



SECTION 42A REPORT

Structure Plan Development Areas

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Appendix 1: Recommended amendments to DEV1-Bell Block Area Q Structure Plan Development Area (ECM 8718962)

Appendix 2: Recommended amendments to DEV2-Carrington Structure Plan Development Area (ECM 8718965)

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Appendix 5: Recommended amendments to DEV5-Patterson Structure Plan Development Area (ECM 8718974)

Appendix 6: Recommended amendments to GIZ-General Industrial Zone (ECM 8718977)

Appendix 7: Recommended decisions on submissions to Structure Plan Development Areas (ECM 8718979)

Appendix 8: Archaeological Assessment of Effects NPDC Growth Areas (ECM 8718981)

Appendix 9: Area N Archaeological Assessment and Geophysical Surveys 2010 (ECM 8718983)

Appendix 10: Area N Archaeology Update 2021 (ECM 8718986)

Appendix 11: Carrington Infrastructure Report (ECM 8718987)

Appendix 12: Junction Infrastructure Report (ECM 8718989)

Appendix 13: Patterson Infrastructure Report (ECM 8718999)

Appendix 14: Oropuriri Infrastructure Report (ECM 8719003)

Appendix 15: Junction Traffic Report (ECM 8719006)

Appendix 16: Area N Traffic Report (ECM 8719009)

Appendix 17: Wetland Identification Report (ECM 8719026)

Appendix 18: Meeting Minutes (ECM 8719028)

Appendix 19: Memorandum for mana whenua engagement for Carrington, Junction and Patterson (ECM 8719031)

Appendix 20: Summary Tables for mana whenua engagement (ECM 8719033)

Appendix 21: Memorandum for mana whenua engagement for Oropuriri (ECM 8719037)

Appendix 22: Background information on all Structure Plan Development Areas (ECM 8719038)

Appendix 23: Recommend decisions to be deferred to other hearings (8719048)

1 Executive summary

1. The Proposed New Plymouth District Plan ("PDP") was publicly notified in September 2019. The PDP has five Structure Plan Development Areas within urban zones which have been identified as areas that are suitable for urban growth purposes where structure plans apply:
 - DEV1 - Bell Block Area Q Structure Plan Development Area;
 - DEV2 - Carrington Structure Plan Development Area;
 - DEV3 - Junction Structure Plan Development Area;
 - DEV4 - Oropuriri Structure Plan Development Area; and
 - DEV5 - Patterson Structure Plan Development Area.
2. As well as addressing submissions that apply across all the Structure Plan Development Areas, this report also addresses specific submissions on subdivision, development and mapping details for each Structure Plan Development Area.
3. It is important to note that this report does not address the spatial location and extent of areas within the Structure Plan Development Areas. All zoning submissions will be addressed as part of the Rezoning Hearing later in the hearing schedule. However, it is worth noting that the only structure plan that has rezoning submissions is Dev-1 Bell Block Area Q Structure Plan Development Area.
4. Thirty two original submissions, covering 85 submission points and seven further submissions, covering 19 further submission points were received on the Structure Plan Development Area chapter.
 - Six original submissions, covering 29 submission points and five further submissions, covering 24 further submission points were received on DEV1 - Bell Block Area Q Structure Plan Development Area.
 - Eight original submissions, covering ten submission points and three further submissions, covering nine further submission points were received on DEV2 - Carrington Structure Plan Development Area.
 - Seven original submissions, covering nine submission points and three further submissions, covering six further submission points were received on DEV3 - Junction Structure Plan Development Area.
 - Five original submissions, covering six submission points and one further submissions, covering four further submission points were received on DEV4 - Oropuriri Structure Plan Development Area.
 - Thirteen original submissions, covering fourteen submission points and two further submissions, covering six further submission points were received on DEV5 - Patterson Structure Plan Development Area.

5. The submissions and further submissions addressed in this report have been grouped into the following topic areas;
 - a) Submissions across all Structure Plan Development Areas
 - b) DEV1 - Bell Block Area Q Structure Plan Development Area Key Issues
 - c) DEV2 - Carrington Structure Plan Development Area Key Issues
 - d) DEV3 - Junction Structure Plan Development Area Key Issues
 - e) DEV4 - Oropuriri Structure Plan Development Area Key Issues
 - f) DEV5 - Patterson Structure Plan Development Area Key Issues
 - g) Matters of discretion for restricted discretionary issues
 - h) Consequential changes.
6. Since the notification of the PDP, there have been a number of changes to the relevant regulatory framework, including the Resource Management Act 1991, and the National Policy Statement on Urban Development 2020 which have been taken into account when making recommendations on the submissions.
7. This report has been prepared in accordance with Section 42A of the RMA and outlines recommendations in response to the issues which have emerged from submissions. The report is intended to assist the Hearings Panel to make decisions on the submissions and further submissions on the PDP, and to provide submitters with an opportunity to see how their submissions have been evaluated. These recommendations do not represent any final design or assessment of the submissions and further submissions.
8. In summary, and in response to the submissions and further submissions, this report recommends retaining much of the notified plan provisions and detail on the Structure Plan maps with some refinement to the objectives, policies, rules and effect standards and structure plan maps to provide more effective implementation of the Structure Plan Development Areas and the outcomes anticipated.

2 Introduction

2.1 Author and qualifications

9. This report has been informed by three separate authors being Louise Wai, Todd Whittaker and Laura Buttimore. The authors have focused on separate Structure Plan Development Areas noting that they have collaborated where common matters cross multiple Structure Plan Development Areas.

Louise Wai

10. My full name is Louise Marie Wai, and I am a Senior Planning Adviser in the District Plan Team at New Plymouth District Council (“NPDC” or “the Council”).
11. I hold the qualification of Bachelor of Resource and Environmental Planning with 1st class honours from Massey University, Palmerston North (2005). I have been a full member of the New Zealand Planning Institute since 2011.
12. I have 15 years’ experience in planning and resource management including policy development, formation of plan changes and associated s32 assessments; s42a report preparation and hearings evidence; Environment Court mediation; and the processing of subdivision resource consent applications predominantly at NPDC. I have also worked as a policy planner in England for one year.
13. I have worked in the NPDC District Plan team from 2006 to 2007 and then since 2009. In this role I have undertaken growth focused planning work that has included two plan changes to rezone Future Urban Structure Plan Development Areas to Residential and produced a structure plan for one of these areas.
14. I have worked on the growth components of the District Plan Review, drafted provisions, wrote s32 reports and summarised submissions, for the Special Purpose – Future Urban Zone, Structure Plan Development Areas and Rural Lifestyle Zone chapters of the Proposed District Plan. I have provided policy advice on the National Policy Statements for Urban Development Capacity (2016) and Urban Development 2020 for the Council. I have authored the S42A report for the Rural Lifestyle Zone and co-authored the S42A report for the Strategic Direction Urban Form and Development of the PDP.

Todd Whittaker

15. My full name is Todd Cyril Whittaker and I am an independent planning consultant based in Tauranga with strong family connections to New Plymouth and Taranaki.
16. I have a Bachelor of Resource and Environmental Planning from Massey University, 1994 and I am a full member of New Zealand Planning Institute (NZPI). I have 26 years of professional experience in the resource management field and have previously served on the Board of the NZPI.
17. I have a broad level of experience in terms of the plan review and rezoning provisions under the Resource Management Act 1991. My recent experience includes:
 - The assessment and review of plan zones and land supply for Matamata-Piako District Council;

- a plan change to introduce a new Settlement Zone for Matamata-Piako District Council;
- assessment and processing of mixed use commercial and large format retail plan change for Waipa District Council;
- a new Industrial Zone plan change for Waipa District Council;
- assessment and processing of private plan changes for industrial land around Hamilton Airport;
- assessment and processing of zone provisions for Hamilton airport; and
- assessment and processing of mixed use zones adjacent to Gisborne airport.

18. Over the last 8 years, I have assisted New Plymouth District Council with the processing of a range of land use and subdivision consents. More recently I have authored the S42A report for the Future Urban Zone of the PDP.

19. I regularly appear at Council level hearings as a professional planning witness and I have presented evidence to the Environment Court and presented affidavits to both the District Court and High Court on planning matters.

Laura Buttimore

20. My full name is Laura Catherine Buttimore, Director of Laura Buttimore Planning. I am employed as a Planning Advisor – Contractor by the District Planning Team at NPDC.

21. I hold the qualifications of a Bachelor of Resource and Environmental Planning (Honours) from Massey University. I am a Full Member of the New Zealand Planning Institute.

22. I have over thirteen years' experience as a planner working in local authorities and private consultancy across New Zealand. I have extensive experience in fields of resource consenting and District Plan preparation. My experience includes preparing and presenting at Council hearings and the Environment Court. In a former role, I was involved in the Christchurch Replacement Plan process run under the Canterbury Earthquake Order 2014.

23. I have worked on the growth components of the District Plan Review since 2017 (in between maternity leave) where I have been involved in the Structure Plan Development Areas (excluding Bell Block Area Q), Rural Lifestyle Zone (including identification of the Rural Lifestyle Areas), summarising of submissions for Rural Production Zone and Waterbodies Chapters and engagement with landowners and tangata whenua across the Structure Plan Development Areas to address concerns raised in submissions.

24. I note that I have previously provided planning advice to Mr Don Crow, landowner and submitter on the Bell Block Area Q Development Area. Also my husband was formerly the Commercial and Operations Manager at Papa Rererangi i Puketapu Ltd (New Plymouth Airport) and the author of their submission on the PDP. Therefore, in preparing this Section 42A report, I (Laura Buttimore) have not contributed to any parts of the report that relate to the Bell Block Area Q Structure Plan Development Area due to the potential or perceived conflict of interest. Those sections of this Section 42A report have been authored by Ms Louise Wai and Mr Todd Whittaker.

2.2 Code of Conduct

25. We confirm that we have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and that we have complied with it when preparing this report. Other than when we state that we are relying on the advice of another person, this evidence is within our area of expertise. We have not omitted to consider material facts known to me that might alter or detract from the opinions that we express.
26. We are authorised to give this evidence on the Council's behalf to the Proposed District Plan hearings commissioners ("Hearings Panel").

2.3 Expert Advice

27. In preparing this report we rely on the expert advice of Mr Daniel McCurdy of Geometria Limited. Mr McCurdy has provided a combined Archaeological Assessment for Junction, Carrington and Patterson Structure Plan Development Areas. This report is attached as **Appendix 8: Archaeological Assessment for NPDC Growth Areas** to this report and was finalised in January 2020. The scope of this report relates to the archaeological sensitivity of each Structure Plan Development Area which has informed the cultural engagement undertaken following receipt of submissions. Revised provisions for each of the Structure Plan Development Areas have occurred as a result of the cultural engagement and this archaeological analysis. Mr McCurdy site visited all of these Structure Plan Development Areas alongside (Laura Buttimore) and mana whenua. Louise Wai attended the site visits for Patterson and Carrington. Mr McCurdy has also met with us and mana whenua to discuss his findings.
28. In preparing this report we rely on the expert advice of Mr Ben Giles of Utility Scan Taranaki who is a Locating Technician and undertook a geophysical survey within the Carrington Structure Plan Development Area. This survey was under the recommendation of Mr McCurdy on an area identified in Mr McCurdy Archaeological Assessment. This work was done in December 2020 to further verify the findings of Mr McCurdy. The geophysical survey and analysis of the results are provided in Mr McCurdy's report attached as **Appendix 8**.
29. We also rely on the expert advice from Mr Russell Gibbs of Geometria Limited, who is Mr McCurdy colleague. Mr Gibbs provided an Archaeological Assessment for the former Area N Plan Change on the Operative District Plan in 2010¹. This report, **Appendix 9: Area N Archaeological**

¹¹ Note this Plan Change never proceeded to notification.

Assessment and Geophysical Surveys Area N, has been reviewed and a revised report has been prepared by Mr Gibbs to reflect the proposed Oropuriri Structure Plan Development Area. This revised report **Appendix 10: Area N Archaeology Update 2021**, provides an update since the 2010 piece of work was undertaken. This work has been used to inform cultural engagement and prepare revised provisions to address mana whenua submissions.

30. In preparing this report we rely on the expert advice of Mr Michael Matangi, of Civil Infrastructure Consulting, a Civil Engineer who has provided Infrastructure Reports in 2018 to inform Junction, Carrington, Oropuriri and Patterson Structure Plan Development Areas. Please note at the time of Mr Matangi preparing his work for Junction and Carrington Structure Plan Development Areas he was employed by BTW Company. The Infrastructure Reports attached as **Appendix 11: Carrington Infrastructure Report**, **Appendix 12: Junction Infrastructure Report**, **Appendix 13: Patterson Infrastructure Report** and **Appendix 14: Oropuriri Infrastructure Report** all provide an assessment on how each Structure Plan Development Area can be practically and feasibly serviced by water, wastewater, stormwater and roading. These reports identified the constraints and what infrastructure upgrades or limitations were identified in each area. Mr Matangi prepared these reports with consultation with the relevant Council experts.
31. In preparing this report we rely on the expert advice of Mr Andrew Skerrett of AMTANZ Limited, a Traffic Engineer who has prepared a Traffic Impact Report for both Junction and Oropuriri Structure Plan Development Areas. **Appendix 15: Junction Traffic Report** and **Appendix 16: Area N Traffic Report** were both prepared in 2018 in relation to concerns expressed through landowner engagement around roading layout, intersection locations and safety concerns. This report was used to finalise roading layout shown on the Structure Plan maps.
32. In preparing this report we rely on the expert advice of Ms Alice West of Taranaki Regional Council ("TRC") who is a Wetland Ecologist. Ms West provided a report attached as **Appendix 17: Wetland Identification** to this report on the identification and delineation of wetlands within the Structure Plan Development Areas. This work was undertaken at the end of 2020 as a result of site visits with mana whenua and input from Mr McCurdy around the cultural significance of these waterbodies.
33. In preparing this report we rely on the expert advice of Mr Richard Bain of Bluemarble Limited a Landscape Architect. Mr Bain assisted in the identification of the Structure Plan Development Area boundaries and provided expert landscape and amenity advice in these areas including recommendations on landscaping provisions. Mr Bain also assisted in site visits with landowners in 2017 and 2018 and preparing draft structure plan maps.

3 Scope/Purpose of Report

34. This report has been prepared in accordance with Section 42A of the Resource Management Act to:
 - assist the Hearings Panel in making their decisions on the submissions and further submissions on the PDP; and
 - Provide submitters with an opportunity to see how their submissions have been evaluated and the recommendations being made by officers, prior to the hearing.
35. This report responds to submissions on Structure Plan Development Area Chapters. It does not respond to submissions to rezone the Structure Plan Development Areas. These rezoning submissions will be considered at a separate hearing specifically focused on rezoning requests.
36. There has been only one submission received on the spatial extent of the structure plans. This submission from Transpower (565.210) which relates to the extent of Dev 3 - Junction Structure Plan Development Area and National Grid Line. Although this is mapping matter, for the sake of efficiency this submission has been considered within this report.
37. Wherever possible, we have provided a recommendation to assist the Hearings Panel. The Structure Plan Development Areas chapter covers:
 - Provisions to ensure that the urban development within the structure plan area occurs in accordance with the structure plan
 - Provisions to ensure infrastructure is provided in an integrated, efficient and comprehensive manner to meet the planned needs to the Structure Plan Development Area.
 - Provisions to ensure that activities within and adjacent to the Structure Plan Development Area do not compromise the ability to develop the area in accordance with the specific structure plans.
 - Specific policies, rules, effects standards and structure plans for each of the five Structure Plan Development Areas in the PDP.
 - Subdivision provisions for the Structure Plan Development Areas.

4 Statutory Requirements

4.1 Statutory documents

38. Section 3 of the Future Urban Growth Section 32 report provides a detailed record of the relevant statutory considerations applicable to the Structure Plan Development Areas. It also sets out the relationship between sections of the RMA and higher order documents, i.e. relevant iwi management plans, other relevant plans and strategies. It is not necessary to repeat the detail of the relevant RMA sections and full suite of higher order documents

here. Consequently, no further assessment of these documents have been undertaken for the purpose of this report.

39. However, it is important to highlight the higher order documents which have been subject to change since notification of the PDP which must be given effect to, or are especially relevant to the Structure Plan Development Areas. These are outlined below:

4.1.1 **Resource Management Review**

40. The Resource Management Review has been initiated by the government for the purpose of replacing the RMA. In February 2021, the government announced three new acts would replace the RMA, namely:
- Natural and Built Environments Act (“NBA”) to provide for land use and environmental regulation (this would be the primary replacement for the RMA);
 - Strategic Planning Act (“SPA”) to integrate with other legislation relevant to development, and require long-term regional spatial strategies; and
 - Managed Retreat and Climate Change Adaptation Act (“CCAA”) to address the issues associated with managed retreat and funding and financing adaptation.
41. The exposure draft of the Natural and Built Environments Bill was released in July 2021 and submissions on the exposure draft closed on 4 August 2021.

4.1.2 **Resource Management (Enabling Housing Supply and Other Matters Amendment Bill)**

42. The Proposed Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill was introduced to Parliament on 19 October 2021 and proposes to amend the RMA to rapidly accelerate the supply of housing where the demand for housing is high (in Tier 1 urban environments, or where a Tier 2 urban environment (including New Plymouth) has an acute housing need).
43. Where a Tier 2 urban environment has an acute housing need, the Minister for the Environment, in consultation with the Minister of Housing, may recommend that an Order in Council be made to require the relevant territorial authority develop an intensification planning instrument, incorporating ‘Medium Density Residential Standards’ (MDRS) using the Intensification Streamlined Planning Process (ISPP). In this case, the Council would be required to apply the MDRS to all existing residential areas, except for areas zoned Large Lot Residential, or areas where qualifying matters apply.
44. This above Bill relates only to residential zoned land within tier 1 councils. New Plymouth District Council is a tier 2 council and therefore at this stage this Bill is not relevant to the Structure Plan Development Area Chapters.

4.1.3 National Policy Statement on Urban Development 2020

45. The National Policy Statement - Urban Development 2020 ("NPS-UD") came into effect in August 2020 replacing the National Policy Statement on Urban Development Capacity 2016 ("NPS-UDC"). The Council is required to give effect to the objectives and policies of the NPS-UD, which is a higher order document.
46. The NPS-UD retains and strengthens the foundation concepts of the NPS-UDC and moves beyond a land capacity-based approach. The NPS-UD defines and promotes "well-functioning environments" which forms the core of several objectives and policies. The Strategic Direction Urban Form and Development Section 42A report provides a full summary of the relevance of the NPS-UD to business land (which includes industrial land) in the district, however the following objectives and policies are particularly relevant to the Structure Plan Development Areas:
- **Objective 1:** *New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.*
 - **Objective 2:** *Planning decisions improve housing affordability by supporting competitive land and development markets.*
 - **Objective 3:** *Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:*
 1. *the area is in or near a centre zone or other area with many employment opportunities*
 2. *the area is well-serviced by existing or planned public transport*
 3. *there is high demand for housing or for business land in the area, relative to other areas within the urban environment.*
 - **Objective 4:** *New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.*
 - **Objective 6:** *Local authority decisions on urban development that affect urban environments are:*
 - (a) *integrated with infrastructure planning and funding decisions;*
 - (b) *and strategic over the medium term and long term; and*
 - (c) *responsive, particularly in relation to proposals that would supply significant development capacity.*

- **Objective 7:** *Local authorities have robust and frequently updated information about their urban environments and use it to inform planning decisions.*
- **Policy 1:** *Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:*
 - (a) *have or enable a variety of homes that:*
 - (i) *meet the needs, in terms of type, price, and location, of different households; and*
 - (ii) *enable Māori to express their cultural traditions and norms; and*
 - (b) *have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and*
 - (c) *have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and*
 - (d) *support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and*
 - (e) *support reductions in greenhouse gas emissions; and*
 - (f) *are resilient to the likely current and future effects of climate change.*
- **Policy 2:** *Tier 1, 2, and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term.*
- **Policy 6:** *When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:*
 - (a) *the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement*
 - (b) *that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:*
 - (i) *may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and*
 - (ii) *are not, of themselves, an adverse effect.*

(c) *the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)*

(d) *any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity*

(e) *the likely current and future effects of climate change.*

- ***Policy 7: Tier 1 and 2 local authorities set housing bottom lines for the short-medium term and the long term in their regional policy statements and district plans.***

47. The PDP has five Structure Plan Development Area Chapters within urban zones (rezoned as part of the PDP) which have been identified as areas that are suitable for urban growth purposes. The structure plans identify and provide sufficient plan enabled, feasible and reasonably expected to be realised housing development capacity and industrial development capacity for the short, and medium term, meeting the requirements of the NPS-UD.
48. The way the Structure Plan Development Areas are subdivided will determine the quality and character of the area by introducing long-term development patterns that cannot be easily changed. Therefore, ensuring that subdivision is well-designed is an integral part of achieving successful living and community environments for future residents.
49. To meet objective 7 of the NPS-UD, the Council has a live-work programme related to robust and frequently updating the Housing and Business Development Capacity Assessment and preparation of quarterly monitoring reports which contains information about our urban environments, which has helped determine when the housing or industrial demand requires the development capacity of the structure plan areas between the short and medium term. This work has informed the District Plan Review, including the proposed Structure Plan Development Areas and the assessment and recommendations on submissions.
50. Since the PDP was notified, Council officers have continued to retest key elements of the Section 32 reports including updates of the following areas:
- Population projections
 - Industrial Land Capacity
 - Housing development capacity
 - Housing demand.

51. Further detailed analysis of the updates that have been undertaken can be found in Appendix 3 of the Strategic Direction Urban Form and Development Section 42A report. The updated analysis draws the following conclusions:
- The updated district population will be 104,900 by 2051.
 - There has been a negligible impact on the long-term population projections since the PDP was notified.
 - The PDP provides sufficient industrial capacity to meet the expected demand with an oversupply of 80 hectares.
 - The PDP provides sufficient short, medium and long term plan enabled, feasible and reasonably expected to be realised development capacity to meet the updated expected demand for housing.
52. The updated analysis has also assisted reporting planners in responding to the key issues raised by submissions on the Structure Plan Development Areas.

4.1.4 **The National Policy Statement for Freshwater Management 2020 (Freshwater NPS 2020) and the National Environmental Standards for Freshwater Regulations 2020**

53. The National Policy Statement on Freshwater Management 2020 (“NPS-FM 2020”) came into effect in September 2020, replacing the 2014 and 2017 NPSs. The NPS-FM 2020 includes the concept of Te Mana o te Wai, which puts the health and well-being of the waterbody as first priority. The NPS-FM 2020 requires regional councils to manage freshwater in a way that gives effect to Te Mana o te Wai (Policy 1), including actively involving tangata whenua in freshwater management (including decision-making processes) (Policy 3.2(a)) and to enable the application of mātauranga Māori, among other values and knowledge systems, to its management (Policy 3.2(2)(d)).
54. While the majority of requirements of the NPS-FM 2020 sit with regional councils, Section 3.4 provides that “Every local authority must actively involve tangata whenua (to the extent they wish to be involved) in freshwater management, (including decision-making processes) and including identifying the local approach to giving effect to Te Mana o te Wai) ...”.
55. Implementing Te Mana o te Wai requires an integrated approach which recognises the interactions between freshwater, land use and development and the impact of urban growth on freshwater ecosystems.
56. Te Mana o te Wai is considered in detail in the Strategic Direction – Natural Environment S42A report and readers are referred to that report for a discussion on the other key issues.

57. The relevance of Te Mana o te Wai to all zones, is discussed by Ms McBeth in the Strategic Direction - Natural Environment chapter officers right of reply (16 July 2021). This states that the application of Te Mana o te Wai in the PDP should not be limited to urban environments, with the NPS-FM 2020 directing a whole of catchment approach. Therefore the concept of Te Mana o te Wai is important to the subdivision and development of Structure Plan Development Areas through the TRC work identifying wetlands within our Structure Plan Development Areas as discussed in section 2.3 of this report.
58. It is considered that the PDP in general is reasonably aligned with the approach in the NPS-FM 2020 in regards to Te Mana o te Wai. TRC are tasked with identifying wetlands throughout the district.
59. The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-FW 2020) came into force on 3 September 2020. The NES-FW 2020 sets out regulations for carrying out certain activities that pose risks to freshwater ecosystems. Anyone carrying out these activities will need to comply with the standards or obtain a resource consent from TRC. The NES-FW will be primarily implemented by TRC.

4.1.5 Treaty Settlements Update

60. An analysis of statutory acknowledgement areas in relation to the Structure Plan Development Areas has been undertaken. There are a large number of rivers and tributary's that run through or next to the Structure Plan Development Areas.
61. The Ngāti Maru (Taranaki) Deed of Settlement had not been signed at the time of public notification of the PDP in 2019. Ngāti Maru settled their historic Treaty of Waitangi claims against the Crown on 27 February 2021. The Ngāti Maru (Taranaki) Claims Settlement Bill 2021 was introduced into Parliament on 19 May 2021. It has yet to receive royal assent. Clause 32 of the Bill requires the Council, as a "relevant consent authority", to have regard to the statutory acknowledgements listed in the Bill if a resource consent application is made for an activity within, adjacent to, or directly affecting a statutory area. The Council must also have regard to the statutory acknowledgement in relation to that area when deciding whether the trustees are affected persons in relation to the application².
62. On 16 December 2021 a submission period opened on the Maniapoto Claims Settlement Bill. The bill would give effect to matters contained in the Deed of Settlement signed on 11 November 2021 between the Crown and Maniapoto. It would settle all historical Treaty of Waitangi claims of Maniapoto resulting from acts or omissions by the Crown before 21 September 1992. The closing date for submissions was 3 February 2022.

² Section 95F of the RMA.

4.1.6 Iwi Management Plans Update

63. Te Kotahitanga O Te Atiawa Taranaki's Iwi Environmental Management Plan: Tai Whenua Tai Tangata, Tai Ao was in draft form at the time of public notification of the PDP. This was finalised and lodged with Council in 2019. The issues, objectives and policies of the plan are within eight sections; Te Tai Hauora/Guardianship, Te Tai Awhi–Nuku/Inland and Coastal Whenua, Te Tai o Maru/Freshwater, Te Tai o Tangaroa/Coastal and Marine Environment, Te Tai Awhi–Rangi/Air and Atmosphere, Te Tai o Tānetokorangi/ Flora and Fauna, Te Tai Hekenui/Heritage and Te Tai o Rua Taranaki/Taranaki Maunga. Tai Whenua Tai Tangata, Tai Ao should not be a replacement for face to face dialogue with Te Atiawa iwi, hapu and whanau. Rather, it should assist others to understand matters of significance to Te Atiawa and inform any direct discussions with iwi, hapū and whānau.
64. In respect of the Structure Plan Development Areas, some objectives and policies are broadly applicable, namely Objective TTAN3.2 (built form and landscaping urban environment) and Policies TTAN3.1 and TTAN 3.2 and Objective TTAN4 (inappropriate subdivision and development can generate effects on Te Atiawa) and Policy TTAN4.5.
65. The Ngāti Mutunga Iwi Environmental Management Plan was in draft form at the time of public notification of the PDP. This was also finalised in 2019 and was formally lodged with the Council in March 2021.
66. The Plan is in seven sections (air and atmosphere (which includes consideration of climate change), whenua ngāhere/bushland, te puna waiora/freshwater, whenua mānia/plains, takutai/coast, cultural landscapes and wāhi tapu, and implementation).
67. The implementation section of Ngāti Mutunga's Plan seeks to influence environmental management in the Ngāti Mutunga rohe and help agencies to identify ways to work more closely and effectively with Ngāti Mutunga. There are no Structure Plan Development Areas within Ngāti Mutunga's rohe.
68. A draft version of the Ngāruahine Iwi Environmental Management Plan was received in January 2021 and comments provided in March 2021. This plan was finalised in August 2021, however, it has not yet been formally lodged with the Council. While much of Ngā Ruahine's rohe is out of the New Plymouth District Council's district, one of their statutory acknowledgement areas – the Waipuku Stream – does lie within our district. The Waipuku Stream is included in Schedule 9 (the Schedule of Significant Waterbodies) of the PDP as a tributary of the Manganui River.
69. In respect of the Structure Plan Development Areas and the Ngāruahine Iwi Environmental Management Plan, given that there are no Structure Plan Development Areas in the PDP near the Waipuku Stream (which is located by Midhurst) and that their Rohe is outside of the District, therefore, I have not analysed the objectives and policies of the above plan in relation to the Structure Plan Development Areas.

4.1.7 Taranaki Regional Policy Statement 2010

70. The Taranaki Regional Policy Statement 2010 ("RPS") addresses the Built Environment' as a regional significant issue and sets out the following Objective and Policy.

SUD OBJECTIVE 1

To promote sustainable urban development in the Taranaki region.

SUD POLICY 1

To promote sustainable development in urban areas by:

- (a) encouraging high quality urban design, including the maintenance and enhancement of amenity values;*
 - (b) promoting choices in housing, work place and recreation opportunities;*
 - (c) promoting energy efficiency in urban forms, site layout and building design;*
 - (d) providing for regionally significant infrastructure;*
 - (e) integrating the maintenance, upgrading or provision of infrastructure with land use;*
 - (f) integrating transport networks, connections and modes to enable the sustainable and efficient movement of people, goods and services, encouraging travel choice and low-impact forms of travel including opportunities for walking, cycling and public transport;*
 - (g) promoting the maintenance, enhancement or protection of land, air and water resources within urban areas or affected by urban activities;*
 - (h) protecting indigenous biodiversity and historic heritage; and*
 - (i) avoiding or mitigating natural and other hazards.*
71. The RPS then sets out a number of methods in terms of implementation of the objective and policies.
72. While the RPS sets out a high order objective and policy for built form which is relevant to the Structure Plan Development Areas, it is apparent that the RPS does not provide a detailed analysis or comprehensive policy setting for the PDP to follow in terms of urban form and land supply issues.

4.1.8 National Planning Standards

73. The National Planning Standards determine the sections that should be included in a District Plan, including the Strategic Direction chapters, and how the District Plan should be ordered. The National Planning Standards set out the following description for Structure Plan Development Areas.

"A Structure Plan Development Area spatially identifies and manages areas where plans such as concept plans, structure plans, outline development plans, master plans or growth area plans apply to determine future land use or development. When the associated development is complete, the Structure Plan Development Areas spatial layer is generally removed from the plan either through a trigger in the Structure Plan Development Area provisions or at a later plan change".³

Definitions

74. Noting that a hearing specifically focused on plan integration, mapping and definitions will be held at the end of the hearing schedule, this report also includes reference to and reliance on matters regarding the National Planning Standard Definitions, as well as NPDC-specific definitions relevant to Structure Plan Development Areas related matters.
75. The proposed Structure Plan Development Area provisions use the standardised definitions from the planning standard including 'allotment', 'land', 'site', 'esplanade reserve' and 'esplanade strip'.
76. This report also includes reference to and reliance on matters regarding the National Planning Standard Definitions which will be addressed in Hearing 23.

4.2 Section 32AA evaluation

77. This report used 'key issues' to group, consider and provide reasons for the recommended decisions on similar matters raised in submissions. Where applicable, the recommended decisions have been evaluated using Section 32AA of the RMA.
78. The s32AA further evaluation for each key issue considers:
- Whether the amended objectives are the best way to achieve the purpose of the RMA.
 - The reasonably practicable options for achieving those objectives.
 - The environmental, social, economic and cultural benefits and costs of the amended provisions.
 - The efficiency and effectiveness of the provisions for achieving the objectives.

³ National Planning Standards, 2019, Ministry for the Environment, Table 18, page 50

- The risk of acting or not acting where there is uncertain or insufficient information about the provisions.

79. The s32AA further evaluation contains a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been made. Recommendations on editorial, minor and consequential changes that improve the effectiveness of provisions without changing the policy approach are not re-evaluated.

4.3 Procedural matters for Junction, Carrington and Patterson Structure Plan Development Areas

80. In March 2021 Council officers meet with Te Kotahitanga o Te Atiawa Trust (submitter 459 / "TKOTAT") to discuss their growth related submissions to the PDP for the Future Urban Zone (FUZ) and the Structure Plan Development Areas. The outcome of this meeting was to prioritise the cultural assessments for the new Structure Plan Development Areas (Carrington, Junction, Oropuriri and Patterson) ahead of the FUZ because the Structure Plan Development Areas are being rezoned as part of the PDP.

81. On 14 June 2021 Laura Buttimore met with Ngāti Te Whiti Hapū (submitter 507) and TKOTAT to discuss their submissions on the three southern Structure Plan Development Areas, being Junction, Carrington and Patterson Structure Plan Development Areas. The main purpose of the meeting was to clarify their submissions and agree on an approach moving forward. A copy of this meetings minutes is appended to this report as **Appendix 18: Meeting Minutes**.

82. As a result of that meeting the following process was agreed:

- Review and or engage an archaeologist to undertake an Archaeological Assessment of each Structure Plan Development Area
- Arrange a site visit with submitters and an archaeologist
- NPDC to prepare a document to summarise issues and Structure Plan Development Area provisions against relevant cultural issues, including any archaeological evidence to support the document
- Arrange another wananga with submitters to identify issues and discuss proposed tools to address these.

83. On 12 August 2021 a site visit was undertaken with Ngāti Te Whiti Hapū, TKOTAT, Mr Daniel McCurdy (Archaeologist) and Laura Buttimore over the Junction Structure Plan Development Area.

84. On 27 September 2021 a site visit was undertaken with Ngāti Te Whiti Hapū, TKOTAT, Louise Wai, Laura Buttimore, Daniel McCurdy and Mr and Mrs Godwin (landowners 11 Ruru Lane, submitter 390) over the Carrington Structure Plan Development Area.

85. On 15 October 2021 a site visit was undertaken with Ngāti Te Whiti Hapū, Ngāti Tāiri Hapū (submitter 524), TKOTAT, Te Kāhui o Taranaki iwi

(submitter 534), Louise Wai, Laura Buttimore, Daniel McCurdy, Mr and Mrs Hale (landowners 14 Patterson Road, submitter 99) and Mr D Watt (landowner 427 Frankley Road, submitter 67) over the Patterson Structure Plan Development Area. It was acknowledged that whilst Ngāti Tāiri Hapu and Te Kāhui o Taranaki iwi were not submitters on this Structure Plan Development Area, the land traversed the settlement boundary between iwi and hapū and that therefore they were invited to participate the process moving forward.

86. Following the site visits, discussions and the receipt of the Archaeological Assessment from Mr McCurdy, we drafted a memorandum which summarised the issues for each Structure Plan Development Area and set out how these could be managed/resolved. This memorandum was circulated to iwi and hapū 10 November 2021. The Archaeological Assessment is attached as **Appendix 8**. The memorandum drafted for mana whenua engagement is attached as **Appendix 19: Memorandum for mana whenua engagement for Carrington, Junction and Patterson**.
87. On 22 November 2021 a meeting was held on all three Structure Plan Development Areas with representatives from Ngāti Te Whiti Hapū, Ngāti Tāiri Hapū, TKOTAT, Te Kāhui o Taranaki iwi, Juliet Johnson (Planning Manager), Louise Wai, Laura Buttimore and Daniel McCurdy at NPDC. In this meeting the group discussed the contents of the memorandum, the findings identified in the Archaeological Assessment and what changes would need to be made to the provisions as notified to address potential cultural concerns. It was agreed:
- The redrafted amended provisions for the three Structure Plan Development Areas would be provided to iwi and hapū before the end of December 2021
 - Further work was needed to identify and delineate wetlands on the all of the five Structure Plan Development Areas
 - NPDC and the hapū groups would need to review and consider the findings of the Archaeological Assessments and determine whether they could be verified
 - Wetlands are an important part of the cultural landscape for mana whenua and their identification and mapping help to acknowledge this link
 - Identifying wetlands in these Structure Plan Development Areas also aligns with legislative requirements under both the NPS-FM 2020 and NES-FW 2020
 - Given the size and location of the two possible archaeological areas identified in DEV2 - Carrington Structure Plan Development Area, NPDC would undertake a geophysical survey of one of these areas to see if any sites could be verified.

88. On 10 December 2021, Ben Giles of Utility Scan undertook a Geophysical Survey of the northern area identified in Carrington Structure Plan Development Area as identified in the (initial) Archaeological Assessment and the memorandum document. The findings of this work have been incorporated into the revised and final Archaeological Assessment, appended to this report. Whilst, this work has further identified the high likelihood of archaeological findings being located in this area not enough evidence is available to confirm and verify these sites.
89. On 23 December 2021 a table summarising the draft provisions for each Structure Plan Development Area and a summary table was provided to TKOTAT to circulate to all relevant hapū and Te Kāhui o Taranaki iwi for their review and consideration prior to the hearing. Unfortunately, due to the timeframes for delivering this Section 42A report, the circulation of evidence for the Structure Plan Development Areas hearings and the busy Christmas and New Year period, further time to refine these provisions with the submitters was not achievable. The summary tables are attached as **Appendix 20: Summary Tables for mana whenua engagement** to this report.

4.4 Procedural matters for Oropuriri Structure Plan Development Areas

90. A similar process undertaken above for the three southern growth areas has also been carried out for the Oropuriri Structure Plan Development Area. The Oropuriri Structure Plan Development Area is in the rohe of Ngāti Tawhirikura Hapū and Puketapu Hapū.
91. On 22 October 2021, a site visit was undertaken over this area with representatives from the hapū, TKOTAT, Louise Wai and Laura Buttimore.
92. On 5 November 2021 a zoom meeting was then held with Ngāti Tawhirikura Hapū, Puketapu Hapū and TKOTAT representatives and Laura Buttimore. At this meeting it was identified:
- The Archaeological Assessment done by Daniel McCurdy in 2010 (as part of Proposed Plan Change 21 (Rezone Area N from Rural Environment Area to Industrial C Environment Area) to the Operative District Plan) needed to be updated
 - The scale of earthworks across the area and modification of the landform, stormwater management and protection of the cultural landscape, particularly the proximity to Oropuriri Pa were of particular concern to hapū.
93. On 2 December 2021 Mr McCurdy provided an updated Archaeological Assessment. Both the 2010 and updated 2021 Archaeological Assessments are attached as **Appendix 9** and **10**.
94. Also on 2 December 2021, a memorandum was provided to iwi and hapū which identified the cultural issues and outlined a possible approach to address these concerns moving forward (See **Appendix 21: Oropuriri Memorandum for mana whenua engagement**).

95. On 6 December a zoom hui was undertaken with representatives from Ngati Tawhirikura Hapū, Puketapu Hapū, TKOTAT and Laura Buttimore where we discussed the memorandum documents and what any revised provisions for this area needed to identify to address hapū concerns.
96. On 23 December 2021 a table summarising the draft provisions for each Structure Plan Development Area and a summary table was provided to TKOTAT to circulate to all relevant hapū for their review and consideration prior to the hearing. Unfortunately, due to the timeframes for delivering this Section 42A report, the circulation of evidence for the Structure Plan Development Areas hearings and the busy Christmas and New Year period, further time to refine these provisions with the submitters was not achievable. The summary tables are attached as **Appendix 20** to this report.
97. No other pre-hearing meetings or Clause 8AA meetings on the submissions relating to Structure Plan Development Area Chapters were held prior to the finalisation of this s42A report.
98. No further consultation with any other parties regarding the Structure Plan Development Area Chapters has been undertaken since notification of the provisions.

5 Structure Plan Development Areas background context

99. A structure plan is a tool used to guide the development or redevelopment of an area by defining the future development and land use patterns, areas of open space, the layout and nature of infrastructure (including transportation links), and other key features and constraints that influence how the effects of development are to be managed.⁴

Operative District Plan

100. The ODP was made operative in 2005. At that time it did not contain any strategic direction on how this district would respond to growth and where. As a result, two major studies were undertaken as follows:
 - A Land Supply Review (2006) - Initiated in response to economic and household growth, this review aimed to address the supply of residential and employment land in New Plymouth/Bell Block and in those other towns which currently have residential zoning and the potential to grow.
 - The Framework for Growth (4 March 2008) - This document represents the outcomes of the Land Supply Review and set out the recommended growth direction for urban expansion within the New Plymouth District. It was based on growth for twenty years from

⁴ <https://www.qualityplanning.org.nz/node/1135>

2007 – 2027 to ensure that there is adequate residential and industrial land available for future development.

101. The Framework for Growth areas were introduced into the ODP as part of Plan Change 15 which was made operative in March 2013. The following areas were adopted as Future Urban Development Areas' ("FUD") in the ODP: Bell Block Area Q (Wills Road to Airport Drive)⁵, Area R, New Plymouth Area N (Egmont Road to Henwood Road), New Plymouth Areas S, K and L (Smart Road), Waitara, Ōākura, Okato, Egmont Village, Onaero, and Inglewood.
102. A further five Structure Plans were developed for:
 - Appendix 28 Plan Change 2 - Egmont Road Industrial C Environment Area (Operative 12 May 2009)
 - Appendix 28 Plan Change 9 – Residential A Environment Area-Hawskwood structure plan (Carrington Road) (Operative 18 March 2008)
 - Appendix 30 - Plan Change 17 - Waitara Area A Residential A Environment Area (Rezoned FUD) (Operative 18 January 2014)
 - Appendix 31- Plan Change 20 - Bell Block Area Q Residential A Environment Area (Rezoned FUD) (Operative 17 August 2015)
 - Appendix 32 - Private Plan Change 49 Waitara Area D (rezoned FUD) (Operative 20 April 2021).
103. In 2006 a separate structure plan process with the communities of Ōākura and Urenui were carried out which led to the development of the Ōākura and Urenui Structure Plans. Used as part of Community Board Plans, these structure plans site outside of the ODP.
104. All of the above structure plans use a map to represent the proposed layout, features, character and links for the area being developed. The maps do not typically detail individual lot boundaries or the physical form of buildings and structures. Some of the structure plan maps, plans or representations are supported by text explaining the background to the issues that initiated the structure plan and the approaches to manage those issues, such as specific policies.
105. Both the Waitara Area A and Bell Block Area Q Structure Plans have achieved good environmental outcomes with the overall design and layout of the development. However, there have been some missed opportunities from this process regarding early and on-going engagement with tangata whenua, particularly the involvement of hapū in structure plan

⁵ Note Area Q was also subject a further plan change which made minor amendments to the structure plan (Plan Change 47 - Operative 2018). The Commissioners decision outlined future work to be completed on the airport noise contours and the future urbanisation and land use within Area R.

development. This was something that was taken on board and improved upon for the development of the structure plans for the PDP.

106. The ODP does not have a clear growth strategy/framework nor does it set out the requirements for what a structure plan should entail. As a result, none of the structure plans are consistent in the ODP, with each one containing varying degrees of detail in the provisions and on the structure plan maps. The effects based nature of the ODP means structure plans have been inserted into the plan, without the benefit of being able to list activities in order to efficiently manage growth. This lack of strategic direction has meant that some structure plan areas e.g. Bell Block Area Q and Waitara Area A, have become piecemeal in their approaches.

District Plan Review and provision of land supply

107. In response to an increasing population and requirements to provide housing and industrial demand, the District Plan Review has identified the need for further areas to be rezoned to Industrial and Residential to provide the capacity for this demand. However, a caveat to this is that "there needs to be adequate land, in the right location for Future Urban Growth that prevents the outward expansion of urban boundaries"⁶.
108. Given the extensive work that been undertaken under the ODP, the District Plan Review determined that Bell Block Area Q would be "rolled over" into the PDP. However four new areas were identified as follows:
- Junction and Carrington Structure Plan Development Areas (these areas have not been previously identified as growth areas in the ODP).
 - Patterson Structure Plan Development Area (nominated by landowners within this area as part of feedback on the Draft District Plan).
 - The Oropuriri Structure Plan Development Area (was considered through Proposed Plan Change 21 to the ODP which never proceeded to notification)⁷.
109. Structure planning considerations included:
- Planning: Site selection/location and consideration of connectivity with established urban areas
 - Infrastructure: An assessment on how each area can be practically and feasibly serviced by water, wastewater, stormwater and roading. These reports identified the constraints and what infrastructure upgrades or limitations were identified in each area

⁶ Section 6, page 32 of the Future Urban Zone Section 32

⁷ This Proposed Plan Change sought to rezone land known as "Area N" from Rural to Industrial C Environment Area. Area N had been identified for possible rezoning through the Land Supply Review and Framework for Growth.

- Transportation: Roading layout (including pedestrian links), intersection locations and safety. This work determined the roading layout shown on the Structure Plan maps
- Historic Heritage: Identification of waahi tapu and archaeological sites initially via desktop work.
- Landscape: Landscape features and amenity considerations. The provision and integration of accessible open space networks, parks and esplanade strips
- The topography and natural and physical constraints of the site, including natural hazards and areas of contamination
- The maintenance or enhancement of identified features, natural waterbodies and/or indigenous vegetation.

110. At a high level, tangata whenua feedback on the Structure Plan Development Area was revived through Council's iwi and hapū District Plan liaison group, Nga Kaitiaki.

Housing and Business Development Capacity Assessment (2019) and updated Housing component of the HBA 2021

111. Council also prepared a Housing and Business Development Capacity Assessment ("HBA") which is a detailed analysis of housing and business growth across the New Plymouth District, based on current and future levels of demand, supply and development capacity. Required every three years, the HBA was based on the Draft District Plan (February 2018) and drew the following conclusions regarding residential development capacity in the district:

- The ODP provides enough residential plan-enabled feasible capacity in the district in the short and medium term. Without the inclusion of areas set aside for future growth there is not sufficient capacity for the long term.
- There is enough plan-enabled and feasible capacity in the district to meet demand for housing in the short, medium and long term⁸.
- Combined, the Operative and Draft District Plans will provide a maximum capacity for between 12,400 and 21,000 new dwellings. Slightly more than half of these dwellings are feasible to build in the current market conditions. When the 15-20 per cent margin required by the NPS-UDC is included, the residential capacity provided in the Operative District Plan falls short by 3,900 dwellings. However, the urban growth areas indicated in the Draft District Plan provides sufficient long term capacity, with an excess capacity of 2,000 dwellings.

112. The Housing component of the HBA⁹ 2021 has been updated as per requirements of the NPS-UD. The updated report has found that:
- Since the PDP was notified the total demand for dwellings has increased from 10,919 (2019) to 11,592 (2021) over the next 30 years. Overall, the PDP provides sufficient short, medium and long term plan enabled, feasible and reasonably expected to be realised development capacity to meet the expected demand for housing.
 - The rezoned five Structure Plan Development Areas in the PDP provide development capacity for short-medium term for the district.

Infrastructure Strategy 2018-2048

113. Running parallel to the District Plan Review Council also completed the Infrastructure Strategy in 2018. This strategy identifies the significant infrastructure issues the New Plymouth District is likely to face over the next 30 years. The Infrastructure Strategy is not a budget, rather it takes a long term view of the infrastructure and services our communities will need over time and how we might provide them. The Strategy addresses transportation, recreation and open space, water supply, wastewater, stormwater and solid waste. It also includes and plans for infrastructure within the PDP Future Urban Zones and the Structure Plan Development Areas.

Proposed District Plan

114. The Structure Plans that have been applied in the PDP essentially operate like an overlay and provide for comprehensive development within the Junction, Carrington, Patterson and Oropuriri Structure Plan Development Areas. The Bell Block Area Q Structure Plan Development Area has been carried over from the Operative District Plan with only minor edits.
115. Further details on the background and selection of each Structure Plan Development Area and their planning maps are provided in **Appendix 22: Background information on all Structure Plan Development Areas.**

6 Requests to rezone land to Structure Plan Development Areas

116. There are two submissions to rezone land to be included in the Bell Block Area Q Structure Plan Development Area from:
- Juffermans Surveying Ltd (182.10) - Opposes RPROZ zoning at 115 Airport Drive, New Plymouth and requests that it is rezoned to GRZ to be included within the Area Q Structure Plan Development Area.
 - Johnson Partnership (440.1) - Rezone additional land at 115 Airport Drive from RPROZ to either Residential or Lifestyle.

⁹ Link to HBA 2021

117. These submissions are not addressed in this report and will be addressed in the Rezoning Hearing 22.

7 Consideration of submissions received

118. 32 original submissions, covering 85 submission points and seven further submissions, covering 19 further submission points were received on the Structure Plan Development Areas. These submissions were from:

- **Iwi and hapū:** TKOTAT, Puketapu Hapū, Ngāti Tawhirikura Hapū, and Ngāti Te Whiti.
- **Public sector agencies and enterprises:** Kāinga Ora Homes and Communities (“Kāinga Ora”), and Transpower New Zealand Ltd (“Transpower”).
- **Organisations:** Heritage New Zealand Pouhere Taonga (“HNZPT”) and Papa Rererangi Puketapu Limited (“NPL Airport”).
- **Surveying and planning firms:** Johnson Resource Management, and Juffermans Surveying Ltd.
- Numerous landowners within the structure plan areas

119. The submissions and further submissions addressed in this report have been grouped into the following topic areas;

- Key Issue 1: General submissions on Structure Plan Development Areas
- Key Issue 2: Bell Block Area Q Cultural Engagement
- Key Issue 3: Bell Block Area Q and the NP Airport
- Key Issue 4: Bell Block Area Q activity status for Stage 2 and Stage 3E
- Key Issue 5: Redrafting of Bell Block Area Q provisions
- Key Issue 6: Carrington Cultural engagement
- Key Issue 7: Carrington Mapping changes
- Key Issue 8: Junction Cultural engagement
- Key Issue 9: Junction Mapping changes to the structure plan
- Key Issue 10: Oropuriri Cultural engagement
- Key Issue 11: Oropuriri Mapping changes to the structure plan
- Key Issue 12: Patterson Cultural engagement

- Key Issue 13: Patterson Mapping Changes to the structure plan
- Key Issue 14: Matters of discretion for restricted discretionary
- Key Issue 15: Consequential Changes

120. Due to the number of submissions received and the repetition of issues, it is not efficient to respond to each individual submission point raised in the submissions. Instead, the report groups similar submission points together under key issues. This thematic response assists in providing a concise response to, and recommended decision on, submission points.

7.1 Officer Recommendations

121. A full list of submissions and further submissions on the Structure Plan Development Area chapter is contained in **Appendix 1-6 – Officers recommended amendments** and **Appendix 7- Recommended Decisions on Submissions** to this report. Additional information can also be obtained from the Summary of Submissions (by Chapter- [Dev1](#), [Dev-2](#), [Dev-3](#), [Dev-4](#) and [Dev-5](#) or by [Submitter](#)), the associated [Section 32 report on this chapter](#).

7.2 Structure Plan Development Areas - General

7.2.1 Key Issue 1: General submissions on Structure Plan Development Areas

Overview

Provision(s)	Officer Recommendation(s)
Dev1-P2, Dev2-P2, Dev3-P2, Dev4-P2 and Dev5-P2	<ul style="list-style-type: none"> • Amend provisions to include a reference to "planned character"
Overview and cross reference of Junction and Carrington Structure Plan Development Areas	<ul style="list-style-type: none"> • Amend overview and cross reference sections to address the National Grid.

Analysis of Submissions on Key issue 1 General submissions on Structure Plan Development Areas.

Submissions

122. Kāinga Ora (563.11, 563.10, 563.609, 563.612 and 563.617) requested that DEV-1, DEV-2, DEV-3, DEV-4 and DEV-5 Structure Plan Development Areas be amended so that they are consistent with the submitters overall submission to the plan, including but not limited to¹⁰:

¹⁰ Note: This report only makes recommendations on those parts of the Kainga Ora submission that are relevant to Structure Plan Development Areas. Some of the submission requests are not in the Structure Plan Development Area Chapters and have been/will be considered in other s42A reports.

- Deletion of references to any design guidelines to land development standards as defacto rules to be complied with
 - Making subdivision a RDIS activity, ensuring minimum lot sizes relate to 'vacant lot' subdivision and introducing 'subdivision in accordance with an approved land use consent'
 - Deletion of cross referencing to other parts of the plan, in favour of being included in the 'how the plan works' section under Part 1
 - Consistency of wording with the National Planning Standards, particularly in referring to 'residential activities' rather than 'living activities'
 - Recognition through policy wording that the zones 'enable' certain types of development rather than 'allow'
 - Consistency of wording throughout chapter concerning the 'planned role, function and urban form of the zone' rather than simply maintaining the existing character
 - Deletion of activities in policies which is considered to pre-empt assessment of appropriateness. Activities should only be listed where they are specifically avoided or discouraged.
 - Deletion of trip generation as a permitted standard for home occupations and supported residential care
 - Deletion of all building activities
 - Provide a 1m height exemption for roof form
 - Providing a consistent building coverage metric
 - Maintain the proposed density of one dwelling per site
 - Maintain the proposed height in relation to boundary control, while providing exemption to open space zones and roads
 - Deletion of the building length standards
 - Replace the 'privacy separation' standard with the 'outlook standard'
123. Numerous submissions from tangata whenua requesting that the structure plan provisions are reviewed through a cultural impact assessment and any consequential amendments made to the provisions¹¹.
124. HNZPT (522.117, 522.127, 522.124 and 522.125) submitted on Bell Block Area Q, Junction, Carrington and Oropuriri Structure Plan Development Areas, specifically supporting Policies DEV1-P5, DEV2-P4, DEV3-P4 and DEV4-P4 as the policies allow appropriate consideration of heritage and

¹¹ Note this key issue is just discussed here in broad details. The specifics on each submitter and submission is discussed under each Structure Plan Development Area.

cultural values and they would like to see these policies retained as notified. NZHPT did not submit on the Patterson Structure Plan Development Area.

125. Transpower supports in part Carrington Structure Plan Development Area (565.212), and Junction Structure Plan Development Area (565.208) but request that the overviews are amended to acknowledge the presence of the National Grid and its associated Yard and Subdivision Corridor and a cross reference section to reference the National Grid as follows:

The National Grid is located along the northern edge of the structure plan area¹².

The National Grid is located along the north-western and western edge of the structure plan area¹³.

The National Grid Yard and National Grid subdivision Corridor apply either side of the centre line of the National Grid lines and any development must give effect to these. In addition, access to the National Grid must be maintained.

The provisions regarding development within the National Grid Yard and National Grid Subdivision Corridor apply to the Carrington/Junction Structure Plan Development Area and are contained in the Network Utilities Chapter (or National Grid Chapter).

Cross reference to other relevant District Plan provisions:

It is important to note that in addition to the zone chapters, the Network Utilities (or National Grid) Chapter contains provisions for land use activities, buildings and subdivision of land within the National Grid Yard and National Grid Subdivision Corridor, as well as the operation, maintenance, upgrade and development of the National Grid. These apply to the Carrington and Junction Structure Plan Development Area.

126. Transpower New Zealand Limited (565.204) supports in part DEV 5 - Patterson Structure Plan Development Area but would like the overview section amended to correct the erroneous statement that the National Grid provides a buffer between the residential and rural interface and add text to the overview to acknowledge the presence of the national Grid and its associated Yard and Subdivision Corridor as follows:

...

The Patterson Structure Plan has the following key characteristics:

1...;

¹² This is for Carrington Structure Plan Development Area

¹³ This is for Junction Structure Plan Development Area

3. ~~High tension~~ the National Grid powerlines traverses ~~sing~~ the southern boundary of the site, ~~providing a buffer~~ between the residential and rural interface;

The National Grid is located along the south-western edge of the structure plan area.

The National Grid Yard and National Grid subdivision Corridor apply either side of the centre line of the National Grid lines and any development must give effect to these. In addition, access to the National Grid must be maintained.

The provisions regarding development within the National Grid Yard and National Grid Subdivision Corridor apply to the Patterson Structure Plan Development Area and are contain in the Network Utilities Chapter (or National Grid Chapter).

Cross reference to other relevant District Plan provisions:

It is important to note that in addition to the zone chapters, the Network Utilities (or National Grid) Chapter contains provisions for land use activities, buildings and subdivision of land within the National Grid Yard and National Grid Subdivision Corridor, as well as the operation, maintenance, upgrade and development of the National Grid. These apply to the Patterson Structure Plan Development Area.

127. In addition, Transpower (565.211, 565.207 and 565.201) supported in part Dev 2 - Carrington Structure Plan Development Area, DEV 3 - Junction Structure Plan Development Area and the DEV 5 - Patterson Structure Plan Development Area but request that a new policy be added to recognise the National Grid and its associated Yard and Subdivision Corridor apply along the northern boundary of the Structure Plan Development Area as follows:

Development in the Carrington, Junction and Patterson Structure Plan Area will:

1. Avoid adverse effects on the National Grid;
2. Be designed to avoid buildings within the National Grid Yard;
3. Maintain access to conductors and support structures; and
4. Not compromise the safe and efficient operation, maintenance, repair, upgrading or development of the National Grid.

Discussion

Kāinga Ora

128. We agree with Kāinga Ora that the height in relation to boundary effects standard should remain in the Structure Plan Development Area Chapters.

129. We disagree with the deletion of references to any design guidelines to land development standards as defacto rules to be complied with. The Structure Plan Development Area Chapters reference the Subdivision Design Guide, Appendix 1 and this is important to help achieve quality outcomes when subdivision and development of the structure plan areas occur.
130. We disagree that subdivision should be a restricted discretionary activity in Structure Plan Development Areas minimum lot sizes relate to 'vacant lot' subdivision and introducing 'subdivision in accordance with an approved land use consent'.
131. In relation to the request around activity status for development of vacant lots where there is not lot size requirements, this has already been heard and recommendations made on this during the Subdivision Chapter Hearing. In line with the Subdivision Right of Reply¹⁴, we accept that sometimes in a consent process council lacks the ability to negotiate a suitable outcome for vacant lot subdivision in a controlled activity process. Council will want to exercise discretion over certain matters to ensure subdivision is suitable for future activities and therefore the reporting officer, Ms Laurenson agreed with Kāinga Ora and accepted this recommendation. While we agree with this, because the subdivision provisions are still overarching over the Structure Plan Development Areas, we do not believe it is necessary to replicate this in the subdivision provisions within the structure plan development area chapter.
132. The activity status of subdivision within the Structure Plan Development Area is discussed under Key Issue 15.
133. The Structure Plan Development Area Chapters do not have any references to living or residential activities.
134. The "allow" policies in the PDP cascade to the permitted activities rules. In the context of the Structure Plan Development Area Chapters, we disagree with Kāinga Ora that policy wording should "enable" and consider "allow" should be retained.
135. We agree with Kāinga Ora regarding the need to emphasise the planned urban form of a zone. Following Hearing 1, we now have the benefit of Interim Guidance from the Hearings Panel on the Urban Form and Development strategic directions. In particular, we note the emphasis in UFD-13 on anticipated change of urban environments over time and use of the phrase "planned character" in UFD-19.

¹⁴ Subdivision Right of Reply, page 13

136. We recommend amending provisions throughout the Structure Plan Development Area Chapter to align with the concepts of “planned character” as follows:

DEV1- P2

Manage activities that are potentially inconsistent with the Bell Block Structure Plan and/or the role, function and ~~predominant~~ planned character of the underlying zone and ensure it is appropriate for such activities to locate within the Development Area having regard to whether...

DEV2- P2,

Manage activities that are potentially inconsistent with the Carrington Structure Plan and/or the role, function and ~~predominant~~ planned character of the underlying zone and ensure it is appropriate for such activities to locate within the Development Area having regard to whether...

DEV3-P2

Manage activities that are potentially inconsistent with the Junction Structure Plan and/or the role, function and ~~predominant~~ planned character of the underlying zone and ensure it is appropriate for such activities to locate within the Development Area having regard to whether...

DEV4-P2

Manage activities that are potentially inconsistent with the Oropuriri Structure Plan and/or the role, function and ~~predominant~~ planned character of the underlying zone and ensure it is appropriate for such activities to locate within the Development Area having regard to whether...

DEV5-P2

Manage activities that are potentially inconsistent with the Patterson Structure Plan and/or the role, function and ~~predominant~~ planned character of the underlying zone and ensure it is appropriate for such activities to locate within the Development Area having regard to whether...

137. We disagree with Kāinga Ora that the lists of activities within the policies should be deleted. In our view, the activities list provide a link with the rules of the chapter and that this clarity is useful for plan users. This is particularly important to ensure the integrity of the zone and to support the role and function of the Structure Plan Development Area Chapters.

138. Cross-referencing between chapters in the PDP is a matter that has arisen at earlier hearings. The cross reference to the strategic objectives was agreed to in principle by the Hearings Panel in its Interim Guidance (paragraph 17 of Minute 9) and has been a subject of consequential amendments in subsequent Section 42A reports. Kāinga Ora's submission relates to cross-referencing generally and seeks to delete all cross-referencing in all chapters.
139. In the context of an eplan, we support the inclusion of cross-referencing. It assists plan users in navigating the plan and limits the likelihood of relevant chapters being missed and therefore recommend that they are retained.
140. We do not consider that the Structure Plan Development Areas need to build in the the two parts of this generic submission requesting a 1m height exemption for roof form and a consistent building coverage metric. These are better considered in the context of the underlying General Residential Zone effects standards.
141. We recommend that submission Kāinga Ora (563.11, 563.10, 563.609, 563.612 and 563.617) be accepted in part and the above wording amendments made to the Structure Plan Development Area Chapters.

Cultural Impact Assessments for Structure Plan Development Areas

142. It is noted that the concerns raised by tangata whenua relating to lack of cultural input have been addressed in part through the Strategic Directions hearing. Council has set out to undertake the District Plan Review process in full accordance with the provisions of the RMA with appropriate engagement and consultation with tangata whenua.
143. As part of the District Plan Review Council used the Nga Kaitaki group to liaise, seek feedback and input the draft and proposed district plan. Particular emphasise was put into the overlay chapters (ie SASM, waterbodies and coastal) and the district-wide Earthworks and Subdivision Chapters to ensure that tangata whenua values and their associations with scheduled features are recognised and protected and that tangata whenua values are integrated into the development of the District. In addition, the role of tangata whenua as kaitaki is recognised and promoted within the PDP through the strategic objectives, zone provisions and district wide provisions.
144. Nga Kaitaki have indicated a clear preference for appropriate iwi involvement in all stages of the growth planning process, with significant front-end input. The PDP sets the foundation for increased iwi engagement that will be implemented over time through the development process.

145. In March 2021 Council officers meet with TKOTAT to discuss their growth related submissions to the PDP for the Future Urban Zone (FUZ) and the Structure Plan Development Areas. The outcome of this meeting was to prioritise the cultural assessments for the new Structure Plan Development Areas (Carrington, Junction, Oropuriri and Patterson) ahead of the FUZ because the Structure Plan Development Areas are being rezoned as part of the PDP.
146. As outlined in procedural section 3.10 and 3.11 and the various appendices to this report, further work has been undertaken between Council and the submitters to address the submission points made. This work has involved identifying site specific cultural issues that can be integrated into the Structure Plan Development Area provisions. Recommendations on these submission are contain under the specific Structure Plan Development Area.

Heritage New Zealand

147. We acknowledge the support of HNZPT and noting that amendments have been made to the policies in response to other submitters, we recommend that their submissions 522.117, 522.127, 522.124 and 522.125 are accepted in part.

Transpower

148. Transpower support the provisions in part but seek amendments to include a standalone National Grid chapter, objectives and policies specific to the National Grid, provide greater recognition of the critical role, the functional and operational needs of network utilities, and amendments to rules and standards to either clarify the intent of the National Grid Corridor provisions or provide greater protection to the National Grid from potential reverse sensitivity effects.
149. While it is acknowledged that the National Grid is important, and the requirements of the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA) apply directly to the operation, maintenance, upgrading, relocation or removal of transmission line(s), there is already an existing overarching chapter in the PDP that deals with the National Grid being the Network Utility Chapter.
150. The purpose of the Network Utility Chapter is to provide for the operation, maintenance, upgrading and development of network utilities and manage their general effects (e.g. visual effects through maximum height, bulk and location controls, and effects on the health, safety and wellbeing of people and communities by requiring compliance with industry standards or guidelines).
151. Under Key Issue 5 of the Network Utility S42A report, the reporting planner Ms Cannon considers the specific recognition of the National Grid. We note that Ms Cannon did not agree with Transpower's request to insert a new National Grid chapter or a suite of new objectives and policies specific to the National Grid because:

"A National Grid chapter is not necessary, as the Network Utilities chapter sufficiently covers matters related to the National Grid, and a new chapter would lead to unnecessary duplication of provisions

The new requested policies specific to the National Grid would essentially: - Duplicate the matters already covered by NU-P1, in particular the benefits of network utilities and clause (1); "allowing the development upgrade, operation, maintenance, repair or removal of network utilities". - Duplicate the matters already covered by NU-P5, including "the functional and operational needs of network utilities". - Duplicate, undermine or conflict with the overlay provisions in the overlay chapters. - Duplicate the matters already covered in policy NU-P6 (managing adverse effects of activities on the National Grid, including reverse sensitivity)."¹⁵

152. Ms Cannon also makes the recommendation that it is not necessary to duplicate National Grid policies across all chapters.
153. We agree with this position and consider a new policy for the Carrington, Patterson and Junction Structure Plan Development Areas is not necessary because the Network Utilities chapter sufficiently covers matters related to the National Grid.
154. However, we do note that Ms Cannon has made a recommendation that the cross referencing should be made within all zone chapters to recognise the Network Utility chapter. According we have made this recommendation to Carrington, Patterson and Junction Structure Plan Development Areas cross reference section. With this in mind, we do not consider that the full wording changes to the overview as requested by Transpower are necessary, although we do agree that statement that the National Grid provides a buffer between the residential and rural interface in the Patterson Structure Plan Development Area should be removed. Our recommended amendments to the overview and cross referencing sections are as follows:

...

The National Grid is located along the [X] edge¹⁶ of the structure plan area. The National Grid Yard and National Grid subdivision Corridor apply either side of the centre line of the National Grid lines and any development must give effect to these. In addition, access to the National Grid must be maintained.

The provisions regarding development within the National Grid Yard and National Grid Subdivision Corridor apply to the [X] Plan Development Area and are contain in the Network Utilities Chapter.

¹⁵ Network Utilities Chapter Section 42A report, page 62

¹⁶ Insert relevant Junction, Carrington, Patterson Structure Plan Development Area

Cross reference to other relevant District Plan provisions:

It is important to note that all objectives and policies in this chapter are to be read and achieved in a manner consistent with the strategic objectives. In addition, the district-wide chapters may contain provisions that may be relevant, including:

- Network Utilities - The Network Utilities Chapter contains provisions relating to network utilities across all zones.
- ...

155. In this regard, we recommend that Transpower's submissions 565.212 and 565.204, 565.208 are accepted in part and 565.211, 565.207, 565.201 and 565.48 are rejected.

Section 32AA evaluation

Effectiveness and efficiency

- The recommend amendments to the Structure Plan Development Areas are the most appropriate in achieving the purpose of the RMA than the notified version of the PDP.
- The recommended amendments to the structure plan recognise the importance of the National Grid.
- The recommended amendments to the structure plan recognise the cultural significance of non-scheduled and scheduled features and recognises the importance of sections 6(a), (e) and (f), 7 (a), and 8 of the RMA and allow for cultural values to be considered and recognised.
- The amendment to the overview and cross reference sections also provides for clarification to assist with the understanding of the provisions in this chapter and in other parts of the PDP.
- The recommended amendments to include references to "planned character" will more effectively deliver the NPS-UD, the PDP's Strategic Direction and better deliver policy P2 across all of the Structure Plan Development Areas.

Costs/Benefits

- The recommended amendment allows more clearly for the protection and identification of mana whenua values.
- The recommended amendments to the 'overview' section acknowledge the existence of the NPSET and recognises the benefits of the National Grid which in turn, will contribute to the social and economic wellbeing of the community.
- The more directive text clarifies the intent of the plan provisions which reduces time/cost/uncertainty for plan users.

- The recommended amendments to the provisions will benefit the Structure Plan Development Area owners wanting to establish or expand in the zone as it provides clearer expectations around the planned character of how the areas will evolve and change as they develop.

Risk of acting or not acting

- There is no risk in accepting the recommended amendments set out above as there is sufficient information to act on the submissions received.

Decision about most appropriate option

- The recommended amendments are therefore considered to be more appropriate in achieving the purpose of the RMA than the notified version of the PDP.

7.3 DEV-1 Bell Block Area Q Structure Plan Development Area

156. The submissions to the Bell Block Area Q Structure Plan Development Area have been grouped into four Key Issues being:
- Bell Block Area Q and New Plymouth Airport;
 - Activity Status for Stage 2 and Stage 3E;
 - Redrafting Of Plan provisions; and
 - Cultural Input and Participation.
157. In terms of the submissions regarding the interface and potential effects of residential development around New Plymouth Airport, it is noted that these issues have been widely canvassed through the earlier Plan Change 20 process. However, the NPL Airport submission discusses new issues for the airport including the potential need to provide an alternative alignment of the primary runway.
158. The provision of infrastructure and servicing and the staging provisions within the Bell Block Area Q Structure Plan area are challenging and various landowners have sought changes to the structure plan standards. Issues of reverse sensitivity for primary productions activities have also been raised.
159. Puketapu Hapū (589.1a) and TKOTAT (459.352) has raised concerns with how the Structure Plan is being implemented and are seeking the whole Structure Plan and Residential Zone provisions to be revisited.
160. Changes to Bell Block Area Q Structure Plan Development Area are attached as **Appendix 1**.

7.3.1 Key Issue 2: Cultural Engagement

Overview

Provision(s)	Officer Recommendation(s)
Bell Block Area Q Structure Plan	<ul style="list-style-type: none"> • The Residential Zone and Structure Plan provisions are retained. • Further work is undertaken between Council, developers and Puketapu Hapū on consultation expectations and how Policy DEV1-P5 will be implemented.

Analysis of Submissions on Key Issue 2

161. TKOTAT (459.352) opposed the Bell Block Area Q Structure Plan Development Area and submitting it had been designed without the benefit of advice from mana whenua and the objectives are silent on tangata whenua. The submitter has concerns regarding the lack of scope to consider impacts on cultural matters including, but not limited to:
- the stormwater management role of the Waitaha and tributaries is out of step with Tai Whenua, Tai Tangata, Tai Ao, and the national direction regarding the management of freshwater.
 - subdivision under rule DEV1-R7 (subdivision) is a controlled activity, with the matters of control not sufficiently broad to consider any advice received by tangata whenua.
162. Puketapu Hapū (589.1a) raised similar issues to TKOTAT. The submitter considered it is difficult to see how the current development plan provisions are implementing the proposed strategic objectives of the District Plan. Puketapu Hapū seek that a Rural Environment Area zone applied to Area Q until such time as an appropriate planning process with mana whenua input has occurred.
163. Neil and Lloma Hibell have made a further submission (FS 101.13) opposing the original submission from (TKOTAT) (459.352). Neil and Lloma Hibell have made a further submission (FS 101.4) opposing the original submission from (Puketapu Hapū) (589.1a).
164. TKOTAT has made a further submission (FS200.526) supporting their original submission (459.352)

Discussion

165. Further to the discussion above detailing the work undertaken to address cultural values across all Structure Plan Development Areas in Key Issue 1, the following paragraphs discuss the specific details for DEV 1 - Bell Block Area Q Structure Plan Development.
166. The submissions from TKOTAT and Puketapu Hapū raised concerns with the process that has been undertaken to introduce Bell Block Area Q into

the PDP, the implementation of the Area Q Structure Plan and the outcomes of urbanisation over areas with cultural values and sites.

167. Council acknowledges that there has been a past legacy of development and consenting processes within Bell Block Area Q focussing on infrastructure and design solutions which have not delivered on the expectations of Puketapu Hapū in terms of consultation, relationship building and adequate protection and recognition of cultural values and sites, including the Waitaha Stream.
168. Council has held regular meetings with TKOTAT and Puketapu Hapū and at times facilitated discussions between iwi/hapū and developers in the course of the development of Bell Block Area Q to ensure better reflection of cultural values in the subdivision consent process. Most recent efforts have focused on taking a cultural / ecology first approach to assess the effects of subdivision.
169. Wider work undertaken by Puketapu Hapū on their draft Cultural Values Statement also provides substantial guidance to Council on how the hapū see development in the rohe.
170. No deliberate effort has been made as part of this PDP process to undertake a full separate cultural assessment of Bell Block Area A (as is the case with the other development areas) as development is already in progress within Bell Block Area Q.
171. As part of Council engagement with tangata whenua and discussions on the issues raised through the submission process, as well as in response to the NPS-Freshwater, TRC has provided an assessment and identification of wetland areas within the Bell Block Area Q Structure Plan. The TRC wetland assessment report¹⁷ has identified new wetland areas within Bell Block Area Q and it is therefore considered appropriate that this information is presented and included on the Structure Plan maps. The location of the wetland areas will affect some of the indicative roading corridors and this will affect how future urbanisation will occur in these areas.
172. As there is limited scope to modify the structure plan and any changes to the roading and/or services corridors will need to be subject to future design and consenting processes, it is recommended that the wetland areas are shown on the existing Structure Plan map including where these affect the identified roading and/or services corridors. A note is also recommended to be added to the Structure Plan maps as follows:

Natural wetland were identified in 2022 and added to the Structure Plan Map. Any future development will need to take into account the identified areas which will require modification to the road alignments and service corridors in some areas.

¹⁷ NPDC Structure Plan Development Areas: Wetland Identification – Ref 2951746 dated 21 December 2021

173. To support the and implement the policy direction of the NPS-Freshwater and in recognition of the natural wetland areas which have been identified within Area Q, it is also recommended that a change to Policy DEV1-P5(5) is included as follows:

Policy DEV1-P5(5) the natural values, historic heritage values and identified features within the Development Area are protected, maintained and/or enhanced;

174. The inclusion of the identified wetland areas and recognition that this will affect development within the Structure Plan area will aid in recognising and protecting these wetland areas and the cultural values associated with these areas.

175. Policy DEV1-P5(6) also provides direction on the cultural values and sites as follows:

Policy DEV1-P5 Ensure that activities are designed and located appropriately in the Structure Plan Development Area and in accordance with the Bell Block Area Q Structure Plan Development Area, having regard to whether:

- *the activity will compromise any cultural, spiritual and/or historical values, interests or associations of importance to tangata whenua that are associated with the Structure Plan Development Area and if so, the outcomes of any consultation with tangata whenua, in particular with respect to mitigation measures and/or the incorporation of mātauranga Māori principles into the design and development of the activity;*

176. We have read the Section 32 report on Plan Change 20 which introduced Bell Block Area Q into the ODP and note that while this referred to archaeological investigations, it does not contain any information or reference to consultation with hapū or iwi.

177. We also note that in the Independent Commissioner's decision on Plan Change 20, that there is a record of submissions from Puketapu Hapū and that there was evidence produced on monitoring of land disturbance, waahi tapu site and accidental discovery protocols, road naming and the Te Atiawa Statutory Acknowledgment. It was also recorded that Puketapu Hapū were generally in support of the plan change (Attachment 1 Section 1.1 table in the Commissioner Decision).

178. Therefore moving forward as part of the application for new development and subdivision within Bell Block Area Q, it is now Council's expectation that consultation with Puketapu Hapū is undertaken at an early stage. In addition, any development proposal, including discharges and works affecting wetlands will now have to be considered in accordance with the NPS-Freshwater 2020.

179. Overall, it is considered that the provisions for the Bell Block Area Q Structure Plan should be retained and that the consenting process will need to deliver better outcomes in terms of consultation and cultural input and outcomes.
180. We recommended that:
- Submission/s: TKOTAT (459.352) and (FS 200.526) and Puketapu Hapū (589.1a) be accepted in part.
 - Submission/s: Neil and Lloma Hibell (FS 101.5) and (FS 101.4) be accepted in part.

Section 32AA evaluation

Effectiveness and efficiency

- The Bell Block Area Q Structure Plan Development Area and plan provisions have been designed to enable residential development while recognising that there are key infrastructure and servicing requirements that affect the timing and sequence of development.

Costs/Benefits

- There is potential costs and risks to cultural values and sites unless an appropriate process of consultation takes place to enable appropriate recognition and protection of cultural values and sites.
- Natural Wetland areas are now protected under the NPS-Freshwater and there may be costs to natural diversity and values if these areas are not identified and protected.
- There are also costs associated with the inability to provide additional land supply to meet housing needs and developers require certainty around consenting issues and acceptable design solutions in order to commit and invest in land development projects.

Risk of acting or not acting

- Refer above discussion.

Decision about most appropriate option

- It is considered that the most appropriate option is to retain the Bell Block Area Q provisions as developed largely through the earlier Plan Change 20 process. However, implementation of the Structure must give effect to Policy DEV1-P5 (6) and the other plan provisions relating to cultural values and sites and additional provisions are required in terms of the identification and protection of wetlands.

7.3.2 Key Issue 3: Bell Block Area Q and New Plymouth Airport

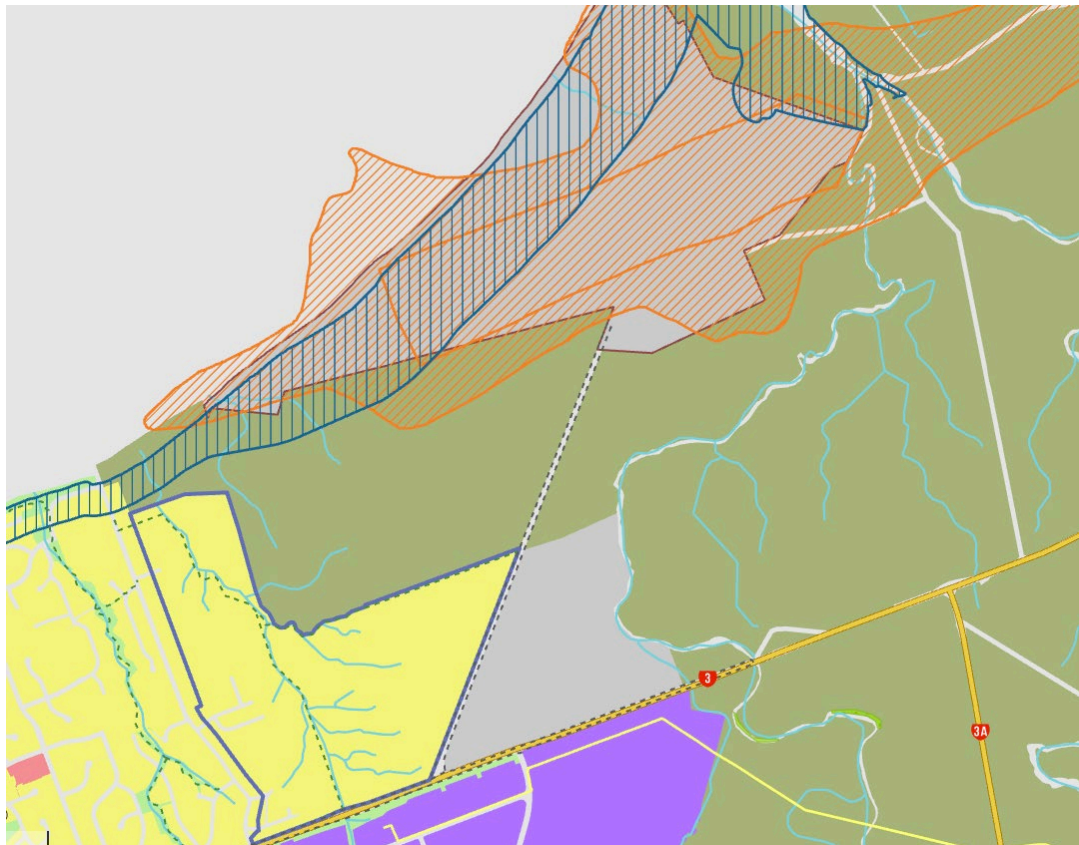
Overview

Provision(s)	Officer Recommendation(s)
Bell Block Area Q Structure plan and interface with New Plymouth Airport	<ul style="list-style-type: none">No changes to provisions as notified.

Analysis of Submissions on Key Issue 3

181. Papa Rererangi Puketapu Limited ("NPL Airport") has made a number of submission in opposition to the Structure Plan provisions on Area Q. The spatial relationship between Area Q and NPL Airport is shown in Figure 1.

Figure 1 shows the spatial relationship between Bell Block Area Q and the NPL Airport



182. The key issues raised relate to the airport noise control boundaries and potential noise effects/reverse sensitivity issues. In broad terms NPL Airport opposes development within parts of Bell Block Area Q which it considers may compromise the function and operational requirements of New Plymouth Airport. The NPL Airport submission refers to the potential need to realign the main airport runway and it is noted that many of these issued have already been canvassed as part of the Proposed Plan hearing on noise issues. This included legal submissions from NPL Airport and also expert noise evidence and a Joint Witness Statement.

183. More specifically, NPL Airport has made the following submission points:

504.53	Supports in part Policy DEV1-P6 but seeks a reset of the policy so that it only enables residential development in Stage 1 only and avoids residential development occurring within Stages 2 and 3E.
504.46	Opposes Rule DEV1-R7 (Subdivision of an allotment within Structure Plan Area - Stage 1) and considers that subdivision or development for noise sensitive activities, within the 50dBA Noise Contour, should be a non-complying activity.
504.45	Opposes Rule DEV1-R12 (Subdivision not obtaining access from Airport Drive - Stage 2) and considers that subdivision or development for noise sensitive activities, within the 50dBA Noise Contour, should be a non-complying activity.
504.43	Opposes Rule DEV1-R17 (Erection of building and structures - Stage 3E) and considers that subdivision or development for noise sensitive activities, within the 50dBA Noise Contour, should be a non-complying activity.
504.54a and 54b	Amend the Area Q guidance: New Plymouth Airport to make any subdivision or development within the 50dBA for noise sensitive activities a non-complying activity. Identify the 50dBA area on the planning map and structure plan area.
504.49	Supports in part Policy DEV1 – P4 (Avoid inconsistent activities) but seeks an amendment to point (3) to include reverse sensitivity effects associated with the New Plymouth Airport.
504.50a, 50b and 50c	Opposes urban development within Stage 2 and Stage 3E of the DEV1 - Bell Block Area Q Structure Plan Development Area because of potential reverse sensitivity effects on the New Plymouth Airport. Seeks amendment to Dev1-01, Dev1-02 and Dev-02 to recognise the proximity of this area to New Plymouth Airport and the potential for reverse sensitivity effects. Supports in part policy DEV1 – P4 (Avoid inconsistent activities) but seeks an amendment to point (3) to include reverse sensitivity effects associated with the New Plymouth Airport

184. Neil and Lloma Hibell have made further submissions (FS 101.14 and FS101.16), opposing the original submissions from NPL Airport (504.49) and (504.53) respectively. Neil and Lloma Hibell have made further submissions (FS 101.7), FS 101.8 and FS 101.10) opposing the original submissions from NPL Airport (504.50a, 504.50b and 504.50c respectively.

Discussion

185. In the first instance, it would appear that the concerns and issues raised by NPL Airport have largely been considered as part of Plan Changes 20 and 47 and this may raise questions on whether it is appropriate for these matters to be revisited as part the current stage of the PDP process.
186. However, a large driver for the concerns raised by NPL Airport is that in recent years, analysis of runway options has identified the potential need for an alternative north-east/south-west alignment. As discussed above, the Hearing Commissioners have already received evidence and legal submissions from NPL Airport on these matters and this material will also help inform the assessment and determination on the submissions to the Bell Block Area Q Structure Plan.
187. In terms of the need for an alternate runway, the NPL Airport submission includes the following commentary:

During 2019 the Airport has engaged a range of specialists including representatives from Te Atiawa and Puketapu hapū to consider alternative runway alignment options. This process has been run as a collaborative multi-criteria analysis (MCA). The preliminary conclusion of the MCA is that extending the runway on its current alignment to meet anticipated future needs presents many challenges and is potentially "unconsentable" under the RMA (1991) due to a number of unacceptable adverse effects on cultural and archaeological values as well as uncertainty regarding the resilience of an option that extends towards an eroding coastline.

The predicted rate of coastal erosion strongly suggests that it is prudent for the Airport to take a long term view and to consider and plan for an alternative future runway on a north-east/south-west alignment and for the Airport to advocate protection of that land for which it does not own for future runway use should it be required. The outcome of the MCA process has highlighted the strategic importance to the Airport, and the region, of the rural land between Area Q and the Airport. The MCA process has highlighted that should the Airport require a north-east/south-west runway alignment in the future that the residential land planned for Area Q will be impacted by noise and amenity effects from Airport operations.

The Airport therefore strongly supports the retention of the Rural Productive Zoning for the land between Area Q and the Airport within the proposed plan. Furthermore, the Airport recommends that NPDC establish overlay provisions within the proposed plan that prevents incompatible development such as residential housing that would preclude the Airport from using the land in the future.

188. New Plymouth airport is regionally significant infrastructure and it is important that the PDP ensures that the function and operation of the airport is not compromised, including its future growth and capacity.

189. While the submission from NPL Airport sets out the potential issues facing the airport, we consider that there is insufficient evidence to justify a wholesale revision of Bell Block Area Q Structure Plan Development Area as this would represent a major departure from the existing planning and development framework for this area.
190. Significantly, any decision to amend the runway alignment will require a plan change process and this will enable a full analysis and consideration of environmental costs and benefits. This will also provide the opportunity to consider the scope and extent of any noise control boundaries and mitigation measures for existing or new development within these areas and the strategic importance of New Plymouth airport as regionally significant infrastructure.
191. The current hearings process will allow NPL Airport the opportunity to present additional information and material on the challenges and issues facing New Plymouth airport and this may require further planning analysis. However at this stage, the material presented by NPL Airport does not in our opinion justify changes to the Bell Block Area Q Structure Plan provisions. In addition, we note that the position of NPL Airport in terms of the relief sought through their submissions was modified through the earlier hearings on the Noise Chapter. This included a move away from further restrictions of sensitive activities between the 50bBA contour and the Outer Control boundary for the Rural Production Zone areas outside the Area Q Structure Plan¹⁸ and clarification and agreement on aspects of the noise rules in relation to the airport noise boundaries¹⁹.
192. Overall, we consider that the issues of noise effects and reverse sensitivity have been appropriately addressed as part of the earlier plan changes with respect to the existing designation of New Plymouth airport and the associated airport noise boundaries.
193. At this stage, we recommend that:
- Submission/s: PRP Ltd/NPL Airport (504.53), (504.46), (504.45), (504.43), (504.54a and 54b), (504.49) and (504.50a, 50b and 50c) be rejected.
 - Submission/s: Neil and Llama Hibell (FS 101.7), (FS 101.8), and (FS 101.10), (FS 101.14) and (FS 101.16) be accepted.

¹⁸ Supplementary Statement of Evidence, Hywel Edwards on behalf of Papa Rererangi I Puketapu Limited (NPL Airport) dated 23 August 2021.

¹⁹ Joint Witness Statement on Noise Issues – 15 September 2021 and Joint Witness Statement on Planning Issues for the Noise Chapter dated 22 September 2022.

Section 32AA evaluation

Effectiveness and efficiency

- The Bell Block Area Q Structure Plan Development Area and plan provisions have been designed to enable residential development while recognising that there are key infrastructure and servicing requirements that affect the timing and sequence of development.

Costs/Benefits

- There needs to be a clear and robust assessment of costs and benefits in terms of enabling residential development and any adverse effects which may arise in terms of the ongoing capacity and function of New Plymouth Airport. These matters were carefully considered and determined as part of Plan Change 20 to the ODP and have also been canvassed through the earlier hearing on Noise.
- NPL Airport has outlined potential issues that may arise with the existing runway alignment and operational requirements for the length of the runway. If NPL Airport commit to the construction of an alternate runway, then a separate plan change process will be necessary and this will provide a full opportunity to consider costs and benefits. At this stage, there is insufficient information to determine whether an alternate runway option is a necessary and/or feasible option.

Risk of acting or not acting

- There is risk of enabling additional residential development close to the airport should the runway alignment need to be altered. However, this risk can only fully be assessed and determined through a full plan change process.
- There is also a risk in unnecessary removing land supply areas from existing residential zones, particularly given the work and infrastructure that has already been committed to development within Bell Block Area Q.

Decision about most appropriate option

- Based on the information which is currently available, it is considered that the most appropriate option is to retain the Area Q provisions as developed largely through the earlier Plan Change 20 process.

7.3.3 Key Issue 4: Activity Status for Stage 2 and Stage 3E

Overview

Provision(s)	Officer Recommendation(s)
Rule DEV1-R27	<ul style="list-style-type: none">• Change Prohibited Activity status for development in Stage 3E to non-complying and consequential amendments to Structure Plan guidance.• No other changes recommended.

Analysis of Submissions on Key Issue 4

194. In addition to the submissions that NPL Airport has made in terms of noise and reverse sensitivity, a specific submission has been made to the activity status rules for Stage 3E as follows;
- 504.44b Opposes the General Residential Zone for Stage 3E and seeks that this area be rezoned to a Rural Production Zone.
195. Neil and Lloma Hibell have made a further submission opposing the original submissions from NPL Airport (FS 504.44b).
196. Don Crow (298.1) supports the overview sections for development within Stage 2 and Stage 3E as notified. However, he opposes the prohibited activity status for activities within Stage 3E until Area R is rezoned as set out in Rule Dev1-R27 (298.7b) and seeks a change to a non-complying status.
197. Neil and Lloma Hibell have made a further submission (FS 101.11) supporting the original submission from Don Crow (298.1).
198. NPL Airport has made further submission (FS 92.10) and (FS 92.12) opposing the original submission from Don Crow (298.1) and (298.7b) respectively.
199. TKOTAT has made a further submission (FS200.527) opposing the original submission from Don Crow (298.1).

Discussion

200. The NPL Airport submission seeks the rezoning of Stage 3E to Rural Production. This submission is not supported as development within and across Stage 3E is necessary to support urbanisation across the whole of the Bell Block Area Q Structure Plan.
201. The submission from Don Crow raises an issue with the status of subdivision and development in Stage 3E. Currently Rule DEV1-R27 assigns a prohibited activity status to development within Stage 3E prior to any plan change to rezone Area R. This is the only prohibited activity status in the PDP and was included following the adoption of the Bell Block Area Q provisions from the ODP.
202. One of the key infrastructure issues for Area R is the realignment of the Airport Drive/SH3 intersection and the provision of a new roundabout for the west-east link road through Area 3E. While it is clear that the development of Area Q and Area R requires close co-ordination of infrastructure and roading networks, there is an inherent issue with the current Rule DEV1-R27 and the premise that development in 3E is prohibited without a plan change for Area R. Area R will need to be considered as part of zone submissions and it is considered that the PDP needs to at least recognise a scenario where Area R is postponed or withdrawn. Given the Structure Plan for Bell Block Area Q anticipates infrastructure and road connections through to Airport Drive, it appears that this must be accommodated with or without the rezoning of Area R.

It may also be necessary to consider alternate zone areas and/or a plan change which is more focussed on the alternate road intersection than a full Area R rezoning.

203. In our opinion, it is difficult to reconcile the prohibited activity status over Stage 3E given that development within Stage 3E is necessary in order to give effect to the structure plan for the whole of Bell Block Area Q. The section 32 for the original Area Q plan change referred to a Memorandum of Understanding between Council and Waka Kotahi and a grade separated intersection for the alternate Airport Drive/SH3 intersection (including De Havilland Drive). Therefore, any development of Area R and provision of a new grade separated intersection will be a major infrastructure project and this will need to be subject to funding and priority assessment with other regionally significant roading projects.
204. There are growth pressures and development proceeding within Bell Block Area Q however there is also some uncertainty in terms of development within Area 2 given the prohibited activity rule.
205. In our view, there is merit in changing the activity status for development within Stage 3E to a non-complying activity. This activity status will clearly retain a high threshold for any land use or subdivision consent and the safety, efficiency and capacity of the roading network will be a significant issue to address. However, there may be situations where roading connections are necessary to facilitate development across Bell Block Area Q and the non-complying activity will at least provide an opportunity and planning process for an assessment to be made as to what scale and type of development may be appropriate. This could also help with identifying a timeframe for the upgrade of the Airport Drive/SH3 intersection and allow the development of a funding model to assist with a future upgrade.
206. It is therefore recommended that the submission from Don Crow be accepted and that Rule DEV1-R27 is amended to a non-complying activity. Consequential amendments will also be required to the text of the Structure Plan guidance to change reference to a prohibited status to a non-complying activity status.
207. We recommend that:
- Submission/s: NPL Airport (504.50a, 50b and 50c), (504.44b), (FS 92.10) and (FS 92.12); TKOTAT (FS 200.527) be rejected.
 - Submission/s: Don Crow (298.1) and (298.7b); Neil and Llama Hibell (FS 101.7), (FS 101.8), (FS 101.10), (FS 101.17) and (FS 101.11) be accepted.

Section 32AA evaluation

Effectiveness and efficiency

- It is considered that the existing prohibited activity rule is neither efficient nor effective as it places a substantive degree of uncertainty over the whole of the Bell Block Area Q Structure Plan.

Costs/Benefits

- The benefits of a non-complying activity status are that development and infrastructure connections can be considered within the Stage 3E area with a high activity status threshold which will ensure due consideration of the policy directives and the merits of any particular land use or subdivision proposal. The current prohibited status does not allow any such process to occur, and this may have negative outcomes on urbanisation across the Bell Block Area Q Structure Plan.

Risk of acting or not acting

- There is some risk that retaining the prohibited activity rule will negatively affect or restrain development within the Bell Block Area Q Structure Plan. A non-complying activity status will ensure that issues regarding infrastructure and roading connections including the relocation of the Airport Drive/SH3 intersection are duly considered.

Decision about most appropriate option

- It is considered that a non-complying rule is the most appropriate option.

7.3.4 **Key Issue 5: Redrafting of Bell Block Area Q Structure Plan Development Area provisions.**

Overview

Provision(s)	Officer Recommendation(s)
	<ul style="list-style-type: none">• No change to the Bell Block Area Q provisions apart from formatting and consistency amendments to align with other Plan Chapter discussed in Key Issue 1.

Analysis of Submissions on Key Issue 5

208. NPL Airport has also made the following specific submission points to the Area Q provisions:

504.47	Supports Rule DEV1-R3 regarding alterations and additions to habitable buildings within the 50dB _{L_{dn}} contour and located within Stage 1 and seeks this be retained as notified.
504.44a	Supports Rule DEV1-R16 regarding permitted activities within the Rural production Zone and seeks this be retained as notified.
504.51	Opposes Rule DEV1-R18 regarding alterations and additions to habitable buildings within the 50dB _{L_{dn}} contour and located within Stage 3E and seeks a change in activity status to non-complying.

209. Kāinga Ora (563.611) has made a submission for consequential changes across the PDP Chapters and this is discussed in Key issue 1. Neil and Lloma Hibell (FS 101.3) oppose in part the original submission from Kāinga Ora (563.611).
210. Don Crow supports Objective DEV1-O1 (298.2), Objective DEV1-O3 (298.3), Policy DEV1-P1 (298.4), Policy DEV1-P3 (298.5), Rule DEV-R1 (298.6) and Rule DEV-R17 (298.10) as notified and seeks that these provisions be retained as notified. Don Crow also supports in part Rule DEV1-R9 and DEV1-R10 however seeks an amendment to the rules to allow a secondary access off Wills Road (298.8 and 298.9).
211. Christopher Herd has a made further submission (F S23.1) supporting the Don Crow submission (298.8) and a further submission (FS 23.2) supporting the Don Crow submission (298.9).
212. Neil and Lloma Hibell have made further submissions (FS 101.6), (FS 101.9) and (FS 101.12) supporting the original submissions from Don Crow being (298.2), (298.3) and (298.4) respectively. Neil and Lloma Hibell have also made a further submissions (FS 101.13) opposing in part the original submission from Don Crow being (298.5) regarding Policy DEV1-P3 and direct access onto Airport Drive.
213. NPL Airport has made a further submission (FS 101.11) opposing the original submission from Don Crow (298.3).
214. TKOTAT has made a further submission (FS 200.528) opposing the original submission from Don Crow (298.6).
215. HNZPT (522.117) supports Policy DEV1-P5 as notified and seeks that this policy be retained as notified.
216. Neil and Lloma Hibell has made a further submission (FS 101.15) supporting the original submission from HNZPT (522.117).

Discussion

217. The NPL Airport submissions supports the existing provisions in terms of acoustic insulation for standards for sites within the 50dB_{L_{dn}} contour over Stage 1 and the permitted activity standards for rural activities within Stage 3E. The submission opposes the provision (Rule DEV1-R18) for alterations and alterations habitable buildings within Stage 3E and seeks that these are assigned a non-complying activity status.
218. The submissions in support of the existing rules are acknowledged and supported. The issue of development within Stage 3E has been addressed above. It is recommended that Rule DEV1-R27 is amended to remove the prohibited activity status for residential subdivision and residential development in Stage 3E and to apply a non-complying activity status.

219. The existing Rule DEV1-R18 is considered to be appropriate in that it requires any alterations and extensions to comply with the noise insulation standards as provided by Rule Noise-S4. It is noted that submissions have been received on Rule Noise-S4 and these will be determined as part of the Noise Hearing.
220. The submission from Kāinga Ora is addressed in Key Issue 1 of the Structure Plan report.
221. It is noted that Don Crow and Neil and Lloma Hibell generally support the Area Q provisions. However, Don Crow has made specific submissions regarding Rule DEV1-R9 and DEV1-R10 regarding access onto Wills Road. In addition, Neil and Lloma Hibell have made a further submission opposing the original submission from Don Crow on Policy DEV1-P3 regarding direct access onto Airport Drive.
222. Rules DEV1-R9 and DEV1-R10 restrict the number of road corridors across the Waitaha Stream. The roading linkages across the Bell Block Area Q Structure Plan area have been addressed through the earlier plan change process which adopted Area Q into the Operative District Plan. The Waitaha Stream has significant cultural values for tangata whenua and currently the Bell Block Area Q Structure Plan only provides for one east-west link from Airport Drive to Wills Road. Without further detailed analysis of the capacity and efficiency of the indicative roading network including how any environmental or cultural values can be mitigated, it is considered that there is insufficient justification to consider additional road linkage are necessary or appropriate.
223. As such, it is recommended that the existing DEV1-R9 and DEV1-R10 are retained as notified.
224. Don Crow has made a submission in support of Policy DEV1-P3 and this is subject to further submissions.
225. Policy DEV1-P3 as notified is as follows:

Manage the number and location of vehicle access points onto Airport Drive and Devon Road (SH3) within the Bell Block Area Q Structure Plan Development Area to ensure:

- 1. new vehicle access points to Airport Drive south of Parklands Avenue are appropriately managed to ensure the safety and efficiency and the sustainable management of the road network;*
- 2. new vehicle access points to Airport Drive north of Parklands Avenue are avoided as far as practicable;*
- 3. existing vehicle access points to Devon Road (SH3) are closed where alternative road access is available upon significant redevelopment of the properties identified as SH3 restricted access along Devon Road; and*

4. *new roads are developed in general accordance with the Bell Block Area Q Structure Plan Development Area.*

226. The Bell Block Area Q Structure Plan contains a comprehensive set of rules and policies to manage development in the area and this includes managing the effects of new entrances on Airport Drive to maintain the safety and efficiency of the road network. The Structure Plan has been purposefully designed to restrict access north of the Parklands Avenue connection onto Airport Drive and there does not appear to be any substantive reasons to move away or revisit these access policies or rule provisions. The further submission from Neil and Lloma Hibell is not therefore supported.
227. We recommend the following:
- Submission/s: Don Crow (298.2), (298.3), (298.4), (298.5), (298.6) and (298.10); Hibell (FS 101.6), (FS 101.9) and (FS 101.12), PRP Ltd/NPL Airport (504.47, 504.44a) be accepted.
 - Submission/s: HNZPT (522.117) and Hibell (FS 101.15) be accepted in part.
 - Submission/s: Don Crow (298.8) and (298.9); PRP Ltd/NPL Airport (504.51), (FS 101.11); Herd (FS23.1) and (FS 23.2); Hibell (FS 101.13), TKOTAT (FS 200.528) be rejected.

Section 32AA evaluation

Effectiveness and efficiency

- The Bell Block Area Q Structure Plan area and plan provisions have been designed to enable residential development while recognising that there are key infrastructure and servicing requirements that affect the timing and sequence of development. In addition, development within the Structure Plan area has to take into account cultural values and other environmental factors such as the protection of natural wetlands.

Costs/Benefits

- The provisions of the Bell Block Area Q Structure Plan provide for urbanisation while recognising that there are cultural, environmental and infrastructure factors and constraints that must be taken into account as part of the urbanisation process. These can lead to competing objectives in terms of development yield and design/construction costs however a balanced approach is necessary in terms of the costs/benefits of the rule provisions. It is considered that the Bell Block Area Q provisions achieve an appropriate balance of costs/benefits.

Risk of acting or not acting

- The risk of not acting is that there will be a lack of certainty for how and when the urbanisation of Bell Block Area Q can occur.

Decision about most appropriate option

- The existing Structure Plan provisions are considered to largely reflect the most appropriate option with some amendments required for consistent formatting.

7.4 DEV2-Carrington Structure Plan Development Area

228. A total of eight original submissions were received on the Carrington Structure Plan Development Area and three further submissions.
229. Ngati Te Whiti Hapū, Puketapu Hapū and TKOTAT all opposed the Structure Plan Development Area as mana whenua advice and engagement had not occurred to inform the area and proposed provisions. They request that mana whenua engagement occur and be used to make amendments to the chapter provisions.
230. One landowner within the area, Mr and Mrs Godwin, submitted in relation to the location of the collector road shown on the structure plan map and they requested this be relocated to the eastern side adjacent Carrington Road, where the area of fill is identified on the structure plan map.
231. New Plymouth Cohousing Community submitted as they supported the Structure Plan Development Area but sought a review of provisions to facilitate cohousing.
232. Kainga Ora submitted in support but requested a number of consequential amendments to reflect their overall submission on the Proposed Plan and this is discussed in Key Issue 1.
233. Transpower New Zealand submitted in support of the Structure Plan Development Area but sought amendments to the overview section and the addition of a new policy to identify the location and importance of the National Grid Transmission Lines.
234. Heritage New Zealand submitted in support of DEV2-P4 as is provided for the consideration of heritage and cultural values.
235. Some of the submissions received voiced similar concerns or issues. These can be summarised as:
- Provide for a broader range of activities to establish in the Structure Plan Development Area;
 - Cultural engagement; and
 - Structure Plan mapping changes.

7.4.1 **Key Issue 6: Cultural Engagement**

Overview

Provision(s)	Officer Recommendation(s)
Chapter Overview	Amendment to identify potential archaeology, a potential site of significance to Maori and the wetland extent
DEV2-P4	Amend DEV2-P4 to amend item (6) to align with other cultural changes across other chapters, add item (9) to ensure the effects on non-scheduled features and landscapes are managed and add item (10) to ensure the cultural importance of water is considered in any stormwater treatment, catchment or disposal
DEV2-R4	Amend matters of control to add cultural consideration and tangata whenua values.
New provision proposed DEV2-R2 (Earthworks)	Insertion of a new earthworks rule to align with earthworks provision in Patterson Development Area and encourage the retention of the landform across the development area by controlling the scale and volume of earthworks.
Structure Plan map	Amendments to the structure plan map to correctly label and identify the extent of the wetland, identify locations where possible archaeology exist and a potential site of significance to Maori.

236. As summarised above Ngati Te Whiti Hapū (507.4), Puketapu Hapū (589.1b) and TKOTAT (459.345a) all opposed the Structure Plan Development Area as mana whenua advice and engagement had not occurred to inform the area and proposed provisions. They request that mana whenua engagement occur and be used to make amendments to the chapter provisions.

Discussion

237. Given that the mana whenua for the Carrington Structure Plan Development Area is within the rohe of Ngati Te Whiti Hapū, engagement occurred directly with this hapu and TKOTAT as the mandated iwi authority. The consultation undertaken with mana whenua since receipt of

their submission is outlined in Section 3.10, Procedural Matters chapter of this report.

238. The submissions made by Puketapu, Ngati Te Whiti and TKOTAT were broad submissions around cultural engagement and no specific amendments to provisions were sought, with the exception of submission 459.345b by TKOTAT that sought amendments to DEV2-R3 (subdivision) to consider tangata whenua matters including mātauranga Māori.
239. The following amendments are recommended to the Carrington Structure Plan Development Area to address potential cultural values and identified through the consultation process with mana whenua. These amendments are summarised as:
- Amendments to the overview section, to identify the potential archeology on site and the location of the wetland;
 - Amendment to Policy DEV2-P4 to include managing effects of non-scheduled features and ensuring stormwater management consider tangata whenua values and Te Mana o Te Wai;
 - Amendment to Rule DEV2-R4 (subdivision) to include matters of control in relation to tangata whenua matters;
 - Addition of DEV2-R2 (earthworks) an earthworks rule to manage the scale of earthworks within the Structure Plan Development Area and ensure landscape and cultural values are considered at the time of earthworks;
 - Amendments to the Structure Plan to identify potential archeology and the scale and extent of the wetland.
240. The changes identified above are made as a result of the submissions received by mana whenua and the engagement that has occurred following receipt of the submission. The consultation process identified that the provisions as notified had not benefited from tangata whenua engagement and expertise. The amendments provide and reflect the cultural importance of these landscapes and provides for the opportunity for cultural advice and analysis at the time of subdivision and development.
241. It is understood that the significant cultural issues around land development result from earthworks and altering the natural landform, and the management of infrastructure provisions particularly stormwater management. The provisions as notified for this area did not sufficiently address and or consider these cultural issues. The retention of natural features within the Structure Plan Development Area including the large stands of native vegetation and the wetland are important aspects of this Structure Plan Development Area.
242. The amendment to Policy DEV2-P4 includes the management of effects on unscheduled features and the management of stormwater effects including consideration of cultural values. This consideration is translated down into the matters of control for the subdivision rule DEV2-R4. This proposed

amendment to the subdivision matters of control is intended to address the disconnect in the current PDP drafting as notified and to provide the requirement for cultural values to be considered and incorporated into design at the time of subdivision.

243. In this regard, we recommended that submission point 459.345b is accepted in part from TKOTAT and the changes proposed to DEV2-R3 are set out in Appendix 2.
244. The amendments to the structure plan map will identify the wetland area now that it has been correctly mapped by TRC and the identification of potential archaeological and waahi tapu features. Mr McCurdy is of the opinion that there is a high likelihood that there is a settlement or kainga and there is an archaeological site. However, to verify these sites further work is needed in the way of an exploratory dig to validate these sites. Mr McCurdy has recommended that until this exploratory earthwork occurs it would be premature to protect these sites via regulation in the PDP. It is therefore considered the most appropriate tool is to identify these potential sites on the Carrington Structure Plan map to encourage further investigation occurs by those undertaking development in those areas. Mr McCurdy has outlined that an Archaeological Authority will be needed for works in those areas given their likelihood of archaeological discovery.
245. The earthworks provisions in the Earthworks Chapter will also manage earthworks in these areas. Given Mr McCurdy's recommendations no specific provisions seeking these areas protection is proposed but rather the mapping of these areas to acknowledge their presence and potential of discovery. If once exploratory works occurs on these sites and they are confirmed to be of archaeological nature and significance to Māori, a plan change would need to be initiated to recognise these sites in Schedule 3 of the PDP.
246. In addition, to the archaeological features identified by Mr McCurdy, Mr Keith Manukonga of Nga Mahanga A Tairi hapū has provided oral evidence and a map to show its location on a site within the Structure Plan Development Area that is tapu to mana whenua. This site is identified and mapped on the structure plan map. This site is a place of peace and reconciliation for mana whenua as historically it is told that it was a place where two brothers met, and a dispute and war was set to unfold but reconciliation occurred, and no war took place. This area remains a tapu site and one of reconciliation. This is proposed to be a reserve to protect this place in perpetuity.
247. The summary above is detailed in Appendix 2 which contains Recommended Amendments to the Carrington Structure Plan Development Area Chapter.
248. In light of the above changes, we recommend that submissions TKOTAT (459.345a), Ngati Te Whiti Hapū (507.4) and Puketapu Hapū (589.1b) are accepted.

Section 32AA evaluation

Effectiveness and efficiency

- The recommended amendments are more appropriate in achieving the purpose of the RMA than the notified version of the PDP.
- The recommended amendments to Policy DEV2-P4, Rule DEV2-R3, the structure plan and the additions of rules DEV2-R5, DEV2-S2 and DEV2-S3 recognise the importance of sections 6(a), (e) and (f), 7 (a), and 8 of the RMA and allow for cultural values to be considered and recognised.
- The amendments also provide clarification to assist with the understanding of the provisions in this chapter and in other parts of the PDP.

Costs/Benefits

- The recommended amendments allow more clearly for the protection and identification of cultural values. The amendment will also ensure the consideration of the relationship that tangata whenua have with the environment and the opportunity for tangata whenua to participate in the subdivision and development of these areas.

Risk of acting or not acting

- There is no risk in accepting the recommended amendments set out above as there is sufficient information to act on the submissions received and the consultation process that has occurred following receipt of these submissions.

Decision about most appropriate option

- The recommended amendments are therefore considered to be more appropriate in achieving the purpose of the RMA than the notified version of the Proposed District Plan.

7.4.2 Key Issue 7: Mapping changes to Carrington Structure Plan Development Area.

249. As outlined above in Key Issue 6, changes are proposed to the structure plan map as a result of the consultation process that has occurred with mana whenua. To summarise these changes include the following:

- The identification of the entire wetland as mapped by TRC;
- The identification of potential 'archaeology' as identified by Geometria; and
- The identification of potential Site of Significance to Māori site as identified by Mr Manukonga

250. Mr and Mrs Godwin (390.9) oppose the location of the collector road running through their property as it is flat and fertile land, they suggested the collector road would be more appropriately suited with land to the east of the protected vegetation in the centre of the site.

251. Whilst, it is accepted this location would be appropriate from a topography and layout point of view, it is however not feasible as the development of the Fernbrook land to the north has occurred right up to the northern boundary of this land. The land Mr and Mrs Godwin request the collector road be located on (Lot 1 DP 493366) has residential development along its northern boundary with no through road able to be achieved from Fernbrook Drive.
252. This proposed collector road to service the Carrington Structure Plan Development Area needs to provide a road connection from the already developed Fernbrook Drive area to ensure a bus route and connectivity is achieved. A collector road location on Lot 1 DP 493366 would not achieve this connection to Fernbrook Drive and the only opportunity to connect into the existing development along Fernbrook Drive is to require a collector road on the western side of the protected vegetation area and through the Godwin's property is the only feasible solution. The road connection from Fernbrook Drive to the northern boundary of the Structure Plan Development Area has not yet been consented but the owners Fernbrook 2011 Limited have draft scheme plans in place to extend this development through.
253. Therefore, given the important roading connection through collector road provides from existing residential development to the north, it is recommended that submission (390.9) is rejected.
254. Submission from New Plymouth Co-housing Community (478.4) has requested that the provisions for Carrington Structure Plan Development area is amended to facilitate co-housing.
255. Currently the General Residential Environment Area dwelling rules apply to the Carrington Structure Plan Development Area. It is considered that this development area which would cater for co-housing. . It is not considered appropriate to specially amend the structure plan to facilitate large co-housing development within the Structure Plan development area. Therefore we recommend that submission New Plymouth Co-housing Community (478.4) be rejected.

7.5 DEV3-Junction Structure Plan Development Area

256. A total of seven original submissions were received on the Junction Structure Plan Development Area and three further submissions.
257. Ngati Te Whiti Hapū, Puketapu Hapū and TKOTAT all opposed the Structure Plan Development Area as mana whenua advice and engagement had not occurred to inform the area and proposed provisions. They request that mana whenua engagement occur and be used to make amendments to the chapter provisions.

258. One landowner within the area submitted Mr Laird in relation to consideration of the design and layout of development to provide wider pedestrian connections, consideration to noise and light overspill and the removal of covenants on his property to provide for future development.
259. Kāinga Ora submitted in support but requested a number of consequential amendments to reflect their overall submission on the PDP.
260. Transpower submitted in support of the Structure Plan Development Area but sought amendments to the overview section and the addition of a new policy to identify the location and importance of the National Grid Transmission Lines.
261. HNZPT submitted in support of DEV3-P4 as is provided for the consideration of heritage and cultural values.
262. Some of the submissions received voiced similar concerns or issues. These can be summarised as:
- Provide for a broader range of activities to establish in the Structure Plan Development Area;
 - Cultural engagement; and
 - Structure Plan mapping changes.

Overview

Provision(s)	Officer Recommendation(s)
Chapter Overview	Amendment to identify potential archaeology, and the location and extent of wetlands.
DEV3-P4	Amend DEV3-P4 to amend item (6) to align with other cultural changes across other chapters, add item (9) to ensure the effects on non-scheduled features and landscapes are managed and add item (10) to ensure the cultural importance of water is considered in any stormwater treatment, catchment or disposal
DEV3-R4	Amend matters of control to add cultural consideration and tangata whenua values.
New provision proposed DEV3-R3 (Earthworks)	Insertion of a new earthworks rule to align with earthworks provision in Patterson Development Area and encourage the retention of the landform across the development

Provision(s)	Officer Recommendation(s)
	area by controlling the scale and volume of earthworks.
Structure Plan map	Amendments to the structure plan map to identify the location and extent of the wetlands and identify the locations where possible archaeology exist.

7.5.1 Key Issue 8: Cultural Engagement

Submission

263. Ngati Te Whiti Hapū (507.5), Puketapu Hapū (589.1c) and TKOTAT (459.346) all opposed the Structure Plan Development Area as mana whenua advice and engagement had not occurred to inform the area and proposed provisions. They request that mana whenua engagement occur and be used to make amendments to the chapter provisions. No specific amendments to provisions were sought.

Discussion

264. Given that the mana whenua for the Junction Structure Plan Development Area is within the rohe of Ngati Te Whiti Hapū, engagement occurred directly with this hapu and TKOTAT as the mandated iwi authority. The consultation undertaken with mana whenua since receipt of their submission is outlined in Section 3.10, Procedural Matters chapter of this report.

265. The following amendments are proposed to the Junction Structure Plan Development Area to address potential cultural values and identified through the consultation process with mana whenua. These amendments are summarised as:

- Amendments to the overview section, to identify the potential archeology on site and the location of the wetlands;
- Amendment to DEV3-P4 to include managing effects of non-scheduled features and ensuring stormwater management consider tangata whenua values;
- Amendment to DEV3-R5 (subdivision) to include matters of control in relation to tangata whenua matters;
- Addition of DEV3-R3 (earthworks) an earthworks rule to manage the scale of earthworks within the Structure Plan Development Area and ensure landscape and cultural values are considered at the time of earthworks; and

- Amendments to the Structure Plan to identify potential archeology and the scale and extent of the wetlands.
266. The summary above is detailed in Appendix 3 which contains Recommended Amendments to the Junction Structure Plan Development Area Chapter.
267. The changes identified above are made as a result of the submissions received by mana whenua and the engagement that has occurred following receipt of the submission. The consultation process identified that the provisions as notified had not benefited from tangata whenua engagement and expertise. The amendments provide and reflect the cultural importance of these landscapes and provides for the opportunity for cultural advice and analysis at the time of subdivision and development.
268. It is understood that significant cultural issues around land development result from earthworks and altering the natural landform, and the management of infrastructure provisions particularly stormwater management. The provisions as notified for this area did not sufficiently address and or consider these cultural issues. The retention of natural features within the structure plan including the proposed esplanade reserve with native vegetation and the wetlands are important aspects of this Structure Plan Development Area.
269. The amendment to Policy DEV3-P4 includes the management of effects on unscheduled features and the management of stormwater effects including consideration of cultural values. This consideration is translated down into the matters of control for the subdivision Rule DEV3-R5.
270. A new rule is proposed to manage earthworks in this area as it is considered to be an important cultural issue. Therefore development considers that natural landform.
271. The landscape within this Structure Plan Development Area is undulating in topography and it is important that earthworks undertaken consider the cultural landscape of this area. The analysis of this issue is provided in the summary table attached as **Appendix 20**. This appendix identifies the relevant provisions across the PDP that will ensure the retention of landforms and the management of earthworks.
272. We consider that a specific rule to manage the scale and extent of earthworks within this Structure Plan Development Area is warranted. We consider that a new rule will help encourage the retention of landform and where not practical, provide for the consideration of effects on the cultural landscape and therefore have made recommended changes in this regard.
273. The recommended amendments to the structure plan map will identify the wetlands now that it has been spatially mapped by TRC and the identification of a potential archaeological feature.
274. The analysis undertaken by Mr McCurdy on the archaeological feature is that it could be a possible settlement area. No further work beyond his site visit and desk top analysis has occurred.

275. The earthworks provisions in the Earthworks Chapter will also manage earthworks in these areas. Given Mr McCurdy's recommendations no specific provisions seeking the areas protection is proposed but rather the mapping of the area to acknowledge its presence and potential of discovery. If once exploratory works occurs on the site and they are confirmed to be of archaeological nature and significance to Maori, a plan change would be initiated to ensure the site is listed in the PDP and protected.
276. It is therefore considered appropriate to identify the potential site on the structure plan map to encourage further investigation occurs by those undertaking development in those areas.
277. In light of the above changes, we recommend that submissions Ngati Te Whiti Hapu (507.5), Puketapu Hapu (589.1c) and TKOTAT (459.346) are accepted.

Section 32AA evaluation

Effectiveness and efficiency

- The recommend amendments are more appropriate in achieving the purpose of the RMA than the notified version of the PDP.
- The recommended amendments to Policy DEV3-P4, Rule DEV3-R5, the structure plan and the additions of rules DEV3-R3, DEV3-S2 and DEV3-S3 recognise the importance of sections 6(a), (e) and (f), 7 (a), and 8 of the RMA and allow for cultural values to be considered and recognised.
- The amendments also provide clarification to assist with the understanding of the provisions in this chapter and in other parts of the PDP.

Costs/Benefits

- The recommended amendments allow more clearly for the protection and identification of cultural values. The amendment will also ensure the consideration of the relationship that tangata whenua have with the environment and the opportunity for tangata whenua to participate in the subdivision and development of these areas.

Risk of acting or not acting

- There is no risk in accepting the recommended amendments set out above as there is sufficient information to act on the submissions received and the consultation process that has occurred following receipt of these submissions.

Decision about most appropriate option

- The recommended amendments are therefore considered to be more appropriate in achieving the purpose of the RMA than the notified version of the PDP.

7.5.2 **Key Issue 9: Mapping changes to Junction Structure Plan Development Area.**

278. As outlined above in Key Issue 8, changes are proposed to the structure plan map as a result of the consultation process that has occurred with mana whenua. To summarise these changes include the following:
- The identification of the wetlands as mapped by TRC; and
 - The identification of potential 'archaeology' as identified by Geometria
279. Transpower (565.210) support in part the Junction Structure Plan Development Area but request that the north-western and western boundaries of the structure plan are located 32m from the centreline of the National Grid Line to avoid the assumption that this land is suitable for residential development.
280. It is acknowledged that the structure plan map does not identify the location of the National Grid lines dissecting the north western corner of the Structure Plan Development Area. However, we do not agree that the underlying residential zoning or Structure Plan Development Area boundary should be moved for the following reasons:
- The land within the 32m National Grid setback would then become an island of rural land which would be inefficient.
 - The 32m setback of the National Grid already includes residential zoned land both adjacent to this Structure Plan Development Area and within the wider District.
281. Rather than removing the land entirely from the Structure Plan Development Area, we are of the view that it would be more appropriate to identify the location of the National Grid and the 32m setback/buffer on the structure plan.
282. We note the PDP provides for the identification and protection of the National Grid through specific provisions. These provisions, which include identification on planning maps are considered an appropriate tool to ensure the protection of this corridor is achieved. Amending the structure plan map to include the National Grid and its 32m setback is considered the most appropriate tool to recognise and protect the National Grid without impacting the boundary and or zoning of this Structure Plan Development Area.
283. Therefore it is recommended that submission Transpower (565.210) is accepted in part.

Section 32AA evaluation

Effectiveness and efficiency

- The recommend amendments to the Structure Plan is the most appropriate in achieving the purpose of the RMA than the notified version of the Proposed District Plan.
- The recommended amendments to the structure plan recognise the importance of the National Grid and the cultural significance of other non-scheduled features within the area.
- The amendment also provides for clarification to assist with the understanding of the provisions in this chapter and in other parts of the Proposed District Plan.

Costs/Benefits

- The recommended amendment allows more clearly for the protection and identification of the National Grid and mana whenua values.

Risk of acting or not acting

- There is no risk in accepting the recommended amendments set out above as there is sufficient information to act on the submissions received.

Decision about most appropriate option

- The recommended amendments are therefore considered to be more appropriate in achieving the purpose of the RMA than the notified version of the Proposed District Plan.

7.6 DEV-4 Oropuriri Structure Plan Development Area

284. A total of five original submissions were received on the Oropuriri Structure Plan Development Area and one further submission.
285. Ngati Tawhirikura Hapū, Puketapu Hapū and TKOTAT all opposed the Structure Plan Development Area as mana whenua advice and engagement had not occurred to inform the area and proposed provisions. They request that mana whenua engagement occur and be used to make amendments to the chapter provisions.
286. Kāinga Ora submitted in support but requested a number of consequential amendments to reflect their overall submission on the Proposed Plan.
287. Heritage New Zealand submitted in support of DEV4-P4 as is provided for the consideration of heritage and cultural values.
288. The submissions were all primarily related to cultural engagement and consultation, with the exception of Kāinga Ora and Heritage New Zealand who supported the Structure Plan Development Area.

Overview

Provision(s)	Officer Recommendation(s)
Chapter Overview	Amendment to identify the cultural context of the area, potential archaeology, and the location and extent of wetlands.
DEV4-P4	Amend DEV4-P4 to amend item (6) to align with other cultural changes across other chapters, add item (9) to ensure the effects on non-scheduled features and landscapes are managed and add item (10) to ensure the cultural importance of water is considered in any stormwater treatment, catchment or disposal
DEV4-R3	Amend matters of discretion to add tangata whenua consideration.
New provision proposed DEV4-R2 (Earthworks)	Insertion of a new earthworks rule to align with earthworks provision in Patterson Development Area and encourage the retention of the landform across the development area by controlling the scale and volume of earthworks.
DEV4-S1	Amend the maximum building height from RL37 to 12m from ground level
DEV4-S3	Amend the landscaping requirement to require native vegetation planting across the southern boundary of the area.
Structure Plan map	Amendments to the structure plan map to identify the location and extent of the wetlands and identify the locations where possible archaeology exist.

7.6.1 Key Issue 10: Cultural Engagement

Submission

289. As summarised above Ngati Tawhirikura Hapū (519.6), Puketapu Hapū (589.1d) and TKOTAT (459.347) all opposed the Oropuriri Structure Plan Development Area as mana whenua advice and engagement had not occurred to inform the area and proposed provisions. They request that

mana whenua engagement occur and be used to make amendments to the chapter provisions or the rural environment zoning is retained (submission point 589.1d) until such time that appropriate mana whenua engagement occurs.

Discussion

290. Given that the mana whenua for the Oropuriri Structure Plan Development Area is within the rohe of Ngati Tawhirikura and Puketapu, engagement occurred directly with both hapū and TKOTAT as the mandated iwi authority.
291. The consultation undertaken with mana whenua since receipt of their submission is outlined in Section 3.10, Procedural Matters chapter of this report.
292. The changes identified are made as a result of the submissions received by mana whenua and the engagement that has occurred following receipt of the submission. The consultation process identified that the provisions as notified had not benefited from tangata whenua engagement and expertise. The amendments provide and reflect the cultural importance of these landscapes and provides for the opportunity for cultural advice and analysis at the time of subdivision and development.
293. The following amendments are proposed to the Oropuriri Structure Plan Development Area to address potential cultural values and were identified through the consultation process with mana whenua. These amendments are summarised as:
- Amendments to the overview section, to identify the cultural significance of the area, the potential archeology on site and the location of the wetlands;
 - Amendment to DEV4-P4 to include managing effects of non-scheduled features and ensuring stormwater management consider tangata whenua values;
 - Amendment to DEV2-R4 (subdivision) to include matters of discretion in relation to tangata whenua matters;
 - Addition of DEV4-R2 (earthworks) an earthworks rule to manage the scale of earthworks within the Structure Plan Development Area and ensure landscape and cultural values are considered at the time of earthworks;
 - Amendments to DEV4-S1 (maximum building and structure height) to remove the RL height level and apply the 12m height limit provided for in other Industrial Zones to avoid bulk earthworks in this area to facilitate higher building mass.

- Amendments to DEV4-S3 (Landscaping requirements along the southern boundary of the Oropuriri Structure Plan Development Area) to remove the reference to exotic species and encourage native vegetation and a form of riparian planting along the wetlands and Mangone Stream boundary.
- Amendments to the Structure Plan to identify potential archaeology, pedestrian and reserve areas and the scale and extent of the wetlands.

294. The summary above is detailed in Appendix 4 which contains Recommended Amendments to the Oropuriri Structure Plan Development Area Chapter.
295. It is understood that the significant cultural issues around land development result from earthworks and altering the natural landform, and the management of infrastructure provisions particularly stormwater management. The Oropuriri Structure Plan Development Area provisions did not sufficiently address and or consider these cultural issues.
296. The retention of natural features within the Oropuriri Structure Plan Development Area including the wetlands are important aspects of this Structure Plan Development Area. The Mangone Stream adjoins this area along the southern boundary and this is an important waterbody for both Ngati Tawhirikura and Puketapu hapū and the management of additional stormwater into this waterbody is essential.

Dev4-S1 Maximum building and structure height for Oropuriri Structure Plan Development Area

297. Through our discussions with Ngati Tawhirikura and Puketapu hapū, we have considered the impact of bulk earthworks in the area and whether the datum level set out in Effects Standard DEV4-S1 will intensify such activities.
298. Johnson Resource Management Ltd (484.98 and 484.101) submitted on the General Industrial Zone Chapter notes that Effects Standards GIZ-S3 and GIZ-S8 relate to the Oropuriri Road Structure Plan Area and queried why datum levels (in relation to the maximum building height for Egmont Road industrial area) differ between the ODP and the PDP. The submitter sought that the effects standards be deleted from the General Industrial Zone Chapter and added to the DEV4 (Oropuriri Road Structure Plan Area) Chapter.
299. Following on from the General Industrial Zone hearing, we have reviewed this datum level again and recommend that a further amendment is made to Effects Standard DEV4-S1. The datum height limit was originally proposed to retain the height controls on the adjacent Oropuriri Road development. The datum rule was established through a plan change history. However, this height limit using the datum level will result in significant bulk earthworks across this development area given that the existing ground level adjacent to Oropuriri Road is already near this datum height limit. Therefore, in order to construct industrial buildings the

provision will encourage bulk earthworks to facilitate this and result in unintended consequences and the loss of the existing landform.

300. Whilst we agree with the reason for the provision change from RL datum level 38 to 37 General Industrial Zone S42A report and the right of reply by the reporting planner Ms Gibson, we are of the view that that the datum level will result in unintended consequences of bulk earthworks across the development area.
301. Given the importance of this area as a cultural landscape its retention where practical is important to manage cultural effects. The change from the datum level to the 12m height limit which is standard across the General Industrial Zone will encourage the retention of the existing landform. This may result in buildings sitting higher above the existing built form on Oropuriri Road but will be consistent with existing industrial development on the adjacent side of Egmont Road and the wider Katere Road and Hurlstone Drive industrial area.
302. This change has been discussed with Mr Richard Bain, Landscape Architect and he has confirmed that he believes this amendment is also the most practical tool to ensure the retention of the existing landform without comprising the amenity of the adjacent area.
303. This change to DEV4-S1 has been reviewed alongside the General Industrial Zone provisions. After reviewing this we consider that rule GIZ-S2 in the General Industrial Zone can be deleted as this is a duplication of DEV4-S1. This amendment aligns with the National Planning Standards to ensure the provision correctly sits within the home chapter and avoids duplication. We therefore propose a consequential deletion to the General Industrial Zone which is attached as Appendix 6.
304. The amendments to DEV4-S3 change the planting requirement along the southern boundary to ensure native vegetation is planted not the exotic species as notified in the PDP and encourage a wider buffer of vegetation. This will also benefit the adjacent Mangone Stream and wetland areas from riparian management with native species.

Other amendments

305. The recommended amendment to Policy DEV4-P4 includes the management of effects on unscheduled features and the management of stormwater effects including consideration of cultural values. This consideration is translated down into the matters of discretion for the subdivision rule DEV3-R4. This is further discussed in the subdivision discussion in Key Issue 15.
306. A new rule is proposed to manage earthworks in this area as it is considered important from a cultural value that development considers the natural landform and retains it where practical. The landscape within Oropuriri Structure Plan Development Area is undulating in topography and it is important that earthworks undertaken consider the cultural landscape of this area.

307. The analysis of this issue is provided in the summary table attached as **Appendix 20**. This appendix identifies the relevant provisions across the PDP that will ensure the retention of landforms and the management of earthworks. It is considered a specific rule to manage the scale and extent of earthworks within Oropuriri Structure Plan Development Area will encourage the retention of the landform and where not practical provide for the consideration of effects on the cultural landscape.
308. The amendments to the structure plan map will identify the wetlands now that it has been spatially mapped by Ms West and the identification of potential archaeological features. The analysis undertaken by Mr McCurdy and Mr Gibbs of Geometria have confirmed that the four potential archaeological areas identified in the 2010 Archaeological Assessment can be refined as a result of exploratory work undertaken since that 2010 piece of work. Two of the four sites identified have had exploratory work undertaken and one of these areas was completed devoid of any findings and Mr McCurdy has recommended that this area can be removed as no archaeological features were found. The other area a pit was found and therefore the potential archaeological feature is confirmed. The other two areas have had no further exploratory work and remain potential archaeological features. Therefore, it is recommended that the three sites are retained and shown on the structure plan map as described above.
309. The earthworks provisions in the Earthworks Chapter will also manage earthworks within these archaeological areas. The finding of the pit in one of the areas will ensure any further earthworks is required to occur under Archaeological Authority protocols.
310. Discussion were had with Mr McCurdy and his recommendations was that no specific provisions seeking the areas are protection is proposed, but rather the mapping of the areas to acknowledge their presence and potential of discovery. If once further exploratory works occurs on the site and they are confirmed to be of archaeological nature and significance to Maori, a plan change could be initiated to ensure the sites are listed in the PDP as Sites of Significance to Maori and therefore protected.
311. Puketapu Hapū (589.1d) requests the rural zoning is retained until the development plan area has been subject to expert cultural advice. It is considered that the cultural expert input undertaken through the consultation period since submissions closed, alongside the proposed amended provisions set out in **Appendix 4** is sufficient to address cultural values and ensure their protection. Therefore the development area can proceed alongside the proposed industrial zoning with amendments as summarised above.
312. Accordingly, we recommend that submissions TKOTAT (459.347), Ngati Tawhirkura Hapū (519.6) and Puketapu Hapū (589.7) are accepted and that Puketapu Hapū (589.1d) is accepted in part.

Section 32AA evaluation

Effectiveness and efficiency

- The recommended amendments are more appropriate in achieving the purpose of the RMA than the notified version of the PDP.
- The recommended amendments to Policy DEV4-P4, Rule DEV4-R4, the structure plan and the additions of rules DEV4-R2, DEV4-S4 and DEV4-S5 recognise the importance of sections 6(a), (e) and (f), 7 (a), and 8 of the RMA and allow for cultural values to be considered and recognised.
- The amendments also provide clarification to assist with the understanding of the provisions in this chapter and in other parts of the PDP.

Costs/Benefits

- The recommended amendments allow more clearly for the protection and identification of cultural values. The amendment will also ensure the consideration of the relationship that tangata whenua have with the environment and the opportunity for tangata whenua to participate in the subdivision and development of these areas.

Risk of acting or not acting

- There is no risk in accepting the recommended amendments set out above as there is sufficient information to act on the submissions received and the consultation process that has occurred following receipt of these submissions.

Decision about most appropriate option

- The recommended amendments are therefore considered to be more appropriate in achieving the purpose of the RMA than the notified version of the Proposed District Plan.

7.6.2 Key Issue 11: Structure Plan Changes/Mapping

313. As outlined above changes are proposed to the structure plan map as a result of the consultation process that has occurred with mana whenua. To summarise these changes include the following²⁰:

- The identification of the wetlands as mapped by TRC;
- The removal of the indicative arterial road transport network against the eastern boundary of the site;
- The addition of pathway connections around the wetlands and southern boundary of the development area;
- The removal of the reference to detention pond; and
- The identification of potential 'archeology' as identified by Geometria

²⁰ These changes are shown in **Appendix 4**

314. Mana whenua engagement has resulted in further refinement of this structure plan map to ensure it reflects and identifies the cultural importance of this area. The identification of an arterial road up to the eastern boundary of the site is a historical requirement for NPDC to obtain a link road from Egmont Road to Henwood Road. However, through the discovery of the Oropuriri Pa site a link road in this location is no longer feasible and therefore the road needed to be pulled off this boundary to satisfy mana whenua that NPDC no longer are pursuing this road link.
315. Mana whenua have identified the importance of the wetlands in this area and the requirement to enhance them and not identify and label their use as detention structures. Therefore, these wetlands have been mapped and correctly labelled as wetlands. It was also important to mana whenua that pedestrian links would be encouraged around these wetlands to ensure active surveillance the ownership of their enhancement and beautification.
316. The potential archaeology identified near Egmont Road has been identified by Geometria and further refined through exploratory digging that has occurred in this area. The structure plan now identifies the location of these areas and maps them accordingly.

Section 32AA evaluation

Effectiveness and efficiency

- The recommend amendments to the Structure Plan is the most appropriate in achieving the purpose of the RMA than the notified version of the PDP.
- The recommended amendments to the structure plan recognise the importance of the mana whenua role in this environment and recognise the importance of sections 6(a), (e) and (f), 7 (a), and 8 of the RMA and allow for cultural values to be considered and recognised.

Costs/Benefits

- The recommended amendments allow more clearly for the protection and identification of cultural values. The amendment will also ensure the consideration of the relationship that tangata whenua have with the environment and the opportunity for tangata whenua to participate in the subdivision and development of these areas.

Risk of acting or not acting

- There is no risk in accepting the recommended amendment set out above as there is sufficient information to act on the submissions received.

Decision about most appropriate option

- The recommended amendments is therefore considered to be more appropriate in achieving the purpose of the RMA than the notified version of the PDP.

7.7 DEV-5 Patterson Structure Plan Development Area Key Issues

317. A total of thirteen original submissions were received on the Patterson Structure Plan Development Area and two further submission.
318. Ngati Te Whiti Hapū, Puketapu Hapū and TKOTAT all opposed the Structure Plan Development Area as mana whenua advice and engagement had not occurred to inform the area and proposed provisions. They request that mana whenua engagement occur and be used to make amendments to the chapter provisions.
319. Kāinga Ora submitted in support but requested a number of consequential amendments to reflect their overall submission on the Proposed Plan.
320. Nine landowners submitted in support of the proposed Structure Plan Development Area and sought its retention.
321. Transpower New Zealand submitted in support of the Structure Plan Development Area but sought amendments to the overview section and the addition of a new policy to identify the location and importance of the National Grid Transmission Lines.
322. The submissions were all primarily related to support of the Structure Plan Development Area, cultural engagement and consultation, with the exception of Kāinga Ora and Transpower who supported the Structure Plan Development Area but sought some specific changes.

Overview

Provision(s)	Officer Recommendation(s)
Chapter Overview	Amendment to identify potential archaeology, and the location and extent of wetlands.
DEV5-P4	Amend DEV3-P4 to amend item (6) to align with other cultural changes across other chapters, add item (9) to ensure the effects on non-scheduled features and landscapes are managed and add item (10) to ensure the cultural importance of water is considered in any stormwater treatment, catchment or disposal
DEV5-R2	Amend clause (1) to add a volume limit.
DEV5-R5	Amend matters of control to add cultural consideration and the inclusion of tangata whenua values
Structure Plan map	Amendments to the structure plan map to identify the location and

Provision(s)	Officer Recommendation(s)
	extent of the wetlands and identify the locations where possible archaeology exist.

7.7.1 Key Issue 12: Cultural Engagement

Submission

323. As summarised above Ngati Te Whiti Hapū (507.6), Puketapu Hapū (589.1e) and TKOTAT (459.348) all opposed the Patterson Structure Plan Development Area as mana whenua advice and engagement had not occurred to inform the area and proposed provisions. They request that mana whenua engagement occur and be used to make amendments to the chapter provisions. No specific amendments to provisions were sought but rather the engagement occurs, which may lead to changes to provisions for the Patterson Structure Plan Development Area.

Discussion

324. Given that the mana whenua for the Patterson Structure Plan Development Area is within the rohe of both Ngati Te Whiti and Nga Mahanga A Tairi engagement occurred directly with both hapū, TKOTAT and Te Kahui o Taranaki Iwi Trust as the mandated iwi authority. The consultation undertaken with mana whenua since receipt of their submission is outlined in Section 3.10, Procedural Matters chapter of this report and under key issue 1 above. It is acknowledged that Nga Mahanga A Tairi and Te Kahui o Taranaki Iwi Trust were not submitters on this Structure Plan Development Area. However, given the location of this area, is an area of dual interest to hapu and iwi authorities, both groups were invited to participate in the mana whenua engagement process.
325. Detail on meetings, site visits and consultation with mana whenua for the Patterson Structure Plan Development Area is detailed above in section 3.10 of this report.
326. The recommended changes identified above are made as a result of the submissions received by mana whenua and the engagement that has occurred following receipt of the submission. The consultation process identified that the provisions as notified had not benefited from tangata whenua engagement and expertise. The amendments provide and reflect the cultural importance of these landscapes and provides for the opportunity for cultural advice and analysis at the time of subdivision and development.
327. It is understood that the significant cultural issues around land development result from earthworks and altering the natural landform, and the management of infrastructure provisions particularly stormwater management. The provisions as notified for this area did not sufficiently address and or consider these cultural issues. The retention of natural

features within the Structure Plan Development Area including the wetlands are important aspects of this Structure Plan Development Area.

328. The recommended amendment to Policy DEV5-P4 includes the management of effects on unscheduled features and the management of stormwater effects including consideration of cultural values. This consideration is translated down into the matters of control for the subdivision Rule DEV5-R5.
329. In terms of earthworks, it is recommended that a new volume limit of 500m² be added to Rule DEV5-R2, plus a new matter of discretion to manage earthworks in this area.
330. The landscape within this Patterson Structure Plan Development Area is undulating in topography and it is important that earthworks undertaken consider the cultural landscape of this area. The analysis of this issue is provided in the summary table attached as **Appendix 20**. This appendix identifies the relevant provisions across the Proposed Plan that will ensure the retention of landforms and the management of earthworks.
331. It is considered that a volume limit in the earthworks rule will help to manage the scale and extent of earthworks within this Structure Plan Development Area will encourage the retention of landform and where not practical provide for the consideration of effects on the cultural landscape through the addition matter added to the matters of discretion.
332. The recommended amendments to the structure plan map identify the wetlands that have been spatially mapped by Ms West and the identification of potential archaeological features. The analysis undertaken by Mr McCurdy of Geometria have confirmed that two potential areas of archaeology exist within the Structure Plan Development Area. One of these areas is identified as a potential pa and another area is identified as potential terracing.
333. Mr McCurdy has recommended that currently there is not enough information to verify and include these sites and therefore no provisions will be associated with them. It is recommended that the sites be shown on the structure plan map as a tool to alert landowners and or developers and ensure the correct protocol for works in this area occurs including an Archaeological Authority.
334. The earthworks provisions in the Earthworks Chapter will also manage earthworks in these areas. Given Mr McCurdy's recommendations no specific provisions seeking the areas protection is proposed but rather the mapping of the areas to acknowledge their presence and potential of discovery. If once further exploratory works occurs on the site and they are confirmed to be of archaeological nature and significance to Maori, a plan change could be initiated to ensure the sites are listed in the PDP and protected.

335. These recommended amendments are summarised as:
- Amendments to the overview section, to identify the cultural significance of the area, the potential archaeology on site and the location of the wetlands;
 - Amendment to DEV5-P4 to include managing effects of non-scheduled features and ensuring stormwater management consider tangata whenua values;
 - Amendment to DEV5-R2 (earthworks) to include a volume control and include a matter of discretion to ensure cultural values are considered at the time of earthworks and the opportunity for mana whenua engagement can occur.
 - Amendment to DEV5-R5 (subdivision) to include matters of control in relation to tangata whenua matters;
 - Amendments to the Structure Plan to identify potential archaeology, and the scale and extent of the wetlands.
336. The summary above is detailed in Appendix 5 which contains Recommended Amendments to the Patterson Development Area Chapter.
337. Puketapu Hapū (589.1e) requests the ODP rural zoning is retained until the Patterson Structure Plan Development Area has been subject to expert cultural advice. It is considered that the cultural expert input undertaken through the consultation period since submissions closed is sufficient to address cultural values and ensure their protection and therefore it is recommended the Patterson Structure Plan Development Area can proceed alongside the proposed residential zoning with amendments as summarised above.
338. In summary we recommend that submissions from Ngati Te Whiti Hapu (507.6), and TKOTAT (459.348) are accepted and that the submission Puketapu Hapu (589.1e) is accepted in part.

Section 32AA evaluation

Effectiveness and efficiency

- The recommend amendments are more appropriate in achieving the purpose of the RMA than the notified version of the PDP.
- The recommended amendments to Policy DEV5-P4, Rule DEV5-R2, DEV5-R4, the structure plan recognise the importance of sections 6(a), (e) and (f), 7 (a), and 8 of the RMA and allow for cultural values to be considered and recognised.
- The amendments also provide clarification to assist with the understanding of the provisions in this chapter and in other parts of the PDP.

Costs/Benefits

- The recommended amendments allow more clearly for the protection and identification of cultural values. The amendment will also ensure the consideration of the relationship that tangata whenua have with the environment and the opportunity for tangata whenua to participate in the subdivision and development of these areas.

Risk of acting or not acting

- There is no risk in accepting the recommended amendments set out above as there is sufficient information to act on the submissions received and the consultation process that has occurred following receipt of these submissions.

Decision about most appropriate option

- The recommended amendments are therefore considered to be more appropriate in achieving the purpose of the RMA than the notified version of the PDP.

7.7.2 **Key Issue 13: Structure Plan Changes/Mapping for Patterson Structure Plan Development Area**

339. As outlined above, changes are proposed to the structure plan map as a result of the consultation process that has occurred with mana whenua. To summarise these changes include the following:

- The identification of the wetlands as mapped by TRC; and
- The identification of potential 'archaeology' as identified by Geometria

Section 32AA evaluation

Effectiveness and efficiency

- The recommend amendments to the Structure Plan is the most appropriate in achieving the purpose of the RMA than the notified version of the PDP.
- The recommended amendments to the structure plan recognise the importance of the mana whenua role in this environment and recognise the importance of sections 6(a), (e) and (f), 7 (a), and 8 of the RMA and allow for cultural values to be considered and recognised.

Costs/Benefits

- The recommended amendments allow more clearly for the protection and identification of cultural values. The amendment will also ensure the consideration of the relationship that tangata whenua have with the environment and the opportunity for tangata whenua to participate in the subdivision and development of these areas.

Risk of acting or not acting

- There is no risk in accepting the recommended amendment set out above as there is sufficient information to act on the submissions received.

Decision about most appropriate option

- The recommended amendments is therefore considered to be more appropriate in achieving the purpose of the RMA than the notified version of the PDP.

7.8 Key Issue 14: Matters of discretion for restricted discretionary issues

Overview

Provision(s)	Officer Recommendation(s)
All structure plan development area chapters	No amendments

Analysis of Submissions on Key Issue 14

340. Minute 14 from the Hearings Panel summarised the Panel’s concerns regarding the drafting of matters of control and matters of discretion for controlled and restricted discretionary activity rules. Two residual issues were identified:
- The drafting of some of the matters makes it difficult for plan users to clearly identify the specific matter relevant to the activity in question over which control is reserved or discretion restricted.
 - In some cases, the drafting of the matters is so broad that it raises doubts as to whether the consent authority’s discretion is reserved or restricted at all.
341. The Panel has requested that Section 42A report authors review the matters of control or discretion within the subject chapter and identify instances where the matters are unclear as to what it is they are seeking to provide control or specific discretion over. In such instances, the Panel requests that the drafting be reconsidered.
342. We have reviewed the Structure Plan Development Area Chapters in light of Minute 14 and note that we consider that no redrafting needs to be considered.
343. It is our view all of the matters of discretion within all of the Structure Plan Development Area chapters (DEV1- Bell Block Area Q Structure Plan Development Area, DEV2- Carrington Structure Plan Development Area, DEV-3 Junction Structure Plan Development Area, DEV-4 Oropuriri Structure Plan Development Area and DEV-5 Patterson Structure Plan Development Areas) are tight, well thought out and clear on what needs to be assessed.

7.9 Key Issue 15: Consequential changes and correction of minor errors

Overview

Provision(s)	Officer Recommendation(s)
Overview and cross reference	Add a cross reference to the strategic objectives and district-wide chapters
DEV5-R3	DEV5-R3 only refers to 'vehicle access' onto Frankley Road and incorrectly excludes roads. This has been amended to correct this
DEV2-R3, DEV3-R4, DEV4-R3 and DEV5-R5	Amendments to subdivision rule
DEV1-P5 (6), DEV2-P4 (6), DEV3-P4 (6), DEV4-P4 (6) and DEV5-P4 (6)	Deletion of the word 'principles' after mātauranga Māori

Analysis of Submissions on Key Issue 15

344. As a result of the changes discussed in the key issues above, some minor consequential changes are required.

345. In addition, some minor drafting errors have become apparent while writing this report which we consider should be corrected. We note these are not subject to submissions but we consider it is a clear drafting error and should be considered a minor amendment under Clause 16 (2) of Schedule 1 of the RMA.

Carrington Structure Plan Development Area minor errors

346. In Carrington Structure Plan Development Area DEV2-S1 it incorrectly refers to the Rural Production Zone boundary where it should have been the Rural Lifestyle Zone boundary. The matters of discretion for this provision also incorrectly referred to the State Highway 3 entrance corridor. It is recommended these matters be corrected as a minor amendment.

Junction Structure Plan Development Area minor errors

347. As a result of the recommended changes to the structure plan map through the identification of the wetlands consequential changes are required to the indicative road transport network for Junction Structure Plan Development Area. The change involves remapping the indicative road to ensure the proposed roading link does not go through the wetland areas. This is a consequential change and will not alter the overall indicative road layout identified or alter the primary arterial as provided by Mr Skerrett in his Traffic Report.

348. Provision DEV3-S1 has also been reviewed and it is considered to be superfluous. The PDP deals with flooding and hazard areas across the district and the RMA deals with natural hazards and risk at the time of subdivision under s106. This provision is considered to be a duplication of provisions and is not necessary. While it is noted, that there is no submission on this point. The deletion of this standard is considered a

minor amendment under Schedule 1, clause 16 (2) of the RMA to ensure consistency and efficiency across the plan and to condense and simplify the chapter.

Patterson Structure Plan Development Area minor errors

349. Through of the review and drafting of the Patterson Structure Plan Development Area provisions it was identified that Rule DEV5-R3 only refers to 'vehicle access' onto Frankley Road and incorrectly excludes roads. DEV2-R4 in the Carrington Structure Plan Development Area and DEV3-R2 in the Junction Structure Plan Development Area are similar rules to manage new vehicle access points and roads in particularly locations to ensure safety and the integrity of the structure plan roading links is retained.
350. Patterson Structure Plan Development Area Rule DEV5-R3 should also have included roads in this provision to capture both roads and all vehicle access points onto Frankley Road. This is considered a drafting error and a minor amendment under Clause 16 (2) of the RMA to address this change. This change is shown in **Appendix 5** of this report.

Subdivision rule drafting across Carrington, Junction, Patterson and Oropuriri Structure Plan Development Areas

351. When reviewing the development area provisions in relation to consequential changes to align with other chapters, it become evident that the subdivision provision across all development areas (excluding Bell Block Area Q) could be simplified to avoid duplication and cross referencing across the plan and to be clearer for plan users. We consider it duplication and not necessary to refer to compliance with other chapters of the plan when these chapters will require their own specific consenting pathway when compliance is not achieved.
352. It is therefore recommended that the discretionary and non-complying section of the subdivision provision is deleted, and the controlled activity provision is condensed to avoid cross referencing and simplify the rule for plan users. When compliance with the structure plan and effect standards within the development area are not achieved, a fully discretionary consent will be necessary. The Junction (DEV3-R4), Carrington (DEV2-R3) and Oropuriri (DEV4-R3) Structure Plan Development Areas had this cascading to restricted discretionary but this misaligns with the Patterson Development Area subdivision provision (DEV5-R5) which cascades to a full discretionary activity. These changes have been discussed with Ms Laurenson (author of Subdivision Chapter S42A report).
353. It is recommended that the Oropuriri subdivision provisions be amended from controlled to restricted discretionary as a starting point to ensure compliance with the subdivision chapter drafting, as per Ms Laurenson's s42A right of reply amendments. Subdivision Rule SUB-R6 within the S42A right of reply has subdivision of any land in the General Industrial Zone as a restricted discretionary activity as the enabling rule. Therefore, to align with this provision it is considered that Oropuriri DEV4-R3 needs to start at the restricted discretionary activity status.

354. These changes are considered consequential amendments to align with the Subdivision Chapter drafting, the cascading discretionary activity status in DEV5-R5 (Patterson Structure Plan Development Area) and minor amendments under Schedule 1, clause 16 (2) of the RMA to ensure consistency across the plan and to condense and simplify the provision. The changes to DEV2-R3, DEV3-R4, DEV4-R3 and DEV5-R5 are reflected in the relevant Appendices.
355. As a result of recommendations that have been made on the Strategic Direction chapters and other chapters that have already been to hearing, consequential amendments that relate to the Structure Plan Development Area Chapter are addressed below.

Transpower

356. Transpower made two submission points, considered in the General Miscellaneous Section 42A report, noting that while the definition hyperlinks are helpful, some hyperlinks refer to incorrect terms (565.2) and other terms are not hyperlinked back to their corresponding definition (565.3). Transpower seek that the hyperlinks be amended to ensure they are correct and relevant, and that hyperlinks are included across the PDP for all defined terms. Both submission points are supported by four further submissions²¹.
357. We have reviewed the hyperlinks in the Structure Plan Chapters and we do not recommend any hyperlink changes.

Forest and Bird

358. Forest and Bird (487.34) seeks that each chapter of the PDP includes a cross reference to the strategic objectives. The submission point is also supported in the Interim Guidance of the Hearings Panel contained in Minute 9. We therefore recommend that the following statement be inserted into the Overview of the Structure Plan Development Area Chapter.

Cross references to other relevant District Plan provisions

Strategic Objectives – All objectives and policies in this chapter are to be read and achieved in a manner consistent with the strategic objectives

Johnson Resource Management Limited

359. Johnson Resource Management Limited (484.3) seeks that each chapter of the PDP includes a general cross referencing statement to ensure all relevant chapters are considered. In combination with the recommendation above on submission point 487.34, we recommend that the follow statement is inserted into the Overview of the Structure Plan Development Area Chapter:

²¹ FS 128.60, FS 128.61, FS 201.174 and FS 201.175.

Cross references to other relevant District Plan provisions

Strategic Objectives – All objectives and policies in this chapter are to be read and achieved in a manner consistent with the strategic objectives. In addition, the district-wide chapters may contain provisions that may be relevant, including ...

Waka Kotahi NZ Transport Agency ("Waka Kotahi")

360. Waka Kotahi (566.2) seeks clarification where "and/or" has been used between listed items within objectives and policies. The submitter seeks that consequential amendments be made to all objectives and policies in the PDP to clarify whether items are to be considered conjointly or can be considered separately. This submission point is supported in full or in part by six further submissions²².
361. We have reviewed the Structure Plan Development Area Chapters and considered how "and/or" is applied. While "and/or" has been used within clauses, there are no instances where "and/or" has been used between the listed items of an objective or policy within any of the Structure Plan Development Area Chapters.

Te Kotahitanga o Te Atiawa Trust (TKOTAT)

362. TKOTAT submission point 459.373 is dealt with in the General Miscellaneous Matters section 42A report and addresses the need to remove the word "principles" after the phrase "Mātauranga Māori".
363. We recommend that word "principles" is removed from Policies DEV1-P5 (6), DEV2-P4 (6), DEV3-P4 (6), DEV4-P4 (6), DEV5-P4 (6), as follows: ... or the incorporation of mātauranga Māori principles into the design and development of the activity;

8 Conclusion

364. This report has provided an assessment of submissions received in relation to Structure Plan Development Area Chapters. The primary amendments that we have recommended relate to:
- Bell Block Area Q and New Plymouth Airport;
 - Activity Status for Stage 2 and Stage 3E;
 - Redrafting Of Plan provisions; and
 - Cultural Input and Participation.
 - Amendments to the overview of each development area to more accurately include the areas values;

²² FS 80.2, FS 201.180, FS 150.4, FS 132.5, FS 200.5 and FS 129.1.

- Amendments to policy P4 to ensure activities consider and have regard to cultural matters of importance
- Amendment or addition of earthworks provisions to ensure where possible the retention of the landform;
- Amendment to subdivision provision and inclusion in matter of control to ensure the inclusion of cultural values;
- Minor consequential amendments across the development areas to align with other chapters across the PDP

365. Section 7.2 considers and provides recommendations on the decisions requested in submissions. We consider that the submissions on the Structure Plan Development Area Chapter should be accepted, accepted in part or rejected, as set out in my recommendations of this report and in **Appendix 7**.

366. We recommend that provisions for the Structure Plan Development Area Chapter matters be amended as set out in the Structure Plan Development Area Chapter in **Appendix 1-6** for the reasons set out in this report.