court Consolidated Practice Note 2014) and agree to comply with this Code of Conduct. We have complied with the Practice Note when preparing this report and will do so when giving oral evidence before the commissioners.

The data, information, facts and assumptions we have considered in forming our opinions are set out in the report to follow. The reasons for the opinions expressed are also set out in the report to follow.

This evidence is within our areas of expertise, except where either one states they are relying on evidence from another expert. Both officers confirm they have not omitted to consider material facts known to them that might alter or detract from the opinions expressed.

- 2.4 The Council commissioned Mr Matthew Evis, Transport Planner at WSP, to prepare a traffic

impact assessment to assess the indicative road network for the proposed Springvale Structure Plan area. He has reviewed the submissions and recommends the Structure Plan transport layout and regulation be retained as notified. Mr Evis will not be presenting evidence on PC53, but a short summary of his review of submissions is included as Appendix 5A. Mr Evis will be available to answer any questions.

- 2.5 The Council commissioned Ms Melanya King (nee Yukhnevich), Ecologist at WSP, to complete an ecological assessment of the Structure Plan area. Ms King has reviewed the submissions and continues to support PC53 as notified. Ms King concurs with the recommendations where they relate to ecological matters. She will not be presenting evidence on PC53, but a short summary of her review of submissions is included as Appendix 5B. Ms King will be available to answer any questions.
- 2.6 Michael Taylor and Annetta Sutton of Archaeology North Ltd provided an initial assessment of the potential for archaeological sites to be located in the Structure Plan area, as defined in the Springvale Structure Plan (April 2018). Mr Taylor has a long established professional association with Whanganui and the wider District. The Archaeological Review report is Appendix 5 to the S32 Evaluation Report for PC53. Mr Taylor is not attending the Hearing but can be contacted if required for questions.
- 2.7 The Council commissioned Poipoia Limited supported by māna whenua (Combined Hapū) to prepare a cultural impact assessment for the Springvale Structure Plan area. The report is Appendix 4 to the S32 Evaluation Report for PC53. Any questions can be directed to the Combined Hapū (Submitter 12).
- 2.8 Mr Damien Wood, Council's Subdivision and Development Engineer coordinated the refinement of the Springvale Structure Plan 2012 prepared by GHD Ltd and the development of a Structure Plan process to ensure efficient provision and management of Council services and infrastructure. Mr Wood has reviewed the submissions and continues to support PC53 as notified. He will not be presenting evidence on PC53, but a short summary of his review of submissions is included as Appendix 5C. Mr Wood is available to answer any questions and to clarify any matters relating to planning and provision of Council infrastructure to meet demand.
- 2.9 Johanna and Brenda have also relied on a range of background information, technical documents, policies and plans (including higher level resource management documents such as the Regional Policy Statement (RPS)) as outlined below, and in the section 32 report.
- 2.10 The following is a list of abbreviations referred to throughout this report:
  - PC53 - Proposed District Plan Change 53
  - NoR – Notice of Requirement Application
  - Proposed Appendix J – Proposed Structure Plan Map
  - Structure Plan area - Springvale Structure Plan area (as proposed in Appendix J – PC53)
  - SSP - the Springvale Structure Plan (April 2018)
  - RMA or the Act – Resource Management Act 1991
  - NPS - National policy statement/s
  - NPSUDC - NPS on Urban Development Capacity 2016
  - NES - National environmental standards
  - Standards - National Planning Standards April 2019
  - RPS - Regional Policy Statement (Combined Horizons One Plan)

- Plan – District Plan
- PC53 – the Plan change text and maps as notified.
- AR – Springvale Structure Plan - Archaeological Review, Archaeology North Ltd, 2012
- CIA – Cultural Values, Cultural Impacts Assessment: Springvale Whenua Combined Hapū, Poipoia Limited, 2018
- TIA – Transport Impact Assessment, WSP Opus, March 2019
- EA –Assessment of Ecological Effects Springvale, Whanganui WSP Opus, March 2019

2.11 This report addresses the following matters:

2.1.3 In relation to PC53:

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

2.1.4 In relation to the NoR:

- The application and submissions received.

2.2 The following appendices are attached:

- **Appendix 1** PC53 Public Notices
- **Appendix 2** Submissions and Further Submissions Received to PC53
- **Appendix 3** Submission Summary and Recommendations for PC53
- **Appendix 3A** How PC53 Responds to and Implements CIA
- **Appendix 4** PC53 - Proposed District Plan Maps and Marked up Plan Text
- **Appendix 5** Technical Experts - Review of Submissions to PC53
- **Appendix 5A** Mr Evis – Transport Planner
- **Appendix 5B** Ms King – Ecologist
- **Appendix 5C** Mr Wood - Subdivision and Development Engineer
- **Appendix 5D** Mr Hunt – Acoustic Expert
- **Appendix 6** Minutes of Pre-Hearing Engagement
- **Appendix 7** NoR Application
- **Appendix 8** Submissions received to the Notice of Requirement
- **Appendix 9** Recommended NoR Conditions

### 3 Site Description

- 3.1 As described within the NoR application prepared by WSP (formerly WSP Opus), the Council has developed a Springvale Structure Plan which sets out a coordinated and strategic approach to the future residential development of an area adjacent the city's western urban boundary. At present the area is zoned for rural lifestyle activities, with these uses the predominant land use pattern. A pocket of land located south of the proposed Fitzherbert Avenue extension has been developed for residential purposes at a conventional suburban density. This development commenced in 2011.
- 3.2 The proposed residential growth area comprises approximately 83ha and is 1.4km in length (running north-south) and between 400-900m in width (east-west). The Structure Plan area is bounded on its western side by Mosston Road, a heavy vehicle route. Beyond Mosston Road to the west is land zoned Rural General that comprises a mix of uses including rural

and rural lifestyle blocks. The development pattern surrounding the Structure Plan area to the east and south comprises conventional residential and is zoned Residential. To the north are predominantly rural lifestyle blocks along the Buxton Road corridor.

- 3.3 The soon to be constructed (2020/21) Fitzherbert Avenue extension, connecting Fitzherbert Avenue with Mosston Road, bisects the proposed growth area.
- 3.4 Springvale has a morphology typical of its near coastal setting, it is characterised by mixed grasses, planted (exotic and native) trees and shrubs associated with a rural, rural-residential setting.
- 3.5 Titoki Wetland is situated at the southernmost end of the proposed residential development. Titoki Wetland is classified as a Council owned reserve in the structure plan. It is a remnant dune wetland, which has been recently restored and features an area of open water and regenerating native vegetation typical of coastal dune wetlands. It provides habitat for a variety of aquatic, bird and plant life.

## **4 PC53 - Purpose of the Plan Change**

- 4.1 The purpose of PC53 is to change the operative Plan to facilitate provision of land for residential development in the Springvale area, to meet projected demand for such land out to 2065. PC53 principally introduces a revised Structure Plan to replace Appendix J, expands the extent of the Residential and Reserves and Open Spaces zones, replaces the definition of Wāhi Tupuna Site with a more appropriate term. PC53 makes consequential amendments to ensure the objectives, policies and rules are the most efficient and effective way to achieve the sustainable management of natural and physical resources.
- 4.2 PC53 also focuses on the need to achieve a high-quality amenity within residential areas particularly through provision of integrated and safe transport networks. PC53 addresses potential impacts on Mosston Road being the designated heavy vehicle route as well as potential ecological, archaeological and cultural values.
- 4.3 PC53 was prepared and notified in accordance with Section 74 and the First Schedule of the RMA, which outlines the requirements for changing a District Plan. PC53 is being undertaken separately but alongside the Council's staged District Plan Review.
- 4.4 Springvale has been identified as a potential area to accommodate future residential development. Based on a 2015 desktop 'Growth Study' undertaken by Council, demand for roughly 730 new residential dwellings and 417 rural lifestyle dwellings is projected in the wider Springvale area by 2065. The study assessed that roughly 224 of that projected residential dwelling demand could be accommodated within areas already zoned for residential activities. Conversely, the study found that just over 1100 rural lifestyle dwellings could be accommodated within areas currently zoned as Rural Lifestyle in the vicinity of Springvale. This amounted to a shortfall of just over 500 residential dwelling sites and a surplus of nearly 700 rural lifestyle dwelling sites.
- 4.5 In terms of meeting projected residential dwelling demand, the shortfall of just over 500 dwellings will need to be accommodated with a mix of more intensive infill within the existing Residential Zone and greenfield developments such as enabled by proposed PC53. In addition, within the Structure Plan area, the existing District Plan minimum site density per dwelling (400m<sup>2</sup>) would need to be retained. Given the more positive population growth trends since 2015, it is more important than ever that this significant greenfield area

be zoned for residential development, as opportunities for infill within the existing Residential Zone are relatively limited or subject to infrastructural constraints.

- 4.6 PC53 seeks to re-zone approximately 57ha of Rural Lifestyle zoned land to Residential, to meet the additional demand for residential development, without compromising or adversely affecting supply of land for rural lifestyle purposes in the District.
- 4.7 Springvale is a preferred area for residential expansion as development pressure already exists in this area. The extent of the Structure Plan area was restricted to an area required to meet projected demand with a natural constraint being the Churton Creek catchment to the north and Mosston Road being the heavy vehicle route and rural zoned land to the west.

## **5 NoR Proposal**

- 5.1 Notice of the requirement for designation of land within Springvale to construct, operate and maintain a new road/shared pathway and stormwater network was lodged with the Whanganui District Council (Council) on 05 June 2019 (DES19/001). Council (Infrastructure) is the Requiring Authority.
- 5.2 WSP on behalf of the Council has submitted a NoR pursuant to Section 168A RMA to designate land to establish a stormwater network, road and shared pathway. The purpose of this designation is to construct operate and maintain a new road/shared pathway and stormwater network in the Structure Plan area.
- 5.3 Included within the new designation will be traffic lanes, medians, shoulders, interchanges, intersections, cycle/pedestrian connections, stormwater infrastructure, landscaping, ancillary road infrastructure, and road construction.
- 5.4 The designation footprint provides for a legal road width of 20m, as well as a construction corridor to enable works to be provided for within the designation. The total width for the designation corridor is 30m.
- 5.5 The design of the road is based on New Zealand Standards and is generally a 6.0m wide two-way sealed carriageway and will be located within that portion of the designation to the north of Fitzherbert Avenue only. The Council would plan to contract the design and construction of the road. Consequently, specific engineering details of the road design, earthworks and construction methodology are not known at this stage
- 5.6 At this time, the Council does not have an interest in all parcels of land necessary for undertaking the work to construct the proposed road and stormwater drainage system within the designation. The Council would therefore work with directly affected landowners to secure property agreements for the purchase of land that will be beneath the legal road/ stormwater system and agree to terms for the construction corridor.



## 6 Technical Reports

- 6.1 The Council completed or commissioned relevant technical reports and supporting documents to inform the development and drafting of PC53. These include:
- a) Cultural Values, Cultural Impacts Assessment, Poipoia Ltd (2018)
  - b) Traffic Impact Assessment, WSP Opus (2018)
  - c) Ecological Assessment, WSP Opus (2018)
  - d) Springvale Structure Plan, GHD Ltd (April 2018)
  - e) Churton Creek (State A) Stormwater System Improvements Report, GHD Ltd (Sept 2016)
  - f) Whanganui City-Wide Growth, Wastewater Bulk Supply Investigations (Revisited), GHD Ltd (March 2016)
  - g) Residential Growth Study, Whanganui District Council (2015)
  - h) Wanganui District Council District Plan Review – Phase 2: Residential – Residential Growth Discussion Paper – Discussion Paper 2D (Feb 2012)
  - i) Wanganui District Council District Plan Review – Phase 2: Residential – Infill Capacity Assessment Report – Discussion Paper 2C (Feb 2012)
  - j) Springvale Structure Plan – Archaeological Review, Archaeology North Ltd (2012)
  - k) Springvale Structure Plan, GHD Ltd (2012)

An overview of reports a) – d) and j) was provided in the Section 32 Evaluation Report prepared to support the notification decision by Council.

## 7 Engagement since Notification

- 7.1 Since notification Council officers have met with a number of submitters to discuss matters raised in their submissions.
- 7.2 A meeting was held on 2nd October with the Combined Hapū to discuss their submission. The Combined Hapū led the discussion which focused on the CIA recommendations. A site visit was undertaken on Thursday 24th October. The focus was on stormwater management and protection and enhancement of wetland areas. The Combined Hapū reiterated their need for the stormwater designation area to be permanently wet, not a dry overland flow area. Discussions centred around the topographical constraints to that and the implications of land required to achieve such an outcome. Council officer, Mr Wood provided a copy of cross-sections sketches showing the implications of various combinations of pipe and open swale designs.
- 7.3 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’<sup>1</sup>
  - b. A joint Iwi/Council Working Group will be established to collaborate on landscaping associated with the proposed stormwater designation and public spaces.

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<sup>1</sup> 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. Council will 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.
- e. 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.
- f. 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.

7.4 A number of critical points were discussed through the engagement process as listed below:

- a. 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.
- b. 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.
- c. 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.

## 8 PC53 Submissions

8.1 The Council completed or commissioned relevant technical reports and supporting documents to inform the development and drafting of PC53. These include:

8.2 Twelve submissions and five further submissions were received to PC53. Submissions were received from the following parties:

Original Submitters			
001	Mosston School	007	Horizons Regional Council
002	Ryan Carter and Nadia Ballantine	008	Ministry of Education (the 'Ministry')
003	Craig Moffitt	009	David and Jacque Flintoff (3F Developments Ltd)
004	Roland Hiri	010	Marion Joan Rainforth
005	Hayman Industries, Todd Augers and Equipment, MTS Projects and Holland Engineering	011	Robert and Linda O'Keeffe
006	First Gas Limited	012	Springvale Development Whenua Combined Hapū (Te Rūnanga o Tupoho and Te Kaahui o Rauru) ('the <b>Combined Hapū</b> )

8.3 All submissions received were summarised and the decisions requested by submitters were publicly notified in accordance with Clause 7 of the First Schedule of the RMA. Further submissions were received from the following parties.

Further Submitter		Original Submitter		Support/ Oppose
No.	Name	No.	Name	
FS1	Jeff Robert Jurgens	009	David and Jacque Flintoff (3F Developments Ltd)	Support
FS2	David and Myra Mitchell	009	David and Jacque Flintoff (3F Developments Ltd)	Support
FS3	Brendan Lucas	009	David and Jacque Flintoff (3F Developments Ltd)	Support
FS4	Davie Davidson	009	David and Jacque Flintoff (3F Developments Ltd)	Support
FS5	Craig Moffitt	003	Craig Moffitt	Oppose

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

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

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

## **9 PC53 Key Issues Raised by Submitters**

- 9.1 The summary of submissions is included within Appendix 3 of this report where details of each submission are addressed. However, I consider the following to be key submission topics/issues:
- a. Concerns about impacts on cultural values and culturally significant areas.
  - b. Provision of safe access to Mosston School and extension of the proposed shared pathway.
  - c. Protection of gas infrastructure.
  - d. Opposition to proposed restrictions for vehicle access to Mosston Road.
  - e. Opposition to rezoning from Rural Lifestyle to Residential.
  - f. Opposition to proposed road and shared pathway location.
  - g. Opposition to exclusion of the Buxton Road area and specifically 105 Lincoln Rd.
  - h. Concerns about adequacy of research into drainage design.
  - i. Engagement on the implementation of the Springvale Structure Plan.

## **10 PC53 Analysis of Submissions**

- 10.1 Before a plan change can be incorporated into a district plan it must fulfil a number of statutory requirements set down in the RMA, including:
- a. Part 2, comprising Section 5, Purpose and Principles of the RMA; Section 6, Matters of National Importance; Section 7, Other Matters; and Section 8, Treaty of Waitangi;
  - b. Section 31 Functions of Territorial Authorities;
  - c. Section 32 Duty to consider alternatives, assess benefits and costs;
  - d. Section 32AA Requirements for undertaking and publishing further evaluations;
  - e. Section 74 Matters to be considered by territorial authorities; and
  - f. Section 75 Contents of district plans.
- 10.2 The assessment of PC53 must also include an evaluation of the provisions to determine their adequacy in terms of:
- Their relationship and workability with other District Plan provisions, and
  - The appropriateness of such provisions (for example, their reasonableness and consistency).
- 10.3 The decisions requested by the submitters are considered in Appendix 3 of this report. Each submission has its own recommendation.
- 10.4 Appendix 4 references the notified version of the proposed PC53 changes to the District Plan provisions as marked-up text and the planning maps. No amendments are recommended following consideration of submission points.

# 11 PC53 Statutory Considerations

## 11.1 Resource Management Act 1991

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

Territorial authorities have the following functions under the RMA:

*31 Functions of territorial authorities under this Act*

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

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

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

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

In accordance with Section 5 of the RMA, PC53 seeks to provide for the community’s longer term economic and social wellbeing by identifying future development areas. The Springvale Structure Plan provides for a variety of housing development to meet projected future demand in a sustainable manner.

A structure plan approach provides opportunity to consider integrated development options for key infrastructure including transport. It facilitates opportunities for improved quality urban design and public space outcomes, identifying and safeguarding any significant natural values and a more comprehensive consideration of historic heritage and cultural values. It also provides opportunities to plan for and manage a range of potential adverse effects, ahead of site-specific development proposals. This approach is consistent with achieving sustainable management.

- 11.1.3 As set out in section 72 of the RMA, the purpose of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of the RMA.
- 11.1.4 Other statutory policy documents influence district plans. Sections 74 and 75 of the RMA identify matters to be considered by the Council and those documents that a district plan must give effect to respectively. I discuss these in further detail later in this report, however, the plan change has been prepared to be consistent with and give effect to the statutory requirements of higher order policy documents, where relevant and applicable.
- 11.1.5 The following provisions of section 76 are also relevant:
- (1) *A territorial authority may, for the purpose of –*
    - (a) *Carrying out its functions under this Act; and*
    - (b) *Achieving the objectives and policies of the plan, -*  
*include rules in a district plan. ....*
  - (3) *In making a rule, the territorial authority shall have regard to the actual or potential effect on the environment of activities, including, in particular, any adverse effect.*
- 11.1.6 To achieve sustainable management of resources not only must adverse effects be avoided, remedied or mitigated but the potential of natural and physical resources, including residential development and urban infrastructure services, must be sustained to meet the reasonably foreseeable needs of future generations. The objectives and policies of the Residential Zone, Subdivision and Infrastructure and Cultural Heritage chapters have already been subject to review and notification as part of Plan Changes 26 – 29 respectively, and Plan Change 46 – Otamatea Residential.
- 11.1.7 Further guidance and direction on the way in which resources are to be managed is provided in sections 6, 7 and 8 of the RMA. Section 6 matters to be recognised and provided for in relation to this Plan Change are:
- (a) *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development:*
  - (b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
  - (c) *the protection of areas of significant indigenous vegetation and significant habitat of indigenous fauna.....*
  - (e) *the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*
  - (f) *the protection of historic heritage from inappropriate subdivision, use, and development .....*
  - (h) *the management of significant risks from natural hazards.*
- 11.1.8 No outstanding natural features or landscapes are identified in the Structure Plan area. In relation to Section 6(a) and (c) the EA concludes that:
- “The construction of the housing development and stormwater/road network impacts on a generally low value ecosystem. Within the Council owned portion of land there is a wetland area of high ecological value, there is also an area of native terrestrial vegetation of moderate ecological value. The Springvale Structure Plan area as a whole is dominated by grazed agricultural grassland, located on rural lifestyle properties. While, Titoki Wetland has been identified within the Springvale Structure Plan area, there will*

*be minimal impacts on this wetland from the proposed works. Consequently, the overall effects on this ecosystem have been assessed as low.*

*Using the [Ecological Impact Assessment Guidelines for New Zealand] guideline approach, the overall effect on all key ecological attributes impacted by the project was assessed as low, due to the range of habitat values being affected and the moderate species diversity. Levels of effects that are low are not typically of concern. However, a number of measures have been recommended to further minimise the potential effects of the project on the associated ecological values.”<sup>2</sup>*

- 11.1.9 The CIA is concerned about and discourages any impact of infrastructure particularly on existing waterways. The Combined Hapū oppose any treated wastewater going to waterways. The Combined Hapū do not support drainage to the Titoki Wetland and prefer the area to be returned to repō (swamp, bog, marsh).<sup>3</sup>
- 11.1.10 PC53 will ensure that no stormwater from the proposed residential development area will enter or impact the existing Titoki Wetland area. A bund will be constructed to ensure physical separation at all times between the stormwater retention area and the wetland. Over time fish will move between these two wet areas also.
- 11.1.11 In relation to section 6(e) and (f) the CIA identifies the entire Structure Plan area as a cultural significant zone, a Tongi Tawhito<sup>4</sup>, due to its significance for mahinga kai and taonga values.
- 11.1.12 The Combined Hapū consider that: “As a result of the high traffic that used the area pre-colonisation and in the early 1800s, it is expected that physical artefacts could still be found, even though the study area and its surrounding area have already been developed in previous years”.<sup>5</sup>
- 11.1.13 The AR and the CIA record that fragments of sea shells and fire cracked rocks were observed on the large dune below the middle of the study area. Although there was no associated evidence or context identified, this may indicate that middens or cooking fires were, or are present.<sup>6</sup>
- 11.1.14 The AR confirmed one archaeological item has been recorded within the Structure Plan area. This item is located within the existing Titoki Wetland area and will be unaffected by implementation of PC53.
- 11.1.15 In addition to the Heritage NZ legislative requirements, the operative District Plan recognises and provides for recorded and unknown archaeological items, by requiring that an accidental discovery protocol is implemented. This would trigger an archaeological assessment and potentially an Archaeological Authority from Heritage New Zealand for any land disturbance. Consideration of objectives, policies and methods targeted at

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<sup>2</sup> Ecological Assessment, WSP Opus, Page 1

<sup>3</sup> <https://maoridictionary.co.nz/search?idiom=&phrase=&proverb=&loan=&histLoanWords=&keywords=rep%C5%8D>

<sup>4</sup> ‘a local dialect term that has a translation similar to ‘sites of significance’. It may be used locally in conjunction with or reference to both wāhi tapu and wāhi tupuna’ - Cultural Impact Assessment page 12

<sup>5</sup> Cultural Impact Assessment page 22

<sup>6</sup> Archaeology Report page 5 and Cultural Impact Assessment page 22

achieving protection of historic heritage across all zones within the District would also be required.

11.1.16 Mr Taylor states in the AR that the Structure Plan area, provides:

*“a low risk for discovery of complex or extensive archaeological sites, as there is no evidence that the area was intensively occupied in either prehistoric or historic times. However, some archaeological sites are likely to be present in the area. The higher and drier areas are probably the locations with the greatest risk of archaeological remains being present”<sup>7</sup>*

11.1.17 Following consideration of the CIA and AR reports, PC53 has been modified to exclude the Buxton Road catchment identified as most likely to comprise archaeological sites.<sup>8</sup>

11.1.18 In relation to section 6(h) of the RMA, the SSP documents the natural and physical constraints of this area and reviewed the natural hazard risks to determine that flooding is a risk that can be avoided by careful infrastructure design to manage stormwater flows. Further research and consultation has determined also to exclude the Buxton Road catchment and retain the Rural Lifestyle Zone over such land as a method to further manage flood hazard risks.

11.1.19 In summary, PC53 is to appropriately recognise and provide for section 6 (a), (c), (e), (f) and (h) matters.

11.1.20 Section 7 of the RMA identifies “other matters” that must be given regard to. The matters relevant to PC46 are:

- (a) kaitiakitanga:*
- (aa) the ethic of stewardship:*
- (b) the efficient use and development of natural and physical resources...*
- (c) the maintenance and enhancement of amenity values...*
- (d) intrinsic values of ecosystems:*
- (f) maintenance and enhancement of the quality of the environment:*
- (g) any finite characteristics of natural and physical resources...*
- (i) the effects of climate change:*
- (j) the benefits to be derived from the use and development of renewable energy.*

11.1.21 PC53 is considered to have given particular regard to the above matters as set out in the table below:

<b>Section 7 Matters</b>	<b>Explanation</b>
<i>(a) kaitiakitanga:</i>	PC53 acknowledges the cultural values of the area and promotes infrastructure and public space development that will provide opportunities for the Combined Hapū to physically reconnect with this land and water, and to exercise guardianship/stewardship over the area.  Following consideration of points raised in the Combined Hapū submission, this report also records more explicitly how other
<i>(aa) the ethic of stewardship:</i>	

<sup>7</sup> Archaeology Report page 9

<sup>8</sup> Archaeology Report page 9



Section 7 Matters	Explanation
	works aligned with PC53 will create further opportunities to physically reconnect with this land, including: establishment of a working group to collaborate on matter such as landscaping. These are detailed in Appendix 3A.
<i>(b) the efficient use and development of natural and physical resources.</i>	The structure plan approach ensures that the area will be developed in a comprehensive and integrated manner. Infrastructure resources can be efficiently allocated and installed, protection of cultural values considered and provided for ahead of site-specific development to achieve efficient use and development, whilst achieving quality environmental outcomes, particularly in relation to the benefits of a comprehensive system for management of stormwater and transport infrastructure.
<i>(c) the maintenance and enhancement of amenity values.</i>	An integrated structure plan will maximise opportunities for quality transport network connectivity and minimise single access right of way development prevalent in Whanganui. Provision of a connected stormwater management network will also create opportunities for quality urban walkways and open space areas.
<i>(d) intrinsic values of ecosystems:</i>  <i>(f) maintenance and enhancement of the quality of the environment.</i>	The Titoki Wetland is an area of high ecological value, there is also an area of native terrestrial vegetation of moderate ecological value located on the edge of the proposed Residential Zone extension. These values will be retained and potentially enhanced as a result of PC53.  The quality of the urban environment will be enhanced by coordinated structure planning and re-zoning of this land for residential purposes. Pressure for ad hoc development in other locations can then be more effectively resisted. Provision of a connected stormwater management network creates opportunities for enhancement of the environment with quality urban pathways and open space areas.
<i>(g) any finite characteristics of natural and physical resources:</i>	The SSP records that this area is underlain by loose poorly consolidated sand mainly in fixed dunes. The soils are generally underlain with yellow/brown wind -blown sand with moderate to severe limitations for arable use. Class I and II land is limited within the District and predominantly located near the urban periphery. Such versatile soils are not present in this Structure Plan area, assisting to potentially safeguard that soil resource from urban development pressures.
<i>(i) the effects of climate change:</i>	The frequency of severe weather events and the magnitude of erosion and flooding hazards may increase due to the effects of climate change. Risk management has been incorporated into the design of three water and transport infrastructure proposed for this new residential area. Consideration of the effects of climate change will be required for all aspects of development over the next 50 years.
<i>(j) the benefits to be derived from the use</i>	This Structure Plan area is anticipated to be developed over an extended period of time, facilitating opportunities to adapt to the inevitable improvements in technology that will make

<b>Section 7 Matters</b>	<b>Explanation</b>
<i>and development of renewable energy.</i>	renewable energy a feasible option at both a domestic and territorial scale.

11.1.22 Appropriate regard has been had in the preparation of PC53 and other methods to the relevant section 7 matters.

11.1.23 Section 8 requires that the principles of Te Tiriti o Waitangi (the Treaty) be taken into account in the preparation of PC53. The principles of the Treaty are detailed by the Ministry of Justice<sup>9</sup>. An assessment of those principles applicable to Council's functions and PC53 is provided below:

<b>Relevant Principles</b>	<b>Assessment against Treaty Principles</b>
<b>Partnership</b> - to act in good faith	Council engaged early with mana whenua. Cultural values and impacts were identified, and an archaeological assessment obtained as part of the PC53 research and development. Council has considered the recommendations of the CIA relevant to this RMA process and identified opportunities to achieve the outcomes sought where appropriate.
<b>Reciprocity</b> - exchanges for mutual advantage and benefits	This land is privately owned. Council is working to facilitate residential development in an area of demonstrable market demand where rural lifestyle development is provided for already, whilst also striving to recognise and provide for the relationship of tangata whenua and their culture and traditions with this Structure Plan area.
<b>Autonomy</b> – to protect Māori autonomy, to govern themselves	PC53 does not alter or impinge Maori rights to political autonomy. PC53 creates an opportunity for physical reconnection with some of this land.
<b>Active protection</b> Crown's duty to protect Māori rights and interests	The Council is bound by Part 2 of the RMA as discussed elsewhere in this report.

11.1.24 As outlined the Council has taken account of section 8 of the RMA in preparing PC53.

11.1.25 Following consideration of the technical reports prepared since April 2018, PC53 has been refined to better provide for sustainable development within a context of competing Part 2 matters.

11.1.26 In summary, PC53 as proposed is considered to meet the Council's obligations under Part 2 of the RMA.

<sup>9</sup> <https://www.waitangitribunal.govt.nz/treaty-of-waitangi/principles-of-the-treaty/>

## **11.2 National Policies and Standards**

- 11.2.1 The RMA requires that district plans give effect to any relevant NPS or NES. A NPS sets a national direction and a NES sets specific minimum environmental standards to be enforced by councils.
- 11.2.2 The NPS on Urban Development Capacity 2016 (NPSUDC) provides direction to Council on planning for urban environments to: enable urban environments to grow and change in response to the changing needs of the communities, and future generations; and provide enough space for their populations to happily live and work. This can be both through allowing development to go “up” by intensifying existing urban areas, and “out” by releasing land in greenfield areas.
- 11.2.3 The District Plan is required to provide sufficient development capacity to ensure that demand can be met for the next thirty years. For the Whanganui District Council, all the objectives and only four of the policies apply, as it is neither identified as a medium or high growth urban area. Identified development areas must be commercially feasible and plentiful enough to recognise that not all feasible development opportunities will be taken up.
- 11.2.4 The purpose of PC53 is to achieve the requirements of the NPSUDC in a sustainable way, by planning for residential development in a comprehensive and integrated manner in Springvale where demand already exists. PC53 gives effect to the NPSUDC.
- 11.2.5 The requirements of the NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 were incorporated into the Plan via Plan Change 27 in 2012. Council is not aware of any specific hazardous activities within this area. Compliance with this NES will be a matter for detailed consideration as part of any subdivision or land disturbance proposal. Consent requirements for development enabled by PC53 will ensure that effect is given to the NES.
- 11.2.6 National Planning Standards have been introduced to improve the consistency of council plans and policy statements. The Minister for the Environment released the first set of Standards on 5 April 2019.
- 11.2.7 This Council has been proactively working to implement the format changes to the look and feel of the District Plan. The interactive District Plan map has already been colour coded to adhere to the Standards. The Plan chapters are progressively being updated behind the scenes and will be launched publicly in 2020.
- 11.2.8 PC53 relies on the existing operative Plan format and will likely be completed ahead of the formal implementation deadlines for the Standards. To avoid confusion PC53 does not apply or implement the Standards format where these are different to the operative Plan. However any text and mapping changes introduced by PC53 will be consistent with the conventions of the Standards.

## **11.3 Regional Policy Statement and Regional Plan (the One Plan)**

- 11.3.1 In addition, the RMA requires District Plan provisions to give effect to the RPS (section 75(3)(c)). The RPS is the main vehicle for interpreting and applying the sustainable

management requirements of the RMA in a local context, and in this regard, guides the development of lower tier plans, including the District Plan.

- 11.3.2 The Horizons (Manawatu-Whanganui) Regional Council combined the Regional Policy Statement and six regional plans into one document called the One Plan. The One Plan became operative on 19 December 2014.

Regional One Plan
<p><b>Objective 2-1 Resource Management</b></p> <p>a) <i>To have regard to the mauri* of natural and physical resources^ to enable hapū* and iwi* to provide for their social, economic and cultural wellbeing.</i></p> <p>(b) <i>Kaitiakitanga^ must be given particular regard and the relationship of hapū* and iwi* with their ancestral lands^, water^, sites*, wāhi tapu* and other taonga* (including wāhi tūpuna*) must be recognised and provided for through resource management processes.</i></p> <p><b>Assessment:</b> Policies impose obligations on the Regional Council and are not directly relevant to this District Plan process except as noted below.</p> <p>Council has engaged with the Combined Hapū for PC53. The CIA has recorded impacts on cultural values including cultural sites. These have been considered and where practicable recommendations to protect values have been incorporated or acknowledged.</p> <p>As PC53 does not itself involve physical works, regional consent issues will be addressed via development proposals.</p>
<p><b>Objective 3-1 Infrastructure^ and other physical resources of regional and national importance</b>  <i>Have regard to the benefits of infrastructure^ and other physical resources of regional or national importance by recognising and providing for their establishment, operation*, maintenance* and upgrading*.</i></p> <p><b>Objective 3-3 The strategic integration of infrastructure with land use</b>  <i>Urban development occurs in a strategically planned manner which allows for the adequate and timely supply of land and associated infrastructure.</i></p> <p><b>Policy 3-1 Benefits of infrastructure^ and other physical resources of regional or national importance</b></p> <p>(a) <i>....Territorial Authorities^ must recognise the following infrastructure^ as being physical resources of regional or national importance: [...]</i></p> <p>(iii) <i>pipelines and gas facilities used for the transmission and distribution of natural and manufactured gas [...]</i></p> <p>(c) <i>.... Territorial Authorities^ must, in relation to the establishment, operation*, maintenance*, or upgrading* of infrastructure^ and other physical resources of regional or national importance, listed in (a) and (b), have regard to the benefits derived from those activities.</i></p> <p>(d) <i>..... Territorial Authorities^ must achieve as much consistency across local authority^ boundaries as is reasonably possible with respect to policy and plan provisions and decision-making for existing and future infrastructure^.</i></p> <p><b>Objective 3-4: Urban growth and rural residential subdivision on versatile soils</b>  <i>To ensure that territorial authorities consider the benefits of retaining Class I and II1 versatile soils<sup>2</sup> for use as production land^ when providing for urban growth and rural residential subdivision.</i></p> <p><b>Policy 3-4 The strategic integration of infrastructure with land use</b>  <i>Territorial authorities must proactively develop and implement appropriate land use strategies to manage urban growth, and they should align their asset management planning with those strategies, to ensure the efficient and effective provision of associated infrastructure.</i></p>
<p><b>Assessment:</b> PC53 is consistent with the One Plan issues, objectives and policies.</p> <p>This land is privately owned. Council is working to facilitate residential development in an area of demonstrable market demand where rural lifestyle development is provided for already, whilst also striving to recognise and provide for the relationship of tangata whenua and their culture and traditions with this Structure Plan area.</p> <p>PC53 preserves the functioning and maintenance areas for the gas pipeline. The area will remain reserve land and no constraints to the operation, maintenance or upgrading of existing gas infrastructure are anticipated.</p>

Regional One Plan
<p>Regard has been had to the benefits of avoiding any constraints to the operation, maintenance or upgrading of existing gas infrastructure.</p>
<p><b>Objective 6-1: Indigenous biological diversity<sup>^</sup></b>  <i>Protect areas of significant indigenous vegetation and significant habitats of indigenous fauna and maintain indigenous biological diversity<sup>^</sup>, including enhancement where appropriate.</i></p> <p><b>Policy 6-1: Responsibilities for maintaining indigenous biological diversity</b>  <i>In accordance with s62(1)(i) RMA, local authority responsibilities for controlling land<sup>^</sup> use activities for the purpose of managing indigenous biological diversity<sup>^</sup> in the Region are apportioned as follows: ...</i></p> <p><i>(e) Both the Regional Council and Territorial Authorities<sup>^</sup> must be responsible for:</i></p> <p><i>Recognising and providing for matters described in s6(c) RMA and having particular regard to matters identified in s7(d) RMA when exercising functions and powers under the RMA, outside the specific responsibilities allocated above, including when making decisions on resource consent<sup>^</sup> applications.</i></p>
<p><b>Assessment:</b> PC53 is consistent with the One Plan issue, objective and policy.</p> <p>The ecological assessment identified the existing Titoki Wetland to be of high ecological value. This area is owned by the Council and will be retained as reserve land and not part of the development area. A significant area to the north of the existing Wetland has been indicated to also be retained for reserve purposes. There is significant potential for enhancement of this Wetland area in future.</p> <p>Stormwater management for future residential will avoid any contact with or impact on the Wetland.</p>
<p><b>Objective 6-2: Outstanding natural features and landscapes, and natural character</b></p> <p><i>a. The characteristics and values of:</i></p> <ul style="list-style-type: none"> <li><i>i. the Region's outstanding natural features and landscapes, including those identified in <a href="#">Schedule G</a>, and</i></li> <li><i>ii. the natural character of the coastal environment, wetlands<sup>^</sup>, rivers<sup>^</sup> and lakes<sup>^</sup> and their margins are protected from inappropriate subdivision, use and development.</i></li> </ul> <p><i>b. Adverse effects<sup>^</sup>, including cumulative adverse effects<sup>^</sup>, on the natural character of the coastal environment, wetlands<sup>^</sup>, rivers<sup>^</sup> and lakes<sup>^</sup> and their margins, are:</i></p> <ul style="list-style-type: none"> <li><i>i. avoided in areas with outstanding natural character, and</i></li> <li><i>ii. avoided where they would significantly diminish the attributes and qualities of areas that have high natural character, and</i></li> <li><i>iii. avoided, remedied or mitigated in other areas.</i></li> </ul> <p><i>c. Promote the rehabilitation or restoration of the natural character of the coastal environment, wetlands<sup>^</sup>, rivers<sup>^</sup> and lakes<sup>^</sup> and their margins.</i></p> <p><b>Policy 6-2: Regulation of activities affecting indigenous biological diversity<sup>^</sup></b>  <i>For the purpose of managing indigenous biological diversity<sup>^</sup> in the Region:</i></p> <ul style="list-style-type: none"> <li><i>a. Habitats determined to be <b>rare habitats*</b> and <b>threatened habitats*</b> under <a href="#">Schedule F</a> must be recognised as areas of significant indigenous vegetation or significant habitats of indigenous fauna.</i></li> <li><i>b. <b>At-risk habitats*</b> that are assessed to be significant under Policy <a href="#">13-5</a> must be recognised as significant indigenous vegetation or significant habitats of indigenous fauna.....</i></li> </ul> <p><b>Objective 6-3: Historic heritage</b>  <i>Protect historic heritage<sup>^</sup> from activities that would significantly reduce heritage qualities.</i></p>
<p><b>Assessment:</b> The Ecological Assessment report has identified Titoki Wetland (at the southern end of the Structure Plan Area) (Appendix 6 of S32 Evaluation Report) meets the Schedule F Criteria as a 'Threatened' habitat. The ecological assessment describes Titoki Wetland to be of high ecological value as was found to contain threatened plant species.</p> <p>As such, the Structure Plan development area excludes this Wetland entirely. It is proposed that Titoki Wetland will be protected with a bund between it and the stormwater detention area.</p> <p>It is considered that the potential effects of implementation of PC53 will not have any adverse effects on the existing ecological values of the Titoki Wetland.</p>

### Regional One Plan

The Archaeological assessment completed for notification of PC53 (Appendix 5 of the S32 Evaluation Report) outlines that there is no known archaeological site in the area. The report concludes that the study area presents a low risk of discovery of complex or extensive archaeological sites, as there is no evidence that the area was intensively occupied in either prehistoric or historic times. The report does note however that it is likely some of unknown sites to be present which would be uncovered throughout development of the land.

The CIA and the Council's formal responses completed for notification of PC53 (Appendix 4 and 8 of the S32 Evaluation Report and Appendix 3A to this S42A report) record and evaluate the potential cultural impacts of implementation of the wider Structure Plan development including the works associated with the designation of the stormwater network and road.

I consider that the potential and actual adverse effects on archaeological and cultural values of implementing PC53 can be managed by following the Heritage NZ protocols should any artefacts be accidentally uncovered and including provision for a future green corridor within the road reserve. I conclude that other non-regulatory methods discussed with the Combined Hapū can practically address cultural issues in a meaningful way thus giving effects to Objective 6-3 of the One Plan.

- 11.3.3 As noted above, PC53 is consistent with and gives effects to the relevant objectives and policies of the One Plan.

### 11.4 Other Plans and Strategies

- 11.4.1 Section 74(2)(b) of the RMA states that Councils shall have regard to any management plans and strategies. For PC53 those of relevance are:

#### 11.4.2 *Leading Edge Strategy (2018)*

The vision statement is: "To be an energised, united and thriving district offering abundant opportunities for everyone." PC53 is consistent with this Strategy as it is a coordinated and collaborative process to facilitate an area for residential growth and to encourage choice within the urban area for people to meet their varied housing needs.

PC53 will:

- Encourage connected community and enhance community wellbeing through requirements to provide an integrated and connected transport network.
- Continue to deliver a proactive, flexible and continually evolving District Plan with the provision of appropriate zones and precincts.
- Ensure the growth of the District is undertaken in a sustainable way.
- Increase our resilience to climate change.

#### 11.4.3 *30 Year Infrastructure Strategy (Council Long Term Plan)*

PC53 has been prepared alongside infrastructure planning to support the proposed residential development. This is a collaborative and coordinated approach, with a Notice of Requirement to designate key infrastructure to be assessed alongside PC53. This will add further clarity and certainty for potentially affected landowners and developers.

#### 11.4.4 *Whanganui Urban Transportation Strategy (2011) ('WUTS')*

The WUTS is relevant to PC53 and has informed its preparation. It identifies key transportation objectives over a 30 year horizon. It seeks to improve management of the road infrastructure by planning ahead to:

- Support environmental sustainability



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

The objectives and key actions relating to parking, loading and vehicle crossings have been incorporated into PC53. Provision for walking and cycling shared pathways has been made along with a focus to maximise practical road linkages and facilitate opportunities for future neighbourhood connections, public transport and improved safety outcomes. Council will be well placed to facilitate orderly development by acting ahead of demand to establish infrastructure in a coordinated manner.

## 11.5 Iwi Authority Documents

- 11.5.1 When preparing or changing a district plan, Section 74(2A) of the RMA states that Council's must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.
- 11.5.2 The Ngaa Rauru Kiitahi – Puutaiao Management Plan was prepared by Te Kaahui o Rauru ('TKoR'). It identifies that Ngaa Rauru Kiitahi wish to be engaged in the preparation, implementation and review of the Whanganui District Plan.
- 11.5.3 An assessment of PC53 against the relevant objectives and policies of this management plan is provided below:

3.4.1 RELATIONSHIPS	Evaluation
Objective 1.1 To establish, grow and maintain relationships which maximise the ability of Ngaa Rauru Kiitahi to exercise kaitiakitanga over resources within our rohe.	Council has an evolving relationship with TKoR. PC53 provides opportunities to work collaboratively and establishes opportunities to investigate other methods beyond the scope of PC53 to strengthen the exercise of kaitiakitanga.
Policy 1.1 To work collaboratively with other Iwi and/or tangata whenua organisations, local and central government agencies, environmental organisations, stakeholders, professionals, technical experts and the public.	
3.4.2 PAPATUUAANUKU	Evaluation
Objective 2.1 To ensure that the realm of Papatuuaanuku is managed appropriately in accordance with Ngaa Raurutanga.	Most land is privately owned and zoned for rural lifestyle activities. Within that constraint, the lands are to be managed sustainably. As stated above PC53 will facilitate discussions with Council about the potential for longer term collaborative management of public spaces including Titoki Wetland.
Policy 2.2 TKOR will work to protect and enhance Ngaa Rauru Kiitahi relationships, culture and traditions with our ancestral lands.	

3.4.5 TAONGA TUKU IHO	Evaluation
Objective 5.1 To ensure that Ngaa Taonga Tuku Iho are managed appropriately in accordance with Ngaa Raurutanga.	An archaeological review was completed in 2012. The identified archaeological site is protected as it is already recorded in the District Plan and located in the Titoki Wetland area on Council reserve land.  The archaeological accidental discovery protocol detailed in the District Plan at Performance Standard 9.11 applies to all land disturbance activities.
Policy 5.1 To protect our Ngaa Rauru Kiitahi heritage as an integral part of our cultural identity and continued prosperity.	
Policy 5.3 Protect our waahi tapu / waahi tuupuna from inappropriate subdivision, modification and development that would cause adverse effects on the qualities and features which contribute to the cultural, spiritual and historical values of these sites.	
3.5.4 ECONOMIC DEVELOPMENT	
“...economic development should not occur at the expense of Ngaa Rauru Kiitahi cultural and environmental values. Ngaa Rauru Kiitahi does not support unsustainable exploitation of natural and physical resources. A notable feature of our rohe is the reliance on the region’s natural resources for our social and economic wellbeing. We encourage investors to bring business into our rohe. Ngaa Rauru Kiitahi wants economic development in our rohe to be sustainable so that the needs of present generations are met without compromising the ability of future generations to meet their own needs.”	PC53 is consistent with achieving sustainable management as defined in the RMA and thus is considered to be consistent with Policy 3.5.4.

- 11.5.4 PC53 maintains existing opportunities for tangata whenua to physically reconnect with this land and respects and acknowledges cultural values within a context of competing Part 2 matters.

## 12 Engagement since Notification

- 12.1 Since notification Council officers have met with a number of submitters to discuss matters raised in their submissions.
- 12.2 A meeting was held on 2nd October with the Combined Hapū to discuss their submission. The Combined Hapū led the discussion which focused on the CIA recommendations. A site visit was undertaken on Thursday 24th October. The focus was on stormwater management and protection and enhancement of wetland areas. The Combined Hapū reiterated their need for the stormwater designation area to be permanently wet, not a dry overland flow area. Discussions centred around the topographical constraints to that and the implications of land required to achieve such an outcome. Council officer, Mr Wood provided a copy of cross-sections sketches showing the implications of various combinations of pipe and open swale designs.



12.3 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'<sup>10</sup>
- b. A joint Iwi/Council Working Group will be established to collaborate on landscaping associated with the proposed stormwater designation and public spaces.
- 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. Council will 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.
- e. 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.
- f. 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.

12.4 A number of critical points were discussed through the engagement process as listed below:

- a. 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.
- b. 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.
- c. 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.

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<sup>10</sup> Combined Hapū (Tupoho) 2 October 2019.

## **13 PC53 Section 32AA Evaluation**

- 13.1 Section 32AA of the RMA requires that any proposed changes to PC53 as notified be subject to further evaluation.
- 13.2 As a result of considering each point raised in submission, no changes are recommended to the notified PC53 provisions and map. I have reviewed the S32 evaluation report and confirm that it is still appropriate in all respects except in relation to proposing a five metre yard at Mosston Road.
- 13.3 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.
- 13.4 I note that the Mosston Road frontage for sites in the Structure Plan area, will effectively become the back yard for such sites. It is reasonably likely that dwellings will be established five metres or more away from this boundary. This factor along with the fact that no party submitted about traffic noise concerns suggests it may be unnecessary to restrict development. This leads me to conclude that excluding the five metre performance standard from Option D, is the most appropriate way to achieve the objectives of the Plan and the purpose of the RMA. I otherwise confirm and support the S32 evaluation report.
- 13.5 Section 32AA(1)(d)(ii) specifies that a further evaluation must be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section. I consider the assessment recorded in 10.2 - 10.5 above to be sufficient.

## **14 PC53 Conclusion and Recommendations**

- 14.1 To effectively and efficiently facilitate an environment conducive to growth of residential activity in Springvale, it is necessary to zone additional land which is appropriately located and of suitable size. Such activities are essential for economic and social wellbeing.
- 14.2 It is intended that the Structure Plan will provide clear expectations about connectivity and minimise future additional access points on to the heavy vehicle route (Mosston Road). PC53 expands zoning for residential activities in an area where rural residential density living is already provided for and where the market has identified it to be an attractive and natural location for residential activities within the District.
- 14.3 The Council has a particular interest to enhance amenity values and integrated provision of cost-effective infrastructure services within greenfield residential development areas. Structure plans are Council's favoured method to proactively define development areas and parameters to achieve this outcome.
- 14.4 Inclusion of the proposed Structure Plan map in Appendix J will add certainty and clarity for Plan users. It includes the indicative walkways, indicative roading, proposed shared pathway, proposed reserve areas, stormwater retention areas and road and drainage designation provided for within the Springvale Structure Plan area.
- 14.5 The significance of the area as ancestral land for mana whenua is acknowledged. Further

work is required beyond this Plan change process to recognise this significance. Protection of historic heritage values is specifically addressed in Chapter 9 of the Plan which ensure that land disturbance does not adversely affect archaeological items or cultural values. Opportunities for mana whenua to reconnect with their ancestral lands can be achieved through the provision of public spaces within the Structure Plan area and through collaborative approaches to design and implementation of such spaces. Beyond this Plan change process, opportunities exist to explore place naming conventions with Council and potential developers.

- 14.6 A re-evaluation in accordance with Section 32AA of the RMA has been completed with sufficient consideration given to the submissions to confirm no change to PC53 as notified is recommended.
- 14.7 Having considered each of the points raised in submissions, as detailed in Appendix 3, I recommend that PC53 be approved as notified. This is a reflection of the considerable and comprehensive technical research and engagement that Council officers have undertaken over a number of years, to arrive at a Plan Change proposal that is fit for purpose and largely supported by the affected landowners, the wider community and stakeholders.
- 14.8 I consider that the notified provisions, will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of the proposed plan, and other relevant statutory documents, for the reasons I have recorded as part of the analysis and recommendations within and attached to this report. I have recorded that PC53 gives effect to the RPS and is consistent with the Regional Plan (the One Plan). PC53 has been prepared in accordance with the sustainable management purpose of the RMA.

## 15 Notice of Requirement Submissions

- 15.1 Nine submissions were received to the NoR application. Submissions were received from the following parties:

Original Submitters			
001	NSK Holdings Ltd (Kelsi Attrill)	006	Ronald & Verne Wheeler and Marco van den Brink
002	Lance Attrill	007	Ryan Carter and Nadia Ballantine
003	Neil & Juleen Guilford	008	Robert and Linda O'Keeffe
004	Mr & Mrs G Campbell	009	Springvale Whenua Combined Hapū (Te Rūnanga o Tupoho and Te Kaahui o Rauru) ( <b>the Combined Hapū</b> )
005	Craig Moffitt		

## 16 s168A (3)(a) - One Plan and WDP

- 16.1 Section 168A(3)(a) states:

*(3) When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to—*

*(a) any relevant provisions of—*

- (i) a national policy statement:
- (ii) a New Zealand coastal policy statement:
- (iii) a regional policy statement or proposed regional policy statement:
- (iv) a plan or proposed plan; and

16.2 In accordance with section 168A(3)(a), I consider the relevant statutory documents are:

- The One Plan (Horizons) Regional Policy Statement
- Whanganui District Plan

16.3 An assessment of the NoR against the relevant provisions within these two documents follows in table form. I note that the application contains a comprehensive assessment against these two documents for which my assessment is largely consistent. I do however add a few notes.

<b>Horizons Regional Policy Statement</b>	
<b>Objective 2-1</b>	<p>a) To have regard to the mauri* of natural and physical resources<sup>^</sup> to enable hapū* and iwi* to provide for their social, economic and cultural wellbeing.</p> <p>(b) Kaitiakitanga<sup>^</sup> must be given particular regard and the relationship of hapū* and iwi* with their ancestral lands<sup>^</sup>, water<sup>^</sup>, sites*, wāhi tapu* and other taonga* (including wāhi tūpuna*) must be recognised and provided for through resource management processes.</p>
<p><b>Assessment:</b> Policies impose obligations on the Regional Council and are not directly relevant to this District Plan process except as noted below.</p> <p>Council has engaged with the Combined Hapū for PC53 and the NoR application. The CIA has recorded impacts on cultural values including cultural sites. These have been considered and where practicable recommendations to protect values have been incorporated or acknowledged.</p>	
<b>Objective 3-3</b>	<p><b>The strategic integration of infrastructure with land use</b></p> <p>The strategic integration of infrastructure<sup>^</sup> with land<sup>^</sup> use Urban development occurs in a strategically planned manner which allows for the adequate and timely supply of land<sup>^</sup> and associated infrastructure.</p>
<b>Policy 3-3</b>	<p><b>Adverse effects of infrastructure and other physical resources of regional or national importance on the environment</b></p> <p>Adverse effects<sup>^</sup> of infrastructure<sup>^</sup> and other physical resources of regional or national importance on the environment In managing any adverse environmental effects arising from the establishment, operation*, maintenance* and upgrading* of infrastructure<sup>^</sup> or other physical resources of regional or national importance, the Regional Council and Territorial Authorities<sup>^</sup> must:</p> <p>(a) recognise and provide for the operation*, maintenance* and upgrading* of all such activities once they have been established,</p> <p>(b) allow minor adverse effects<sup>^</sup> arising from the establishment of new infrastructure<sup>^</sup> and physical resources of regional or national importance, and</p> <p>(c) avoid, remedy or mitigate more than minor adverse effects<sup>^</sup> arising from the establishment of new infrastructure<sup>^</sup> and other physical resources of regional or national importance, taking into account:</p> <ul style="list-style-type: none"> <li>(i) the need for the infrastructure<sup>^</sup> or other physical resources of regional or national importance,</li> <li>(ii) any functional, operational or technical constraints that require infrastructure<sup>^</sup> or other physical resources of regional or national importance to be located or designed in the manner proposed,</li> </ul>

	<p>(iii) whether there are any reasonably practicable alternative locations or designs, and</p> <p>(iv) whether any more than minor adverse effects<sup>^</sup> that cannot be adequately avoided, remedied or mitigated by services or works can be appropriately offset, including through the use of financial contributions.</p>
<b>Objective 3-4</b>	<p><b>Urban growth and rural residential subdivision on versatile soils</b></p> <p>Urban growth and rural residential subdivision on versatile soils. To ensure that territorial authorities consider the benefits of retaining Class I and II versatile soils for use as production land<sup>^</sup> when providing for urban growth and rural residential subdivision.</p>
<b>Policy 3-4</b>	<p><b>The strategic integration of infrastructure with land use</b></p> <p>The strategic integration of infrastructure<sup>^</sup> with land<sup>^</sup> use Territorial Authorities<sup>^</sup> must proactively develop and implement appropriate land<sup>^</sup> use strategies to manage urban growth, and they should align their infrastructure<sup>^</sup> asset management planning with those strategies, to ensure the efficient and effective provision of associated infrastructure<sup>^</sup></p>
<p><b>Assessment:</b> The proposed stormwater and road network for the Springvale Structure Plan Area will provide a secure and resilient infrastructure network which will enable the intended residential development of the area. The plan change area land does is not located on class 1 or 2 versatile soils, but instead comprises yellow/brown wind-blown sandy land which are not classed as versatile high-quality soils. I consider that the proposed work and designation will give effect to and not be contrary to the objectives and policies above.</p>	
<b>Objective 4-2</b>	<p><b>Regulating potential causes of accelerated erosion</b></p> <p>Land<sup>^</sup> is used in a manner that ensures:</p> <p>(a) accelerated erosion* and increased sedimentation in water bodies<sup>^</sup> (with resultant adverse effects<sup>^</sup> on people, buildings and infrastructure<sup>^</sup>) caused by vegetation clearance*, land disturbance*, forestry*, or cultivation* are avoided as far as reasonably practicable, or otherwise remedied or mitigated, and</p> <p>(b) sediment loads entering water bodies<sup>^</sup> as a result of accelerated erosion are reduced to the extent required to be consistent with the water<sup>^</sup> management objectives and policies for water<sup>^</sup> quality set out in Chapter 5 of this Plan.</p>
<b>Policy 4-2</b>	<p><b>Regulation of land use activities</b></p> <p>(a) In order to achieve Objective 4-2 the Regional Council must regulate vegetation clearance*, land disturbance*, forestry* and cultivation* through rules<sup>^</sup> in this Plan and decisions on resource consents<sup>^</sup>, so as to minimise the risk of accelerated erosion, minimise discharges of sediment to water, and maintain the benefits of riparian vegetation for water bodies<sup>^</sup>.</p> <p>(b) Territorial Authorities<sup>^</sup> may regulate, through rules<sup>^</sup> in district plans<sup>^</sup> and decisions on resource consents<sup>^</sup>, the actual or potential effects<sup>^</sup> of the use, development, or protection of land<sup>^</sup>, in order to achieve Objective 4-2. However, Territorial Authorities<sup>^</sup> must not have rules<sup>^</sup> that are contradictory to the rules<sup>^</sup> in this Plan that control the use of land<sup>^</sup>.</p> <p>(c) The Regional Council will generally allow small scale vegetation clearance*, land disturbance*, forestry* and cultivation* to be undertaken without the need for a resource consent<sup>^</sup> if conditions<sup>^</sup> are met. Vegetation clearance* and land disturbance* require a resource consent<sup>^</sup> if they are undertaken adjacent to some water bodies<sup>^</sup> (including certain wetlands<sup>^</sup>) in Hill Country Erosion Management</p>

	<i>Areas* or in coastal foredune* areas. Any other large-scale land disturbance* will also require a resource consent^.</i>
<p><b>Assessment:</b> The applicant has identified that the scale of land disturbance (earthworks, cut and fill) associated with the construction of the proposed stormwater and road network will likely require a land use consent pursuant to the One Plan and that this would be obtained as part of the design and build contract prior to the works commencing. The majority of earthworks within Horizons jurisdiction is related to the formation of the new road and stormwater network for the Springvale Area. As with any development with necessitated large scale land disturbance, appropriate erosion and sediment controls would be designed as part of the construction methodology. These consent processes and erosion and sediment controls will ensure land disturbance activities are undertaken in a manner which avoid, remedy or mitigate effects of erosion. As such, I consider that the proposed work and designation will give effect to and not be contrary to the objectives and policies above, noting the consenting requirements.</p>	
<b>Objective 5-2</b>	<p><b>Water Quality</b></p> <p>(a) Surface water^ quality is managed to ensure that:</p> <ul style="list-style-type: none"> <li>(i) water^ quality is maintained in those rivers^ and lakes^ where the existing water^ quality is at a level sufficient to support the Values in Schedule B</li> <li>(ii) water^ quality is enhanced in those rivers^ and lakes^ where the existing water^ quality is not at a level sufficient to support the Values in Schedule B</li> <li>(iii) accelerated eutrophication and sedimentation of lakes^ in the Region is prevented or minimised</li> <li>(iv) the special values of rivers^ protected by water conservation orders^ are maintained.</li> </ul> <p>(b) Groundwater quality is managed to ensure that existing groundwater quality is maintained or where it is degraded/over allocated as a result of human activity, groundwater quality is enhanced.</p>
<b>Horizons Regional Policy Statement</b>	<p><b>Land use activities affecting groundwater and surface water quality</b></p> <p>The management of land^ use activities affecting groundwater and surface water^ must give effect to the strategy for surface water^ quality set out in Policies 5-2, 5-3, 5-4 and 5-5, and the strategy for groundwater quality in Policy 5-6, by managing diffuse discharges^ of contaminants in the following manner:</p> <ul style="list-style-type: none"> <li>(a) identifying in the regional plan targeted Water Management Sub-zones*. Targeted Water Management Sub-zones* are those subzones where, collectively, land^ use activities are significant contributors to elevated contaminant levels in groundwater or surface water^</li> <li>(b) identifying in the regional plan intensive farming land^ use activities. Intensive farming land^ use activities are rural land^ use activities that (either individually or collectively) make a significant contribution to elevated contaminant levels in the targeted Water Management Subzones* identified in (a) above</li> <li>(c) actively managing the intensive farming land^ use activities identified in (b) including through regulation in the regional plan, in the manner specified in Policy 5-8</li> </ul>

<p><b>Assessment:</b> Within the Springvale Structure Plan Area is Titoki Wetland, and a drainage network. None of these water bodies are directly affected by the designation and associated stormwater and road network. Stormwater associated with development would discharge to land, not water. The application states that the design of the central stormwater system within the designation will include stormwater collection, treatment and discharge to land systems and that regional consents are likely to be required. The stormwater discharge to land (the proposed detention area to the south of the structure plan area) will be designed in a way that maintains the groundwater and surface water quality of the area, with no adverse effects on the waterbodies, within and adjacent to the Structure Plan Area.</p> <p>I consider that the proposed work and designation will give effect to and not be contrary to the objectives and policies above, noting again the consenting requirements.</p>			
<b>Objective 6-1</b>	<b>Indigenous</b>	<b>biological</b>	<b>diversity</b>
	<i>Protect areas of significant indigenous vegetation and significant habitats of indigenous fauna and maintain indigenous biological diversity<sup>^</sup>, including enhancement where appropriate.</i>		
<b>Policy 6-1</b>	<p><b>Indigenous biological diversity</b></p> <p><i>In accordance with s62(1)(i) RMA, local authority responsibilities for controlling land<sup>^</sup> use activities for the purpose of managing indigenous biological diversity<sup>^</sup> in the Region are apportioned as follows:</i></p> <p><i>(a) The Regional Council must be responsible for:</i></p> <ul style="list-style-type: none"> <li><i>(i) developing objectives, policies and methods for the purpose of establishing a Region-wide approach for maintaining indigenous biological diversity<sup>^</sup>, including enhancement where appropriate</i></li> <li><i>(ii) developing rules<sup>^</sup> controlling the use of land<sup>^</sup> to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna and to maintain indigenous biological diversity<sup>^</sup>, including enhancement where appropriate.</i></li> </ul> <p><i>(b) Territorial Authorities<sup>^</sup> must be responsible for: Indigenous biological diversity, landscape and historic heritage One Plan - 2014 6-7</i></p> <p><i>(i) retaining schedules of notable trees and amenity trees in their district plans<sup>^</sup> or such other measures as they see fit for the purpose of recognising amenity, intrinsic and cultural values associated with indigenous biological diversity<sup>^</sup>, but not for the purpose of protecting significant indigenous vegetation and significant habitats of indigenous fauna as described in (a)(ii) above.</i></p> <p><i>(c) Both the Regional Council and Territorial Authorities<sup>^</sup> must be responsible for:</i></p> <ul style="list-style-type: none"> <li><i>(i) recognising and providing for matters described in s6(c) RMA and having particular regard to matters identified in s7(d) RMA when exercising functions and powers under the RMA, outside the specific responsibilities allocated above, including when making decisions on resource consent<sup>^</sup> applications.</i></li> </ul>		
<b>Objective 6-2</b>	<p><b>Outstanding natural features and landscapes, and natural character</b></p> <p><i>(a) The characteristics and values of:</i></p> <ul style="list-style-type: none"> <li><i>(v) the Region's outstanding natural features and landscapes, including those identified in Schedule G, and</i></li> <li><i>(vi) the natural character of the coastal environment, wetlands<sup>^</sup>, rivers<sup>^</sup> and lakes<sup>^</sup> and their margins are protected from inappropriate subdivision, use and development.</i></li> </ul>		

	<p>(b) Adverse effects<sup>^</sup>, including cumulative adverse effects<sup>^</sup>, on the natural character of the coastal environment, wetlands<sup>^</sup>, rivers<sup>^</sup> and lakes<sup>^</sup> and their margins, are:</p> <ul style="list-style-type: none"> <li>(i) avoided in areas with outstanding natural character, and</li> <li>(vii) avoided where they would significantly diminish the attributes and qualities of areas that have high natural character, and</li> <li>(viii) avoided, remedied or mitigated in other areas.</li> </ul> <p>(c) Promote the rehabilitation or restoration of the natural character of the coastal environment, wetlands<sup>^</sup>, rivers<sup>^</sup> and lakes<sup>^</sup> and their margins.</p>
<b>Policy 6-2</b>	<p><b>Policy 6-2: Regulation of activities affecting indigenous biological diversity<sup>^</sup></b>  For the purpose of managing indigenous biological diversity<sup>^</sup> in the Region:</p> <p>(a) Habitats determined to be rare habitats* and threatened habitats* under Schedule F must be recognised as areas of significant indigenous vegetation or significant habitats of indigenous fauna.</p> <p>(b) At-risk habitats* that are assessed to be significant under Policy 13-5 must be recognised as significant indigenous vegetation or significant habitats of indigenous fauna.</p> <p>(c) The Regional Council must protect rare habitats*, threatened habitats* and at-risk habitats* identified in (a) and (b), and maintain and enhance other at-risk habitats* by regulating activities through its regional plan and through decisions on resource consents<sup>^</sup>.</p> <p>(d) Potential adverse effects<sup>^</sup> on any rare habitat*, threatened habitat* or at risk habitat* located within or adjacent to an area of forestry* must be minimised.</p> <p>(e) When regulating the activities described in (c) and (d), the Regional Council must, and when exercising functions and powers described in Policy 6-1, Territorial Authorities<sup>^</sup> must:</p> <ul style="list-style-type: none"> <li>(i) allow activities undertaken for the purpose of pest plant and pest animal control or habitat maintenance or enhancement,</li> <li>(ii) consider indigenous biological diversity<sup>^</sup> offsets in appropriate circumstances as defined in Policy 13-4,</li> <li>(iii) allow the maintenance*, operation* and upgrade* of existing structures<sup>^</sup>, including infrastructure<sup>^</sup> and other physical resources of regional or national importance as identified in Policy 3-1, and</li> <li>(iv) not unreasonably restrict the existing use of production land<sup>^</sup> where the effects of such land<sup>^</sup> use on rare habitat*, threatened habitat* or at-risk habitat* remain the same or similar in character, intensity and scale.</li> </ul>
<p><b>Assessment:</b> The technical report – Ecological Assessment Springvale has identified Titoki Wetland (at the southern end of the Structure Plan Area) (Appendix C NoR application) meets the Schedule F Criteria as a ‘Threatened’ habitat. The ecological assessment describes Titoki Wetland to be of high ecological value as was found to contain threatened plant species.</p> <p>As such, the designation footprint excludes this wetland entirely. It is proposed that Titoki Wetland will be protected with a bund between it and the stormwater detention area.</p> <p>I consider the proposal will not have any adverse effects on the existing ecological values of the Titoki Wetland.</p>	



The designation and associated works will be designed and implemented to ensure they are consistent with the above objectives and policies.	
<b>Objective 6-3</b>	<b>Historic Heritage</b> <i>Protect historic heritage^ from activities that would significantly reduce heritage qualities.</i>
<b>Policy 6-11</b>	<b>Historic Heritage</b> <i>The Regional Coastal Plan^ and district plans^ must, without limiting the responsibilities of local authorities to address historic heritage^ under the RMA, include provisions to protect from inappropriate subdivision, use and development historic heritage^ of national significance, which may include places of special or outstanding heritage value registered as Category 1 historic places, wāhi tapu, and wāhi tapu areas under the Historic Places Act 1993 and give due consideration to the implementation of a management framework for other places of historic heritage.</i>
<b>Policy 6-12</b>	<b>Historic Heritage Identification</b> <i>(a) Territorial Authorities^ must develop and maintain a schedule of known historic heritage^ for their district to be included in their district plan^.</i> <i>(b) The Regional Council must develop and maintain a schedule of known historic heritage^ for the coastal marine area^ to be included in the Regional Coastal Plan^.</i> <i>(c) Historic heritage^ schedules must include a statement of the qualities that contribute to each site*.</i>
<p><b>Assessment:</b> The technical report Archaeological Assessment (Appendix D of the NoR application) confirms there are no known archaeological sites in the Structure Plan area. The report concludes that the study area presents a low risk of discovery of complex or extensive archaeological sites, as there is no evidence that the area was intensively occupied in either prehistoric or historic times. The report does note however that it is likely some of unknown sites to be present which would be uncovered throughout development of the land.</p> <p>The technical report – Cultural Impact Assessment (Appendix B of the NoR application) records and evaluates the potential cultural impacts of implementation of the wider Structure Plan development including the works associated with the designation of the stormwater network and road.</p> <p>I agree with the applicant that the potential and actual adverse effects on archaeological and cultural values within the designation footprint can be managed by following the Heritage NZ protocols should any artefacts be accidentally uncovered and including provision for a future green corridor within the road reserve.</p>	

- 16.4 This assessment demonstrates that the requirement is consistent with the direction given by the Horizons Regional Policy Statement.

<b>Whanganui District Plan</b>	
<b>Chapter 3 Rural Environment</b>	
<b>Objective 3.2.1</b>	<i>Safeguard the versatility and life supporting capacity of soils in the District, particularly LUC Class I and II land, from inappropriate subdivision, use and development.</i>
<b>Objective 3.2.4</b>	<i>Maintain rural character and amenity values, from inappropriate subdivision, use and development, to ensure that a predominance of rural productive activities and open, low density development continues to define the character of the wider rural environment</i>
<b>Objective 3.2.5</b>	<i>The establishment, operation, maintenance and upgrading of infrastructure and other physical resources of regional or national importance is provided for in all rural zones.</i>
<b>Objective 3.2.9</b>	<i>Retention of the amenity of the Rural Lifestyle Zone.</i>
<b>Objective 3.2.10</b>	<i>A variety of scales and opportunities for rural living in close proximity to the city centre.</i>
<p><b>Assessment:</b> The Council is concurrently undertaking Plan Change 53 to rezone the structure plan area to residential. Consistent with the NoR application, for completeness only the Rural Lifestyle Objectives and policies have been reviewed. The overall objective of the Rural Environment is to ensure high quality productive land is safeguarded from urban expansion, that appropriate rural amenity is maintained and that rural dwellings are not connected to the urban reticulated network services.</p> <p>The designation footprint covers land currently zoned Rural Lifestyle and Reserve/Open Space. The Designation is consistent with the focus of the rural objectives and the policies are not considered to be relevant. The structure Plan area to be served by the designation infrastructure is not Class 1 or Class 2 land and no rural dwellings will achieve connection to urban services unless the entire area is zoned to residential. The designation is considered to be consistent with the Rural objectives and relevant policies.</p>	
<b>Chapter 9 Cultural Heritage</b>	
<b>Objective 9.2.1</b>	<i>Recognise and protect the historic heritage resource of the whole District.</i>
<b>Objective 9.2.5</b>	<i>Manage inappropriate subdivision, use and development to ensure that adverse effects on the archaeological resource are avoided, remedied or mitigated.</i>
<b>Objective 9.2.6</b>	<i>Reduce the risk of damage to archaeological sites and areas by identifying the known archaeological resource and avoid or manage activities that may modify or destroy that resource, including activities close to the identified site.</i>
<b>Objective 9.2.7</b>	<i>Recognise and protect the archaeological resource by encouraging close co-operation with hapu, iwi, landowners and the community, including enabling hapu, iwi, landowners and the wider community to continue to undertake their day to day activities where these activities are compatible with the protection and retention of the resource.</i>
<b>Policy 9.3.18</b>	<p><i>To enable the sustainable management of the archaeological resource for future generations, consideration shall be given to:</i></p> <ul style="list-style-type: none"> <li><i>a. Uniqueness of the site/s or area.</i></li> <li><i>b. Representative nature of the site/s or area (i.e. the best example of a particular site type).</i></li> <li><i>c. Condition.</i></li> <li><i>d. Tradition/historic association</i></li> <li><i>e. Alternate methods and locations available to carry out the proposed activity or works.</i></li> <li><i>f. The nature, form and extent of the proposed activity and the likelihood and extent of damage to the site/sites or area taking into account the extent to which there has already been land disturbance or damage.</i></li> <li><i>g. The findings of an archaeological assessment carried out by a suitably qualified archaeologist and the extent to which adverse effects can be avoided, remedied or mitigated.</i></li> </ul>

<p><b>Assessment:</b> The technical report Cultural Values, Cultural Impacts Assessment (Appendix B of the NoR application) explains and evaluates the potential for Archaeological sites to be discovered in the area. I agree with the applicant that the potential and actual adverse effects on archaeological and cultural values within the designation footprint can be managed by following the agreed process with the Springvale Whenua Combined Hapū and Heritage NZ, minimising damage to the known archaeological sites, and following agreed protocols should any artefacts be accidentally uncovered.</p>	
<p><b>Chapter 14 Earthworks</b></p>	
<p><b>Objective 14.2.1</b></p>	<p><b>Quality Earthworks Development</b>  <i>Earthworks and land modification in Whanganui that:</i></p> <ul style="list-style-type: none"> <li>a. <i>Maintains or enhances:</i> <ul style="list-style-type: none"> <li>i. <i>Amenity values.</i></li> <li>ii. <i>Landforms and natural processes.</i></li> <li>iii. <i>The efficiency and effectiveness of infrastructure.</i></li> <li>iv. <i>The safety of people and property.</i></li> <li>v. <i>The stability of soils.</i></li> <li>vi. <i>The structural stability of infrastructure and the ability for that infrastructure to safely operate and be maintained; and</i></li> </ul> </li> <li>b. <i>Has appropriate regard to cultural heritage sites and values.</i></li> </ul>
<p><b>Policy 14.3.1</b></p>	<p><b>Low Impact Earthworks and Land Modification</b>  <i>Promote low impact earthworks and land modification that results in minimal modification to landforms and overland flow paths.</i></p>
<p><b>Policy 14.3.2</b></p>	<p><b>Effects of Earthworks</b>  <i>Avoid earthworks and land modification that result in damage to property, network utilities or significant nuisance effects.</i></p>
<p><b>Policy 14.3.3</b></p>	<p><b>Maori Values and Earthworks</b>  <i>To mitigate any potential effects on cultural values and tangata whenua where large scale earthworks are proposed, including by:</i></p> <ul style="list-style-type: none"> <li>i <i>Incorporating tangata whenua cultural values and practices into earthworks and land modification methods,</i></li> <li>ii <i>Requiring cultural and/or archaeological assessments, enabling site access and appropriate site work observation for tangata whenua.</i></li> </ul>
<p><b>Assessment:</b> The extent of earthworks over the designation footprint will differ, due to topography of the land. Direction will be given on earthworks through the dunes to ensure that the design and construction of the road and stormwater network is sensitive to the landscape. Erosion and sediment controls will need to be designed in compliance with the regional plans and any consents that may be required.</p> <p>The detailed design of the road and stormwater network will address earthworks issues to ensure that damage to property, network utilities or significant nuisance effects are avoided, and as provided for above will ensure that the effects on the environment are minor or less than minor. Furthermore, the erosion and sediment control plans will ensure that network utilities and neighbouring land owners are protected from potential nuisance effects. This is considered to be consistent with the above objective and policies.</p>	
<p><b>Chapter 15 Tangata Whenua and Papakainga</b></p>	
<p><b>Objective 15.2.2</b></p>	<p><i>Contemporary and traditional practices and beliefs in resource management are recognised and valued.</i></p>
<p><b>Objective 15.2.4</b></p>	<p><i>Development reflects a culturally inclusive community.</i></p>
<p><b>Objective 15.2.5</b></p>	<p><i>Development that avoids or mitigates adverse effect on the cultural values of items and places of significance to Tangata Whenua, hapū or whānau.</i></p>

**Assessment:** The proposed designation for the Springvale stormwater and road project is considered to be consistent with the above objectives. The process of engaging with the Springvale Whenua Combined Hapū to understand their cultural values associated with the land overlaid by the designation footprint and wider area has enabled appropriate mechanisms and protocols to be developed as part of the designation. It is considered appropriate that conditions of the designation will uphold the cultural values mana whenua hold to the land.

- 16.5 The application is not considered to be contrary to the above objective and policies of the Whanganui District Plan, as the proposal will only result in less than minor effects.

## 17 s168A(3b) Consideration of Alternatives

- 17.1 Section 168A(3)(b) of the Act states:

*(3) When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to—*

*b) whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if—*

*(i) the requiring authority does not have an interest in the land sufficient for undertaking the work; or*

*(ii) it is likely that the work will have a significant adverse effect on the environment;*

- 17.2 In assessing whether adequate consideration has been given to alternative sites, routes or methods of undertaking the work, it is not essential for the Requiring Authority to select the best site, route or method to undertake that work. Nor is it necessary that the options investigated are exhaustive. Rather, it is sufficient that the Requiring Authority has given sufficient or satisfactory consideration, and that the focus is on the adequacy of the process of considering the alternatives, rather than the reasons for adopting a particular option.

- 17.3 Notwithstanding the designation as proposed, the applicant has given consideration to alternative routes or methods of undertaking the work which are summarised below and elaborated on further.

1. Do nothing/Minimum
2. Stormwater management location options:
  - a. Follow overland flow paths
  - b. Adjacent to Mosston Road
  - c. Partially via Springvale Rd/Churton Creek
  - d. Co-location with new central road and direct flow to swale/pipe network
3. Co-location of road and stormwater
  - a. Following overland flow paths
4. Road and Shared Pathway

- 17.4 These options are discussed below.

## **17.5 Do Nothing**

- 17.5.1 The applicant has stated that the option of doing nothing will make it very difficult for the Council to achieve a coordinated and efficient provision of key infrastructure and that the risk of ad hoc development solutions or stalling of wider development due to varied landowner development timeframes is significant given that the stormwater network project needs to be completed as one project and cannot be completed in sections as affected land parcels are developed. Furthermore, the applicant has identified that if nothing was done the subsequent ad hoc development would not achieve traffic efficiencies through the Springvale area or provide the appropriate and necessary stormwater facilities to the area.
- 17.5.2 I concur with the applicant that the option of doing nothing is not an appropriate alternative option to the designation as proposed for the reasons outlined above. In addition, the applicant's assessment of this alternative option, I note that some residential density development has already occurred within the area (100 – 200 residential allotments). These allotments which have been developed to residential density have been is the ownership of one developer and as such servicing has been coordinated rather than ad hoc. It is noted however that the remainder of the land within the wider Structure Plan area is owned by multiple individuals and so the risk of ad hoc development and servicing is significantly higher in the event the status quo remains.

## **17.6 Stormwater Management**

- 17.6.1 The applicant has stated that an assessment of alternative stormwater management location options has identified that utilising the existing natural overland flow paths to manage stormwater generated from the additional residential development within the structure plan area would not be appropriate as the existing stormwater overland flow path network does not have the capacity available to contain these additional flows, on top of the existing volumes already contained within the flow paths. It should be noted that the application submitted does not clearly convey this point (Section 4.2 Options, page 9 of application), however subsequent conversations with the applicant has confirmed my summary above is as was intended.
- 17.6.2 The applicant has stated that a stormwater network following Mosston Road would not provide for the appropriate traffic efficiencies due to topographical constraints. Furthermore, that a stormwater system along Mosston Road would not be able to connect to the downstream network around the Council owned land at Titoki Street. Having the proposed alignment as shown allows connectivity to the downstream network.
- 17.6.3 Lastly, the applicant has stated that the option to route some stormwater via Springvale was impractical especially given the existing capacity and failure issues at Churton Creek to the north of the Structure Plan area.
- 17.6.4 The applicant did not identify any other reasonable alternative storm water management options.
- 17.6.5 I concur with the applicant that the alternative stormwater management options as listed above are not suitable alternatives. I do not have any additional points to add beyond the matters already raised by the applicant, those summarised above.

## **17.7 Co- location of Road and Stormwater System**

- 17.7.1 The co-location of the primary internal road network with the stormwater management network is the proposed option as applied for within the NoR. The applicant has stated that co-location of road and the stormwater system is the most effective option, opposed to the alternative of just piping stormwater separately adjacent to Mosston Road because it would:
- minimise disruption and restrictions on land development,
  - enable easy access for future maintenance of stormwater network;
  - minimise land lost to infrastructure service provision; and
  - enable a gravity system to function effectively. This will reduce the whole of life costs of construction, operation and maintenance for the system compared to a pumped system.
- 17.7.2 The applicant has stated that for these reasons the proposed co-location of stormwater management (either piped or swale) with the road, (following some land re-contouring to ensure that the stormwater flows into the swale), is the only option which allows for a gravity system to function effectively.
- 17.7.3 In summary, the applicant has stated that the volume and flow required to be conveyed by the proposed stormwater network requires a gravity system as it is simply not economical or practical to pump stormwater at 8m<sup>3</sup>/second (the volume which would be necessary to service the anticipated development within the Structure Plan area). Lastly, the applicant has stated that a gravity system provides the smallest land take option and that having the stormwater and roads separate would require more land.
- 17.7.4 In my opinion I consider it an efficient use of land/space to co- locate the road and stormwater system required to service the intended development in the area. Furthermore, this option limits the number of affected landowners and allows for a gravity fed system, being significantly cheaper than a piped system.

## **17.8 Road and Shared Pathway**

- 17.8.1 The applicant states that alternative road locations have been considered and are all broadly in a similar location as proposed. The applicant notes that the alternative options would affect more properties and fragment some sites in a manner that is unnecessary.
- 17.8.2 The road as proposed will be located so as to avoid as far as possible existing dwellings or structures, minimises the number of affected landowners, maximises the use of land already owned by the Council and provides for conventional site development layouts for adjacent and affected sites.
- 17.8.3 I note that as proposed, the road would require the removal of one dwelling, located at 113 Fox Road owned by Mr. Craig Moffit. Mr. Moffit has made a submission on the NoR, and a submission and further submission on the Plan Change. Mr. Moffit's submission to the NoR and the actual/potential effects on Mr. Moffit are discussed further at Section 19 of this report.

- 17.8.4 It is my opinion that the road location as proposed is the most appropriate layout in that it represents an appropriate balance between the number of properties affected and the number of dwellings required to be removed.

## **18 Section 168A(3)(c) – Is the Designation Necessary?**

- 18.1 Section 168A(3)(c) of the Act states:

*(3) When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to—*

*(c) whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought.*

- 18.2 The Council has a responsibility under the Local Government Act 2002 to “...promote the social, economic, environmental and cultural well-being of communities, in the present and for the future”.
- 18.3 The Local Government Act confers upon the territorial authority under section 11A core services to be considered in performing its role, this specifically includes “network infrastructure”. ‘Network infrastructure’ is defined as “the provision of roads and other transport, water or wastewater and stormwater collection and management”.
- 18.4 The proposed stormwater network, road and shared pathway is necessary to enable residential development to proceed in the proposed Structure Plan area. Residential development of any significant scale, beyond what has already been established cannot proceed in this area without this infrastructure firstly being enabled.
- 18.5 It is unlikely that such infrastructure which traverses multiple properties in separate ownership would ever be constructed without the Council acting to designate, purchase and then construct the road and stormwater management network in this area. The stormwater network solutions are complex in this area and this further necessitates a coordinated Council led process.
- 18.6 This designation will allow the Requiring Authority to uphold its responsibility under the Local Government Act and is reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought. Designating the land for the stormwater network, road and shared pathway will ensure development in the Structure Plan area proceeds in a planned and sustainable manner.

## **19 Effects on the Environment and Submitter Issues**

- 19.1 I largely agree with the assessment of effects on the environment as articulated by the applicant, as summarised below. I also include additional points. Lastly, I have summarised submissions and included those under the relevant effects headers.
- 19.2 **Traffic and Connectivity**
- 19.2.1 The project will alter existing movement patterns for the local community. The addition of a new road servicing the Springvale area will result in a greater level of choice and connectivity for the Springvale community and those who will pass through it. The proposal includes a new road from Fox Road to Fitzherbert Road and it is also anticipated

that a number of collector roads would connect to the new road contained within the designation.

- 19.2.2 A traffic impact assessment has been undertaken by WSP Opus (NoR application Appendix A). This report considered the general traffic demand and trip distribution around the site, development traffic, performance assessment of surrounding intersections, safety assessment of surrounding intersections and construction traffic impact.
- 19.2.3 The technical report identified that the performance of the key intersections surrounding the Structure Plan area are expected to remain acceptable in the short to medium term (10 years), this is with or without the projected additional traffic generated by the Structure Plan area development. However, beyond 2029 capacity upgrades of the Fitzherbert Avenue/Totara Street and Fitzherbert Avenue/Fox Road intersections would be necessary regardless of the proposed future development.
- 19.2.4 The construction traffic effects relating to the development, including dwellings and supporting infrastructure are considered to be minor (NoR application Appendix A). The impact of the development traffic on local intersection safety is considered to be minor. The results of the predictive crash risk assessment of existing intersections show that there will not be a significant increase in the injury crash risk at the intersections under future network conditions.
- 19.2.5 Based on the information provided within the application, I consider that the proposed works will not result in adverse effects in relation to traffic and connectivity that are more than minor.
- 19.2.6 I note that Mr. and Mrs. Wheeler of 47 Magnolia Crescent do not support the designation insofar as it will increase the volume of traffic to the area and increase the number of people not residing in the general area to this area. There is nothing in the supporting TIA to suggest that the surrounding road network cannot accommodate the traffic volumes that will be generated by the quantum of residential development that the Structure Plan seeks to facilitate.
- 19.2.7 Mr. Ryan Carter and Ms. Nadia Ballantine of 134 Mosston Road raise concern regarding adverse effects of noise and vibration. I understand this to be in relation to the noise and vibration as result of increased traffic volumes, rather than as a result of construction of the stormwater network and road/shared pathway. The designation seeks to facilitate a conventional two lane urban road corridor, roading infrastructure that is unlikely to result in traffic intensity that will give rise to unacceptable noise and vibration effects on nearby residents.
- 19.2.8 Mr. and Mrs. O'Keeffe of 130 Mosston Road support the increased connectivity the roading and shared pathway network would provide within the area. Mr. and Mrs. O'Keeffe would like increased connectivity to be provided to Mosston School (211 Mosston Road) from Springvale Road, and to Titoki Wetland. I do not consider that increased connectivity to Mosston School is material to the application for designation as it is well outside the subject designation area.

### 19.3 Landscape and Visual

- 19.3.1 The applicant has assessed the potential landscape and visual effects of the Springvale stormwater and road project. The stormwater network, road and shared pathway project



will permanently alter the visual appearance of the area in which the new road and shared pathway will be constructed. These effects include those visual changes which affect the local character of the landscape and how these changes are seen by the local community.

- 19.3.2 The project will alter the rural lifestyle landscape through the construction of a new stormwater network, road and shared pathway to service the Springvale area, following the change in zone from rural lifestyle to residential. The designation and construction of the road and stormwater network will result in the clearing of some existing vegetation. However, such works and vegetation clearance are not considered to be inconsistent with the existing rural lifestyle character.
- 19.3.3 It is noted that the proposed changes to zone surrounding land residential as part of District Plan Change 53, would likely have a significant impact on the visual character of the area, and these effects will be considered in detail as part of the Plan Change process.
- 19.3.4 The land the proposed designation traverses is dominated by grazed agricultural grassland, located on rural lifestyle properties. This area cannot be considered as having very high natural character due to the degree of modification apparent in this location. The land is not designated as an outstanding natural landscape or designated in the District Plan for any other special landscape character. There is no evidence before me to indicate that the landscape setting along the proposed designation corridor is sensitive.
- 19.3.5 The actual and potential effects on landscape values as a result of the proposed works are not considered to be significant due to the low level of existing natural character and therefore lower sensitivity to change and potential for significant adverse effects. The new road and stormwater network will modify the environment and bring new traffic activity to the existing farmland, however these modifications will not have any significant adverse effects on the natural character of the Structure Plan area.
- 19.3.6 On this basis the actual and potential adverse effects on natural character from the proposed stormwater and road network are deemed less than minor.
- 19.3.7 Landscape effects relate to the physical changes to the existing landscape features generated through the construction of the proposed road and the impact of the road and stormwater network as a new permanent feature within the landscape. I agree with the applicant that the construction of the road and stormwater network will result in visual changes to the landscape.
- 19.3.8 At the wider and more general level, due to the semi-rural nature of the surrounding environment, and the fact that to the east and south of the Structure Plan area are already in residential development there will be very low landscape effects.
- 19.3.9 The designation between Fitzherbert Avenue extension and the stormwater detention area to the south of the Structure Plan area is not proposed to contain a road. The above ground works are limited to the shared pathway. Therefore, scope exists to provide a landscaped corridor, potentially enhancing landscape and natural character values and offering a planning benefit. This benefit will offset the landscape harm that has recently occurred as a result of the removal of much of the dune formation immediately west of

Magnolia Crescent (to facilitate already consented residential development), part of which previously extended across the proposed designation footprint.

- 19.3.10 At the more immediate and intimate level, the viewing audience of the proposed road and stormwater network is small in number due to the relatively flat terrain. Those parties directly affected were notified of the designation and invited to make a submission. When the zone changes from rural lifestyle to residential, the viewing number is likely to increase. The proposed stormwater and road network will create a green corridor, promoting biodiversity and ecology, and will enhance the aesthetic values and provide amenity to the residential areas.
- 19.3.11 I note that Mr. and Mrs. Wheeler of 47 Magnolia Crescent state that the proposed road next to their property will increase traffic volumes as well as noise effects. The proposed designation does not adjoin 47 Magnolia Crescent. In any event, the land closest to the Wheelers subject of the proposed designation will contain only stormwater infrastructure and a shared pathway; it will not accommodate a road..

#### **19.4 Cultural and Archaeological**

- 19.4.1 The hapū of Te Runanga o Tupoho and Ngaa Rauru Kiitahi identify as and hold mana whenua over the area that includes the Springvale Structure plan area. I acknowledge the significance of the area as ancestral land for mana whenua. As a part of the wider Springvale Structure Plan process (PC53), a cultural impact assessment was undertaken on behalf of the Combined Hapū which explains the importance of the cultural values associated with the area in which the designation footprint is situated. The entire rural area comprising the designation and its surrounds is considered a wahi tupunna and taonga due to historic events; known and unknown prehistoric Maori uses and traditions. The designation will impact on the values that tangata whenua associated with this area. The CIA explains that these values include their role as kaitiaki and impacts on the restoration, retention and conservation of maturanga Maori. The CIA identifies that the wider implementation of the Structure Plan would have considerable environmental and cultural effects on an area that was traditionally of high importance for its mahinga kai, rongoa and migration for local tangata whenua.
- 19.4.2 The potential cultural and archaeological effects of the proposed stormwater and road project have been assessed. I agree with the applicant that there are no recorded heritage sites within the designation footprint. The closest archaeological site is within the Titoki Wetland and will be unaffected by the proposed designation corridor.
- 19.4.3 Specifically, a (CIA) has been prepared for the Structure Plan area (NoR application Appendix B). This outlines potential adverse effects on historic heritage including potential effects on any unknown archaeological sites. As stated by the applicant, of relevance to this NoR is the CIA recommendation that a green corridor be provided adjacent to the stormwater management network to encourage restoration of fish and bird passage between the Titoki Wetland and Westmere Lake to the northwest.
- 19.4.4 The potential and actual adverse effects on archaeological and cultural values within the designation footprint can be managed by following the Heritage NZ accidental discovery protocol should any artefacts be accidentally uncovered. The cultural and archaeological effects of the designation, works are considered to be minor, when the proposed

mitigation measures are taken into account, including those conditions recommended at Appendix 9.

- 19.4.5 A submission on the NoR from the Combined Hapū state they oppose the Structure Plan in its entirety. I note that this submission is in relation to the structure plan however consider the submission insofar as those points which relate to/reference the NoR. The Combined Hapū submission notes that the designation application discussed the concerns outlined by the Combined Hapū but primarily deals with the cultural values of the hapu in terms of archaeological values and site of significance. The Combined Hapū stated the area is a source of mahinga kai, rongoa and considerable area of migration and not just a place where waahi tapu or archaeological sites are recorded. I note this point loosely relates to the designation and is more relevant to the broader Structure Plan area in general.
- 19.4.6 Notwithstanding the points above, I note the Combined Hapū seeks that the Council give 'full effect' to the Combined Hapū CIA, outline how the recommendations of that report will be implemented through the plan change and NoR.
- 19.4.7 Subsequent to the close of submissions on the NoR, Council Officers met with the Combined Hapū on site. A meeting was held on 2nd October at the Council with the Combined Hapū to discuss their submission. The Combined Hapū led the discussion which focused on the CIA recommendations. A site visit was also undertaken on Thursday 24th October. The focus was on stormwater management and protection and enhancement of wetland areas. The Combined Hapū reiterated their need for the stormwater designation area to be permanently wet, not a dry overland flow area. Discussions centred on the topographical constraints to that and the implications of land required to achieve such an outcome. Council officer, Mr Damien Wood (Council Development Engineer) provided a copy of cross-sections sketches showing the implications of various combinations of pipe and open swale designs.
- 19.4.8 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'
  - b. A joint Iwi/Council Working Group will be established to collaborate on landscaping associated with the proposed stormwater designation and public spaces.
  - 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. Council will 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.
  - e. 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.
  - f. 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.

- 19.4.9 I consider it appropriate that the recommendation of the CIA inform the conditions of the NoR where appropriate. Conditions are outlined within Appendix 9 of this report. Furthermore, I recommend conditions pertaining to landscaping and planting within the designation, which take into consideration the views of the Combined Hapū as expressed above.

## 19.5 Ecological

- 19.5.1 An Ecological Assessment has been completed on the wider Structure Plan project area (NoR application Appendix C). This report identified that the construction of the housing development and stormwater/road network impacts on a generally low value ecosystem. The report identifies that within the Council owned portion of land there is a wetland area of high ecological value (Titoki Wetland) and there is also an area of native terrestrial vegetation of moderate ecological value.
- 19.5.2 The Structure Plan area as a whole is dominated by grazed agricultural grassland, located on rural lifestyle properties. While, Titoki Wetland has been identified within the Springvale Structure Plan Area, there will be negligible impacts on this wetland from the designation and associated works, as the wetland is located some distance from the majority of the designation and a bund is proposed to avoid adverse effects on the wetland. Consequently, the overall effects on this ecosystem have been assessed as low. To clarify, no stormwater associated with the development on the Springvale area is proposed to be directed or discharged to the Titoki Wetland.
- 19.5.3 Residential intensification will result in a number of environmental effects. These impacts include habitat loss, wildlife disturbance, potential for wildlife mortality, and effects of sediment/discharges to Titoki Wetland during flood events. Other effects that are likely to arise from the development of the Springvale area include increased numbers of pest plants and pest animals, which may have effects on the significant ecological areas at the southern end of the Springvale Structure Plan area.
- 19.5.4 The stormwater from the proposed stormwater network will discharge into an area of Council owned land adjacent to Titoki Wetland. A bund will be built to prevent overland flows entering Titoki Wetland.
- 19.5.5 The overall level of effects has been assessed as low/very low, provided the recommended mitigation measures are undertaken and there is adherence to industry best practice.
- 19.5.6 Therefore, the overall level of ecological effects of the designation and associated works are expected to be low and no mitigation is required.

## 19.6 Stormwater and Flooding Hazard

- 19.6.1 As stated by the applicant, the overarching stormwater philosophy for the project is to manage stormwater in a low impact manner. All stormwater collection, infiltration and drainage will occur within the stormwater network, road and shared pathway designation (the 30m wide strip). The aim is to capture and infiltrate frequent rainfall events through a soil media for release and treatment. The stormwater storage and attenuation areas will manage water quantity to mitigate any downstream effects. The result is a network of swales, pipes and stormwater attenuation areas that collect stormwater within the development and distribute it gradually into the existing stormwater system, thereby minimising the impact caused by extreme stormwater events. This will reduce the

frequency of flooding events within the local area and will increase the resilience of the community to extreme weather events. It is likely that the designation will also have positive effects upstream and downstream of the designation as water will no longer pond where it once would in extreme weather events as the stormwater network within the designation will contain this volume.

19.6.2 As already noted stormwater will not discharge into the Tikoki Wetland, and is protected from the detention area to the south of the area by a bund.

19.6.3 I note that Mr. Ryan Carter and Ms. Nadia Ballantine of 134 Mosston Road do not support the designation as they are concerned about the effects on their property as a result of increase in flooding as well as increase in water levels within the area. Mr. and Mrs. O’Keeffe of 130 Mosston Road raise the same concerns. There is nothing in the NoR application to suggest the designation and proposed works will increase flooding. To the contrary, the infrastructure works within the designation seek to reduce occurrences of flooding in the Structure Plan area.

## 19.7 Construction

19.7.1 I agree with the applicant’s identification of stormwater and road network effects likely to be experienced during the construction period. Those are:

- Dust from exposed soil surfaces
- Disruption to rural lifestyle activities
- Disruption and disturbance to landowners and nearby residents
- Noise and vibration generated by heavy equipment and vehicle movements
- Traffic movements on local roads
- Potential risks to other utilities
- Landscape and visual effects associated with the land disturbance
- Removal of pasture vegetation
- Potential damage and modification of archaeological, heritage and culturally significant sites
- Surface water runoff with discharges to land and potentially surface water

19.7.2 The majority of the above actual and potential construction effects have been assessed in the individual sections above. Therefore, this section assesses the other effects which have not been covered above, which are land use, noise/vibration, dust, and construction traffic.

19.7.3 The area to be designated will impact on a number of lifestyle properties, as land will be converted from pastoral to road and stormwater network. The land required is not high quality rural productive land, and the size of landholdings required ranges from approximately 1,000m<sup>2</sup> to 6,000 m<sup>2</sup>. The area has been signalled informally by the Council as a potential future residential expansion area for several decades and so the residents have had a number of years to consider the proposal. In addition to this, a number of community meetings have been held with landowners over the years to discuss various options to resolve the stormwater management issues which to date have precluded development.

19.7.4 I consider the owners and occupiers of dwellings in the surrounding area have the potential to be subject to nuisance effects during the construction period such as noise, dust, and traffic management effects. I consider these to be temporary in nature and can

be managed through good practice during construction. Sediment and erosion control measures are considered the appropriate mechanism to manage earthworks-related effects. Noise associated with construction can be managed by ensuring compliance with the New Zealand Standard for Construction Noise, NZS 6803:1999 – Acoustics – Construction Noise, as per established industry practice.

- 19.7.5 As part of the construction methodology, the management of construction traffic on the existing roading infrastructure will be required to ensure that conflict with existing traffic is avoided, and the safety and efficiency of the existing traffic network is not adversely affected.
- 19.7.6 Overall, the noise, dust, traffic movements and overall management of earthworks and construction can be managed so that adverse effects are less than minor.
- 19.7.7 The extent of earthworks required for this proposal is not known at this stage, notwithstanding this, the applicant has acknowledged that resource consent under the One Plan (Horizons) for bulk earthworks and discharge of contaminants to land is likely.
- 19.7.8 During construction, the transport, storage and use of hazardous substances and the generation of wastes could have potential adverse public health and environmental effects. Best practice measures will be used, which include:
- Bulk fuel storage (i.e.: diesel, oil) if required will be sited at least 20m from a watercourse or external boundary
  - Sealed waste bins will be provided for the collection of oil rags, oil filters etc. Waste drums will be transported offsite to an appropriate receiving facility.
  - The storage of hazardous substances will comply with the requirements of the Hazardous Substances and New Organisms Act.
  - Covered rubbish and recycling bins will be provided for general refuse. These bins will be regularly emptied and moved offsite to an approved facility.
  - Portable toilet facilities will be located away from traffic areas and further than 10m from a watercourse.
- 19.7.9 I note that none of the submissions relate to temporary construction effects. Notwithstanding I consider it appropriate to recommend conditions pertaining to sediment and erosion control and noise and vibration. Those conditions are contained in Appendix 9 of this report.

## 19.8 Design Specifics of the Designation

- 19.8.1 A number of the submitters have stated their support for the NoR, noting its necessity to provide servicing to enable residential growth. Notwithstanding this support, Mr Lance Attrill makes note of the designation width and whether this is the minimum necessary so as to not unnecessarily compromise on adjoining development intentions. It is noted that Mr Attrill has made a submission in relation to four allotments which the designation would pass thorough and on behalf of himself and three other parties whom which he has entered into sales and purchase negotiations/agreements. I recommend a condition of consent concerning the width of the designation.
- 19.8.2 Mr Craig Moffit of 113 Fox Road has stated his support for the NoR in principle however raises concerns regarding the alignment of the designation. Mr Moffit raises concerns regarding the alignment of the designation as proposed would pass through his property, including through his dwelling. I note this is the only dwelling requiring removal along the

length of the designation. I note that Mr Moffitt does not seek that the designation be realigned so as to avoid his dwelling and ancillary sheds, however seeks that he be fairly compensated. I consider that the compensation figure would be a matter to be addressed through the acquisition of Mr. Moffitt's land and is therefore a matter beyond the scope of this assessment.

- 19.8.3 Mr. Ryan Carter and Ms. Nadia Ballantine of 134 Mosston Road raise concerns regarding the width of the designation. Mr. Carter and Ms. Ballantine are unclear from the information contained within the application on the width proposed to be designated, and whether if greater than 30m, it would affect their property. The map of the designation clearly shows the proposed extent of land required for infrastructure purposes.
- 19.8.4 Mr. and Mrs. O'Keeffe do not support the design specifics of the designation as proposed where it passes through their property. It is noted within their submission that they would support a piped stormwater network underground with no road or shared pathway on top from Fox Road to 124 Mosston Road so as to not bisect their property. North-south transport connectivity is a critical element of the Structure Plan and is the preferred planning outcome.

## 19.9 Conclusion on Effects

- 19.9.1 Any actual or potential effects as a result of the creation to the designation will be avoided, remedied or mitigated such that they are less than minor. The proposed stormwater network, road and shared pathway will give rise to a number of positive social and economic effects, whilst having no significant adverse effects on the environment. Conditions of the designation can appropriately address potential effects raised by both the applicant and submitters.
- 19.9.2 The project will provide for improved local access to the Springvale area generally and will provide network infrastructure for the Structure Plan development area that meets the requirement of the Local Government Act 2002. The project has a raft of wider benefits including providing for regional growth, meeting the future needs of a growing population, improved drainage and reduced occurrences of flooding on neighbouring properties and increasing the attractiveness of cycling and walking along shared pathway routes.

## 20 Part 2 Matters

- 20.1 Part II of the RMA sets out the purpose (Section 5) and principles (Section 6-8) of the RMA.
- 20.2 Section 5 of the RMA states that the purpose of the RMA is:

*“to promote the sustainable management of natural and physical resources”.*

Section 5 also states:

*“(2) in this Act, ‘sustainable management’ means managing the use, development and protection of natural and physical resources in a way, or at a rate which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while-*

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

- 20.3 The proposed Springvale stormwater and road network will enable the Springvale area to be better connected for services and access and to ensure that the land is adequately serviced for subdivision, including for stormwater management which has been identified as a key servicing matter for the development of the area. Specifically in relation to stormwater, the designation will reduce the occurrence and likelihood of flooding on neighbouring properties.
- 20.4 The applicant has evaluated the environmental values along the designation footprint. The technical reports provided in support of the application have outlined how the actual or potential adverse effects on ecological and landscape values can be avoided, remedied and mitigated to ensure there are low impacts along the proposed designation footprint. The designation footprint is within a wider environment that has known historical and cultural sites and values. Any accidental discovery of archaeological items would follow the Heritage New Zealand accidental discovery protocol.
- 20.5 There will be a change experienced by those who live adjacent to the designation footprint area, as the proposal involves the formation of a new road and stormwater network. However, the actual and potential adverse effects on amenity values as a result of the new road and stormwater system are considered minor, subject to appropriate noise, and dust management during construction. Beyond construction of the new road and stormwater network, the effects on those adjacent to the footprint are considered to be positive, having greater access to roading networks within the area, increased opportunity to utilize green space and the opportunity to access more resilient infrastructure for stormwater management.
- 20.6 Overall the project is future proofing by providing the infrastructure needed for a growing urban area, thus the project is benefiting both the immediate and wider community. The environmental effects can be managed to an extent that they are low or nil. The project is considered to represent sustainable management as set out in Section 5 of the RMA.
- 20.7 Section 6 'matters of national importance' of the RMA states:

*"In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development and protection of natural and physical resources, shall recognise and provide for the following matters of national importance."*

The 'matters of national importance' considered potentially relevant to this proposal are:

- (a) *The preservation of the natural character of the coastal environment, wetlands, and lakes and rivers and their margins and the protection of them from inappropriate subdivision, use and development.*
- (c) *The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna*



- (e) *The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga*
- (f) *The protection of historic heritage from inappropriate subdivision, use, and development*

20.8 I agree with the applicant's summary, that the notice of requirement as proposed is consistent with the matters set out in section 6 of the RMA. Section 6 of the RMA outlines matters of national importance that are to be recognised and provided for in managing the use, development and protection of natural and physical resource. As stated by the applicant, the above matters of national importance have been recognised and provided for in the wider Structure Plan development and consideration of the proposed stormwater and road network. These environmental bottom lines have formed the basis for the technical assessments on the ecological and cultural values of the area. Overall, it is considered that the environmental values present along the designation footprint can withstand new infrastructure, subject to the incorporation of measures in the construction methodology and final design. Overall, the project represents an appropriate use and development of the area.

20.9 Section 7 "other matters" of the RMA states:

*"in achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development and protection of natural and physical resources, shall have particular regard to –"*

The "Other Matters" considered potentially relevant to this proposal are:

- (a) *Kaitiakitanga*
- (aa) *The ethic of stewardship*
- (b) *The efficient use and development of natural and physical resources*
- (c) *The maintenance and enhancement of amenity values*
- (f) *Maintenance and enhancement of the quality of the environment.*

20.10 Section 8 of the RMA states:

*"in achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)"*

20.11 I agree with the applicant in that the understanding of the Combined Hapū's responsibility and kaitiakitanga is explored in the CIA (NoR application Appendix B). The cultural impact assessment provides a platform to understand the cultural links to the area in which the proposed stormwater and road network traverses. The process of developing the CIA and merging the information obtained through the archaeological assessment, enabled an improved understanding of historic events and landmarks, and culturally significant sites and the potential methods to avoid, remedy or mitigate the potential adverse effects on those sites.

20.12 The proposed network represents an important investment by the Council to the road and stormwater network. The designation mechanism and construction by the Council will avoid

inefficient ad hoc development of the stormwater network by individual landowners or worse an inability to develop this area as has been the case over several decades. Designation for stormwater network and road is therefore an efficient use and development of this physical resource.

- 20.13 Amenity values may change for those living in the Springvale area. The new road and stormwater network will bring positives such as a new driving route servicing the area, improved drainage and reduced occurrences of flooding on the neighbouring properties. There will be negatives such as the temporary construction effects. However, as has been previously discussed, recommended conditions and best practice will reduce any nuisance effects to a low level.

## **21 Conclusions**

- 21.1 The Requiring Authority has given genuine consideration to a range of alternative routes for stormwater and roading provision. The Requiring Authority has also demonstrated adequate consideration to methods of undertaking the proposed works, with various design options put forward. It is clear that the designation is necessary to enable residential development in the Structure Plan area.
- 21.2 The Requiring Authority has engaged with iwi and affected landowners (including submitters) to investigate and address concerns.
- 21.3 I conclude that there are significant positive effects associated with this project. Any negative impacts of the project are not significant in the context of the significant positive aspects of the works and the proposed measures to avoid, remedy or mitigate adverse effects. Conditions I propose will assist in mitigating material adverse environmental effects.
- 21.4 In my opinion, the project requirement is consistent with the broad planning framework that is applicable to this proposed designation. All requirements of sections 168A and 171 of the RMA are adequately addressed.
- 21.5 I consider that the proposal is consistent with Part II of the RMA, and that it is consistent with the Whanganui District Plan.

## **22 NoR Recommendation**

- 22.1 Having considered each of the points raised in submissions, the potential environmental effects, the purpose for which the designation is sought and the other relevant statutory documents such as the Horizons One Plan and Whanganui District Plan, I recommend that the designation be confirmed. The designation is an integral part of PC53 for which considerable and comprehensive technical research and engagement has been undertaken over a number of years, to arrive at a Plan Change proposal that is fit for purpose.
- 22.2 It is recommended that the NoR as detailed within the application be confirmed, including the conditions recommended within Appendix 9.

**Johanna Verhoek**

**Brenda O'Shaughnessy**

**15 November 2019**