

Before Kaipara District Council

In the Matter of the Resource Management Act 1991 (**RMA**)

And

In the Matter of an application for Private Plan Change 82 (**PPC82**) by **MOONLIGHT HEIGHTS LIMITED** to rezone 39.2 ha of land at Awakino Road, Dargaville from Rural Zone to Residential Zone

Evidence of Melissa Ivy McGrath on behalf of Moonlight Heights Limited

(Planning)

Dated 21 July 2023

Jeremy Brabant
Barrister
Foundry Chambers
Level 4, Vulcan Buildings
PO Box 1502, Shortland St
Auckland City
021 494 506
Email: jeremy@brabant.co.nz

Introduction

1. My full name is Melissa Ivy McGrath. I am a Senior Associate (Planner) with Barker and Associates. I am a qualified planner with a Master of Resource Management from Massey University, and I am a Full Member of the New Zealand Planning Institute.
2. I have 19 years' experience as a Planner. During this time, I have been employed in various resource management positions in local government and private companies and I have a range of planning experience in consenting, policy development, consultation and public engagement, including experience with:
 - (a) Statutory resource consent planning in the Northland and Auckland regions, including an extensive range of work in the Whangārei, Kaipara and Far North Districts.
 - (b) Consideration of submissions and formulation of policy and policy advice for Whangārei District Council, Far North District Council and Kaipara District Council.
 - (c) Preparation and processing of private plan change applications both on behalf of applicant and council.
 - (d) Preparation of spatial planning for Vanuatu.
 - (e) Analysis and reporting of applications on behalf of the Ministry for Environment under the COVID-19 Recovery (Fast-track Consenting) Act 2020.
3. I attach a copy of my CV in Attachment 1 which provides further detail on my experience and expertise. With particular regard to this project, I highlight that I have extensive experience in policy.
4. I was instructed by Moonlight Heights Limited in 2022 to assist with the preparation of the private plan change application. I prepared the following documents:

- (a) Moonlight Heights Private Plan Change Request – Assessment of Effects and Section 32 Evaluation Report, dated 8 June 2022 (“**s32 Report**”); and
 - (b) Response to Clause 23 Request for Information – Applicant response to request for further information, dated November 2022 (“**RFI Response**”).
5. I am familiar with the area to which the application for resource consent relates. I have visited the plan change area and surrounds on numerous occasions, most recently on 19 July 2023.
6. Although this is not a hearing before the Environment Court, I record that I have read and agree to and abide by the Environment Court’s Code of Conduct for Expert Witnesses as specified in the Environment Court’s Practice Note 2023. This evidence is within my area of expertise, except where I state that I rely upon the evidence of other expert witnesses as presented to this hearing. I have not omitted to consider any material facts known to me that might alter or detract from the opinions expressed.

Scope of Evidence

7. My evidence will address the following topics:
- (a) Context and Background;
 - (b) Overview of the Plan Change;
 - (c) Statutory Provisions;
 - (d) Section 32 Evaluation;
 - (e) Strategic Analysis;
 - (f) Assessment of Environmental Effects;
 - (g) Response to s42A Report;
 - (h) Response to Submissions; and

(i) Conclusion.

Context and Background

Plan Change Area Context

8. Sections 3.0 and 4.0 of the s32 Report provides a comprehensive description of the plan change area, its surroundings and current planning provisions.

Figure 1 below details the extent of the Proposed Plan Change Area Residential zoning.

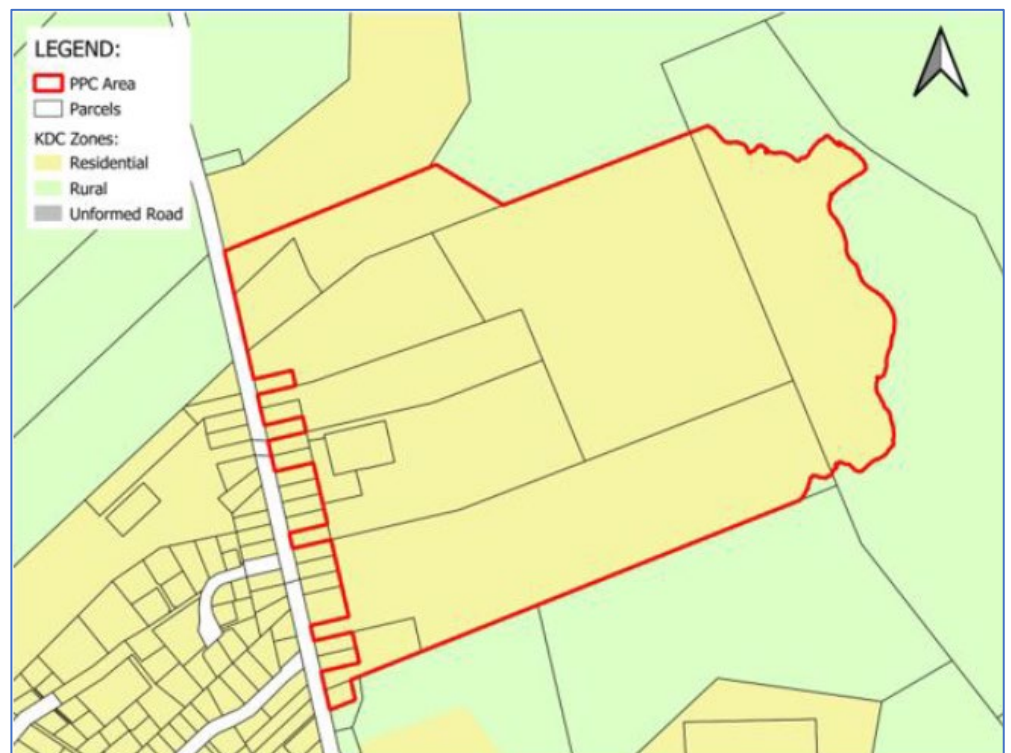


Figure 1 Proposed plan change area and proposed residential zone plan.

9. I provide a brief summary below:

Plan Change Area Description:

(a) The plan change area comprises of 39.2ha of land located at Awakino Road, Dargaville approximately 2km northeast of the CBD of Dargaville.

- (b) The plan change area is located towards the northern end of the existing residential zoning along the eastern edge of Awakino Road, wrapping around existing residential allotments.
- (c) The Kaipara District Council (“**KDC**”) transfer station forms the northern boundary of the plan change area.
- (d) Awakino Road and existing Residential Zoning forms the western boundary of the plan change area.
- (e) The plan change area is comprised of larger allotments that are primarily vacant and numerous smaller allotments containing existing residential units.
- (f) The majority of the area is flat topography, dropping steeply along the southern and eastern edges to wetlands.
- (g) The majority of the area contains exotic grassland, primarily dominated by kikuyu. Small, scattered remnant patches of native kanuka, towai and mixed native treeland can be found along the north-eastern and south-eastern borders of the area. Multiple indicative wetland areas and exotic pine stands run through the southern and central aspects, with numerous artificial drainage channels (both relict and active) throughout the area.
- (h) The smaller allotments have existing vehicle crossings with Awakino Road and access to the larger vacant portions of the area is obtained via existing access points from Awakino Road.

Surrounding Locality:

- (i) Immediately west and south of the plan change area is predominantly residential in nature being dominated by residential dwellings, Dargaville Hospital, community park and a community swimming pool.
- (j) Immediately to the north and east of the plan change area is predominantly rural in nature dominated by large rural holdings.

- (k) Selwyn Park Primary school is located 500m walking distance south of the plan change area, while Dargaville High School is located 1.4km to the west.
- (l) Dargaville Central Business District (“**CBD**”) is situated approximately 2km to the southwest of the plan change area, providing convenience-based retail services. These retail services include the warehouse, supermarket, medical centre and pharmacy, as well as financial, real estate and food and beverage services.
- (m) Awakino Road is a sealed local road and extends south of the plan change area to intersect with State Highway 12, which in turn provides the east west link between Dargaville and Whangarei.

Planning Provisions

- (n) Under the operative Kaipara District Plan (“**KDP**”), the plan change area is zoned Rural zone.
- (o) Land to the east and south is zoned Residential zone, and land to the west and north is zoned Rural zone. Designation 34 (Refuse Disposal Purposes (Dargaville Landfill)) is located on a Residential zoned site to the north.
- (p) The plan change area does not contain any mapped outstanding landscapes, features or areas of high or outstanding natural character, nor is it located in the coastal environment within the Northland Regional Policy Statement (“**NRPS**”).
- (q) Small areas along the eastern boundary of the plan change area are identified as being an Area Susceptible to Flooding in the KDP flood hazard mapping. Northland Regional Council Flood Hazard maps which are based on more up to date data, identify the site as being outside of mapped flood hazard areas.

Background to the Plan Change

10. The background of Private Plan Change 82 (“**PPC82**”) is described in section 2.0 of the s32 Report. In summary, the Applicant is the major landholder within the Plan Change Area and is seeking to establish viable and sustainable residential development.

Pre-lodgement Meetings with Council

11. Two pre-application meetings were held with KDC staff. At the first pre-application meeting on 19 November 2021, the concept of the plan change was generally discussed with Council Policy Staff. A second pre-application meeting was held on 11 April 2022 with Council Infrastructure Staff.

Overview of the Plan Change

12. PPC82 seeks to seeks to rezone the Plan Change Area KDP Residential zone. It is proposed to apply a precinct (the Awakino Precinct) to the plan change area with a bespoke suite of objectives, policies, and rules that will guide development¹.
13. It is recognised Council is preparing to release its Proposed District Plan, however, there is no guarantee of this being adopted for formal notification. This plan change has been proposed to blend into the Operative KDP, recognising that the precinct will be accommodated into any future Proposed District Plan.

Precinct Provisions

14. The proposed Awakino Precinct applies to the Plan Change Area. The Precinct includes:
 - (a) Description of the Awakino Precinct;
 - (b) A single objective describing the outcome for the precinct;

¹ Applicant response to request for further information – Attachment 2.

(c) Five policies focusing upon subdivision, residential amenity, connectivity, ecological values and open space for the precinct;

(d) Amendments to the following KDP Residential zone rules:

- (i) 13.10.3a Dwellings;
- (ii) 13.10.7 Setbacks;
- (iii) 13.10.11 Private Open Space;
- (iv) 13.10.12 Permeable Surfaces;
- (v) 13.10.13 Building Coverage;
- (vi) 13.10.25 Vehicle Access and Driveways;
- (vii) 13.10.27 Parking;
- (viii) 13.14.2 Road, Private Way Formation and Property Access;
and
- (ix) 13.14.5 Stormwater Disposal.

(e) New rules in the Residential zone:

- (i) 13.10.7a Fence and Landscaping; and
- (ii) 13.13A Subdivision.

(f) Precinct Map identifying key features².

Statutory Provisions

15. As a private plan change, PPC82 is governed by Schedule 1 to the RMA. The PPC82 request was made pursuant to clause 21(1) of Schedule 1. Council accepted the plan change request and PPC82 was publicly notified pursuant to clause 26.

² Application – Attachment 2

16. Under clause 29(1) of Schedule 1, Part 1 of Schedule 1 (which applies to Council-initiated or adopted plan changes) applies with all necessary modifications. This includes provisions for the making of submissions, decisions, and appeals. Other provisions of the RMA, including sections 31, 32, 72, 74 and 75, and Part 2 of the RMA, including the purpose and principles of the RMA, apply to changes to a district plan, regardless of whether it is a Council-initiated or adopted change or an accepted private plan change request.

Section 31

17. Under section 31(1) Council as a territorial authority has a number of functions for the purpose of giving effect to the RMA in its district, including the establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.

Section 32

18. Under clause 22(1) of Schedule 1, a private plan change request must "contain an evaluation report prepared in accordance with section 32 for the proposed plan ... change". This is addressed under the "Section 32 Evaluation" section below.

Section 74

19. Section 74 outlines the matters which must be considered by Council when changing its operative district plan.

20. Council must change its operative district plan "in accordance with", among other things, its functions under section 31 above, the provisions of Part 2, its obligation to have particular regard to the section 32 analysis discussed above, and any national policy statements or national planning standards.

21. Under section 74, the Council must "have regard to", among other things, any proposed regional policy statements or proposed regional plans,

management plans and strategies prepared under other Acts, and the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities. Relevant plans and strategies are addressed in the following sections below under the “Strategic Analysis” heading.

Section 75

22. In addition to setting out what the operative district plan must and may state, section 75(3) says that the District Plan must "give effect to" (relevantly):

- (a) Any national policy statement;
- (b) A national planning standard; and
- (c) Any regional policy statement.

23. The relevant national policy statements are:

- (a) New Zealand Coastal Policy Statement 2010 (“**NZCPS**”).
- (b) National Policy Statement for Urban Development 2020 (updated 2022) (“**NPS-UD**”).
- (c) National Policy Statement for Freshwater Management 2020 (“**NPS-FM**”).
- (d) National Policy Statement on Highly Productive Land 2022 (“**NPS-HPL**”).
- (e) National Policy Statement on Indigenous Biodiversity 2023 (“**NPS-IB**”).

24. The relevant regional policy statement is the NRPS. The National Planning Standards 2019 specify the structure and form for policy statements and plans, specify definitions, and other administrative requirements.

25. The KDP must not be inconsistent with (relevantly) a regional plan for any matter specified in section 30(1) of the RMA, which relates to the functions of regional councils under the RMA.

Part 2

26. The KDP must give effect to the provisions of Part 2 of the RMA, including section 5 achieving the purpose of the RMA to promote the sustainable management of natural and physical resources; section 6 recognise and provide for matters of national importance; section 7 have particular regard to other matters and section 8 take into account the principles of the Treaty of Waitangi.

Section 32 Evaluation

27. Section 32 of the RMA provides that an evaluation report required under clause 22 of schedule 1 must examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the RMA under subsection (1)(a), and whether the provisions in the proposal (i.e. policies, rules and other methods) are the most appropriate way of achieving the objectives under subsection (1)(b).

28. The evaluation must also consider the efficiency and effectiveness of a proposal, taking into consideration benefits and costs and the risk of acting or not acting. At the time of lodgement of PPC82, an assessment of alternatives, costs and benefits in accordance with these provisions of the Act was provided in the s32 Report.

29. Section 32AA provides that further evaluation is required when changes are made to a plan change since the original evaluation was completed. As such, section 32 evaluations are ongoing and need to be updated and revisited throughout the plan change process as changes are contemplated in response to requests for information and to address submissions and further submissions.

30. I address these statutory matters further in the following sections, including response to matters raised in s42A Report and Submissions.

Strategic Analysis

31. I provide the following overview of strategic analysis. Any matters raised in s42A Report and Submissions are addressed within my Response to s42A Report and Response to Submissions sections.

Part 2 - Purpose and Principles

32. In my opinion, PPC82 is consistent with section 5 RMA because:

- (a) The plan change will provide quality housing opportunities and housing choice on land adjacent to the existing residential zone of Dargaville, and in proximity to the central business area of Dargaville, enabling communities to provide for their social and economic well-being.
- (b) Development will be coordinated with the delivery of required infrastructure, resulting in sustainable development.
- (c) The effects on the transport network from proposed residential development will be managed appropriately.
- (d) The plan change will ensure protection and enhancement of significant ecological features (wetlands and streams) within the plan change area.
- (e) The plan change will provide open space to support the wellbeing of surrounding and future residents.

33. PPC82 recognises and provides for the relevant section 6 matters of national importance as follows:

- (a) There are no identified areas of high or outstanding natural character, coastal environment, outstanding natural features and landscapes and areas of significant indigenous vegetation and habitats.
- (b) The proposed provisions seek to minimise risk from natural hazards.

(c) The Plan Change Area contains areas of indigenous vegetation, wetlands, and intermittent and permanent streams and the proposed precinct provisions seek to protect these ecological features.

(d) The applicant has recognised and provided for the relationship of the mana whenua, specifically, Te Roroa and their culture and traditions with regard to the Plan Change Area which falls within their rohe. As part of pre-lodgement of the application, the Applicant has directly engaged with Te Roroa and at their request, agreed to commission and resource the preparation of a Cultural Impact Assessment (“**CIA**”).

34. PPC82 has particular regard to the relevant section 7 matters through the following methods:

(a) Pre-lodgement consultation has been undertaken with Te Roroa, which has resulted in the specific inclusion of mana whenua provisions within the Awakino Precinct to allow them to exercise kaitiakitanga.

(b) PPC82 will enable an efficient use of natural and physical resources as it seeks to enable greater range of household units, lifestyle choices and affordability options in a manner that creates efficient use of land.

(c) The amenity values and quality of the area have been recognised and will be enhanced through the implementation of the proposed precinct provisions that emphasise high quality urban design, in conjunction with the existing provisions of the KDP.

(d) Natural ecosystems can be protected and enhanced alongside future development as envisaged by the proposed precinct provisions.

(e) The effects of climate change have been taken into account in the Land Development Report, and this can be confirmed through future resource consents.

35. With respect to section 8 and taking into account the principles of the Treaty of Waitangi, Te Roroa have been consulted throughout the process of developing PPC82. The Te Roroa CIA identifies the key matters of relevance

to Te Roroa which have been adequately accounted for with the inclusion of mana whenua provisions within the proposed provisions.

New Zealand Coastal Policy Statement 2010

36. The NZCPS manages the coastal environment. The plan change area is not located within the coastal environment; however, it is acknowledged that the plan change area is in proximity to the Awakino River which feeds directly into the Kaipara Harbour. In my opinion the proposed provisions particularly the proposed stormwater provisions will ensure that potential effects of the residential rezoning will appropriately manage effects on the coastal environment.

National Policy Statement on Urban Development 2020

37. An assessment of the NPS-UD was completed in section 6.1.1 of the s32 Report.

38. On 29 March 2023 KDC resolved that “at the present time, neither Mangawhai nor Dargaville come within the definition of “urban environment” in the NPS-UD”³.

39. Despite this resolution, I consider that the NPS-UD provides useful policy direction with respect to the creation of a well-functioning urban environment, and in my opinion, it is appropriate to ensure that the proposed precinct achieves this. Mr Pierard has undertaken an Urban Design Assessment in support of the application and details the urban design outcomes in his primary evidence⁴. I consider that the proposed plan change will give effect to the NPS-UD.

National Policy Statement on Freshwater 2020

40. Section 6.1.2 of the s32 Report provides a comprehensive assessment of the NPS-FM. The plan change area contains a number of wetlands, intermittent

³ Extract of the Minutes of the Ordinary Meeting of Kaipara District Council, Wednesday 29 March 2023.

⁴ Mr Pierard Primary Evidence paragraph 15.

and permanent streams located along the southern and eastern boundary of the proposed Precinct. I consider that policies 3 and 6 are particularly relevant to PPC82.

41. I consider that the proposed provisions objective 1, policies 3 and 4, and rules 13.10.7 Setbacks and 13.13A Subdivision give effect to the relevant objective and policies of the NPS-FW, by providing integrated management of future development within the proposed Residential Zone to ensure that the wetlands are protected and enhanced.
42. For these reasons, I consider that PPC82 is consistent with the relevant NPS-FM policies and achieves objective 1.

National Policy Statement on Highly Productive Land 2022

43. The purpose of the NPS-HPL is to protect highly productive land for use in land-based primary production, both now and for future generations as set out in Objective 2.1. The policies set clear direction to recognise highly productive land and its importance and value to land-based primary production by requiring regional and district plans to map these resources.
44. The NPS-HPL defines highly productive land as:

Highly productive land means land that has been mapped in accordance with clause 3.4 and is included in an operative regional policy statement as required by clause 3.5 (but see clause 3.5(7) for what is treated as highly productive land before the maps are included in an operative regional policy statement and clause 3.5(6) for when land is rezoned and therefore ceases to be highly productive land)

45. Northland Regional Council (“NRC”) has not included mapping of highly productive land in accordance with clause 3.4, therefore clause 3.5 (7) is relevant to the proposed plan change. Until such time as a Regional Policy Statement containing highly productive land maps is operative each territorial authority must apply the NPS-HPL as if references to highly productive land were references to land that:

- (1) Is
 - (i) Zoned general rural or rural production; and
 - (ii) LUC 1, 2 or 3 land; but
- (2) 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.

46. The NPS-HPL defines LUC 1, 2 or 3 land as follows:

LUC 1, 2, or 3 land means land identified as Land Use Capability Class 1, 2, or 3, as mapped by the New Zealand Land Resource Inventory or by any more detailed mapping that uses the Land Use Capability classification

47. Mr Hanmore⁵ has undertaken detailed mapping of the land that uses the Land Use Capability (**LUC**) classification to determine that the plan change area is not defined as LUC 1, 2 or 3 land. Based upon Mr Hanmore's findings I consider that the plan change area is not defined as highly productive land under the NPS-HPL and pursuant to section 3.5(7) the NPS-HPL does not apply to the plan change area.

National Policy Statement for Indigenous Biodiversity 2023

48. The National Policy Statement for Indigenous Biodiversity 2023 (**NPS-IB**) was gazetted on 7 July 2023 and will come into force on 4 August 2023. Under section 75(3)(a) of the RMA the plan change must give effect to NPS-IB. The NPS-IB objective is:

(a) to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity after the commencement date; and

⁵ Mr Hanmore Primary Evidence.

(b) to achieve this:

- (i) through recognising the mana of tangata whenua as kaitiaki of indigenous biodiversity; and*
- (ii) by recognising people and communities, including landowners, as stewards of indigenous biodiversity; and*
- (iii) by protecting and restoring indigenous biodiversity as necessary to achieve the overall maintenance of indigenous biodiversity; and*
- (iv) while providing for the social, economic, and cultural wellbeing of people and communities now and in the future.*

49. The policies of the NPS-IB seek to take a precautionary approach to considering adverse effects on indigenous biodiversity⁶, with Significant Natural Areas (“**SNA**”)⁷ being protected by avoiding or managing adverse effects from new subdivision, use and development⁸. Policy 8 requires the importance of maintaining indigenous biodiversity outside SNAs is recognised and provided for.

50. Mr Warden has considered the findings of the ecological assessment against the NPS – IB SNA criteria (NPS-IB Appendix 1) and concluded that the kanuka treeland identified on site would fall within the definition of SNA⁹.

51. Clause 3.16 of the NPS-IB requires significant adverse effects of new subdivision, use or development on indigenous biodiversity outside the SNA

⁶ NPS-IB policy 3.

⁷ SNA, or significant natural area, means: (a) any area that, after the commencement date, is notified or included in a district plan as an SNA following an assessment of the area in accordance with Appendix 1; and (b) any area that, on the commencement date, is already identified in a policy statement or plan as an area of significant indigenous vegetation or significant habitat of indigenous fauna (regardless of how it is described); in which case it remains as an SNA unless or until a suitably qualified ecologist engaged by the relevant local authority determines that it is not an area of significant indigenous vegetation or significant habitat of indigenous fauna.

⁸ NPS-IB policy 7.

⁹ Mr Warden Primary Evidence paragraphs 19 – 22.

to be managed applying an effects management hierarchy¹⁰. I consider that the recommended provisions will ensure that potential adverse effects from rezoning the plan change area on the indigenous biodiversity within the plan change area will be avoided. I consider that the proposed plan change will give effect to the NPS-IB.

Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011

52. The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (“NES-CS”) are applicable if the land in question is, or has been, or is more likely than not to have been used for a hazardous activity or industry and the applicant proposes to subdivide or change the use of the land, or disturb the soil, or remove or replace a fuel storage system.
53. Ms Windsor¹¹ has undertaken a detailed site investigation (“DSI”) of the portion of the plan change area that is accessible and under ownership of the applicant, this includes proximity to the adjacent Council land transfer station to the north and the location of the historical aerodrome. Ms Windsor details her findings in paragraphs 7 – 28 of her primary evidence.
54. Ms Windsor has concluded in her DSI that:

“Pursuant to regulation 10(3)(b) – given the small volume and kind of soil contamination on site it is recommended that the piece of land is suitable for the activity (proposed plan change with likely subsequent subdivision and

¹⁰ Effects management hierarchy means an approach to managing the adverse effects of an activity on indigenous biodiversity that requires that:
(a) adverse effects are avoided where practicable; then
(b) where adverse effects cannot be avoided, they are minimised where practicable; then
(c) where adverse effects cannot be minimised, they are remedied where practicable; then
(d) where more than minor residual adverse effects cannot be avoided, minimised, or remedied, biodiversity offsetting is provided where possible; then
(e) where biodiversity offsetting of more than minor residual adverse effects is not possible, biodiversity compensation is provided; then
(f) if biodiversity compensation is not appropriate, the activity itself is avoided.

¹¹ Ms Windsor Primary Evidence

change in land use) as restricted discretionary consent if appropriate remediation and validation of soil within the Control Area is undertaken.

Preparation of a Remediation Action Plan (RAP) and Site Management Plan (SMP) by a suitably qualified and experienced practitioner will be required before remediation of soils from within the cadmium Control Area can be carried out. A Site Validation Plan will be required following the remediation and/or management to ensure the soils are suitable for the proposed residential land use.

55. In my opinion Ms Windsor has confirmed that the onsite contamination can be suitably managed in accordance with the NES-CS at the time of subdivision and development, and the NES-CS does not preclude the rezoning of the subject area.

Resource Management (National Environmental Standards for Freshwater) Regulations 2020

56. The National Environmental Standards for Freshwater 2020 (“NES-F”) establishes requirements for carrying out certain activities that pose risks to freshwater and freshwater ecosystems. These provisions are relevant insofar as they relate to the existing watercourses, drainage systems and wetlands that have been identified within the plan change area.

57. I consider that the NES-F affords sufficient protection of water courses and wetlands within the plan change area.

National Planning Standards 2019

58. Section 6.2 of the s32 Report provides a detailed assessment of the proposed plan change. I consider that the proposed precinct provisions can be incorporated in with future changes to the KDP to implement the planning standards.

Northland Regional Policy Statement 2016

59. An assessment against the relevant sections of the NRPS is undertaken in section 7.1 of the s32 Report. In my opinion, PPC82 gives effect to the relevant provisions of the RPS for the following reasons:

- (a) The plan change area is void of any landscape or coastal overlays under the NRPS nor is it located within any statutory acknowledgement areas.
- (b) The proposed residential zone and precinct will increase residential development opportunities within Dargaville, which in turn will enable population growth to improve the economic wellbeing of the Kaipara District, Northland and its communities.

60. The proposed rezoning is designed in accordance with the NRPS Regional Urban Design Guidelines, including:

- (i) Encouraging future development to recognise and respond to the unique context and cultural identity of the locality, while offering a choice in urban lifestyle, and a range of housing options for residents.
- (ii) Avoidance of high class soils, as the proposed plan change does not further materially reduce the potential for soil-based primary production on land containing highly versatile soils.
- (iii) The Plan Change Area is bounded on three sides by residential zoning, and topography accompanied with proposed setback provisions will ensure reverse sensitivity is appropriately managed on major transport corridors and adjoining land uses.
- (iv) Changes in sense of place and character are consistent with Dargaville Spatial Plan and the Residential Zone of the KDP.
- (v) The risk from natural hazards has been addressed through the Chester Land Development Report and outlined in the evidence of Mr Jull.

61. Whilst I recommend changes to the precinct provisions in response to the s42A Report, overall, I consider that PPC82 strikes an appropriate balance

between providing for the efficient residential development of Dargaville, whilst ensuring that adverse effects are managed to an acceptable level.

Northland Regional Plans

62. There are a number of Operative Regional Plans for Northland that have been developed under the RMA. These include the Regional Water and Soil Plan, Air Quality Plan and the Coastal Plan. The Proposed Northland Regional Plan (“PRP”) combines the operative Regional Plans applying to the coastal marine area, land and water and air, into one combined plan, which is currently subject to limited Environment Court Appeals. I consider that the proposed provisions of PPC82 are generally consistent with the PRP.
63. A number of overlays¹² apply to the plan change area under the PRP. In my opinion, none of these are particularly relevant to PPC82 and I am satisfied that the relevant overlays and provisions of the PRP can be addressed at the time of development if and as required.

Operative Kaipara District Plan 2013

64. Section 7.3 of the s32 Report provides a detailed assessment of PPC82 against the KDP. Whilst I recommend changes to the precinct provisions in response to the s42A Report, overall, I consider that PPC82 is consistent with and will implement the relevant higher order objectives and policies of the KDP for the following reasons:
- (a) Rezoning the plan change area residential will give effect to Method 3.63 which identifies Dargaville as a growth area.
 - (b) The urban design evidence of Mr Pierard highlights that the proposed precinct provisions include specific provisions that will ensure that it will promote a high-quality urban design that responds positively to the local and site-specific context.

¹² Dargaville Airshed; River Water Quantity Management Units: Small River; KDC Drainage Catchment; and Lowland and Hill Country Area.

- (c) There are no identified areas of historic heritage within the plan change area, and the archaeological evidence of Mr Carpenter confirms that the recommended provisions will ensure that the single archaeological site will be appropriately protected.
- (d) There are no KDP identified significant natural areas or outstanding landscapes within the plan change area that make it more sensitive to development. The ecological evidence of Mr Warden identifies that there is an area of Kanuka that meets the NPS-IB SNA criteria. He has confirmed that the recommended provisions will ensure that indigenous biodiversity is protected from adverse effects.
- (e) The engineering evidence of Mr Jull confirms that the servicing necessary for the proposed plan change including the stormwater, wastewater, water supply, power and telecommunications networks will be available to service the rezoning envisaged by PPC82 (and to the extent there are any current limitations, there are suitable solutions to resolve these).
- (f) The transport evidence of Mr Kelly has addressed accessibility and safety matters and I consider that the proposal appropriately integrates land use and transport planning.
- (g) The Chester Land Development Report and evidence of Mr Jull has confirmed that the plan change area is clear of flood hazards and that PPC82 does not rely on infrastructure being situated within the Awakino floodplain. As such, I consider that PPC82 adequately minimises the risks and impacts of natural hazards.

Iwi & Hapu Management Plans

65. Section 7.5 of the s32 Report provides a detailed assessment of PPC82 against the Te Roroa Iwi Environmental Policy Document 2019 which is recognised as relevant to the proposed plan change. The Applicant has specifically consulted with Te Roroa and engaged them to prepare the CIA. Te Roroa have not requested specific changes to the proposed provisions but requested that the applicant ensure engagement prior to future

development. As such I consider that the proposed PPC82 provisions are consistent with the Te Roroa Iwi Environmental Policy.

66. The Te Uri o Hau Kaitiakitanga o Te Taiao environmental management plan identifies the statutory area of Te Uri o Hau in relation to the Kaipara Harbour. Recognising that the Kaipara Harbour is a primary source of life and well-being of the utmost importance to Te Uri o Hau, I consider that the proposed provisions (particularly the proposed stormwater provisions) will ensure that potential effects of the residential rezoning will appropriately manage effects on the coastal environment.

Emissions Reduction Plan and National Adaptation Plan

67. The Emissions Reduction Plan 2022 (“ERP”) contains strategies, policies and actions for achieving the 2022-2025 emissions budget. The National Adaptation Plan 2022 sets objectives for adapting to the effects of climate change. I consider that the proposed plan change has regard to both plans because:

- (a) The proposed rezoning is located in close proximity to the existing residential zone of Dargaville, providing easy access to community and commercial services within the centre of Dargaville.
- (b) The proposed provisions will ensure that future development will provide an appropriate level of multi-modal transport options.
- (c) The proposed provisions, particularly stormwater management provisions, will ensure that future development will not increase flood risk or effect climate change.

Other Non-Statutory Documents

68. A comprehensive assessment of other relevant non-statutory documents is included in section 7.4 of the s32 Report. I consider that the proposed plan change is consistent with the strategic direction of these documents and make the following comments in summary:

- (a) Kaipara District Spatial Plan – Ngā Wawata 2050 – Our Aspirations (“**KDSP**”) – In my opinion, PPC82 is proposing to implement the zoning of the Dargaville Spatial Plan, providing residential development that is consistent with the vision and key moves¹³.
- (b) Dargaville Spatial Plan (“**DSP**”) – The plan change seeks to rezone an area of land identified as Awakino River Neighbourhood, as Residential Zone with the Awakino Precinct which will provide for a level of density consistent with that anticipated by the DSP. I consider that the plan change is entirely consistent with the DSP and will achieve all of the outcomes sought.
- (c) Infrastructure Strategy 2018-2048 – The recommended precinct provisions ensure that future development will be appropriately serviced.
- (d) Long Term Plan Mahere Wā Roa 2021-2031 (“**LTP**”) - The LTP sets out a number of projects to be funded by development contributions, that are considered to be relevant to the plan change¹⁴. The inclusion of these projects confirms that KDC has funding allocated for anticipated infrastructure upgrades. I consider that the proposed plan change provisions are consistent with the LTP. In particular the LTP provides for some of the funding towards key infrastructure required in relation to PPC82. Local upgrades will be provided by the developer as required by the precinct plan provisions.
- (e) Kaipara Walking and Cycling Strategy 2017 – Proposed policy PREC1-P3 and recommended subdivision rule 13.13A will provide a greater focus on residential development within walking and cycling distance of the

¹³ KDSP – Section 2.2 and 2.4.

¹⁴ Projects listed in the LTP that are considered to be relevant to the plan change include:

\$100,000 for investigation into Dargaville wastewater growth design (2022);
 \$2.4m for upgrading the Dargaville WWTP to increase capacity (2028);
 \$83,000 for investigating, designing, constructing Dargaville Water Treatment Upgrades (2023);
 \$630,000 for Dargaville stormwater growth (2031+); and
 \$950,000 for paths, walkways and cycleways for the district.
 The LTP also identifies the intention to secure funding for and deliver the network cycleway programme between 2021 and 2031.

centre of Dargaville, which will help increase participation in walking and cycling in a manner that is consistent with the direction in the Walking and Cycling Strategy.

Assessment of Environmental Effects

69. A comprehensive assessment of environmental effects (“AEE”) was undertaken and included within section 8.0 of the s32 Report. The assessment was supported by a comprehensive range of technical reports including:

- (a) Land Development Report (Nat Jull, Chester).
- (b) Stormwater Management Plan (Nat Jull, Chester).
- (c) Transport Assessment (Peter Kelly, Traffic Planning Group)
- (d) Ecological Assessment (Jack Warden, Rural Design)
- (e) Geotechnical Report (Dave Ouwejan, Soil and Rock Consultants)
- (f) Urban Design Assessment (Frank Pierard, Barker and Associates)
- (g) Cultural Effects Assessment (Te Roroa Whatu Ora & Manawhenua Trust Board).

70. This assessment was considered by Council to be adequate to proceed to notification at the time of accepting PPC82.

71. Since notification the following additional technical reports have been undertaken:

- (a) Soil and Resource Report for Awakino Road, Dargaville (Ian Hanmore, Hanmore Land Management).
- (b) Detailed Site Investigation (Heather Windsor, NZ Environmental Management).
- (c) Archaeological Assessment, (Jonathon Carpenter, Geometria Limited).

72. I do not restate all of the assessment undertaken in the AEE here. I specifically address relevant components of technical reporting in my consideration of submissions in the s42A Report Response and Submissions Response below. However, for completeness, I simply reaffirm my agreement with the overall conclusion reached within the AEE which is, subject to the modifications I have recommended:

- (a) The actual and potential effects of PPC82 have been comprehensively considered, based on extensive reporting and analysis undertaken by a wide range of technical experts.
- (b) On the basis of this analysis, I consider that the area is suitable for the land use pattern enabled by PPC82 and the proposed precinct provisions will result in positive effects on the environment in terms of the social and economic well-being of the community.
- (c) Where adverse effects are anticipated, I consider that the proposed policies and rules of PPC82, in conjunction to those of the KDP, ensure they are appropriately avoided, remedied or mitigated.

Response to s42A Report

73. There is generally a high level of agreement between the Applicant's experts and the Reporting Planner and its supporting technical reports. The s42A report recommends the approval of PPC82 subject to some modifications. I address the key matters as I see them below under the following headings and include recommended modifications to the Precinct plan and provisions detailed in Attachments 2 and 3.

National Policy Statement for Indigenous Biodiversity

74. The Reporting Planner has concurred with the expert evidence¹⁵ provided by the applicant that the effects of the proposed plan change on ecological values will be less than minor and acceptable¹⁶. However, the Reporting

¹⁵ Rural Design Ecological Assessment submitted with Application.

¹⁶ S42A Report paragraph 149.

Planner expresses concerns with respect to the NPS-IB, noting that areas of indigenous vegetation are not shown on the precinct plan and that this “may not achieve the proposed policy outcome of protecting and restoring all indigenous vegetation within the precinct”, recommending that the indigenous vegetation be included on the precinct plan.

75. The Reporting Planner has identified that objective 1 of the NPS-IB requires indigenous biodiversity is maintained so that there is at least no net loss,¹⁷ considering that the easiest way to do this would likely be to set aside the areas of indigenous vegetation from development.

76. In my opinion it is important to read and apply the NPS-IB objective in full, which is “to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity after the commencement date”. I consider that the proposed provisions will give effect to this objective for the following reasons:

- (a) Proposed policy PREC1-P4 seeks to protect and restore the values of all natural wetland features, intermittent and permanent streams and indigenous vegetation, appropriately giving effect to policies 6 and 8 of the NPS-IB.
- (b) Proposed rule 13.10.7 setbacks, clause (d) provides a 10m setback from any wetland feature and river which will ensure built development will avoid the prominent features within the plan change area, giving effect to policy 8 of the NPS-IB.
- (c) Proposed rule 13.10.12 permeable surfaces clause (2) will ensure that stormwater is comprehensively managed across the plan change area, avoiding adverse effects to water ecology, giving effect to policy 8 of the NPS-IB.

¹⁷ S42A Report paragraph 72.

(d) Proposed subdivision rule 13.13A clauses 15 and 16 require all subdivision to legally protect in perpetuity and manage ecological features on an on-going basis, giving effect to policies 9 and 13 of the NPS-IB.

77. Mr Warden has identified that the stand of Kanuka within the plan change area is defined as an SNA when considered against the NPS-IB SNA criteria. To ensure that avoidance of potential adverse effects to this SNA is achieved I recommend that this area be mapped on the Precinct Plan as detailed in Attachment 2 ensuring that it is protected by proposed provisions PREC1-P4 and 13.13A(17) in Attachment 3.

Northland Regional Policy Statement

78. Section 7.1 of the s32 Report assessed the PPC82 against the NRPS. The Reporting Planner has undertaken a detailed assessment of the proposed provisions against the NRPS policy direction within Appendix D of the s42a Report. I generally agree with the Reporting Planners assessment, any points of disagreement are elaborated on within this evidence and s32AA (Attachment 4).

Appropriateness of the Objective to Achieve the RMA

79. Section 9.2 of the s32 Report details the pre-notification evaluation of the proposed Awakino Precinct objective, concluding that it is the most appropriate way to achieve the purpose of the RMA, because it provides for residential living and housing choice whilst managing effects. The Reporting Planner has recommended that the objective be amended to add transport and stormwater effects to the list of effects to be managed.

80. I agree with the Reporting Planner's recommendation, and conclude under section 32AA that the recommended Awakino Precinct objective is the most appropriate way to achieve the purpose of the RMA because:

(a) The change does not alter the appropriateness of the Objective, rather clarifies the link between objective, policies and rules bespoke to the Awakino Precinct, improving the efficiency and effectiveness of provisions.

- (b) The recommended objective PREC-O1 is consistent with the KDP residential zone objectives 13.5.1 – 7, whilst seeking to achieve outcomes specific to the plan change area. The objective addresses residential opportunities and housing choice which is not referenced in the KDP objectives; therefore, the objective will achieve a more directive outcome than that of the KDP residential zone objectives.
- (c) The language of the objective is consistent with objectives 13.5.1 and 13.5.4 seeking to manage effects, whilst being more specific with respect to what effect must be managed (reverse sensitivity) and what effects must be managed (character and amenity and ecology).
- (d) The recommended Awakino Precinct objective will still give effect to sections 5 – 8 of the RMA, as relevant, for the reasons detailed in section 9.2.2 of the s32 Report.

Efficiency and Effectiveness of Provisions in Achieving the Objectives

81. Efficiency and effectiveness of the proposed provisions was evaluated in section 9.5 of the s32 Report. I consider that the recommended policies are the most appropriate to achieve the recommended objective and provide a coherent link to the methods and rules of the Awakino Precinct because the policies:

- (a) Provide for a range of allotment sizes that are appropriate in the precinct.
- (b) Promote good subdivision design.
- (c) Manage adverse effects on residential amenity and character.
- (d) Achieve a well-connected, legible and safe, open space, pedestrian and transport network.
- (e) Protect and enhance the ecological values of all natural wetland features, intermittent and permanent streams, and indigenous vegetation.

(f) Provide for open spaces that provide for the recreation and amenity needs of the residents.

82. The Reporting Planner has made comments and recommended amendments to a number of policies to create consistency between proposed rules and the NRPS. I have addressed and discussed these comments and recommendations with respect to section 32AA in Attachment 4 and recommend amendments to provisions as detailed in Attachment 3.

83. The Reporting Planner has recommended that a stormwater related precinct policy be included to support the proposed stormwater rules, I note that the Reporting Planner has not provided preferred wording. I support this recommendation and recommend additional precinct policy PREC-P6 Awakino Precinct Stormwater Management as detailed in Attachment 3.

84. The Reporting Planner has recommended various amendments to rules. I have addressed and discussed these amendments with respect to section 32AA in Attachment 4 and recommend amendments to provisions as detailed in Attachment 3.

Quality Built Environment

85. The Reporting Planner has concluded that the additional design controls proposed in the precinct provisions assist in balancing the increased density and building coverage proposed within the Awakino Precinct¹⁸. The Reporting Planner recommends that the policy and rules be aligned, considering that the proposed policy outcome of having building mass oriented towards the street does not appear to be reflected in the rules.

86. Mr Pierard has considered this recommendation in his evidence.¹⁹ He finds that the proposed rule 13.10.3a(2) which requires orientation of primary pedestrian access and habitable room windows towards the road will

¹⁸ S42A Report, paragraph 139.

¹⁹ Mr Pierard primary evidence paragraphs 46 and 47.

achieve street activation and no further rules are necessary with respect to orientation of building mass.

87. Based upon Mr Pierard’s evidence I recommend amendment to policy PREC1-P2 to delete clause 1(i) as detailed in Attachment 3. In my opinion this will ensure alignment between proposed policy PREC1-P2, and rules as requested by the Reporting Planner.

Ecology

88. The Reporting Planner has noted concerns with respect to NPS-IB. This matter is discussed above.

Transport

89. The Reporting Planner has concluded that the trip generation from the proposed plan change is expected to have significantly noticeable effects onto intersections along Awakino Road and has recommended various changes to the precinct provisions in order to “implement Mr Marshall’s recommendations”²⁰, concluding that the changes are the most appropriate way to mitigate the transport effects of the plan change and would be more effective at achieving the precinct objective (as recommended to be changed)²¹.

90. Appendix F of the s42A Report is a memorandum prepared by Ms Sankar and peer-reviewed by Mr Marshall on behalf of the Northland Transport Alliance. This memorandum relies upon the technical assessment of Mr Kelly prepared in support of the application and further information supplied. Mr Marshall recommends numerous changes to the precinct provisions and precinct plan summarised as:

- (a) Amendments to the precinct plan to map to include indicative pedestrian/cycle linkage.

²⁰ S42A Report, appendix F.

²¹ S42A Report paragraph 164.

(b) Amendments to rules to ensure that any subdivision:

- results in the urban upgrading of Awakino Road.
- that results in a total of 20 or more lots within Awakino Precinct shall construct a supporting safe system crossing facility.
- that results in a total of 100 or more lots within Awakino Precinct shall construct and establish a shared path along the frontage of the Awakino Precinct and construct a primary safe system crossing system.
- which results in the Awakino Precinct generating more than 70 vehicle movements within a peak hour at the intersection of Awakino Road and SH12, shall carry out a Safe System Approach Assessment of the intersection.
- Where a site contains an indicative pedestrian/cycle linkage shall set aside land for future provision of that linkage.

91. Mr Kelly has considered these recommendations and responded in his primary evidence. Mr Kelly agrees or disagrees with Mr Marshall's recommendations as comprehensively detailed in his primary evidence, and I rely on his recommendations.

92. Mr Marshall considers that PPC82 should provide a shared use path on the eastern side of Awakino Road from the subject land to Ranfurly Street, stating that a shared path that does not connect to the network, in his opinion does not meet the objectives of the residential zone²². I disagree with Mr Marshall. In my opinion the recommended provisions (Attachment 3), which do not require the provision of a shared path along Awakino Road and focus upon providing shared path and pedestrian connections within the Plan Change Area will give effect to the Residential Zone objective 13.5.5 and the Awakino Precinct policy PREC1-P3. Mr Pierard has confirmed from

²² S42A Report Appendix F.

an urban design perspective that the extent of connections proposed within the Precinct provide adequate opportunities for integration with adjacent properties to the extent that existing site constraints permit.

93. The Reporting Planner has requested that the Precinct Plan be amended to include an indicative pedestrian/cycle path connection to Connection C of the Dargaville Spatial Plan and the subdivision rule be amended to enforce this connection. Mr Marshall stated that connections (shared use paths) indicated at plan change stage would enable Council to identify key connections through the precinct enabling cohesive network planning and development. The Reporting Planner has recommended that the connections recommended by Ms Sankar be included in the precinct plan along with an additional subdivision clause. I note that the Reporting Planner has not identified the physical location of this indicative connection. I do not support the inclusion of an indicative connection within the Precinct Plan, due to topography, wetland, and farmland constraints between the Plan Change area and Connection C.

94. In my opinion the Reporting Officer and Mr Marshall's recommended amendments to the provisions are not appropriate, nor efficient and effective for the following reasons:

(a) The provisions require specific construction of physical works, which is beyond the extent required to mitigate effects resulting from the activity that the provisions relate to.

(b) The provisions as drafted do not anticipate and provide for the potential for multiple subdivision applications particularly with the various owners.

(c) The provisions require construction of a shared pathway some 1.2 kilometres long, which is considered by Mr Kelly as unnecessary to mitigate the effect of the proposed rezoning.

95. In my opinion the the recommended provisions in Attachment 3 provide the ability to respond to and mitigate potential transport effects.

Three Waters Servicing

96. The Reporting Planner has relied upon the evidence of Mr Usmar, Council's Infrastructure Planner. The Reporting Planner has concluded that *“residential zoning would not be the most appropriate, efficient or effective zoning for the site at this time if it is unlikely to be able to be serviced with potable water and for wastewater in the medium term and will be unable to be developed at an urban residential density. I consider that there needs to be some assurance of both technical and financial feasibility for servicing”*.
97. Mr Jull has assessed the technical feasibility of three waters servicing of the proposed rezoning and addressed this in his primary evidence.
98. Mr Usmar has also confirmed KDC's commitment towards delivering trunk water and wastewater infrastructure upgrades to respond to and meet future demand in Dargaville, should PPC82 be confirmed.
99. I agree with the view of the Reporting Planner that water supply and wastewater solutions will be established in the short to medium term in response to demand. Rules 13.14.4 and 13.14.6 are considered to be a suitable mechanism to align the development of the area with the availability of infrastructure.
100. The Reporting Planner has stated that there remains some uncertainty on the timing and funding of the required servicing extensions/upgrades. Mr Usmar has stated that KDC monitors growth and connections seeking to time upgrades to ensure that there is always capacity. KDC have committed to servicing the area that is represented in the Dargaville Spatial Plan. I note that KDC has a mechanism available to it (which is currently utilised) by which costs associated with the provision of public services can be funded (or recovered). This is in the form of Development Contributions under the Local Government Act 2002 that are required to be paid in accordance with the KDC's Development Contributions Policy 2021. The merits or otherwise of KDC's Development Contributions Policy is not within the scope of this plan change, and future consideration of the necessity for, and funding of public infrastructure, is a matter for the KDC's Infrastructure Strategy and the Long Term Plan 2021/2031. I therefore consider that any development

enabled under PPC82 will contribute to the funding of public infrastructure and that there are adequate funding mechanisms in place to service necessary extensions and upgrades.

101. The Reporting Planner does not support the option for the precinct to be developed without reticulated wastewater supply and has recommended that clause 13.14.6(3) be deleted. Mr Jull has confirmed that there is no engineering basis for this recommendation and that this provision is currently contained within the Operative Plan and a change for PPC82 would be more restrictive than the status quo in the wider region. Whilst I agree with Mr Jull, I also consider that it is appropriate to provide for smaller lot sizes and more intensive development to achieve an efficient use of the physical land resource as previously discussed. Therefore, I agree with the recommendation of the Reporting Planner.

102. The Reporting Planner does not support the option for the precinct to be developed without reticulated water supply and has recommended that clause 13.14.4(2) be deleted. Mr Jull again has stated that there is no engineering basis for this recommendation. I do not support the Reporting Planners recommendation; in my experience it is very common to establish onsite water tanks within a residential zone and having multiple options provides for increased resilience to the infrastructure network. The recommended minimum lot size of 450m² in combination with the recommended building coverage of 45% of the net site area and impermeable surface limit of 60% of the net site area provide the ability to comfortably accommodate onsite water tanks. For these reasons I do not support the deletion of clause 13.14.4(2) which would discourage the provision of onsite water tanks.

103. Mr Usmar has stated that it is still unclear how downstream effects from the proposed increased impermeable surface coverage of 60% will be mitigated. Mr Jull has responded to this concern in his evidence. I also consider that proposed stormwater rules 13.15.5 and 13.10.12(2)(b) will ensure stormwater will be managed comprehensively across the precinct and that all impervious areas will comply with the requirements of the approved plan.

104. In my opinion proposed rule 13.10.12(2) also includes appropriate matters of control and an information requirement to ensure the rule is efficient and effective.

105. The Reporting Planner has recommended a change to the Precinct objective to include stormwater, an additional stormwater policy, and changes to the subdivision rule to include an additional stormwater information requirement and matter of discretion "no exacerbation of downstream flooding events". As previously discussed, I support the recommendation to amend the Precinct objective and recommend an additional stormwater management policy as detailed in Attachment 3. I do not support the Reporting Planner's additional information requirement and matter of discretion for the following reasons:

(a) As drafted the clause reads as an outcome.

(b) To be an effective information requirement the clause should be clear and measurable.

(c) Proposed clauses (i)-(iv) provide specific technical requirements which will result in no exacerbation of downstream flooding events.

106. I do not support the Reporting Planner's additional matter of discretion as this matter is addressed in the existing KDP matters of discretion clauses (i) – (vii). Instead, I have drafted the new stormwater policy to provide clear direction that this outcome should be achieved providing a strong link to the proposed rules. This is detailed in Attachment 3.

Urban Character and Density

107. The Reporting Planner has identified concerns that the proposed subdivision rule which provides the ability to subdivide to 2,500m² if the site is un-serviced could result in the entire plan change area becoming large lots and result in inefficient use of flat land in proximity to the town centre of Dargaville. I note that the rule was proposed to enable the ability to establish a range of allotment sizes with onsite effluent disposal if public reticulation is not available.

108. I agree with the Reporting Planner that the minimum lot size of 450m² and 600m² average lot size, will afford a more efficient use of land. I note that Mr Jull does not raise any concerns with respect to wastewater servicing and Mr Pierard considers that the combination of minimum lot size and average will continue to enable a range of allotment sizes and typologies to enhance the residential character and amenity of the precinct²³.

109. In my opinion changes to clause 8(a) of the Reporting Planners recommended provisions are necessary to improve the effectiveness of the proposed rule by clarifying that the minimum and average net site areas apply to developable areas only, and subsequently the enhancement and protection of ecological features, and the vesting of assets is not discouraged by the need to meet a minimum and average net site area. I recommend amendments to subdivision rule 13.13A as detailed in Attachment 3.

Rural Character

110. The Reporting Planner has sought clarification on whether there is landscaping treatment proposed at the urban-rural interface. In my experience is not common to have landscape treatment at a zone boundary, more typical is a setback from zone boundary. I also note that the eastern and southern extent of the proposed zone boundaries being the rural interface have been carefully selected.

111. Mr Pierard has addressed this matter in his evidence, including description of the zone boundary and he considers that the combination of proposed provisions establishes a buffer at the zone interface²⁴. I consider that further rules to establish landscape treatment are not necessary to manage the interface.

Rural Productivity and Reverse Sensitivity

²³ M Pierard primary evidence paragraphs 48 and 49.

²⁴ Mr Pierard primary evidence paragraphs 50 - 61.

112. The Reporting Planner accepts that the proposed provisions are no more lenient than how the KDP currently addresses the rural/residential interface and recommended no further changes. Reference is made to landscape treatment being potentially beneficial for minimising potential reverse sensitivity effects.
113. The Reporting Planner has identified potential reverse sensitivity effects from the adjacent transfer station (located to the north), including noise and odour. The transfer station is located within a designation and KDC is the requiring authority. I note that the designation does exempt the activity from complying with the requirements of the Northland Regional Plan with respect to odour.
114. The Reporting Planner considers that the transfer station would be defined as an industrial activity. I agree with this interpretation. The Reporting Planner has also identified that KDP rule 13.10.8 will require resource consent for any sensitive activity within 300m of the buildings used for an industrial activity within the transfer station. I agree with the Reporting Planner that a location specific rule would more effectively and efficiently address potential reverse sensitivity effects within the plan change area and the designation.
115. The applicant has engaged Mr Peter Ibbotson of Marshall Day to undertake a review of the potential noise effects associated with the Transfer Station. At the time of drafting this evidence this assessment had not been completed. I will review any technical evidence and provide any recommended provisions as supplementary evidence.
116. As previously discussed, I do not consider that landscape treatment is appropriate to manage reverse sensitivity effects at a zone boundary. However, I note that Mr Pierard identifies any future development within the Plan Change Area located within the 300m setback would maintain adequate visual amenity in relation to the designated transfer station subject to the recommended provision of a 2m wide planted buffer.

Connectivity and Open Space

117. The Reporting Planner considers that the indicative 300m² neighbourhood park as required by the proposed provisions are sufficient. I note that there is a typographical error in the provisions, as indicated on the proposed precinct plan - the neighbourhood park is intended to be 3,000m². I support the Reporting Planner's recommendation to amend rule 13.13A to provide flexibility to vest the park in the future.

Heritage

118. In response to submissions the applicant engaged Geometria to undertake an archaeological assessment of the plan change area. This assessment was supplied to Council and the Reporting Planner has recommended that the identified archaeological site be identified on the precinct plan, with a rule requiring resource consent for land modification within a specified setback would be an appropriate way to manage effects. I note that the Reporting Planner has not provided specific wording.

119. Mr Carpenter has agreed with the Reporting Planner and has recommended a setback of 20m is appropriate to protect the identified archaeological site. I recommend an amendment to the provisions as detailed in Attachment 3 to ensure that the archaeological feature is protected at time of subdivision.

Response to Submitters

120. 21 original submissions and 1 further submission were received against PPC82. I have responded to submissions generally by themes in my comments on the Response to s42A section above and evaluate submissions further below as necessary.

Economic

121. N & N Lowe and others (19) have opposed PPC82 on the basis that the proposal will have negative economic effects. I have briefly summarised their reasons:

- (a) Proposition of growth and urban capacity demand to justify the rezoning of the PPC area is speculative, and not supported by data and evidence provided by Council.
- (b) Technical analysis is inconsistent with the LTP infrastructural development, Council's position on the applicability of the NPS-UD and Council's assessment of growth and demand projections for Dargaville in the next 30 years.
- (c) It is inappropriate for Council to consider proposed rezoning reliant upon the NPS-UD.
- (d) There is an absence of evidence-based assessment on the housing demand capacity.
- (e) The lack of assessment of potential financial impacts on private landowners in the area, which are disproportionate.
- (f) Loss of commercial use of farmland, and indirect consequences on financial commitments to lenders, insurers and property values.

122. Mervyn Simpkin (21) supports PPC82 considering that it will have positive economic effects.

123. Mr Heath has undertaken an economic assessment of PPC82 and responds to these submissions in his primary evidence²⁵. Mr Heath has concluded that “PPC82 is necessary to accommodate the anticipated growth of the Dargaville community within the medium term”. Mr Heath has also addressed the NPS-UD, concluding that:

“Dargaville is clearly an urban area in Kaipara and represents an important urban cluster of residents, employment opportunities, commercial activity, community, educational and medical facilities, public transport and visitor facilities within the district. This means that promoting a well-functioning urban area in Dargaville with locationally efficient development such as

²⁵ Mr Heath Primary Evidence paragraphs 19 – 25.

PPC82, has the potential to generate significant economic benefits that contributes to a well-functioning urban area.”

124. Therefore, I recommend no changes to the proposed plan change in response to these submissions.

NPS-UD

125. B & N Lowe and others (19) have opposed PPC82 stating that it is inappropriate for Council to consider proposed rezoning reliant upon the NPS-UD provisions relating to responsive planning.

126. Waka Kotahi (11) seeks amendments to the PPC82 provisions to incorporate elements of the NPS-UD, in particular policy 1(iii).

127. In my opinion PPC82 has not relied upon NPS-UD to justify the plan change as “responsive planning”, the s32 Report had assessed the proposal against the NPS-UD as required under the RMA. As previously discussed, I consider that PPC82 has given effect to the NPS-UD in achieving a well-functioning urban environment - as such I recommend no changes in response to these submissions.

Ecological Effect

128. Daryl Neal (20) has opposed PPC82 noting the potential loss of breeding ground/habitat for fowl.

129. Denise Faber (16) has opposed PPC82 on the basis that proximity to the recycling depot and open drains, and there is potential for rodent problems to increase.

130. Mr Warden has undertaken an assessment of the indigenous biodiversity within the plan change site and confirms that the proposed provisions will manage potential adverse effects. I recommend no changes to the proposed plan change provisions in response to these submissions.

Transport

131. Vicki Cooney (1), Tony Baldwin (7), P Simpkin (15) and Daryl Neal (20) oppose PPC82 due to potential traffic effects.

132. Daniel Simpkin (3) and Russell Simpkin (5) support PPC82 stating that approval should be accompanied by upgrades to the existing road and footpath.

133. Waka Kotahi (11) seeks amendment of the proposed provisions to:

(a) Achieve alignment between the provision of local road and walking and cycling connections and PPC82.

(b) Require Safe System Approach Assessment of Awakino Road/State Highway 12 intersection - rule 14(a)(iii) should be amended to address cumulative peak hour vehicle movements generated from the plan change area.

(c) Insert an advice note: *Works within the State Highway boundaries will require the approval of the NZ Transport Agency pursuant to Section 51 of the Government Roading Powers Act 1989.*

(d) Amend rule 14(a) Transport (iii), requiring an Integrated Transport Assessment, to include a trigger for the implementation (not just assessment) of shared path facilities along the eastern side of Awakino Road from the plan change area to the intersection of Awakino Road and State Highway 12.

(e) Amend the precinct plan to include a walkway to extend to Primary Cycle/Walking Connection C, with its implementation linked to proposed Precinct Rule 14(a)(iii).

134. I consider that the Planning Evidence Response to s42A Report above has comprehensively addressed matters raised in these submissions.

135. B N Lowe (19) have opposed PPC82 stating that the indicative loop road traverses land outside the ownership of the applicant where no right of way or consent has been granted to enable the development of the required loop road. They assert the situation creates conflict between the interests

of neighbouring landowners and causes potential future economic harm to private landowners. The submitters state that the placement of necessary infrastructure on land outside the ownership of the applicant is fundamentally flawed.

136. The indicative loop road is important to provide connectivity of the future residential development as detailed in the application. In my opinion the proposed provisions do not require or force the establishment of the loop road within any land outside of that which is proposed to be subdivided, with the provisions providing alternative connection options. Furthermore, policies and the ITA encourage the consideration of alternative connections to Awakino Road. I recommend no further changes to the provisions in response to this submission.

Three Waters Infrastructure

137. Karen Varney (4), P Simpkin (15), Daryl Neal (20) opposed PPC82 because existing infrastructure and services are not adequate.

138. Daniel Simpkin (3) and Russell Simpkin (5) support PPC82, requesting that the open drains on Awakino Road are piped and upgrades are undertaken at the cost of Council.

139. B & N Lowe and others (19) have opposed PPC82 concerned with the lack of sufficient infrastructure. The submitters state that under the Long Term Plan 2021-2031 there is no provision for development or extension of the necessary infrastructure within Dargaville necessary for Council to say it is infrastructure ready and capacity development enabled to meet the demands of the PPC. Accordingly rezoning of the plan change area should not be adopted until it is infrastructure-ready and the required capacity is feasible and reasonably expected to be realised. The submitters also state that climate change impacts are putting pressure on the stormwater system for the community and the Council's Stormwater Strategic Activity Management Plan 2021-2031 identifies concerns regarding stormwater management and development.

140. Fire and Emergency New Zealand (17) (“FENZ”) notes that the Precinct proposes removing the requirement to comply with general residential subdivision rule 13.11.1 that has subdivision as a controlled activity with a matter of control “that site(s) is adequately serviced and/or services on-site are managed, in particular the extent to which: ... sufficient firefighting water supply is available, taking into account a risk based assessment (refer to Note 8)”. FENZ considers that it is essential this reference to sufficient firefighting water supply is maintained through the plan change.

141. Mr Jull has responded to these submissions concluding that the recommended provisions will ensure that infrastructure will be appropriately managed. He has agreed with the Reporting Planners response to the FENZ submission recommending ‘Practice Note 8’ is included in the Rule 13.13A Awakino Precinct Subdivision – Matters of discretion. I therefore recommend amendments to rule 13.13A in response to the FENZ submission.

Open Space

142. Vicki Cooney (1) opposes PPC82 stating that the area is adjacent to the Dargaville Transfer Station, there are limitations with this land as it is a 20-year-old landfill site and seeking that reserve contributions are made by the developer to create a public park on this adjacent publicly owned land.

143. Rose Dixon (2) seeks amendment to PPC82 to provide for a walking track/park with trees and children's playground to be incorporated into the plan change.

144. I consider that no further provision of open space adjacent to the transfer station is necessary as previously discussed, and that a neighbourhood park has been adequately provided for and required by proposed subdivision rule 13.13A. I recommend no amendments to the precinct provisions in response to these submissions, however I do note that the matter of reverse sensitivity from the Transfer Station is to be refined.

Heritage

145. Heritage New Zealand Pouhere Taonga (“**HNZPT**”) (18) noted that there was inadequate assessment of historical heritage for the proposed plan change area. Mr Carpenter has confirmed in his evidence that the recommended provisions will manage all potential heritage effects and address the concerns by HNZPT. I recommend the provisions be amended as detailed in Attachment 3, in response to this submission.

Climate Change

146. Waka Kotahi (11) have sought amendment to the provisions to support emissions reduction under the ERP, including delivery of cycle parking, electric vehicle charging infrastructure, clear provision of walking and cycling networks.

147. B & N Lowe and others (19) have opposed PPC82 as Council's resources in protecting the community and its existing infrastructure from the potential impacts of climate change should be prioritised over the allocation of resources to assist private development aspirations.

148. As previously discussed in paragraph 74 I consider that the proposal will give effect to the ERP.

Statutory and Non-Statutory Documents

149. B & N Lowe and others (19) have opposed PPC82 considering that the PPC Assessment report cherry picks the elements of higher level planning documents that are supportive of the PPC. The submitters consider that the plan change application was misleading with respect to the Proposed District Plan, considering that the PPC is unnecessary and inappropriate. I consider that the application s32 Report and Assessment of Effects was prepared in accordance with the requirements of the RMA. I have further addressed statutory and non-statutory documents in my evidence as necessary.

150. B & N Lowe and others (19) have opposed PPC82 because the proposal does not meet Part 2 - including the sustainable management purpose in section 5(2) and the matters to have particular regard to in section 7. I have

addressed Part 2 of the RMA previously and recommend no further amendments in response to this submission.

Urban Density and Character

151. B & N Lowe and others (19) have opposed PPC82 suggesting that the application of a rural lifestyle zone to the PPC area would provide for a fair and reasonable subdivision of the land which would provide appropriate site sizes and self-contained water, wastewater and stormwater solutions. This could meet the demand for quality residential developments for retirees, families and professionals.

152. Daniel Simpkin (3) and Russell Simpkin (5) support PPC82 zoning to support the growth of Dargaville but seeks that the minimum lot size is amended to 1000m² to be keeping within the surrounding environment.

153. I have discussed urban density and character previously and recommend no further amendments to rules in response to these submissions.

Conclusion

154. Overall, after carefully considering the relevant statutory documents, the submissions and further submissions received and assessment undertaken in the s42A, I recommend that PPC82 **be approved with modifications** to the extent detailed in the preceding sections of this Evidence and in Attachment 2 and 3.

155. The revised provisions and precinct plan (Attachment 2 and 3) have, where appropriate, been detailed and compared above against viable alternatives in terms of their costs, benefits, efficiency and effectiveness and risk in accordance with the relevant clauses of s32AA (see Attachment 4). Overall, I consider that the objectives of PPC82 are the most appropriate way to achieve the purpose of the RMA, and that the revised provisions (in this case the zoning, objectives, policies and rules) are the most appropriate way to achieve these objectives and other higher order objectives in the KDP.

Melissa Ivy McGrath

Dated 21 July 2023