

Proposed Private Plan Change 81 – to the Kaipara District Plan

Decision following the hearing of a Private Plan Change under the Resource Management Act 1991

Proposal - in summary.

To rezone a 47ha site from Rural Zone under the Operative Kaipara District Plan to a Development Area that provides for a mixture of zones including Residential, Neighbourhood Centre, Open Space and Light Industrial.

This private plan change is **RECOMMENDED** with modifications to that notified. An Executive Summary and the full reasons for **RECOMMENDING** the plan change are set out below.

Plan modification number:	Private Plan Change 81 (PPC81)
Site address:	Corner of State Highway 14 and Awakino Point North Road, Dargaville legally described as Part Lot 37 DP 7811 (NA692/361) and Part Lot 37 DP 27168 (NA689/300)
Applicant:	Dargaville Racing Club Incorporated
Hearings Held:	27 & 28 March 2023 Lighthouse Museum Hall
Hearing panel:	Mark Farnsworth MNZM (Chair) Michael Campbell Cr Jonathan Larsen
Parties and People involved:	<p><u>Applicant:</u> Ms Sarah Shaw, legal Counsel Mr Richard Alspach, Applicant's Agent Mr Henk de Wet, Civil Engineering Mr Don McKenzie, Transport Ms Venessa Anich Planning Mr Andreas Heuser Economics (appeared on-line) Mr Peter Ibbotson Acoustics (appeared on-line) Ms Meredith Dale, Urban Design (appeared on-line)</p> <p><u>Submitters:</u> <i>Awakino Point Rate Payer Association Inc</i> Mr Evan Cook, Planner</p> <p>Grant & Adrienne McLeod</p>

	<p>Colin & Joanne Rowse</p> <p><i>Waka Kotahi</i> Ms Tessa Robins, planning</p> <p><i>Te Kuihi</i> <i>Te Houhanga a Rongo marae</i> Viv Beazley and Walter Nisbet <i>Te Whanau Parore</i> Ms Delilah Te Aōrere Parore Southon</p> <p><u>For the Council (regulator):</u> Mr Warren Bangma, legal Counsel Ms Louise Cowan, Consultant Planner (4Sight) Mr David Usmar, Infrastructure Planner Mr Leo Hill, Consultant Transport Engineer- (Commute)</p> <p>Hearing Administrator Mr Paul Waanders, Senior Hearings Advisor Mrs Meagan Walters, Admin Support</p> <p><u>Tabled Statements – Mr Paul Waanders</u> Ministry of Education, Vicky Hu Planner, 24 March 2023 & Ms Karin Lepoutre, Planning; 15 July 2021 Fire & Emergency New Zealand, Nola Smart 14 & 23 March 2023</p>
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EXECUTIVE SUMMARY

We have set out at a ‘high level’ our key findings in the Executive Summary to provide ‘context’ when reading the substantive part of the decision. Other matters are also addressed that are not included in the Executive Summary.

- We have recommended the approval of the Private Plan Change.
- The Private Plan Change will give effect to the National Policy Statement on Urban Development (**NPS-UD**). It also gives effect to the Regional Policy Statement (**RPS**) in terms providing for appropriate growth in a suitable location that accords with the outcomes sought by Objective 3.11 Regional Form of the RPS. We are satisfied that the PPC81 will provide for a sustainable built environment that effectively integrates infrastructure with subdivision, use and development. It will provide a sense of place, identity and a range of lifestyle, employment and transport choices. The proposal will provide for the Economic potential and social wellbeing of the community (Objective 3.5), and it will not be contrary the remaining outcomes sought by Objectives 3.1 to 3.15.

- The Plan Change will not give rise to unacceptable adverse reverse sensitivity effects on the surrounding primary production activities;
- The Plan Change will not be contrary to the outcomes sought by the National Policy Statement for Highly Productive Land 2022, or the National Policy Statement for Freshwater Management 2020.
- We are satisfied that the change in character and amenity that will arise from the rezoning of the land will be acceptable. We are satisfied that the proposed Trifecta Development Area provisions (as amended in the applicant’s right of reply), will ensure that the actual or potential adverse effects arising from the Plan Change can be suitably managed.
- We are satisfied that the transport infrastructure related upgrades identified by the Applicant are those necessary to address the adverse effects from PPC81, and those necessary to give effect to the statutory planning documents.
- We are satisfied that natural hazard issues have been addressed and there is sufficient surety to ensure that the site can be suitably serviced in terms of wastewater, stormwater, water supply and utilities. Having regard to section 32 and 32AA of the RMA, we consider that the objectives proposed in PPC81 are the most appropriate way to achieve the purpose of the Resource Management Act 1991, and that the provisions proposed (including the zoning of the land) are the most appropriate way to achieve the objectives.

INTRODUCTION

1. The Private Plan Change request was made under Clause 21 of Schedule 1 to the Resource Management Act 1991 ('RMA') and was accepted by Kaipara District Council ("**the Council**"), under clause 25(2)(b) of Schedule 1 to the RMA on 27 July 2022.
2. A report in accordance with section 32 and 32AA (in relation to the changes sought) of the RMA was prepared¹ in support of the proposed plan change for the purpose of considering the appropriateness of the proposed plan change and its precinct provisions.
3. This recommendation is made on behalf of the Council by Independent Hearing Commissioners: Mark Farnsworth (Chair); Cr Jonathan Larsen and Michael Campbell appointed and acting under delegated authority under sections 34 and 34A of the Resource Management Act 1991 ("**RMA**").

¹ Venessa Anich – Lands & Survey Whangarei Limited – Dargaville Racecourse Private Plan Change Request – Statutory Report, 17 February 2022 (Plan Change Request)

4. The Commissioners have been delegated the authority by the Council to make a recommendation on Private Plan Change 81 (“**PPC81**”) to the operative Kaipara District Plan 2013 (“**KDP**”). In making our recommendation we have considered all of the material put before us, including: the application, all of the submissions, the section 32 and 32AA evaluations, the Section 42A report, including the Addendum (report prepared by Ms Louise Cowan, Consultant Planner²), legal submissions, expert and lay evidence.
5. The Applicant’s Opening Legal Submissions records³:

“While the land owner and Applicant is the Racing Club, PPC81 has been developed collaboratively by the Racing Club together with the Dargaville Community Development Board (“DCDB”) and Te Runanga o Ngati Whātua (collectively, the “Tripartite Group”).

A change of use for the racecourse became inevitable in 2019 / 2020 when New Zealand Thoroughbred Racing announced the closure of the racecourse. The Racing Club decided that this community asset should continue to serve the community into the future. PPC81 was developed to assist in addressing the critical housing shortage in Dargaville, and for the proceeds of development to be invested in the newly established Northern Wairoa Fund”.

EXISTING DISTRICT PLAN PROVISIONS

6. The Section 42A Report provides a district plan context⁴ which is not in contention. Key summary points:
 - The site is zoned Rural;
 - It is not subject to any Sites, Features or Units;
 - D32, being the designation for Railway Purposes, is located just to the west of the site along with D54 for State Highway purposes.
 - A 50kV Electricity Transmission Line runs to the west and north, while Reserve Management Unit 11, being a local purpose reserve, is located to the east of the site;
 - A small area of the site has been identified, and mapped, as having flood susceptibility;
 - The site has frontage to SH14 and Awakino Point North Road, being a local road;

² Principal Planning and Policy Consultant \$Sight Planning Limited (Hamilton)

³ Ms Sarah Shaw’s Opening Legal Submissions at [1.2 – 1]

⁴ Section 42a Report at [22 – 28]

- The site is not identified as containing Kiwi Habitat, nor are there any Outstanding Natural Landscapes associated with the site;
- The adjoining sites consist entirely of Rural zoned land, portions of which are also within the Flood Susceptibility Areas; and
- The site adjoins, but does not fall within, the Greater Structure Plan Policy Area for Dargaville, that identifies land for future urban development⁵.

SUMMARY OF PLAN CHANGE AS NOTIFIED AND AS AMENDED BY THE APPLICANT

7. The proposed Plan Change is described in detail in the Applicant's Statutory Report⁶ and in the Council's section 42A hearing report⁷. The Applicant notes⁸:

"While the Dargaville Racing Club Inc are the applicant, two other community focused groups have been driving the re-development of the Racecourse site - the Dargaville Community Development Board and Te Runanga o Ngati Whātua. Collectively, they make up the Tripartite Group."

8. The Plan Change seeks to rezone the approximate 47 hectares (**ha**) of the site currently zoned Rural, via the provision of an entirely separate KDP chapter, to provide for a mixture of residential, light industrial, neighbourhood centre (including the Hauora Hub) and open space areas.

9. The purpose of PPC81, as expressed⁹ by the Applicant, is to:

"Deliver viable and sustainable residential and light industrial areas to complement and support the growth of Dargaville. The vision for the development is a new community in Dargaville, providing homes, employment and recreation opportunities for people of all ages and stages of life."

10. The Applicant in addressing the reasons for this Plan Change notes¹⁰:

"Regarding the reason for this Plan Change, it is three-fold from the Tripartite Group. First, Ngati Whātua intend to develop this site in a manner consistent with the proposed zoning framework, which this Plan Change request will enable. As detailed above, the proposal will provide additional housing and business land supply for Dargaville, with an over-arching outcome of Hauora (community wellbeing). Second, the Dargaville Community Development

⁵ Chapter 3 KDP

⁶ Plan Change Request in pages 21 -30

⁷ Section 42A at Section 3

⁸ Plan Change Request at [2]

⁹ Plan Change Request at [117]

¹⁰ Ibid at [119]

Board's desire for a retirement village is a reason for this Plan Change. And third, the Dargaville Racing Club is the owner of the Plan Change area and intends to use the proceeds of the sale of the site to establish a contestable fund for the benefit of the local Northern Wairoa area."

11. The Applicant also noted¹¹:

The Plan Change outcomes are consistent with the high-level objectives of the Council's Spatial Plan, with an adjustment (addition of residential) after detailed research and investigation. The reasons for the Plan Change are considered to be justified and consistent with sound resource management practice.

12. The Applicant's Opening Legal Submissions noted¹²:

"It is important to note that PPC81 proposes a framework or master plan chapter rather than a "live zoning" scenario. While the extensive reports have established the feasibility for development on the site, trigger provisions require detailed design work to occur in advance of development occurring, enabled through resource consents. The PPC81 provisions have been drafted so that development may be subdivision led, land use led, or a combination."

13. A summary of the Plan Change sought¹³ is to:

- Light Industrial Area ("**LIA**"): Approximately 9.53ha fronting SH14 and Awakino Point North Road, reticulated, with a minimum site area of 500m²;
- General Residential Area ("**GRA**"): Approximately 22.67ha (after the eastern extension of the Large Lot Residential Area) fronting Awakino Point North Road, reticulated, with an average site area of 500m² and a minimum site area of 400m² (controlled activity) or 300m² (restricted discretionary activity). A range of housing typologies are enabled, and multi-unit residential development (three or more residential units per site) and retirement village living is provided for subject to urban design assessment;
- Large Lot Residential Area ("**LLRA**"): Approximately 4.44ha (after the western extension into former GRA) located on the elevated land to the north west, on-site serviced, with minimum site area of 4,000m² and strict controls on height, colour and reflectivity;

¹¹ Plan Change Request at [120]

¹² Ms Shaw's Opening Legal Submissions at [1.10]

¹³ Ibid at [1.9]

- Neighbourhood Centre Area (“**NCA**”): Approximately 0.28ha located centrally on the site, reticulated, with minimum frontage of 14m rather than minimum site area, servicing the day to day needs of the TDA;
 - Open Space Area (“**OSA**”): Approximately 5.75ha made up of Hillside OSA on the elevated land, Hauora OSA connected to the NCA, Neighbourhood OSA providing for a pocket park within the GRA, and Blue Green OSA with the dual purpose of stormwater and freshwater management and walking / cycling network; and
 - the Hauora Hub: This denotes the centrally located spatial area on the site within which the NCA and connected Hauora OSA will be established within the GRA.
14. **Ms Venessa Anich**, Consultant Planner for the Applicant provided an addendum Statement of Evidence which set out amendments, to the Trifecta Development Area provisions and Trifecta Development Area Plan as the result of responding to:
- National Policy Statement for Freshwater Management;
 - Points raised by the reporting officer in the s42A Report;
 - Points raised by submitters in their evidence; and
 - The recommendations from PPC81 technical experts.

THE SITE AND SURROUNDING ENVIRONMENT

15. Both the Applicant’s Statutory Report¹⁴ and the section 42A Report¹⁵ provide descriptions of the Plan Change area and the local context which were not questioned. We have used the Section 42A Report description.
16. The site of PPC81 (“**the site**”) is located on the corner of State Highway 14 (“**SH14**”) and Awakino Point North Road, Dargaville and is legally described as Part Lot 37 DP 7811 (NA692/361) and Part Lot 37 DP 27168 (NA689/300).
17. The site encompasses an area of 47.0776ha. It is located approximately 3km northeast of the urban edge of Dargaville.
18. Mr Richard Alspach in his evidence provided¹⁶ a history of the site. The site previously housed the Dargaville Racecourse and contains associated buildings, fencing and infrastructure connected with this past use. The current use of the site includes seasonal kumara cropping inside of the old racetrack, with the remainder of the site being covered in grass. The eastern quarter of the site is leased and grazed

¹⁴ Plan Change Request at pages 12 - 13

¹⁵ Section 42A Report at Section 2

¹⁶ Mr Alspach EIC at Section 2

as part of a neighbouring dairy farm operation. Other uses at the site include a portion of land in the south-western corner of the site, toward SH14, utilised by Dargaville Pony Club for Club related activities. A portion of the site has been allowed to become overgrown with a mix of gorse, pampas, pine and native shrubland species including manuka.

19. The site is mostly flat with a low-lying landscape and is located within a wide meander of the Wairoa River,¹⁷. The low-lying landscape has been historically drained and there are a number of drains evident within the site. The site also contains an area of rolling topography rising up along the north-eastern boundary culminating in a hillside knoll at the northern corner of the property.
20. The receiving environment beyond the site is predominantly pastoral grazing, including some kumara cropping, with a number of rural residential properties present given the proximity to Dargaville. The Northland Field Days site is located approximately 500m to the south on Awakino Point East Road.
21. A number of rural residential properties occupy the elevated land on the north-western boundary of the site. These lots, along with a property immediately to the north, form a small, clustered settlement. Awakino Point North Road defines the south-eastern boundary of the site. A number of rural residential properties are accessed from this road. Dwellings within several of these properties offer relatively proximate views across the road to the site.
22. The south-western, and mid sections of Awakino Point North Road reflect the open and exposed character of the flood plain landscape. Unsealed, and with only occasional dwellings located close to the road, the corridor displays a strongly rural character. The character of the north-eastern end of the road is influenced by the presence of a cluster of dwellings, including a number within smaller properties. Some of these have established gardens and this lends the road corridor a rural residential character. A similar pattern of sporadic small residential lots are accessed from Awakino Point North Road¹⁸. Within the wider landscape, land holdings tend to be more extensive, but to the south-west along the State Highway 14 corridor a ribbon of lots extend to the south-west to link with the eastern end of Dargaville.
23. Dargaville is the closest town, being a community of around 5,000 residents, with the town centre located on the banks of the Northern Wairoa River to the south and at the intersection of SH14 and SH12.

NOTIFICATION PROCESS AND SUBMISSIONS

24. PPC81 was publicly notified for submissions on 29 August 2022. On the closing date, 27 September 2022, eighteen submissions had been received. The submitters

¹⁷ Appendix 10 Assessment of Landscape Effects Section 4.2.

¹⁸ Appendix 10 Assessment of Landscape Effects Section 4.4.

and their submissions are addressed in the tables in the section titled “Decisions” later in this decision.

25. Submissions were received from:
- Submission 1 – Nick Suckling;
 - Submission 2 – Daniel Simpkin;
 - Submission 3 – Leanne Phillips;
 - Submission 4 – Colin and Joanne Rowse;
 - Submission 5 – Waka Kotahi NZ Transport Agency;
 - Submission 6 – Northland Transportation Alliance;
 - Submission 7 – Ministry of Education;
 - Submission 8 – Fire and Emergency New Zealand;
 - Submission 9 – George McGowan;
 - Submission 10 – CJ Farms 2020 Limited;
 - Submission 11 – Graeme Lawrence;
 - Submission 12 – Awakino Point Rate Payers Inc;
 - Submission 13 – Donald and Adrienne McLeod;
 - Submission 14 – Shane and Megan Phillips;
 - Submission 15 – Leo Glamuzina and Kim Harrison;
 - Submission 16 – Janice and Michael Brenstrum; and
 - Submission 17 – Dargaville Community Submission.
26. A summary of Submissions (decisions requested) was publicly notified on 1 November 2022; on the closing date, 15 November 2022, seven further submissions were received.
27. Further submissions were received from
- Awakino Point Ratepayers Association Inc;
 - Nathaniel Everett;
 - Northland Transportation Alliance;
 - Te Houhanga a Rongo Marae;
 - Te Kuihi;
 - Te Whanau Parore; and
 - Waka Kotahi.
28. Section 10 of the Section 42A Report provides a consideration of submissions and identifies the issues raised by the submitters in their submissions and further submissions and the relief sought. In summary, submissions addressed were broadly categorised as submissions addressing:
- Supporting PPC81;
 - Opposing PPC81;
 - Traffic and Transport;
 - Servicing and Infrastructure;

- Reverse Sensitivity;
- Other / General Matters.

29. We address the submitters concerns in some detail below.

SECTION 42A REPORT – OFFICER’S RECOMMENDATION

30. In the Section 42A Report prepared by Ms Cowan she comprehensively addressed:

- The applying Statutory and Non-Statutory documents¹⁹;
- An assessment of environmental effects²⁰; and
- A consideration of submissions and further submissions²¹.

31. Ms Cowan’s primary Section 42A Report recommended the decline of the Plan Change²².

32. Ms Cowan provided an Addendum section 42A Report which addressed:

- Infrastructure feasibility;
- Road design and pedestrian connections;
- National Policy Statement for Freshwater Management; and
- National Policy Statement for Highly Productive Land.

33. She did not change her recommendation. She noted²³:-

“Overall, as matters stand, I continue to be unable to conclude, as required under section 32 of the RMA, that the objectives proposed in PPPC81 are the most appropriate way to achieve the purpose of the Act, and that the provisions proposed (including the zoning of the land) are the most appropriate way to achieve the objectives.”

HEARING AND HEARING PROCESS

34. We undertook a site visit on the afternoon of Sunday 25 April 2023 to provide context to matters we were about to hear.

¹⁹ Section 42A Report at pp 22-41.

²⁰ Ibid at pp42-59.

²¹ Ibid at pp61-67

²² Ibid at [389]

²³ Section 42A Addendum at [68]

35. The Hearing for PPC81 commenced on the morning of Monday 27 March 2023 at Dargaville Lighthouse Museum and was adjourned on Tuesday 28 March 2023.
36. In adjourning, the hearing panel noted that it required further information as a direct result of the Central Government gazetting the *National Policy Statement for Highly Productive Land 2022 (NPS-HPL)* on 19 September 2022.
37. In a Third Direction dated 28 March 2023 the panel recorded:

“At the time the Applicant filed their application the National Policy Statement for Highly Productive Land 2022 (NES-HPL)[sic] had not been given effect. The NES-HPL [sic] was gazetted on Monday 19 September 2022 and was in effect from Monday 17 October 2022. The Applicant’s underpinning RMA section 32 documents, in particular the Economic Impact Assessment²⁴ and the Market Demand Analysis²⁵ were prepared in December 2021.

There is no disagreement that parts of the site contain LUC2 and LUC3 units of the highly productive land. It is also common ground that these units can be rezoned to urban only if the requirements of Clause 3.6(4) and (5) of the NES-HPL[sic] are satisfied. The NES-HPL [sic] Clause 3.6(4) sets out the specific methodology for the assessment of the development capacity for residential and business land:

- *An assessment to be made of the residential and business development capacity required to be enabled for Dargaville;*
- *The capacity that is already available;*
- *Other reasonably practicable and feasible options for providing the required development capacity and*
- *For the applicant to demonstrate that the approval of this plan changes is required to meet capacity.*

We direct the Applicant to provide the panel with information²⁶ that clearly addresses the criteria of NES-HPL [sic] Clause 3.6(4)”.

RELEVANT STATUTORY PROVISIONS

38. The RMA sets out an extensive set of requirements for the formulation of plans and changes to them. These requirements were set out in the section 42A Report²⁷ and legal submissions²⁸.
39. The Applicant, in its Private Plan Change Request²⁹, provided an evaluation pursuant to section 32.

²⁴ Economic Impact Assessment – The Urban Advisory December 2021

²⁵ Market Demand Analysis – The Urban Advisory December 2021

²⁶ In particular specific quantification which assess capacity within the existing urban area.

²⁷ Section 42A Report at pp22-41

²⁸ Ms Shaw Opening Legal Submissions at Section 4

²⁹ Request for Plan Change – at pp 85-110

40. We do not need to repeat the contents of the Plan Change Request and the Section 32 Assessment Report in any detail, as we address the merits of those below. We accept the appropriate requirements for the formulation of a plan change has been comprehensively addressed in the material before us. However, in its evidence and at the hearing, we note that the Applicant proposed changes to the plan change in response to concerns raised by the Council and submitters.
41. We also note that the section 32 Assessment Report clarifies that analysis of efficiency and effectiveness of the plan change is to be at a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal. Having considered the application and the evidence, we are satisfied that PPC81 has been developed in accordance with the relevant statutory requirements.
42. Clauses 10 and 29 of Schedule 1 require that this decision must include the reasons for accepting or rejecting submissions. We address these matters below, as well as setting out our reasons for accepting or rejecting the submissions.
43. Section 32AA of the RMA requires a further evaluation for any changes that are proposed to the notified plan change after the section 32 evaluation was carried out³⁰. This further evaluation must be undertaken at a level of detail that corresponds to the scale and significance of the changes³¹. In our view this decision, which among other things, addresses the modifications we have made to the provisions of PPC81, satisfies our section 32AA obligations.

IWI MANAGEMENT PLANS AND ACTS

44. The Section 42A report provided³² commentary on the applying Iwi Management Plans. According to s74(2A) of the RMA, Council must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district. At present, within Kaipara District there are two such documents:
- Te Roroa Iwi Environmental Policy Document.
 - Te Uri o Hau Environmental Management Plan
45. Ms Cowan records

“Through the process of preparing the CIA, addressed by the Applicant in Appendix 11 of the AEE, face to face consultation was undertaken between the applicant and Te Kūihi, Te Roroa, Te Uri o Hau and Te Parawhau. The CIA identified potential cultural effects associated with P PPC81 [sic] and

³⁰ RMA, section 32AA(1)(a)

³¹ RMA, section 32AA(1)(c)

³² Section 42A Report at [179 – 185]

recommended mitigation measures. The Applicant has considered the mitigation measures and agreed to adopt most of the recommended mitigation measures into the TDA provisions. In addition, a mechanism for on-going involvement and consultation with mana whenua is proposed.”

STRATEGIC CONTEXT

46. The Section 42A Report provides³³ a discussion on ‘non-statutory’ documents³⁴ including:
- Kaipara Spaces and Places Plan 2021 – 2030;
 - Kaipara Walking and Cycling Strategy 2017; and
 - Kaipara District Spatial Plan - Nga Wawata 2050.
47. Key points of Ms Cowan’s analysis of these document were:
- The site is identified in a strategic planning document, the Kaipara District Spatial Plan – Nga Wawata 2050 as being future industrial land³⁵;
 - The site is not identified within the Greater Structure Plan Policy Area for Dargaville, which identifies land that is intended for development at some point in the future³⁶
48. KDC consulted on an Exposure Draft Kaipara District Plan in 2022. This document has no statutory weight. However, it is noted within the Exposure Draft that the site is proposed to be zoned heavy industrial.

REASONS FOR THE PLAN CHANGE PROPOSAL

49. We accept the Applicant’s rationale for seeking to change the DP and rezoning of the site. This was detailed in the Application³⁷, evidence and the legal submissions.

“The Plan Change seeks the subject site to be a Development Area, and within that, rezone with a mix of residential, light industrial, neighbourhood centre and open space. The purpose of the Plan Change is to deliver a viable and sustainable mix of residential and business land that complements Dargaville and provides for Dargaville’s growth.”

³³ Section 42A Report at pp 39-41

³⁴ There are no statutory acknowledgements area in relation to the site.

³⁵ Section 42A Report at [141]

³⁶ *ibid* at [144]

³⁷ Dargaville Racecourse Private Plan Change Request -Statutory at [330]

FINDINGS AND REASONS FOR APPROVING THE PLAN CHANGE

50. For the reasons that follow, it is our view that the provisions of PPC81 (as we have determined them) are more efficient and appropriate in terms of the section 32 and section 32AA of the RMA than those currently in the DP and satisfy the Part 2 provisions of the RMA. We address these matters below.
51. **Mr Warren Bangma**, in his Opening legal Submissions for Council reminded³⁸ us that:
- “The Hearing Panel, in its recommendation, needs to make a finding whether Dargaville comes within the definition of “urban environment” under the NPS-UD, and accordingly the NPS-UD applies to PPPC81.”*
52. Mr Banga submitted that the expert planning evidence before the Hearing panel establishes Dargaville is not an ‘urban environment’ under the NPS-UD. From the discussion at the hearing, it was evident to us the planning experts for both the Council and the applicant were in agreement that Dargaville is not an ‘urban environment’ under the NPS-UD.
53. In the absence of expert evidence to the contrary we accept and find that Dargaville is not an urban environment under the NPD-UD. Accordingly, the NPS-UD does not apply to PPC81.
54. While the NPS-UD might not apply, Ms Anich did note³⁹:
- “PPC81 has been designed to be consistent with NPS UD, providing integration of housing and local amenities with open spaces, and active transport access both within the site and access to town for jobs and wider services. PPC81 has been designed to be consistent with NPS UD, providing integration of housing and local amenities with open spaces, and active transport access both within the site and access to town for jobs and wider services.”*
55. While the NPS-UD does not technically apply, we have found that PPC81 will give effect to Objective 1 which seeks to provide a well-functioning urban environment that will enable all people and communities to provide for their social, economic, and cultural wellbeing.

Does PPC81 give effect to the National Policy Statement for Freshwater Management (NPS-FM)?

56. Ms Cowan in her Section 42A Addendum noted that she considered⁴⁰ that the site potentially contained areas of wetland/natural inland wetland as defined under the

³⁸ Mr Banga Opening Legal Submission at [3.6]

³⁹ Section 42A Report at [12.56]

⁴⁰ Ms Cowan Section 42A Addendum Appendix 3 at [30]

NPS-FM. There is no dispute that the site contains wetland as defined under the NPS-FM.

57. Mr Cook, for Awakino Point Rate Payers Inc (APRP), asserted⁴¹ that the identified indicative wetlands within the proposed site could create a situation where the land is zoned for development but is “impossible to develop” under the NPS-FM. Mr Cook further stated that regulation 45C of the NES-FW requires resource consent for vegetation clearance, earthworks and the discharge of water associated with urban development within 100m of a natural wetland.
58. The Applicant’s ecologist Mr Warden in his 15 March 2023 Memorandum⁴² confirmed that there were six indicative wetlands. In responding to the Panel’s questions Mr Warden pointed out that the amendment to NPS-FM had addressed the relevant triggers, which are now set at 10m not 100m as stated by Mr Cook.
59. To ensure a positive outcome for any natural inland wetlands determined to be present on the site, or any other freshwater feature (such as intermittent streams) Ms Anich recommended an amendment to the Development Area Plan and amendments to the TDA provisions. This will ensure that freshwater features are managed in accordance with the NPS-FM, which the Applicant has accepted. It is Ms Anich’s opinion that the LLRA and the indicative wetlands can co-exist, through a combination of 4,000m² minimum, lot sizes, the requirement for a Stormwater and Freshwater Management Plan, and the Blue Green Network.
60. We accept the TDA provisions have been amended to explicitly ensure that any identified ‘natural inland wetlands’, and any other freshwater feature if found to be present on the site (for example intermittent streams), are appropriately provided for, consistent with the NPS-FM, including giving effect to Te Mana o te Wai.
61. In any event, for completeness, we note that approval of PPC81 does not remove the requirement for all future land development to take into account the NPS-FM and the NES-FW.
62. Overall, we find that PPC81 will not be contrary to the NPS-FM of the NES – FW.

Does PPC81 give effect to the National Policy Statement on Highly Productive Land (2022)?

63. A number of submissions highlighted the importance of this land for food production. For example:

- Jarron McKelvie and Stephanie Rockell⁴³ note:

⁴¹ Mr Cook Supplementary Evidence at section 2

⁴² Rural Design 15 March 2023

⁴³ Submission 18

“We believe this land is best suited to food production and we recommend it be kept a such”

- Leanne Phillips⁴⁴ noted the loss of productive grade 3 good quality food producing land.

64. As noted above the National Policy Statement for Highly Productive Soils (**NPS-HPL**) was gazetted on 19 September July 2023, and came into effect on 17 October 2022, with the aim of ensuring “productive land” is protected for use in land-based primary production, both now and for future generations.

65. The NPS-HPL requires councils to identify and map highly productive land in the Regional Policy Statement and District Plan. The Northland Regional Council is required to map the qualifying area in Northland. Under the NPS-HPL’s transitional definition of highly productive land clause 3.5(7) applies:

“Until a regional policy statement containing maps of highly productive land in the region is operative, each relevant territorial authority and consent authority must apply this National Policy Statement as if references to highly productive land were references to land that, at the commencement date:

(a) is

(i) zoned general rural or rural production; and

(ii) LUC 1, 2 or 3 land; but

(b) is not:

(i) identified for future urban development; or

(ii) subject to a Council initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle.”

66. In her Section 42A Addendum Ms Cowan provided the following information⁴⁵:

“The Applicant has identified 5.77ha as LUC 2 and 1.85ha as LUC 3 (outside of a Natural Open Space zone as defined by the NPS-HPL). On this basis, 16.8% of the site can be classified as highly productive land that the applicant is seeking to re-zone to “urban”, as defined under the NPS-HPL.”

⁴⁴ Submission 3

⁴⁵ Section 42A Addendum at [42]

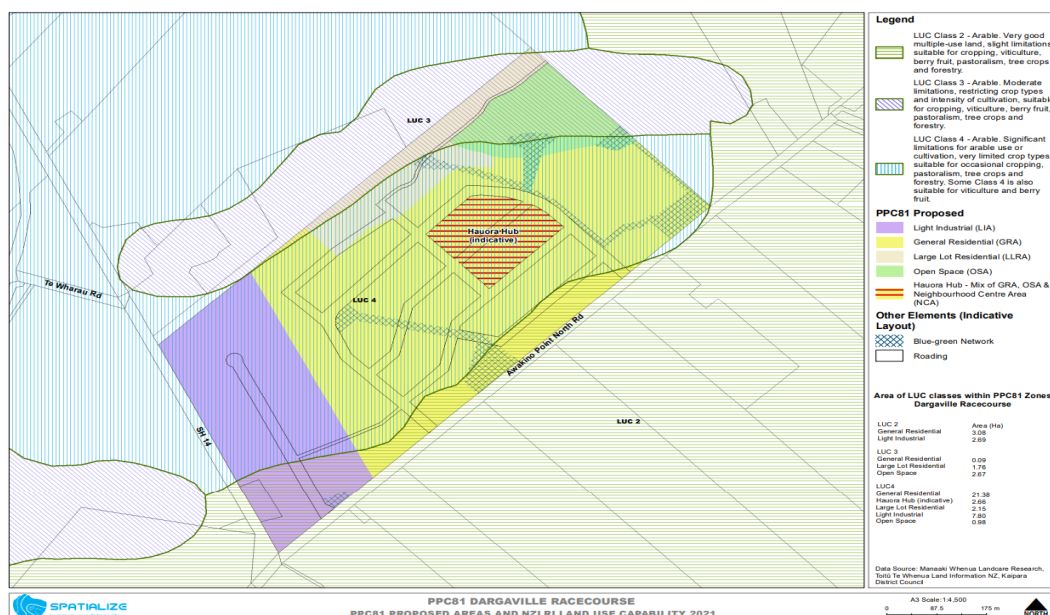


Figure 1: Proposed PPC81 Areas Overlaid with NZLPI Land Use Capability 2021⁴⁶

67. Colin and Joanne Rowse and Awakino Point Rate Payers Inc. (APRP) have, in their response to the Insight economic report, queried (again) the accuracy of the LUC mapping of the site and whether site specific mapping should be preferred. The Rowses' noted:

“As stated at the hearings we find the map used in figure 11 to be inaccurate. Most obviously one must ask how the hill area of heavy clay can be classed as LUC Class 3, yet the flat centre of Alluvial soils in racecourse classed only as LUC-class 4? To show this inaccuracy we dug a 1m deep trench on our property of Alluvial Kaipara Clay (Class 2). The map used in Figure 11 of the Economic Assessment shows this area to be Class 4.”

68. Ms Shaw helpfully reminded us that this was addressed in the Applicant's opening legal submissions. The MfE guide to implementation of the NPS-HPL which excludes site-specific soil assessments prepared by landowners. Until HPL is mapped by regional councils, the NPS-HPL applies a transitional definition of HPL which is “LUC 1, 2 or 3 land” as mapped by the NZ Land Resource Inventory. This is the mapping the Applicant has used and upon which we have based our decision.

69. There was no disagreement between the planners that the policy framework of the NPS-HPL is directive, especially Policy 5 (which relates to the rezoning of highly productive land to urban) and states that “the urban rezoning of highly productive land is avoided, except as provided in this National Policy Statement.

70. Ms Cowan emphasised⁴⁷:

⁴⁶ Ibid at page 10

⁴⁷ Section 42A Addendum at [45-46]

“The Hearing Panel in their recommendation must consider the matters set out within Clause 6(4) of the NPS-HPL and, before it can re-zone the LUC2 an LUC3 land within the plan change site, be satisfied these requirements are met.

*Clause 3.6(4)(a)
Development Capacity¹ means-*

“the capacity of land to be developed for housing or for business use, based on

- (a) The zoning, objectives, policies, rules, and overlays that apply in the relevant proposed and operative RMA planning documents; and*
- (b) The provision of adequate development infrastructure to support the development of land for housing or business use.”*

71. Mr Cook in his evidence provided us with a similar emphasis⁴⁸.

72. It quickly became apparent that the Applicant’s primary economic evidence did not address the matters outlined in Clause 3.6(4) of the NPS-HPL as their evidence had been written before the NPS was given effect. We came to the view, given the unusual situation of NPS-HPL being given immediate effect that the Applicant should be given the opportunity address the information gap. We confirmed our view by way of a Third Direction.

73. The Applicant responded our Third Direction commissioning a comprehensive economic assessment⁴⁹. This assessment concluded⁵⁰:

“We consider that PPC81 meets the tests in clause 3.6(4) of the NPS HPL from an economic perspective because:

- PPC81 is required to provide short-medium term capacity under the NPSUD;
and*
- There are no other reasonably practicable and feasible ways to provide the required development capacity elsewhere in Dargaville; and*
- The economic costs and benefits of PPC81 far outweigh those of any foregone rural production undertaken on the site. Accordingly, we support the proposal on economic grounds and see no reason to deny it on that basis.”*

74. Mr Cook, in his supplementary evidence, questioned the applicant’s Economic Assessment against the NPS-HPL. In section 3 of his evidence, he noted that APRP consider:

“The growth projections considerably overstate the demand for new dwellings in Dargaville over the next 10 years and that PPC81 is not

⁴⁸ Mr Cook EIC at [3.13]

⁴⁹ Insight Economics *Economic Assessment Against the National Policy Statement for Highly Productive Land*

⁵⁰ Ibid at Section 12

required to provide sufficient development capacity in Dargaville over the longer term⁵¹”.

“The economic report has overstated the demand for new housing in Dargaville and also understated the ability for this to be provided for through the existing KDP provisions, and future rezoning proposals in the Dargaville Spatial Plan (to be given effect in the near future by the Proposed District Plan)⁵² .

“There are many other reasonably practical options that could provide for the growth of Dargaville over the next 30 years that would avoid the sterilisation of highly productive land, and also avoid increasing the risk of reverse sensitivity effects on adjoining areas of highly productive land in productive use⁵³ .

75. Mr Cook concluded:

“The PPC81 proposal is not required to provide sufficient development capacity to meet expected demand for housing or business land in the district; and there are other reasonably practicable and feasible options for providing the required development capacity. PP81 does not give effect to the National Policy Statement for Highly Productive Land PPC81 has not adequately considered the costs of the proposal with respect to costs on surrounding land use activities, a lack of capacity of heavy industrial land, or costs to taxpayer and ratepayers for infrastructure upgrades.”⁵⁴

76. Colin and Joanne Rowse in their written submission on the Economic Assessment pointed out to us that the proposed Moonlight Heights Development (PPC82) only has two owners. They also questioned:

- The cost benefit analysis; and
- That only 23% of the site has highly productive land;

77. Ms Shaw in her closing submission⁵⁵ addressed each of the concerns raised about the economic assessment. She noted⁵⁶ in conclusion:

“The Insight report and Ms Anich’s evidence have carefully assessed PPC81 against clause 3.6 of the NPS HPL, confirming that the requirements are satisfied. Ms Anich’s evidence is that PPC81 is consistent with objective 2.1 and policy 5 of the NPS HPL. The NPS HPL is not a “showstopper” or a barrier to the plan change being approved.”

⁵¹ Mr Cook Supplementary Evidence at [3.10]

⁵² Ibid at [4.1]

⁵³ Ibid at [5.3]

⁵⁴ Ibid at [5.4]

⁵⁵ Ms Shaw Closing Submissions at [2.3]

⁵⁶ Ibid at [2.16]

78. Before the close of the Hearing, we received a joint Memorandum⁵⁷ for the Applicant and Council drawing our attention to a recent decision⁵⁸ of the Environment Court that was issued in early April 2023, after the hearing for PPC81, with respect to the correct interpretation of the transitional provisions of the NPS-HPL. That decision confirms the interpretation taken in the opening legal submissions for the Applicant and for the Council in PPC81.
79. After considering all the material placed before us, we consider the findings of the professional economic assessment have merit. We are of the view that PPC81 meets the tests in clause 3.6(4) of the NPS-HPL from an economic perspective.
- PPC81 is required to provide short-medium term capacity under the NPS-UD;
 - There are no other reasonably practicable and feasible ways to provide the required development capacity elsewhere in Dargaville; and
 - The economic costs and benefits of PPC81 far outweigh those of any foregone rural production undertaken on the site. Accordingly, we support the proposal on economic grounds and see no reason to deny it on that basis.

Reverse Sensitivity

80. A number of submissions addressed reverse sensitivity issues for example:
- CJ Farms limited⁵⁹ records:
“Complaints from new residents, for the noise from tractors, motorbikes, trucks, firearms, harvesting machinery also the smells that are associated with farming.”
81. APRP expressed major reservations that the proposal would create reverse sensitivity noting in their submission:
- “APRP is particularly concerned about the loss of agricultural land and the potential for this proposal to increase reverse sensitivity effects by introducing incompatible activities like residential development into productive rural areas.*
- APRP considers that the provision of residential development and aged care facilities on the racecourse land will adversely affect existing farming operations by creating new reverse sensitivity effects. Rural production activities in the Awakino Point area involve various seasonal activities that may create conflicts with sensitive residential activities. New residents in the area are likely to be sensitive to livestock.”*
82. Mr Cook, in his evidence for APRP⁶⁰, sought 50m setbacks in the LLRA and GRA to address reverse sensitivity concerns. When questioned he told us he had come to the

⁵⁷ Joint Memorandum of Counsel – Ms Sarah Shaw and Mr Warren Bangma Dated 16 June 2023

⁵⁸ Balmoral Developments (Outram) Ltd v Dunedin City Council [2023] NZEnvC 59

⁵⁹ Submission 10

⁶⁰ Mr Cook EIC at [4.1 - 4.20]

50m figure based on his experience with the Whangarei District Council provisions for setbacks from unsealed roads and from road and rail noise control boundaries.

83. Ms Shaw advocated⁶¹ that those provisions provide very little relevant assistance in considering potential reverse sensitivity effects associated with rural activity. She also noted the Applicant had given careful consideration to the questions from the Panel about “No Complaints” covenants, and has agreed to volunteer (on an Augier basis) the following requirement in the GRA subdivision rules:

“A No Complaints covenant regarding existing or permitted activity land based primary production activities is proposed to be registered on the Certificates of Title of allotments when located within 30m of Awakino Point North Road or 50m of the north-eastern boundary of the TDA.”

84. Ms Cowan in her consideration of reverse sensitivity notes⁶²:

“As there is no technical evidence to the contrary, I am of the opinion that the proposed measures as set out within the AA will appropriately mitigate potential noise effects and thereby the reverse sensitivity effects associated with noise related activities.”

85. On the information put before us we accept the combination of – zoning layout, Open Space and Blue Green Network, setbacks, screen planting and fencing – together with the volunteered No Complaints covenant collectively will manage any perceived or actual reverse sensitivity effects with respect to adjacent Rural zoned land.

Mana Whenua

86. The Applicant’s Plan Change Request addressed⁶³ cultural values noting that engagement has been undertaken with all Mana Whenua groups with known customary interests in the Plan Change area. A consultation report included details of the results of this engagement to date.

87. Ms Anich in her evidence outlined⁶⁴ the engagement undertaken with tangata whenua, noting that two Cultural Impact Assessments were completed regarding the Plan Change. The first was initiated by Te Runanga o Ngati Whātua on behalf of the Tripartite Group. The second CIA was in response to the request for information from Council and was undertaken by Te Roroa.

88. Ms Anich told us the engagement process started by identifying Mana Whenua - Te Kuihi, Te Roroa, Te Uri o Hau and Te Parawhau. A Kaumatua Roopu was established, being a representative group of Mana Whenua. Two initial hui were held with the Kaumatua, followed by four hui with the Kaumatua Roopu regarding the Racecourse

⁶¹ Ms Shaw Closing Legal Submission at section 5

⁶² Section 42A Report at [262]

⁶³ Plan Change Request at [10.9]

⁶⁴ Ms Anich EiC at [12.102 – 12.104]

proposal and cultural values. This process delivered a CIA, including recommended mitigation measures. The CIA mitigation measures were either incorporated into the Plan Change provisions or noted in the Plan Change because the delivery mechanism sits outside of the Plan Change process for example a subdivision consent matter or a site development matter. Ms Anich emphasised the Applicant's intent is for discussion to be ongoing with Tangata Whenua through the Plan Change process and through the subdivision and development phases of this project.

89. Te Kuihi, Te Houhanga a Rongo Marae and Te Whanau Parore submitted on the plan change noting that they had been inadequately consulted with at the beginning of the submission process.
90. Representatives of Te Kuihi, Te Houhanga a Rongo Marae and Te Whanau Parore addressed the hearing highlighting their two main concerns:
- they were inadequately consulted with at the beginning of the submission process. They had been excluded from the submissions process for a publicly notified plan change;
 - land tenure matters need to be addressed.
91. Representatives of the Te Kuihi Hapu told⁶⁵ us their whānau has a pending WAI 188 claim with the Waitangi Tribunal involving the land as the land had been originally gifted by their tūpuna, Parore Te Awha for the purpose of a racecourse and community use. They expressed the view that land tenure matters needed to be addressed, as it is their understanding that once the whenua was no longer used for the agreed purposes, then it would revert back to the Parore whānau. This needed to be addressed before the plan change is put in place. As mana whenua, they also requested high-level critical engagement for partnership in the progression of this development if it was to go ahead.
92. Ms Shaw reminded us that the RMA provides a regulatory framework for regulating the use of land. Title and ownership are matters outside the ambit of the RMA, and the jurisdiction of the Council and the Environment Court⁶⁶, we are of the same mind.
93. Putting the matter of land ownership aside we are of the view that the Applicant has demonstrated commitment to Iwi consultation. We are satisfied, based on the information and evidence before us, that PPC81 would give effect to the RPS and Part 2 in relation to Mana Whenua interests and values.

Are, the transport related provisions proposed, appropriate and workable?

Intersection State Highway 14 and Awakino North Point Road

⁶⁵ Te Kuihi's Statement of Evidence at page 1

⁶⁶ Ms Shaw Opening Legal Submissions at [5.10]

94. One of the principal focuses of the hearing was whether the intersection of State Highway 14 and Awakino Point North Road.
95. A number of the submitters (in particular Colin and Joanne Rowse⁶⁷) drew our attention to the number of accidents that occurred at this intersection or leading to this intersection. For example
- Megan and Shane Phillips⁶⁸ expressed concerns over school bus safety at the intersection. Janice and Michael Brenstrum⁶⁹ highlighted safety issues associated with the intersection.
 - Leo Glamuzina and Kim Harrison⁷⁰ expressed grave concerns over the impact of increased traffic from the development on S14 and Awakino North Point Road.
96. Central to our decision making was the proposition - should the intersection be upgraded to a 'T-intersection' (as proposed by the Applicant) or a roundabout (as sought by Waka Kotahi)? We sought clarification from Waka Kotahi as to whether Waka Kotahi as the Road Controlling Authority could essentially "override" the RMA and require a roundabout if the PPC81 provisions (and subsequent resource consents) specified a T-intersection.
97. Following the hearing Waka Kotahi filed a legal memorandum⁷¹ responding to this issue. In summary it was noted that:

"Waka Kotahi would exercise its powers and responsibilities under the Government Roadway Powers Act and the Resource Management Act independently of the Commissioners' recommendation (and ultimately the District Council's decision) on this aspect of the proposed plan change."

98. Ms Shaw for the applicant questioned⁷² Waka Kotahi's advice. She noted:

Whilst the Commissioners have jurisdiction under the Resource Management Act 1991 to consider, and make a recommendation on, the appropriate form of mitigation for the intersection by way of plan change provisions, the implementation of that mitigation is subject to separate statutory processes that Waka Kotahi has control over. Waka Kotahi has sole discretion to give or decline permission for any works within the state highway, including a proposed change to intersection form, road alignment, pavement type, and so on.

Waka Kotahi would exercise its powers and responsibilities under the Government Roadway Powers Act and the Resource Management Act independently of the

⁶⁷ Submission 4

⁶⁸ Submission 14

⁶⁹ Submission 16

⁷⁰ Submission 15

⁷¹ Memorandum from Mark Sly, Principal Legal Counsel Environment & Property, 29 March 2023

⁷² Ms Shaw Closing legal Submission section 9

Commissioners' recommendation (and ultimately the District Council's decision) on this aspect of the proposed plan change".

99. Ms Shaw advocated that the Panel's focus in this hearing should be squarely on what is the "most appropriate" intersection form on the evidence.

100. Mr McKenzie undertook further work which demonstrates that safe sight distances can be achieved with a T-intersection. He concluded:

- The proposed design can satisfy the Waka Kotahi Safe Intersection Sight Distances for the current speed limit;
- The positioning of roadside trees, swale drain and associated underground infrastructure services, together with District Plan requirements, ensure that available sight distances will be maintained.
- Any future alteration to the speed limits (not proposed or required to support the Plan Change) will reduce the required sight distance but are not relied upon to reach his opinion that the proposed T-intersection will deliver safe outcomes.

101. The Northland Transportation Alliance⁷³ in their submission asked for the Awakino North Road /SH14 intersection be upgraded to a give-way controlled T-intersection.

102. Mr McKenzie in his evidence⁷⁴ noted:

"The TDA-LU-S4 Transport provisions note that prior to the establishment of any activity other than Farming in the Light Industrial Area, or prior to occupation of any residential unit in the General Residential Area, upgrading of the intersection of SH14 / Awakino Point North Road must be complete".

We have adopted these upgraded triggers as we are of the view (in the absence of evidence to the contrary) that they are sufficient to address the effects PPC81 will have on this intersection. We also note that Ms Robins had told us that Waka Kotahi⁷⁵ and the applicant were in general agreement regarding the required transport infrastructure triggers⁷⁶.

103. We are satisfied that the Applicant has justified that a T-intersection is an appropriate intersection form. It can be upgraded to a safe system compliant intersection including the addition of speed management devices on the SH14 approaches to the intersection. However, in making this finding we acknowledge that our finding may be of little consequence as Waka Kotahi has the ultimate say.

⁷³ Submission 6

⁷⁴ McKenzie EIC at [9.11 – 9.12]

⁷⁵ Waka Kotahi also supplied a s32 like analysis to justify any changes they recommended.

⁷⁶ M Robins EIC at [7.3]

104. Mr McKenzie noted⁷⁷ if Waka Kotahi wishes to implement a roundabout as a means of enhanced speed management or other network outcome, then the proposed T-intersection/speed managed intersection upgrade proposed by the Applicant is a preferred outcome and does not preclude other upgrading from occurring at this location or nearby in the future.
105. Overall, we note that the adjoining road network is a dynamic environment and, as such, the requirements for roading improvements will be dependent on a number of factors. Based on the evidence provided, we are satisfied that the T-intersection is workable, but at the same time, we defer to Waka Kotahi as the final authority on the most suitable form of access onto the State Highway when PPC81 is eventually implemented.

Shared Pathway

106. Mr McKenzie addressed the shared pathway in his evidence.⁷⁸ He had investigated the feasibility of a pedestrian and cycle link (shared use path) between PPC81 and the Dargaville Town Centre and concluded that such a facility is generally feasible. The existing SH14 road reserve can generally accommodate a shared path of around 2m to 3m in width and the shared path can connect to the existing footpath infrastructure at the Tuna Street intersection.
107. He was of the opinion the shared pathway should be addressed through the resource consent detailed design phase.
108. Ms Shaw's closing legal submissions⁷⁹ provides a useful overview of where we landed on his subject:

"Northland Transport Alliance (NTA) seeks that the shared path to terminate at Selwyn Park, or at a minimum at Finlayson Park Avenue at the start of the Residential zone. The Applicant proposes to terminate the shared path at Tuna Street, connecting to the existing urban footpath there. While Mr Marshall for NTA preferred the Finlayson Park Avenue termination for speed environment and cyclist safety, Mr McKenzie for the Applicant and Mr Hills for the Council agreed that termination at Tuna Street is appropriate.

Mr McKenzie noted that the existing width and location is appropriate, and variation in width and location is part of the existing urban network. The Applicant maintains its view that termination beyond the connection to the existing footpath at Tuna Street is an upgrade of public infrastructure beyond that necessary to mitigate the effects of the proposal. Mr Hills responded to questions from the Panel, stating that the shared path is critical to PPC81 and the provisions need to make it clear that the shared path is non-negotiable infrastructure. Ms Anich has already proposed an amendment to the provisions with the addition of a further policy requiring the provision of a new

⁷⁷ McKenzie EIC at [11.4]

⁷⁸ McKenzie EIC at [9.13 – 9.17]

⁷⁹ Ms Shaw Closing Legal Submissions at section 10

pedestrian/cycle link and upgrade of State Highway 14 /Awakino Point North Road intersection through subdivision and development.

This is a directive policy (“require”). The provisions then require the shared path to be provided at the time of subdivision within the GRA and prior to occupation of any residential unit in the GRA. The Applicant says that in combination these provisions make it clear that the shared path is non-negotiable infrastructure.”

109. We concur that the provision of a shared path between PPC81 and Tuna Street intersection is feasible and adequate to address the concerns of these submitters. The shared path will not only support active mode needs generated by PPC81, but by the existing communities within the Awakino Point area.

Summary

110. Ms Cowan in her Section 42A Report⁸⁰ concluded:

“Based on the ITA, the agreed position of both Waka Kotahi and NTA, the peer review of the ITA by CTC and the inclusion of specific mitigation measures and planning controls in PPC81, I consider that the effects of the proposal in relation to the transportation network can be managed appropriately. Decisions relating to the final form of the SH14 and Awakino Point North Road can be resolved through the next stages of detailed site design.”

111. We concur with Ms Cowan’s summary conclusions and concur with Mr McKenzie that the provision of a shared path between PPC81 and Tuna Street intersection is feasible and adequate to address the concerns of these submitters.

Stormwater & Flooding

112. Ms Cowan addressed stormwater and flooding in her Section 42A Report⁸¹. She concluded:

“Based on the above technical response, I consider that subject to further investigation and detailed engineering design at the resource consent stage, PPC81 can be adequately serviced in terms of stormwater management and the consequential flood risk will be acceptable and appropriate for the site and surrounding receiving environment”.

113. While submitters did provide us with observations on both stormwater and flooding in the absence of technical evidence to the contrary we have accepted and adopted the conclusions of Ms Cowan.

Wastewater, water supply and other services (power and communications)

114. We acknowledge the concerns expressed over the provision of water and wastewater services. We are satisfied based on the evidence before us that:

⁸⁰ Section 42A Report at [321]

⁸¹ Ibid at [271 – 280]

- Water supply and wastewater services can be developed on site and be integrated with the broader wastewater network; and
- No issues arise in terms of the installation of other services (e.g.: power and communications as set out in the tabled statements).

115. Ms Shaw advocated⁸² that the PPC81 provisions are sufficiently clear about the requirement to provide on-site infrastructure and specific upgraded or extended infrastructure to/from the site. The provisions do not, and do not need to, address upgrades to supply / treatment facilities.

116. We accept this position.

Community Facilities

117. A number of submissions have been made in opposition to PPC81 on the basis that insufficient open/green space has been provided as part of the proposal, concerns regarding the loss of the pony club and accessibility issues in relation to the hillside space⁸³.

118. Donald and Adrienne McLeod⁸⁴ in their submission provide us with this perspective:

“With the proposed high intensity housing we are most concerned about the lack of amenities, for the Tamariki and Rangatahi that would be housed there if the PPC81 were successful. While we acknowledge the plan proposes some green space areas (mainly on hilly areas) which will support the elderly population, there is nothing proposed in the way of sports facilities that would keep the Tamariki and Rangatahi active. As many have said previously, “a child in sport stays out of court.” With the current regular almost daily occurrences of youth breaking the law, stealing property, causing considerable damage it is vitally important that Kaipara District Council ensure that there is adequate and suitable facility to allow the tamariki and rangatahi to engage in an active lifestyle. We also note that any expansion of the Racecourse site for future growth will be limited and costly”.

119. Ms Cowan provided a counter-perspective:⁸⁵

“I consider that adequate provision has been made for open/green spaces within the development area. I accept that provision of additional open/green space may also be most efficiently and effectively determined at time of subdivision consent.”

120. After the hearing the Applicant commissioned an independent assessment by Global Leisure Group Limited report on recreation which was circulated. That assessment concluded that:

⁸² Ms Shaw Closing Legal Submissions at [8.5]

⁸³ Section 42A Report at [350]

⁸⁴ Submission 13

⁸⁵ Section 42A Report at [354]

- There is significant and adequate provision of passive open space for recreation activity within PC81, including the Hillside OSA, Hauora OSA, Blue/Green OSA and active transport shared path link to Dargaville;
- The scale of the development does not suggest a need for a dedicated indoor sport and recreation facility;
- Formal sport space should continue to be consolidated in Dargaville and not be provided in a fragmented way across the wider Dargaville area and in this development at its current size;
- Informal active recreation communal space for tamariki and rangatahi is recommended in the Hauora OSA, in a roughly rectangular area of about 3,500m² (70m by 50m) to accommodate a combination of paved court area (minimum of 20m by 20m) and a flat open grass area; and
- A pocket park (play area) is supported within the GRA, of approximately 500m² and located within a short walking distance of residences.

121. For this decision we have adopted the conclusion of Ms Cowan noted above in paragraph 119.

Submissions in Support

122. The proposal attracted submissions that supported the Plan Change for example:

- Nick Suckling⁸⁶ noted he was 100% in support of the application and it is a prime opportunity to support growth and development of Dargaville.
- Daniel Simpkin recorded his support noting it will start the growth of Dargaville and create opportunities.
- George McGowan⁸⁷ in his conditional support noted it will support the growth of Dargaville but with less number of houses.

Positive Effects

123. We have addressed the detail of PPC81 above and find a number of positive effects will flow from approving it.

124. We also note that PPC81 will generate substantial economic activity and employment (in terms of construction) that could be of some importance as the country deals with the economic impacts of a recession. We also consider that PPC81 will assist in

⁸⁶ Submission 1

⁸⁷ Submission 9

addressing the identified housing shortage in Dargaville. It will assist with providing housing choice and addressing housing affordability.

Regional Policy Statement and Kaipara District Plan

125. An assessment of the relevant objectives and policies of the RPS is included in Appendix F of the applicant's application. Overall, the proposal is consistent with the RPS.
126. We have concluded that PPC81 will provide for appropriate growth in a suitable location and that the proposal is consistent with the outcomes sought by Objective 3.11 Regional Form of the RPS, providing for *"sustainable built environments that effectively integrate infrastructure with subdivision, use and development, and have a sense of place, identity and a range of lifestyle, employment and transport choices."*
127. We find that the proposal will provide for the economic potential and social wellbeing of the community (Objective 3.5), The proposal will integrate the management of freshwater and the subdivision, use and development of land Objective 3.1. The PPC81 will not adversely affect the life supporting capacity, ecosystem processes, indigenous species and the associated ecosystems of freshwater. The proposal will not create adverse reverse sensitivity effects, as sought by Objective 3.6. We consider that the kaitiaki role of Tangata whenua is recognised and provided for as sought by Objective 3.12.
128. Overall, we conclude that PPC81 will not be contrary the outcomes sought by Objectives 3.1 to 3.15.
129. We have also concluded that PPC81 will not be contrary to the relevant Objectives and Policies of the Kaipara District Plan.
130. We have set out our position in relation to the applicability of the NPS-UD, and while that position is clear, we have not solely relied on the NPS-UD for our findings given that the RPS, to a large extent, mirrors those provisions of the NPS-UD.
131. We have specifically addressed those matters and those changes sought that we considered were significant in the context of this decision.
132. We also address the submissions received to PPC81 and the relief sought in those submissions. In this respect, in accordance with Clause 10(2) of the RMA, we have grouped together those submissions under the headings that were used in the Section 42A report for consistency.
133. With respect to further submissions, they can only support or oppose an initial submission. Our decisions, on the further submissions reflects our decisions on those initial submissions having regard, of course, to any relevant new material

provided in that further submission. For example, if a further submission supports a submission(s) that opposes the Plan Change and we have recommended that the initial submission(s) be rejected, then it follows that the further submission is also rejected.

134. We also note that we must include a further evaluation of any proposed changes to the Plan Change arising from submissions; with that evaluation to be undertaken in accordance with section 32AA of the RMA. With regard to that section, the evidence presented by the Applicant, Submitters and Council Officers and this report, including the changes we have made, effectively represents that assessment. All the material needs to be read in conjunction with this decision report where we have determined that changes to PPC81 should be made.
135. In the evidence placed before us, some parties indicated that if we granted PPC81 then they would like some additions. Most of these were addressed by the Applicant’s planner. Where she accepted them, they were incorporated into the plan change provisions.

SUBMISSIONS AND FURTHER SUBMISSIONS

136. The following section addresses the submissions received and sets out our decision in relation to them. For efficiency reasons we have adopted the submission tables set out in the Council Officer’s section 42A report and have adapted her comments on submission points.
137. We have set out our reasons above as to why we have approved PPC81 and the amendments we have made to it, so it satisfies the purpose of the RMA.

Decisions on Submissions

Community Facilities

Submission Points
7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.9, 13.1, 13.2, 15.5, 17.8

Submission Information

138. A number of submissions have been made regarding the topic of community facilities. Generally, these submissions are in opposition to the plan change and seek that it be declined or resubmitted with further information and/or the addition of provisions relating to the adequate provision of community facilities. A number of submissions note the lack of appropriate play areas and accessible green space. A specific submission by the Ministry of Education seeks enabling provisions with regard to education facilities.
139. Reasons given generally relate to concerns about the lack of community facilities (e.g., schools, medical centres, sports facilities) provided for in the plan change area

and concern that existing community facilities within Dargaville do not have capacity for the increased population that the plan change will enable.

- 140. Additional concerns have been raised in relation to insufficient pedestrian and cycle access to the recreational facilities.

Discussion

- 141. In discussing this submission point Ms Cowan noted that she did not support submissions seeking that the plan change be declined on the basis of a lack of community facilities. She was of the view that it is not typical for planning provisions to be prescriptive when it comes to what community facilities are to be provided within a development area. Such facilities are usually located and developed based on demand. She was of the opinion that there is sufficient area within the plan change site for such facilities to be developed, particularly within the Hauora Hub. The consideration of the establishment of these facilities will be more efficiently made at the time of subdivision and development, subject to negotiation between the eventual applicant / developer and Council. We accept and adopt Ms Cowan’s view. Provision has been made for enabling provisions in relation to educational facilities.

- 142. The Urban Design Assessment (“UDA”) has confirmed the provision of a shared path along the State Highway 14 corridor to provide an active transport link between the site and town. *“This path will be funded by the developer. Overall, a range of access and transport options, to link residents and workers with Dargaville town are provided to support community resilience and reduce car dependence in light of climate change.”* The provisions for PPC81 contain a trigger rule for the construction of this shared path.

Conclusion

- 143. We have accepted in part submission points 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.9 and rejected the other identified submission points. Amendments were made to the PPC81 provisions.

Fire and Emergency

Submission Points
8.1 to 8.9

- 144. Fire and Emergency New Zealand (“FENZ”) have made a submission in relation to ensuring that adequate provision is given to fire safety and operational fire-fighting requirements.

Discussion

145. With regard to the matters raised by FENZ, we are of the view Plan Change 4 – Fire Safety Rules (Land Use) has comprehensively addressed the implications and imposition of Fire Safety Rules.
146. Information in relation to this matter can be found at:
<https://www.kaipara.govt.nz/services/district-plans/plan-changes/plan-change-4-fire>
147. In short, a “*decision on Plan Change 4 was issued via Consent Order from the Environment Court on 24 October 2018, after all parties through negotiations and mediation agreed to a way forward. Generally, the Court’s Consent Order upheld the Commissioners’ decision in relation to land use activities e.g., the removal of the need to comply with the NZ Fire Service Code of Practice at time of building, and introduces a new risk-based approach to help with assessment of subdivision applications. The new approach aims to help Council and applicants understand if there are potential fire hazards which may need to be considered at the time of subdivision consent applications, if sufficient firefighting water is not supplied. Plan Change 4 was made operative on Wednesday 18 December 2018.*”
148. We accept the view of Ms Cowan that support should not be given to the submission of FENZ, but rather recommend that the provisions as embodied via Plan Change 4, are correspondingly applied to PPC81.

Conclusion

149. We have rejected FENZ submission points and consequential changes to apply the provisions of Plan Change 4 to the PPC81 area be included.

Flood Hazard and Stormwater

Submission Points
3.3, 12.10,

150. Two submissions have raised concerns in relation to the increase in impervious surfaces at the site and the ability to manage increased stormwater flows, both on-site and off-site and the resulting potential for additional flood hazards to occur. These matters were also raised specifically in light of climate change and the potential for future sea level rise.

Discussion

151. With reference to the various technical memos to Section 42A Report it has been confirmed that PPC81 is serviceable in terms of stormwater. However, this will be subject to further investigation and detailed engineering design at the resource consent stage of the development to meet Kaipara District Council’s level of service and avoid adverse effects on neighbouring properties, asset owners and receiving environment.

Conclusion

152. We have rejected the submission points.

Open/Green Space

Submission Points
12.11, 13.1, 13.2, 15.5, 17.7

Submission Information

153. A number of submissions have been made in opposition to PPC81 on the basis that insufficient open/green space has been provided as part of the proposal, concerns regarding the loss of the pony club and accessibility issues in relation to the hillside space.

Discussion

154. The UDA identifies that a *“range of open space functions and specific areas are proposed in the indicative masterplan and OSA provisions provide for a range of functions and locations for OSA around the neighbourhood area, to provide residents with choice and diverse OSA and convenient access to natural and recreational amenity. All OSA include trees and vegetation (soft landscaping) to enhance the mauri and ecology of the whenua, with planting plan and selection of native plant species to be undertaken in collaboration with tāngata whenua.”*
155. Additionally, the UDA notes that the *“‘Hillside Reserve’ is a principal open space for this development. It is located on the elevated area to the north-east of the site, seeking to make best use of the elevation and points of interest, and maintains natural springs and overland flow paths through the Blue-Green Network. A large reserve in this location offers a natural buffer between bordering rural land uses to the north and east, and limits the visual impact of development. This reserve area will also preserve and enhance existing features including overland flow paths, existing mature trees on the north-east boundary, several springs and a man-made dam/pond...The outcomes for the ‘Hillside Reserve’ support the intention to provide a low maintenance reserve, with native vegetation.”*
156. The UDA also notes that the *‘Neighbourhood Open Space’ forms part of the Hauora Hub, with a strong, integrated relationship with adjacent General Residential and Neighbourhood Centre Areas, offering opportunities for cultural harvest, active play, passive recreation and ecological restoration which provide for hauora, holistic health and community wellbeing. This OSA is an important opportunity to express appropriate cultural narratives (identified and applied in collaboration with tāngata whenua) through the design of the public realm, supporting positive sense of place relationships for tāngata whenua, residents and manuhiri, reinforcing shared identity, and promoting community pride and social cohesion.”*

157. Ms Cowan told us that in light of the technical evidence presented above, she considered that adequate provision has been made for open/green spaces within the development area. She accepted that provision of additional open/green space may also be most efficiently and effectively determined at time of subdivision consent. However, it is appropriate that the Hillside Reserve and Neighbourhood Open Space are included within the TDA DAP.

Conclusion

158. We have rejected the submission points.

Retain as Rural

Submission Points
3.1, 10.1, 14.1, 15.1, 16.1, 17.1, 18.1

Submission Information

159. A number of submissions have requested that the site be retained as Rural. Generally, these submissions raise concerns in relation to the density of development and more specifically the loss of rural productive land.

Discussion

160. As mapped above, a small part of the site running down the site’s boundary with Awakino Point North Road is identified in the New Zealand Land Resource Inventory data base as LUC 2 land, with a small portion to the north as LUC 3.
161. We accept clear direction is provided by the NPS-HPL that the urban rezoning of highly productive land is to be avoided. In our finding above we have accepted PPC81 meets the tests in clause 3.6(4) of the NPS-HPL from an economic perspective.

Conclusion

162. We have rejected the submission points.

Reverse Sensitivity

Submission Points
10.2, 12.4, 12.5, 12.6, 17.3,

Submission Information

163. Submissions have been made in relation to the potential for reverse sensitivity effects. The submitters specifically raise concerns such as:

- Children with idle time and nothing to do could decide that a working farm, that has many potentially dangerous hazards, is a playground for them.
- The operation of the farm may be compromised by complaints from the new residents, for the noise associated with normal rural activity including tractors, motorbikes, trucks, firearms and harvesting machinery and also the smells that are associated with farming.
- The inappropriateness of high density of housing adjacent to working farms and general farming activities, given the noise from livestock, harvesting machinery, heavy trucks, firearms, tractors, motorbikes and aircraft, along with the smells from silage, dairy effluent, agri-chemicals and dust.
- Inadequacy of setback distances, and requesting increased set-backs between noise sensitive activities and farm related activities of 300m.

Discussion

164. Reverse sensitivity effects on existing rural land, is considered within the Acoustic Assessment (**AA**) as discussed above. The AA considers reverse sensitivity effects on existing rural land use (with respect to noise) is considered relatively low risk. Noise measurements of existing rural activities near the subject site do not suggest that existing rural activities would be at significant risk due to the proximity of the proposed GRA.
165. Ms Cowan noted that without technical evidence to the contrary, she accepted the evidence provided in the AA that reverse sensitivity effects in relation to noise will be low risk. We are of the same mind.
166. Ms Cowan also accepted the expert evidence provided by the Applicant that measures to mitigate landscape and character effects will also work with regard to reducing the potential for reverse sensitivity effects. These factors include earth bunds, planted buffer strips, building and structure setbacks. The Applicant has advised that these can be addressed through specific PPC81 provisions.

Conclusion

167. We have rejected the relevant submission points and no further changes are required.

Roading Infrastructure

Submission Points
3.2, 4.2, 4.3, 4.4, 4.5, 5.1, 5.6, 5.7, 5.8, 5.9, 5.16, 5.17, 5.18, 5.19, 6.1 – 6.5, 9.1, 10.3, 12.7, 12.8, 12.9, 14.2, 15.2, 15.6, 16.2, 17.4, 17.5, 18.4

Submission Information

168. A significant number of submissions have been made regarding the topic of Roading Infrastructure. Generally, these submissions raise concerns in relation to road safety, road design, traffic volumes and pedestrian linkages.

Discussion

169. As noted above Commute Transportation Consultants (“**CTC**”) on behalf of KDC has noted in their opinion, provided within the memo attached to this report as Appendix I, that both an upgraded priority-controlled T-intersection option (with speed calming / reductions) or a roundabout option at the SH14 / Awakino Point North Road intersection could mitigate the effects of PPC81. CTC agree that a roundabout would be the “safest” option for the intersection, however, priority-controlled intersection, with speed mitigation measures to reduce speed (providing they occur) would also adequately mitigate the effects of PPC81.
170. It is proposed that the site will be linked to Dargaville by a shared walking and cycling path along SH14. Waka Kotahi and the Northland Transportation Alliance (“**NTA**”) have been consulted regarding this and have subsequently made submissions in relation to this matter. Questions were also raised in a number of other submissions in relation to the usability of the shared path, and whether this could be safely accommodated, given the distance between the site and Dargaville township, and pinch points such as Awakino Bridge.
171. The implementation of the shared path is proposed to be timed for when the GRA is implemented, given the intent is for the shared path to provide an alternate active means of connecting with Dargaville for the residents of the TDA. The memo provided by CTC identified that there are limited, if any, reasonable walking, cycling and public transportation opportunities currently available. The provision of a shared walking/cycling path from the site to Dargaville is considered an acceptable solution, subject to the actual design. The CTC memo identifies that the new pedestrian/cyclist facility connecting the proposed site and Dargaville to be a vital component of PPC81 being acceptable from a transport point of view. The CTC memo notes that no details have been provided with regards to an indicative design/ layout of the proposed shared path along SH14 and proposed bridge connection. It is thus considered that as part of the Applicant’s evidence, concept designs / discussion should be provided demonstrating the proposed shared path is feasible within existing road reserve.
172. Walking/cycling paths will also be provided within the internal road network to encourage active transport, given the walkable size of the TDA. This also delivers on the Hauora intent of achieving community wellbeing.
173. Based on the ITA, the agreed position of both Waka Kotahi and NTA, the peer review of the ITA by CTC and the inclusion of specific mitigation measures and planning controls in PPC81, we consider that the effects of the proposal in relation to the transportation network can be managed appropriately. Decisions relating to the

final form of the SH14 and Awakino Point North Road can be resolved through the next stages of detailed site design.

Conclusion

174. We concur with Ms Cowan’s summary conclusions and concur with Mr McKenzie that the provision of a shared path between the PPC81 site and Tuna Street intersection to be feasible and adequate to address the concerns of these submitters.

Water Supply and Wastewater Disposal

Submission Points
5.8, 9.2, 15.3, 15.4, 17.2,

175. Several submissions have raised matters in relation to inadequate and aging infrastructure and the inability of existing council assets to adequately service PPC81 requirements.

Discussion

176. These matters have been addressed in some detail within the Infrastructure Servicing section of this report above. Ms Cowan noted here that the capacity of the Dargaville WWTP to appropriately treat wastewater PPC81 relies on upgrades, which have not yet been fully scoped, although “*KDC is committed to monitoring expected growth so that upgrade projects can be timed to provide capacity for growth without over investment. KDC anticipates that capacity will be provided for PPC81*”.
177. Mr Usmar for the Council confirmed at the hearing that long term upgrades to public supply/ treatment infrastructure (such as upgrades to the Wastewater Treatment Plant or alternative sources of raw water) are already included in the Council’s Long Term Plan (LTP), which is funded by development contributions. We agree with the Applicant that the PPC81 provisions are sufficiently clear about the requirement to provide on-site infrastructure and specific upgraded or extended infrastructure to/from the site. The provisions do not, and do not need to address upgrades to supply / treatment facilities as these are addressed in the LTP.

Conclusion

178. We have rejected the submission points.

Conclusion

179. We have accepted the aspects of PPC81 which Ms Cowan supported, including:

- That the potential landscape, visual, amenity and character effects from the development can be appropriately mitigated over time to a minor effect;
- The adverse social impacts of the proposal will be minimal and there will be some positive social impacts;
- The long-term positive effects associated with new walking and cycling infrastructure, impacts on community, culture, health and wellbeing and amenity/quality of life outweigh the potential adverse effects;
- The Applicant has attempted to address cultural values and is continuing to participate in ongoing dialogue. We are of the view that cultural values have been addressed to an appropriate extent within PPC81.
- The urban design components of the proposal can be appropriately mitigated or managed;
- The economic benefits of PPC81 are positive and construction of residential housing will assist with relieving the current housing shortage and increase the population of Dargaville;
- Any potential noise effects will be appropriately managed and mitigated through the proposed provisions and will maintain an acceptable level of amenity at the surrounding dwellings;
- The site is geotechnically suitable for light industrial, commercial and residential development;
- Any adverse effects in relation to archaeology or heritage will be acceptable;
- The impacts from earthworks will be acceptable provided all excavation and fill is undertaken in accordance with industry best practice;
- Adequate provision for open/green spaces has been made within the development area and we accept that additional areas can be determined at the time of subdivision consent;
- Reverse Sensitivity Effects can be managed within the proposed development through appropriate mitigation and management of potential effects;
- Effects in relation to transport and roading infrastructure can be appropriately managed, provided that specific mitigation and planning controls are imposed. We accept that the final form of the SH14 and Awakino Point North Road can be resolved through the next stages of detailed site design;

- That PPC81 is serviceable in terms of stormwater treatment and control. However, this will be subject to further investigation and detailed engineering design at the Resource Consent stage for the development to meet Kaipara District Council's level of service and avoid adverse effects on the neighbouring properties, asset owners and receiving environment; and
- The infrastructural requirements of PPC81 can be met.

With respect to the remaining matters that were not supported by Ms Cowan, we have found that:

- PPC81 meets the requirements of the NPS-FM. The PPC81, as amended, will ensure that the proposed development can avoid any actual or potential adverse ecological effects on the identified site features noting that future development proposals will need to readdress these effects as part of the future resource consents; and
- Based on the additional economic evidence provided by the applicant, we are satisfied that PPC81 will not be inconsistent with the NPS-HPL, particularly in relation to Clause 3.6(4) which sets out the specific methodology for the assessment of the development capacity for residential and business land.

Part 2

180. PPC81 as amended by the hearing process now meets the sustainable management purpose of the RMA; it manages the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety, specifically in relation to safe guarding the life-supporting capacity of water, soil and ecosystems.
181. Section 6 of the RMA sets out a number of matters of national importance that must be recognised and provided for. PPC81 recognises and provides for these matters in the following ways:
- The archaeological assessment submitted with the application does not identify any specific archaeological or heritage sites requiring protection;
 - The relationship of Māori with their ancestral lands, water, sites, waahi tapu and other taonga has been recognised and provided for via consultation, the provision of CIA documents and the ongoing opportunities for participation in the process surrounding PPC81; and

- The risk from natural hazards has been addressed through technical reports prepared by Lands and Survey and AWA.

182. PPC81 as amended recognises and provides for:

- The preservation of the natural character of wetlands and the protection of them from inappropriate subdivision, use and development.

183. Section 7 of the RMA identifies a number of other matters to be given particular regard to. PPC81 has regard to a number of these matters because:

- The proposal has acknowledged the kaitiakitanga role of Te Roroa and Te Uri o Hau and consultation and ongoing engagement has been undertaken with respect to PPC81;
- While there will be a change in amenity values of the site due to the progression of development, the ALE and UDA provided with the application suggest the provision of design guidelines to be implemented via the rules of the TDA that will ensure the maintenance and enhancement of amenity values associated with the site; and
- The Applicant is intending to maintain and enhance the quality of the environment via planting of the blue-green network.

184. Section 8 requires that the principles of the Treaty of Waitangi are taken into account. The application for PPC81 is supported by two CIA.

Recommendation

185. On the basis of the above findings, we recommend that the Council should adopt PPC81 in accordance with our findings.



Mark Farnsworth MNZM
Chair



Michael Campbell

J. Larsen

Jonathan Larsen
28 July 2023