



# OPERATIVE CITY OF NAPIER DISTRICT PLAN

Plan Change 12: Mission Special  
Character Zone

*Decision of Council*



**NAPIER**  
CITY COUNCIL  
*Te Kaunihera o Ahuriri*

**PUBLIC NOTICE UNDER CLAUSE 10 OF SCHEDULE 1 OF THE  
RESOURCE MANAGEMENT ACT 1991**

**Public notice of decisions on submissions and further submissions to Plan Change 12  
of the City of Napier District Plan – Mission Special Character Zone**

In accordance with Clause 10 of Schedule 1 of the Resource Management Act 1991, public notice is given that Council has made decisions at its meeting on 30 October 2018 on submissions and further submissions to **Plan Change 12 - Mission Special Character Zone**.

The decisions on submissions and further submissions have been sent to submitters and are now released by Council.

The effect of these decisions is to amend the City of Napier District Plan to remove the existing Western Hills Residential Zone and insert a new Chapter for the Mission Special Character Zone to enable future development of this area. From the date of this notice, the City of Napier District Plan is deemed to have been amended in accordance with those decisions.

Full copies of the decisions made and an amended version of the City of Napier District plan incorporating the decisions on submissions are available for viewing on the Councils website at [www.napier.govt.nz](http://www.napier.govt.nz) #planchange12 and at the Napier City Council Customer Service Centre and the Napier and Taradale Libraries.

Richard Munneke  
**DIRECTOR CITY STRATEGY**

## Council Resolution

That Council:

- a. Adopt Plan Change 12 as notified, as per the Commissioners Recommendation Report (Appendix A), except where it is to be amended as shown in Appendix 2 of the Recommendation Report.
- b. Accept or Reject all submissions on Plan Change 12 to the extent set out in the Commissioners Recommendation Report and as summarised in Appendix 1 of the Report.

## Attachment – Independent Commissioners Report

**Commissioners' Recommendation**

**PROPOSED PLAN CHANGE 12  
MISSION SPECIAL CHARACTER ZONE  
NAPIER CITY DISTRICT PLAN**

**Report and Recommendation of M St.Clair and R Kirikiri  
Acting as Commissioners appointed by the  
Napier City Council pursuant to Section 34A of the  
Resource Management Act 1991**

## 1. INTRODUCTION

### Context

- 1.1 We were appointed by the Napier City Council (NCC) to hear submissions to, and to consider and make a recommendation on, Plan Change 12 (the Plan Change), which removes the Western Hills Residential Zone section of the Napier City District Plan and inserts the Mission Special Character Zone (MSCZ) in the Operative City of Napier District Plan.
- 1.2 The Plan Change has a reasonably long background, which we will address in due course. The Plan Change was initially a private Plan Change which was adopted by Council. The Plan Change has been the subject of a "section 32" report, consultation with land owners and occupiers, and of course the recent public notification and hearing, culminating in this report.
- 1.3 Before discussing the details of the Plan Change and the submissions to it, there are some procedural issues that we need to address.

### Report Outline

- 1.4 In terms of the above, having familiarised ourselves with the Plan Change and the background material, read all submissions, conducted the hearing and heard from the Council officers and submitters, we hereby record our recommendations. In this respect, this report is divided into the following parts:

#### (a) Background/Plan Change Outline:

This section includes an outline of the background to the Plan Change, including the sequence of events leading to this report. It also outlines the main components of the Plan Change including an overview of the purpose. This background section provides a relevant context to considering each of the submissions to the Plan Change.

#### (b) Evaluation of Issues:

This section initially sets out the preliminary statutory requirements under the Resource Management Act 1991 (the RMA) that govern the decision making process in regard to the Plan Change. We then go on to record the various submissions received to the Plan Change, outline the concerns of the submitters to the Plan Change, and, where relevant, amplify on the evidence/statements presented at the hearing. We then undertake an assessment of the aspects of each of the submissions or groups of submissions and conclude with a recommendation. We conclude having regard to the necessary statutory considerations.

- 1.5 In referring to the submissions throughout the report, we have used the numbering for the submission and submission point as identified in the Plan Change Summary of Submissions at 2 May 2018. By way of example, (6.2) refers to submission number '6', submission point '2'.

## **2. BACKGROUND**

### **Procedural Sequence**

- 2.1 The background to the Plan Change is set out in full in the Officer's Report and the proposed Plan Change documentation, and is held on the Council file. Hence we will not repeat that in detail here.
- 2.2 The Plan Change itself was initially lodged as a Private Plan Change by Marist Holdings (Greenmeadows) Limited (MHL) with Napier City Council in February 2017. On 20<sup>th</sup> December 2017, Napier City Council adopted the Plan Change, under clause 25(2)(a) of Part 2 of the First Schedule of the Resource Management Act 1991(RMA). The Plan Change was publicly notified on 7 February 2018 with the submission period closing on 9 March 2018. Nineteen submissions were received during that time. There were no late submissions. The summary of those submissions was notified on 2 May 2018, with the period for further submissions closing on 16 May 2018. Four further submissions were received.
- 2.3 Prior to the hearing commencing on 17 September 2018, we issued a series of minutes. The first minute, dated 13 August 2018, set out directions for the pre-circulation of the section 42A Report (s42A Report), submitter's expert evidence, and conferencing between experts. The second minute, dated 10 September 2018, drew to the attention of the parties, that, having reviewed the s42A Report we noted that additional information should be provided by the reporting officer. That information being a table summarizing the recommendations of the officer as to individual points of submission and a table setting out recommended amendments to the provisions of the proposed plan change. The third minute, dated 13 September 2018, was in response to a request by MHL to speak in reply to the submitters who spoke to their submissions after MHL. The request was declined as MHL is a submitter and it is the Council as the adopter of the Plan Change that has the opportunity to reply to matters raised in the hearing by submitters. Copies of these minutes were circulated to all parties and are held on Council's file.
- 2.4 On the 17<sup>th</sup> September 2018, we undertook a site visit of the area subject to the proposed Plan Change and surrounding area, advising the parties at the commencement of the hearing that we had done so.

## The Hearing

- 2.5 The hearing was convened on the 17<sup>th</sup> and 18<sup>th</sup> September 2018 at the East Pier Hotel at 50 Nelson Quay, Ahuriri, Napier. We heard from the following people during the course of the hearing:

### *Submitters*

- Ms. D Vesty, for Hawkes Bay Fruitgrowers Association
- Mr. G Ide, Policy Manager for Hawkes Bay Regional Council (HBRC)
- Ms. Baxter, on behalf of Mr. A Kite
- Ms. D Pilkington and Ms. E Pishief, for Historic Places Hawke's Bay
- Mr. P and Mrs. Alexander and Mr. J Ehlers, for P and L Alexander Partnership
- Mr. A Robin, Mr. T Kepa, Ms. A Aranui and Mr. P Eden for Te Taiwhenua o Te Whanganui ā Orotū
- Mr. B Watts, Mr. P Holley and Mr. P McKay for MHL.

### *Council Officers*

- Ms. K Anstey, Policy Planner for NCC – s42A Reporting officer
- Mr. D Moriarty, Team Leader, Policy Planning for NCC
- Mr. A Mills, Traffic Engineer for NCC

- 2.6 The hearing commenced with a presentation by the reporting officer Ms. Anstey, introducing the s42A Report, outlining matters that had changed since the receipt and distribution of the pre-circulated expert evidence. We then heard from the submitters, identified above.
- 2.7 We exercised the opportunity to question all persons present.
- 2.8 Having heard from the parties, we adjourned the hearing at 12.30pm on Tuesday 18<sup>th</sup> September 2018 indicating that we wished to have conferencing occur to address what we saw at the time as three conflicting views regarding the potential future esplanade reserve status for the Taipo Stream; to request that the reply statement from Ms. Anstey to matters raised in the hearing be provided to us in writing, and setting out a timetable for all those matters. The same day, we issued a minute (Minute #4) setting out all those matters in writing, which was distributed to all parties.
- 2.9 In accordance with Minute #4 we received a conferencing statement in relation to the esplanade provision for the Taipo Steam from the relevant persons on the 27<sup>th</sup> September 2018. Similarly we received a copy of the reply statement from Ms. Anstey on the 5<sup>th</sup> October 2018. Copies of these responses were sent to all parties.



- 2.10 Having considered that we had received all the required information, we closed the hearing on the 9<sup>th</sup> October 2018, by way of a minute. (Minute #5).

### **Submission Format**

- 2.11 At the Hearing itself, we sought clarification from officers, as to the status and officer's recommendation as to a further submission from Mr. C Dearing. In the s42A Report, the officer's view was that as the further submission did not relate to a primary submission point, it was not a relevant consideration<sup>1</sup>. In response to our questioning, the s42A officer's view was that the further submission was not in the form of a proper further submission. In addition to not referring to any primary submission, the submitter sought new objectives and policies not referred to in any primary submissions. At this point we record that council officers had in the lead up to the hearing raised these points with the submitter Mr. Dearing, and we were advised that Mr. Dearing would accept our decision on the matter. Having sought clarification from officers during the hearing, we adjourned to consider the matter, reconvened the hearing and verbally presented our finding. In this case, for the reasons explained by the officers set out above, we find that the further submission is not valid, is not on the Plan Change and is struck out pursuant to Section 41D of the RMA. As explained at the hearing, we note that matters raised by Mr. Dearing may be more appropriately raised at the recently initiated district wide review of the District Plan.

### **Outline of Plan Change**

- 2.12 As mentioned above, the purpose of the Plan Change is set out fully in the Plan Change documentation<sup>2</sup> which is held on the Council file. We found the public notice to provide the best summary of the purpose of the Plan Change, which is as follows;

*"The purpose of Plan Change 12 is to provide for a new Mission Special Character Zone. This proposed zone is to replace existing zones across 288.6ha of land owned by Marist Holdings (Greenmeadows) Limited, on the land best known as the site of the Mission Estate Winery and concert.*

*The proposed zone is divided into four precincts. The 'residential precinct' will provide for approximately 550 households on an expanded Western Hills residential zone, accessed of Puketitiri Rd and predominantly covering the spurs facing westwards, behind the backdrop hills of Taradale and Greenmeadows. A 'landscape and visitor' precinct is proposed in the vicinity of Mission Estate and the concert venue area. This precinct provides*

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<sup>1</sup> S42A Hearing Report, Para 18.4

<sup>2</sup> Section 42A (S42A)Hearing Report

*for the future development of boutique accommodation while preserving the landscape qualities of the backdrop hill behind the Mission winery. The 'productive rural' and 'rural residential' precincts are largely reflective of the existing Main Rural and Rural Residential zones of the District Plan.*

*The objective of the proposed zone is to retain the productive flat and versatile land for agriculture, horticulture and viticulture and to ensure that the subdivision, use and development of the remainder of the property is undertaken in such a way as to maintain and enhance the key landscape features of the property. These objectives are to be achieved through the addition of the Mission Special Character Zone Structure Plan and design outcomes that establishes a framework by which development in the zone will be assessed and managed. The proposed zone will also include a series of public walkways linking to the existing Council owned pathways in the vicinity.*

*The proposed zone will create a new chapter in the District Plan covering the whole of the property with a number of minor consequential changes proposed in other chapters within the plan to accommodate the new zone. Because the proposed rezoning is comprehensive in nature and covers a large number of different District Plan provisions, it is recommended that interested parties refer to the primary source documents to fully understand the implications and extent of the proposed plan change.”*

- 2.13 The documentation forming the Plan Change, includes a Schedule of the Changes to the operative City of Napier District Plan, the new Chapter 51b – Mission Special Character Zone, and New Appendix 26 – Mission Special Character Zone, Structure Plan. In addition, the Plan Change supporting documentation includes an Assessment of Environmental Effects (Feb 2018) and a series of appended specialist reports. Finally, we note that the documentation also included a comprehensive “Evaluation under Section 32 of Resource Management Act 1991” report.

### **3. EVALUATION OF ISSUES**

- 3.1 For the purposes of this evaluation, we have generally, in the same way as Ms. Anstey did in the s42A Report, grouped our discussion of the submissions and the reasons for accepting, rejecting, or accepting them in part by the matters to which they relate<sup>3</sup> – rather than assessing each issue on a submitter by submitter basis.

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<sup>3</sup> Clause 10 (2)(a) of Schedule 1 of the RMA

- 3.2 In addition, we have provided a submission topic and submitter-by-submitter summary of decisions requested in **Appendix 1**, which includes our recommendation on each specific relief point sought.
- 3.3 Our discussion of the issues is as follows:
- Issue 1 – Visual Amenity
  - Issue 2 – Productive Rural Zone Rules
  - Issue 3 – Esplanade Reserves
  - Issue 4 – Infrastructure
  - Issue 5 – Traffic
  - Issue 6 – Archaeology
  - Issue 7 – Heritage
  - Issue 8 – Stormwater
  - Issue 9 – Natural Hazards
  - Issue 10 – Māori Cultural Values and Consultation
  - Issue 11 – General Matters

### **Preliminary Statutory Framework**

- 3.4 Before addressing the evaluation of the individual issues, we set out in summary the relevant statutory matters that our evaluation follows, recording that these were identified in the legal submissions of Mr. Watts for MHL<sup>4</sup>.
- 3.5 These matters having been derived from the Environment Court's Colonial Vineyards decision<sup>5</sup>, and include the following considerations:

#### **General Requirements:**

- a. the District Plan should be designed in accordance with<sup>6</sup>, and assist the Council to carry out, its functions<sup>7</sup> so as to achieve the purpose of the Act;<sup>8</sup>
- b. when preparing/changing the District Plan, the Council must:
  - i. give effect to any NPS<sup>9</sup>, the NZCPS<sup>10</sup> or any RPS<sup>11</sup>; <sup>12</sup>
  - ii. have regard to any proposed RPS;<sup>13</sup>
  - iii. have regard to any management plans and strategies under any other Acts and to any relevant entry on the NZ Heritage List and to various fisheries regulations (to the extent relevant), and to

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<sup>4</sup> Mr Watts, Legal Submissions for Marist Holdings, paras 2.1 – 2.4

<sup>5</sup> Colonial Vineyard Ltd v Marlborough District Council, [2014] NZEnvC 55

<sup>6</sup> S74(1), RMA

<sup>7</sup> S31, RMA

<sup>8</sup> SS 72, 74(1), RMA

<sup>9</sup> National Policy Statement

<sup>10</sup> New Zealand Coastal Policy Statement (NZCPS)

<sup>11</sup> Regional Policy Statement for the Hawke's Bay Region (as it would apply to Plan Change 12 before us)

<sup>12</sup> S75(3)(a)-(c), RMA

<sup>13</sup> S74(2), RMA

- consistency with plans and proposed plans of adjacent authorities;<sup>14</sup>
- iv. take into account any relevant planning document recognised by an iwi authority;<sup>15</sup>
  - v. not have regard to trade competition;<sup>16</sup>
  - vi. be in accordance with any regulation;<sup>17</sup>
- c. in relation to regional plans:
- i. the District Plan must not be inconsistent with an operative regional plan for any matter specified in s30(1) or any water conservation order;<sup>18</sup> and
  - ii. shall have regard to any proposed regional plan on any matter of regional significance;<sup>19</sup>
- d. the District Plan must also state its objectives, policies and the rules (if any) and may state other matters;<sup>20</sup>
- e. the Council has obligations to prepare an evaluation report in accordance with section 32 and have particular regard to that report;<sup>21</sup>
- f. the Council also has obligations to prepare a further evaluation report under s32AA where changes are made to the proposal since the s32 report was completed;

### **Objectives**

- g. the objectives of the Plan Change are to be evaluated to the extent which they are the most appropriate way to achieve the Act's purpose;<sup>22</sup>

### **Provisions**

- h. the policies are to implement the objectives, and the rules (if any) are to implement the policies;<sup>23</sup>
- i. each provision is to be examined as to whether it is the most appropriate method for achieving the objectives of the TRMP, by:
  - i. identifying other reasonably practicable options for achieving the objectives;<sup>24</sup>
  - ii. assessing the efficiency and effectiveness of the provisions in achieving the objectives<sup>25</sup>, including:
    - a) identifying and assessing the benefits and costs anticipated, including opportunities for economic growth and employment opportunities that may be provided or reduced;<sup>26</sup>
    - b) quantifying those benefits and costs where practicable;<sup>27</sup>
    - c) assessing the risk of acting or not acting if there is uncertainty or insufficient information about the subject matter of the provisions;<sup>28</sup>

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<sup>14</sup> S74(2)(b)-(c), RMA

<sup>15</sup> S74(2A), RMA

<sup>16</sup> S74(3), RMA

<sup>17</sup> S74(1)(f), RMA

<sup>18</sup> S75(4), RMA

<sup>19</sup> S74(2)(a), RMA

<sup>20</sup> S75(1)-(2), RMA

<sup>21</sup> Schedule 1, Part 2, Clause 22, RMA

<sup>22</sup> S32(1)(a), RMA

<sup>23</sup> S75(1), RMA

<sup>24</sup> S32(1)(b)(i), RMA

<sup>25</sup> S32(1)(b)(ii), RMA

<sup>26</sup> S32(2)(a), RMA

<sup>27</sup> S32(2)(b), RMA

<sup>28</sup> S32(2)(c), RMA

**Rules**

j. in making a rule, the Council shall have regard to the actual or potential effect on the environment of activities, including (in particular) any adverse effect;<sup>29</sup> and

**Other Statutes**

k. the Council may be required to comply with other statutes

- 3.6 We note that the further evaluation under s32AA is required only in respect of any changes arising since the Plan Change was first notified and that it must contain a level of detail that corresponds to the scale and significance of the effects that are anticipated from the implementation of the provisions as amended. To this end we have assessed the appropriateness of any alterations in terms of s32AA – within this report itself, in **Appendix 2**, and in some case in both places.
- 3.7 In considering all of the matters above, we record that our recommendation is based upon our consideration of the following documents:
- a. the notified Plan Change and s32 evaluation,
  - b. the submissions and further submissions received,
  - c. the cultural impact assessment for Ngāti Pārau,
  - d. the cultural impact assessment for Te Taiwhenua o Te Whanganui ā Orotū
  - e. the Council s42A report,
  - f. the statements/presentations from all parties appearing before us, and
  - g. the formal responses to the Minutes issued.

**ISSUE 1 - Visual Amenity**

- 3.8 A range of submissions addressed the issue of visual amenity including submissions from Mr. Kite (2), Mr. Arnold (3), Mr. Brightwell (6) and Mr. McNatty (7). Ms. Anstey in the s42A Report, identified the issues raised which we summarise those as follows:
- a) Mr. A Kite (2.2) - Road widening and its effect on the bridle path<sup>30</sup>
  - b) Mr. A Kite (2.3) - Submission Point 2.3 Anthony Kite - Timing of the planting of the green screening belt (Puketitiri Bridle Path Reserve)<sup>31</sup>

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<sup>29</sup> S76(3), RMA

<sup>30</sup> S42A Report, Paras 6.1 – 6.2

<sup>31</sup> S42A Report, Para 6.3 – 6.4

- c) Mr. A Kite (2.4) – Retention of Larger Lot Sizes fronting Puketitiri Road, similar to existing Western Hills Residential Zone<sup>32</sup>
- d) Mr. T Brightwell (6) – residential dwellings on the escarpment viewed from Church Road<sup>33</sup>
- e) Mr. M McNatty (7.1, 7.2) - Neighbouring Rural/Residential Interface<sup>34</sup>
- f) Mr. M McNatty (7.3) – Mitigation of effects through use of vegetation and recessive colours<sup>35</sup>
- g) Mr. M Arnold (3) – Residential, Rural/Residential Precinct Buffer<sup>36</sup>

3.9 Ms. Anstey set out a detailed analysis of each issue in terms of how the Plan Change addressed each issue. We do not repeat that analysis here. However, we note that for each of the above issues, Ms. Anstey grouped the points raised in the submissions under three general recommendations and provided reasons for each recommendation.<sup>37</sup> Ms. Anstey's recommended amendments to the Plan Change were, in summary to amend as follows:

a) Design Outcome 7 – Design Manual and Review Process, to apply to the Residential and Rural Residential Precincts and the inclusion of consideration of recessive building materials<sup>38</sup> and colours to mitigate effects. The reasons for the amendment were, *“plan change more effectively and efficiently responds to the significant landscape features identified and recommended for the ‘Western Hills’ as identified in the Napier Landscape Assessment Report (July 2009). Further, the recommended changes are appropriate to achieve proposed Objective 51b.3.”*<sup>39</sup>

b) Design Outcome 1 be amended as follows;

- *Connected corridors of restored and maintained indigenous vegetation - including a nominally 20m wide buffer of indigenous vegetation on the South side of the residential precinct.*

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<sup>32</sup> S42A Report, Paras 6.5 – 6.7

<sup>33</sup> s42A Report, Paras 6.8 – 6.10

<sup>34</sup> s42A Report, Paras 6.11 – 6.13

<sup>35</sup> s42A Report, Paras 6.14 – 6.24

<sup>36</sup> s42A Report, Paras 6.25 – 6.31

<sup>37</sup> s42A Report, Paras 6.32 – 6.38

<sup>38</sup> s42A Report, Bullet Point One, Page 15 – the word ‘materials’ is missing

<sup>39</sup> s42A Report, Para 6.36

The reasons for the amendment were ... *provide greater certainty of the maintenance of the restored indigenous vegetation areas as specified in the Structure Plan.*<sup>40</sup>

- 3.10 At hearing, Ms. Baxter on behalf of Mr. and Mrs. Kite (2.2, 2.3, 2.4), responded to s42A Report raising a number of concerns which included in summary, effects on views/outlook, timing of planting of trees on buffer/strip/bridle path, loss of rural setting, density, and a decrease in property values.<sup>41</sup> In identifying these concerns, Ms. Baxter clearly communicated to us the importance of the existing rural amenity as it relates to the submitter's property and environs.
- 3.11 Also at the hearing Mr. McKay, planning consultant for MHL, responded to the recommendations put forward in the s42A Report in relation to visual amenity. Mr. McKay concurred with Ms. Anstey's recommendation and reasons in relation to all the submission points under this topic,<sup>42</sup> with the exception of Recommendation 2; the application of Design Outcome 7 Design Manual and Review Process to apply to both the Residential Precinct and the Rural Residential Precinct, noting the wording as notified only applies to the Residential Precinct.<sup>43</sup>
- 3.12 Mr. McKay accepted that the s42A Report amendment would achieve the objective, but was of the view that the Urban Design and Landscape Assessment identified the Rural Residential Precinct is in the less sensitive areas of the zone in relation to landscape effects, the difference in the intensity of development provided for in the two precincts, the potential confusion of the provisions application, and concluding that the objectives of the zone would be better achieved by not including reference to the Rural Residential Precinct in Design Outcome 7.<sup>44</sup> We note that Mr. McKay agreed with Ms. Anstey as to the recommend amendments for the purpose of recessive building materials and colours.
- 3.13 Finally, Mr. McKay expressed the view that Recommendation 3 in the s42A Report could be enhanced by repeating the reference in the second bullet point of the Design Outcome 20 in Design Outcome 1, for the reason that Design Outcome 1 applies to the entire zone, whereas Design Outcome 20 is specific to the Landscape & Visitor, Rural Production and Rural Precincts.<sup>45</sup> Ms. Anstey concurred with this amendment.

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<sup>40</sup> s42A Report, Para 6.37 – 6.38

<sup>41</sup> Hearing Statement, Ms Baxter, 17 September 2018

<sup>42</sup> Evidence in Chief (EIC), Mr McKay, Para 31

<sup>43</sup> EIC, Mr. McKay, Para 32

<sup>44</sup> EIC, Mr. McKay, Paras 33 - 40

<sup>45</sup> EIC, Mr. McKay, Paras 41 - 42

- 3.14 At the hearing, Ms. Anstey, in introducing the Plan Change, having had the opportunity to consider the pre-circulated evidence of Mr. McKay and agreed with Mr. McKay that it was not appropriate to include Rural Residential within Design Outcome 7, but rather that a separate Design Outcome specifically for the Rural Residential Precinct was required.<sup>46</sup> Ms. Anstey also concurred with Mr. McKay's amendment to Design Outcome 1, and similarly recommended amending the provision as suggested.
- 3.15 In supplementary evidence presented at the hearing<sup>47</sup>, Mr. McKay agreed with Ms. Anstey as to Amendment 1, but maintained his view that Amendment 2 was not required for the reasons set out in his evidence in chief.<sup>48</sup> In considering the visual amenity of any development in the MSCZ as a whole, Mr. McKay was of the view that it would be superior to the existing Western Hills Residential Zoning.<sup>49</sup>
- 3.16 In reply, Ms. Anstey, having considered the matters raised by submitters, in relation to the buffer strip /bridle path on Puketitiri Road recommended further amendments to Design Outcome 11, as well as a consequential change to Appendix 26B-2 as to the specifics of the reserves to be vested in Council.<sup>50</sup>

#### *Discussion and Findings*

- 3.17 Considering all the matters above, we agree with Ms. Anstey, and concurred with by Mr. McKay as to the recommendations and reasons in relation to all the submission points under this topic, with the exceptions as set out below. We record that we also questioned the two planning experts in detail as to controlled activity status for the location of dwellings in the Residential Precinct visually prominent positions located on the escarpment, and are satisfied that the provision is appropriate for the reasons set out in the Section 32 report and the responses to our questioning.
- 3.18 We adopt the view of Ms. Anstey and Mr. McKay that it is not necessary to include the Rural Residential Precinct within Design Outcome 7 which applies solely to the Residential Precinct for the reasons they stated and which they both agree.
- 3.19 We have carefully considered Ms. Anstey's amendment following consideration of the pre-circulated evidence, to provide a separate Design Outcome 22 specifically for the Rural Residential Precinct. In undertaking this consideration we also carefully reviewed Mr. McKay's

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<sup>46</sup> Appendix E – Annotated Plan Change Provisions, Amendments 1 and 2, Ms. Anstey, 17 September 2018

<sup>47</sup> Supplementary Evidence, Mr McKay, 18 September 2018

<sup>48</sup> Supplementary Evidence, Mr McKay, Paras 3 - 4

<sup>49</sup> Supplementary Evidence, Mr McKay, Para 21

<sup>50</sup> Reply Statement, Paras 7 -8



evidence. We are persuaded by Ms. Anstey's evidence as to the provision being the most appropriate in achieving the objective 51b.3 for the reasons set out in the s42A Report and Amendment No. 2 in Appendix E – Annotated Plan Change Provisions.

- 3.20 Finally, considering the amendments from Ms. Anstey in relation to the buffer strip /bridle path on Puketitiri Road and Design Outcome 11, we adopt the amendments and reasoning presented in the reply statement.
- 3.21 Overall, we share the view of Ms. Anstey and Mr. McKay, with the exceptions noted above, that the amendments are appropriate for the reasons set out above and summarised in **Appendix 2**.
- 3.22 We therefore recommend that submissions points 2.4, 6.1, 7.2 be rejected, that submission points 2.2, 2.3, 7.3 and 3.2 be accepted and submission points 3.1, 7.1, 7.4 be accepted in part.

## **ISSUE 2 - Productive Rural Zone Rules**

- 3.23 The submission of the Hawkes Bay Fruitgrowers Association (12) sought amendments to the Plan Change in relation to:
- a) consistency in wording by updating all references to 'versatile and/or productive soils' to 'versatile and/or productive land'
  - b) Places of Assembly being reclassified from discretionary activity status to non-complying status
- 3.24 In the s42A Report, Ms. Anstey noted that the change from the term 'versatile and/or productive soils' to 'versatile and/or productive land' aligned with the terminology of Horticulture NZ, Heretaunga Plains Urban Development Strategy 2017 (HPUDS) and the Regional Policy Statement (RPS) which all reference the protection of versatile land.<sup>51</sup> Ms. Anstey recommended the request be adopted<sup>52</sup>, noting that the further submission from MHL also supported this change.
- 3.25 In relation to the requested change in activity status from discretionary to non-complying for places of assembly, Ms. Anstey's view was that the proposed discretionary activity status was the same as applying in the Main Rural Zone of the Napier District Plan which provided Council the opportunity to fully assess any application along with discretion to decline it.<sup>53</sup> In addition, Ms Anstey noted that the MSCZ provided for, *“greater tourism and recreational opportunities”*, which related *“to the zone's history, association with the Church and current activities that*

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<sup>51</sup> s42A Report, Para 7.2

<sup>52</sup> s42A Report, Para [5.6] and 7.8

<sup>53</sup> s42A Report , Para 7.5

occur within this zone.”<sup>54</sup> In accounting for this Ms. Anstey considered that a discretionary activity status for places of assembly to be the most appropriate relative to the zone purpose, objectives and policies.<sup>55</sup>

3.26 At the hearing, Ms. Vesty on behalf of Hawkes Bay Fruitgrowers Association, expressed support for the Plan Change and in particular supported the officer's recommendation as to change to versatile land and accepted the officer's recommendation as to the activity status for places of assembly.<sup>56</sup>

3.27 At this point we also record that the evidence of Mr. McKay for MHL agreed with the reasons for the recommendations set out in out in the s42A Report.<sup>57</sup>

#### *Discussion and Findings*

3.28 We heard no expert evidence to the contrary on these matters, and we generally adopt the evidence of Ms. Anstey for the reasons given in s42A Report. Hence, in relation to the Hawkes Bay Fruitgrowers Association submission (12) we recommend that submission point 12.1 be accepted and submission point 12.2 be rejected (See Appendix 1).

### **ISSUE 3 - Esplanade Reserves**

3.29 Submission point 13.4 from HBRC, opposed the 6m easement along the Taipo Stream which traverses part of the Mission Character Zone as set out in Design Outcome 21 and sought a reserve corridor alongside the stream or the retention of provisions 6.1.3.(4) in Volume 2 of the current District Plan which sets out the current Esplanade Reserve requirements.<sup>58</sup> A further submission of MHL opposed this primary submission point.

3.30 In the s42A Report of Ms. Anstey, the evidence of Mr. Ide for HBRC, the evidence of Mr. McKay for MHL, and in their presentations to us and in responding to our questions, a range of issues and options to address this matter were canvassed. In essence the issue was the appropriateness as to what a form of esplanade reserve/easement should apply to that part of the Taipo Stream within MSCZ relative to any potential future subdivision trigger for such a reserve. As signaled in paragraph 2.8 above, at the adjournment of the hearing and prior to the written reply, we had before us at least three versions of recommended amendments to Rule 6.1.3.4 and Design Outcome 21.

3.31 To navigate this issue, we requested that those three persons conference and provided us a joint statement setting out any agreed or

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<sup>54</sup> s42A Report , Para 7.4

<sup>55</sup> s42A Report, Para 7.9

<sup>56</sup> Hearing Statement, Ms Vesty for Hawkes Bay Fruitgrowers Association

<sup>57</sup> Mr. McKay, Evidence in Chief (EIC), Para 43

<sup>58</sup> s42A Report, Section 9, Page 19

disagreed position with reasons, which we duly received.<sup>59</sup> The joint statement presented an agreed position specifying the circumstances in which an esplanade reserve would be taken with specific amendments to Rule 6.1.3(4) and a separate Design Outcome 22 (renumbered), and the retention of Appendix 4 to the Plan Change as notified.

- 3.32 In 'New Appendix E' of the reply statement, Ms. Anstey provided a s32AA assessment of the joint statement agreed provisions.

*Discussion and Findings*

- 3.33 We generally adopt the position put forward in the joint statement as to the amendments to the provisions. However, we find that s32AA assessment does not fully assess the difference in the change from the s32 Report for the Plan Change as notified being a 6m easement, when compared to the joint statement provisions which relate to a 20m esplanade reserve when, subdivision of the Rural Productive and Rural Residential Zones around the Taipo Stream, which are included in the MSCZ would be the trigger mechanism. We note that the upper Taipo Stream catchment does not have a 20m esplanade reserve requirement, but that as pointed out by Mr. Ide in response to our questions, is an already urbanized area. We find that the Rural Productive and Rural Residential Zones around the Taipo Stream, should provide for a 20m esplanade reserve as identified in the conferencing statement. Having considered the alternatives, the agreed amendments are the most appropriate way of achieving the objectives.
- 3.34 We therefore recommend that submission point 13.4 be accepted in part.

**ISSUE 4 – Infrastructure Services**

- 3.35 Two submissions raised issues in relation to infrastructure services. L Anderson (5.1) raised concerns that infrastructure and services, could not support the proposed number of new households and that before new households were built, new or upgraded infrastructure should be provided. Powerco (14.1) sought that adequate time be given to Powerco to enable forward planning for new gas supply pipes coordination with other utilities.
- 3.36 Ms. Anstey's view was that Powerco submission was outside the scope of the Plan Change<sup>60</sup> and that the matters raised would be effectively

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<sup>59</sup> Joint Statement of Ms Anstey, Mr McKay and Mr Ide, 24-25 Sept 2018

<sup>60</sup> s42 A Report, Para 10.6

and efficiently addressed and achieved through operational procedures of Council, rather than through the District Plan.<sup>61</sup>

3.37 In relation to the issues raised by L Anderson, Ms. Anstey noted in the s42A Report that in the preparation of the Plan Change infrastructure service has been considered, including the provision of educational facilities<sup>62</sup>, and that the subject area was identified in the HPUDS, which includes clear direction to infrastructure providers and education and health service providers on the location and scale of future growth areas.

3.38 In relation to the provision of roading, Ms. Anstey relied on in the Traffic Engineering Report<sup>63</sup> accompanying the Plan Change documentation and supported by the expert evidence of Mr. R Malley<sup>64</sup> Team Leader Transportation at NCC, that *"the general conditions and capacity of the current roading network is sufficient to support the increased traffic flows resulting from the development facilitated by the Plan Change."*<sup>65</sup>

#### *Discussion and Findings*

3.39 We note that Powerco and L Anderson did not wish to be heard, so we were unable to further test their submissions. Therefore, for reasons set out in the s42A Report we recommend that submission points 5.1 and 14.2 be rejected.

#### **ISSUE 5 - Traffic**

3.40 Three submissions raised concerns in relation to traffic, which we summarise as follows:

- Locations of the proposed entrances/exists to the residential component of the proposed zone from Puketitiri Rd as to speed control and visibility (K Moretta 1.1);
- Speed and accident issues at Poraiti Road and new entrance way to be addressed (A Kite 2.1)
- New connection from Puketapu Rd to MSCZ to be provided (L Anderson 5.2)

3.41 Mr. Malley for NCC provided responses to the submissions, noting that entrance/exit design would be to relevant standards and assessed by Council at the time of subdivision, that safety improvements were programmed for Puketitiri Road and the speed limit was proposed to be reduced to 80 kmph as part of Council review of speed limits applying throughout the district. Mr. Malley's view on a connection from Puketapu Road would be an increase in congestion at peak times in Taradale itself and that Puketitiri Road roundabout had sufficient

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<sup>61</sup> s42A Report, Para 10.5

<sup>62</sup> s42A Report, Para 10.1

<sup>63</sup> The Mission Special Character Zone Plan Change – AEE& Proposed Plan Change Description – Appendix C

<sup>64</sup> s42A Report, Appendix B

<sup>65</sup> s42A Report, Para 10.3

capacity to accommodate any increase in traffic numbers from the proposed rezoning.<sup>66</sup>

- 3.42 Relying on Mr. Malley's evidence Ms. Anstey recommended that the submission points as to traffic be rejected.
- 3.43 At the hearing, Ms. Baxter on behalf of Mr. Kite (2.1) considered that the Puketitiri Road upgrade should occur before any development of the MSCZ and raised issues of the effects of the construction of the upgrades on residents.<sup>67</sup>
- 3.44 In response to our questions, Mr. Mills from the NCC Transportation team, advised that the timing of the proposed upgrades to Puketitiri Road have commenced and are programmed through to 2023. Mr. Mills confirmed the observation made from our site visit that a temporary 80 kmph limit was already in place on the lower part of Puketitiri Road.

*Discussion and findings*

- 3.45 In considering all the material presented to us on this matter we concur with the expert evidence that the Puketitiri Road improvements and the timing of the improvements, and capacity of the roading network are not an impediment to the rezoning proposal. We note that any physical works involved with the Puketitiri Road upgrade may have potential impacts on existing residents, regardless of whether or not the Plan Change is approved.
- 3.46 We therefore recommend that submission points, 1.1, 2.1 and 5.2 be rejected.

**ISSUE 6 - Archaeology**

- 3.47 The submission from Historic Places Hawkes Bay (11.2 and 11.3) sought that if the Plan was approved, that a number of actions take place, which amongst other things, included an updated archaeological report, updated Cultural Impact Assessment (CIA), further surveying, monitoring during earthworks and the following of hapū-driven protocols as to accidental discovery.
- 3.48 Ms. Anstey in the s42A Report, notes that Design Outcome 3: Archeology, of the Plan Change, requires an updated Archeological AEE to be submitted with applications for subdivision consent within the Residential Precinct, felling of the southern pine plantation, construction of walkway paths and construction of art cabin accommodation and that further protection is afforded by the Heritage NZ Pouhere Taonga Act 2014 which makes it unlawful for any person

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<sup>66</sup> s42A Report, Para 11.2 – 11.3

<sup>67</sup> Hearing Statement, Ms. D Baxter on behalf of A and D Kite (6), Page 1

to modify or destroy, or cause to be modified or destroyed, the whole or part of any archaeological site without the prior authority of Heritage NZ.

- 3.49 Ms. Anstey also notes that the Cultural Impact Assessments from Ngāti Pārau and Te Taiwhenua o Te Whanganui ā Orotū also request the establishment of cultural discovery protocols which need to accompany any application under the Pouhere Taonga Act 2014.
- 3.50 In conclusion, Ms. Anstey recommended that no changes to the Plan Change were required as result of the submission.
- 3.51 At the hearing, Ms. E Pishief for Historic Places Hawkes Bay, provided us with an example map showing recently identified archaeological sites at Western Hills cemetery noting the likelihood that more sites are yet to be recorded and that an application by MHL for an authority under the Pouhere Taonga Act 2014 was the best way to give effect to that legal requirement.<sup>68</sup>

*Discussion and findings*

- 3.52 In considering these matters, we note that they all refer to actions which are relevant to the subdivision and development of the subject land and not directly to the Plan Change before us. We also note that as Ms. Anstey and Ms. Pishief reminded us, that the Pouhere Taonga Act 2014 entailed legal obligations, which Mr. Watts in his legal submissions reinforced, was a separate matter to this Plan Change.
- 3.53 With no evidence to the contrary, we find that in terms of the Plan Change itself, Design Outcome 3: Archaeology is the most appropriate way of achieving the objectives, and requires no further amendment.
- 3.54 We recommend that the submission of Historic Places Hawkes Bay (11.2 and 11.3) be accepted in part.

**ISSUE 7 - Heritage**

- 3.55 The submission from Historic Places Hawke's Bay (11.1) also sought the inclusion of the Grande Maison building and the Observatory pedestal be listed as items of heritage significance in the Napier District Plan, as part of the Plan Change.
- 3.56 Ms. Anstey's view was that amendments to the heritage schedule and associated District Plan provisions were not part of Plan Change 12, but should rather be more appropriately advanced through the recently commenced review of the Napier District Plan.
- 3.57 Ms. Anstey went on to observe that the Plan Change itself would not increase the risk to any heritage values of the Grande Maison building

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<sup>68</sup> Hearing Statement, Ms. E Pishief for Historic Places Hawkes Bay, 17 September 2018

or the Observatory pedestal and that Design Outcome 15 requires the heritage and landscape significance of the Grande Maison building to be considered at the time of any resource consent process.

- 3.58 At the hearing, Ms. Pilkington for Historic Places Hawkes Bay, speaking in support of the submission, addressed the importance of the history of Mission Estate locally and nationally, but noted that the Grande Maison and the surrounding vineyard land has no official status as historic places.<sup>69</sup>
- 3.59 Ms. Pilkington was generally supportive of the relevant design Outcomes in the Plan Change (Design Outcomes 15 and 18) but considered that they were insufficient in term of protecting the building and property into the future. As such, Ms. Pilkington sought the immediate initiation of a process to list the building and property in the District Plan.<sup>70</sup>
- 3.60 At the hearing, Mr. Watt's in legal submissions for MHL, submitted that the Historic Places Hawkes Bay submission was outside the scope of the Plan Change<sup>71</sup> and that a separate process is required for any listing of the building or property.<sup>72</sup>

*Discussion and findings*

- 3.61 We concur with Ms. Anstey and Mr. Watts that the separate nature of the process for heritage protection put forward by Historic Places Hawke's Bay is outside the scope of the Plan Change before us. As indicated by Ms. Anstey, a possible avenue for the submitter to seek protection would be through the recently initiated District Plan review. As such we recommend that submission point 11.1 be rejected.

**ISSUE 8 - STORMWATER**

- 3.62 There were two submissions on the issue of stormwater. One from HBRC (13.2,13.3) and the other from P and L Alexander Partnership (10.1).
- 3.63 In summary the HBRC submission (S13.3) set out that the primary concern was in relation to the adequacy of the technical reports accompanying the Plan Change documentation as to stormwater effects and that there was sufficient capacity in the existing stormwater and wastewater network to avoid further incidences of contaminated stormwater into the Ahuriri Estuary.

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<sup>69</sup> Hearing Statement of Ms Pilkington for Historic Places Hawkes Bay, 17 September 2018, Page 1

<sup>70</sup> Hearing Statement, Ms Pilkington for Historic Places Hawkes Bay, 17 September 2018, Page 1

<sup>71</sup> See Palmerston North City Council v Motor Machinists Ltd [2013] NZHC 1290

<sup>72</sup> Legal Submissions for MHL, Mr B Watt, Para 4.17 – 4.18

- 3.64 Ms. Anstey in the s42A report, recorded that a stormwater discharge for the proposed Plan Change area had been granted by HBRC on 25 May 2018. We received and reviewed a copy the HBRC stormwater decision report. At the hearing Mr. Ide from the Regional Council, advised that now that the stormwater permit had been granted, the Regional Council had, *“greater reassurance that the rezoning and associated overall stormwater infrastructure to be put in place will be sufficiently sound.”*<sup>73</sup> In response to our questions, Mr. Ide confirmed that the regional council no longer had an issue with stormwater as it pertained to the rezoning application. We accept Mr. Ide’s position.
- 3.65 As to the issue sufficient capacity in the wastewater and stormwater networks, Ms. Anstey addressed this in the s42A report, noting that the issue of stormwater contamination was predominately generated in the older suburbs of the city and that any new stormwater or wastewater infrastructure would be required to comply with the current NCC code requirements.<sup>74</sup> In addition, Ms. Anstey noted that any concerns of the Council itself as the body to which any infrastructure would be vested, was addressed through the modified Design Outcome 10 in the proposed Plan Change.<sup>75</sup> We heard no evidence to the contrary on this matter and accept it.
- 3.66 The relief sought in the submission of P and L Alexander Partnership submission was that the Springfield Culvert required adjustment in order to cope with the additional stormwater from the Marist Holdings site.
- 3.67 Ms. Anstey considered that the issues identified by the P and L Alexander Partnership submission were addressed through the stormwater permit granted by HBRC referred to above.
- 3.68 At the hearing, Mr. and Mrs. Alexander on behalf of P and L Alexander Partnership gave a detailed presentation on the stormwater issues that affected their property and some possible solutions to those issues. Mr. Ehlers, a stormwater engineer, although not appearing as an expert witness<sup>76</sup>, assisted Mr. and Mrs. Alexander in the technical aspects of their presentation.
- 3.69 We questioned Mr. Alexander and Mr. Ehlers during their presentation and it became apparent that the solutions to stormwater issues on Mr. Alexander’s property required solutions downstream, rather than upstream, which is where our considerations of the MHL Plan Change lie. In response, to questions on the contribution of the stormwater from the Plan Change area to the existing issues on Mr. Alexander’s property, Mr. Ehlers replied that there would be absolutely none.

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<sup>73</sup> Hearing Statement, Mr G Ide, Hawkes Bay Regional Council, Para 3

<sup>74</sup> s42A Report, Para 14.8

<sup>75</sup> s42A Report, Para 14.2

<sup>76</sup> We record that we have not relied on Mr Ehlers as an expert witness.



3.70 We explained, to Mr. and Mrs. Alexander at the hearing, that it was not within our jurisdiction to grant the relief sought in their submission and set out in their evidence, but was rather a matter that would need to be taken up with the HBRC and Hastings District Council.

3.71 In reply, Ms. Anstey was of the view that the management of stormwater within the MSCZ was appropriate and that the matters raised by Mr. Alexander at the hearing were outside the scope of the plan change.<sup>77</sup>

*Discussion and findings*

3.72 In this case, we have set out the discussion above, as it effectively occurred during the hearing itself. Having considered the submissions and evidence on the issue of stormwater, we recommend that for the reasons set out above that submission points 13.2, 13.3 and 10.1 be rejected.

**ISSUE 9 – Natural Hazards**

3.73 The submission from HBRC sought the consideration of natural hazards in particular relevant to the Productive Rural Precinct and referencing the Hawkes Bay Civil Defence Emergency Management Hazard Information Portal for further information of hazards in the MSCZ.

3.74 In the s42A Report, Ms. Anstey specifically considered 'liquefaction' and the 'Tsunami Inundation Zone' material referred to in the HBRC submission against the Plan Change provisions. Ms. Anstey concluded that sufficient consideration to natural hazards had been undertaken with the residential development option being provided outside of existing coastal hazard and liquefaction risk zones.<sup>78</sup>

3.75 At the hearing Mr. Ide for HBRC did not raise any matters above those in the Regional Council's original submission, other than to encourage us to consider the various hazards types in our deliberations.<sup>79</sup>

*Discussion and findings*

3.76 Having considered the evidence of Ms. Anstey and Mr. Ide and reviewed the Plan Change AEE<sup>80</sup> we find that the Plan Change has had due consideration to natural hazards in its formulation, specifically observing that the development components are outside coastal hazard and liquefaction risk zones.

3.77 We note that the submission did not seek any amendment to the Plan Change.

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<sup>77</sup> Reply Statement, Ms Anstey, Paras 13 - 15

<sup>78</sup> s42A Report, Para 15.12

<sup>79</sup> Hearing Statement, Mr Ide for HBRC, Page 2

<sup>80</sup> The Mission Special Character Zone Plan Change – AEE& Proposed Plan Change Description – Section 5.5, Page 37 - 40

- 3.78 Our recommendation is that the HBRC submission point 13.5 be accepted in part.

### **ISSUE 10 – Māori Cultural Values and Consultation**

- 3.79 Written submissions (all opposed to the Plan Change) on cultural values and consultation were received from:

- Ms T Eden (4.2)
- Te Taiwhenua o Te Whanganui ā Orotū - Mr. P Eden (17.1)
- Te Taiwhenua o Te Whanganui ā Orotū – Ms T Eden (18.2, 18.3)
- Moteo Marae – Mr. P Eden (16.1, 16.2)
- Moteo B2G2 Reserve – Mr. P Eden (15.1, 15.2)
- Waiohiki Marae Trustees (19.1)

- 3.80 All Māori submitters highlighted the lack of consultation with local iwi and hapū as a significant matter of concern, and urged that no further consideration of the Plan Change proposal be progressed until such consultation was undertaken. Furthermore, there was - at the time - no Cultural Impact Assessment (CIA) prepared with respect to the Plan Change, another matter of major concern raised by all Māori submitters. Likewise, until there was a CIA prepared submitters sought that no further action be taken on Plan Change 12. These were the two key factors in local Māori opposition to the Plan Change. However, there were no specific relief measures sought, other than perhaps to be consulted and to enable the preparation of a CIA.

- 3.81 We record that following the close of submissions, two CIA were prepared, one by the Taiwhenua o Te Whanganui ā Orotū and the other on behalf of mana whenua hapū Ngāti Pārau. The CIAs included recommendations made in the subsequent CIA's (referred to below) for, amongst other things, a cultural protocol for identifying and protecting sites of cultural significance.

- 3.82 In the s42A Report, Ms. Anstey recommended amendments to Objective 51b.3, a new Policy 51b.3.4<sup>81</sup> and Design Outcome 3 and associated consequential amendments recognizing that CIAs acknowledge the relationship of mana whenua with their culture, traditions and ancestral lands, and which are recognised and provided for in accordance with Section 6(e) of the RMA.<sup>82</sup>

- 3.83 At the hearing, Ms. Anstey, in introducing the Plan Change, having considered the pre-circulated evidence of Mr. McKay<sup>83</sup> agreed that

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<sup>81</sup> EIC, Mr. McKay, Para 58 – renumber to Policy 51b.3.6 to avoid confusion with existing Policy 51b.3.4

<sup>82</sup> s42A Report, Reason for Recommendation following Para 16.14

<sup>83</sup> EIC, Mr McKay, Paras 58 - 59

consequential changes to Chapter 51b under the heading '*Principle Reasons for adopting Objectives and Policies*' were appropriate and provided an amended s32AA assessment to address that matter.<sup>84</sup>

- 3.84 Representatives of Te Taiwhenua o Te Whanganui ā Orotū spoke to their submission during the hearing. None of the other Māori submitters opted to do so. In summary, Te Taiwhenua o Te Whanganui ā Orotū is not opposed to the Plan Change provided there are safeguards in place to protect Māori cultural values, and sites of cultural significance are appropriately recognised through such things as signage, street names and art forms. The underlying principle of kaitiakitanga is to prevail. We agree.

*Discussion and findings*

- 3.85 Unlike Resource Consent hearings - where consultation is not a prerequisite, under s6 of the RMA - clause 3(1)(d) of the First Schedule of the RMA, however, requires local authorities to consult with tangata whenua when preparing a plan or policy statement, or a change to a plan or policy statement. It states that local authorities must consult:  
... the tangata whenua of the area who may be so affected, through iwi authorities and tribal runanga.
- 3.86 That this requirement was considered by mana whenua hapū not have been fulfilled was seized upon by the Council and a meeting was convened with local hapū representatives soon after the submissions closing date. We understand this meeting went some way towards addressing the Council's apparent oversight, and was partly instrumental in modifying local Māori thinking on the Plan Change.
- 3.87 In addition, this "further consultation" resulted in the Council agreeing to the preparation of two CIA's, one by the Taiwhenua o Te Whanganui ā Orotū and the other on behalf of mana whenua hapū Ngāti Pārau. We acknowledge, and accept, the rationale that there are overlapping boundary issues in the rohe (area) that are best addressed through two separate CIA's.
- 3.88 In general, both CIA's support the Plan Change with some "conditions". They highlight the need for the Council, MHL and mana whenua hapū to work closely together to avoid, remedy or mitigate any potential adverse effects the Plan Change might have on Māori values. The key is the ability of mana whenua hapū - and wider iwi interests as appropriate - to be able to uphold their kaitiaki responsibilities through ongoing meaningful involvement in the development of Plan Change 12.
- 3.89 We note that at the hearing, MHL's Chief Executive, Mr. Peter Holley, supported the move for closer cooperation between the three key

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<sup>84</sup> Appendix E – Annotated Plan Change Provisions, Amendment 10, Ms Anstey, 17 September 2018

parties. Mr. Holley's contact with Mana Ahuriri (through people like respected kaumātua Piri Prentice) and Te Taiwhenua o Te Whanganui ā Orotū has been long standing and he was keen to build on that in the context of Plan Change 12. We would encourage the parties to continue to do so.

- 3.90 The s42A Report states that, *"The Plan Change area does not include any specific sites of significance to mana whenua identified in the Napier District Plan. However it is acknowledged that the area is of significance to mana whenua as further discussed in the CIAs."*<sup>85</sup>
- 3.91 In response to our questions, Ms. Anstey in the reply statement recommended that Design Outcome 3 (Cultural Values and Archaeology) be amended and the Cultural Values component be shifted to a new Design Outcome 4 (Māori Cultural Values) to better reflect the fact that the two concepts,<sup>86</sup> whilst often interrelated, are different fields of knowledge and therefore should be treated as such. In doing so, Māori cultural values, particularly those unrelated to archaeology are given appropriate recognition. Ms. Anstey considered that this amendment was more clarification than substance and that repositioning was within the scope of the original submissions. We concur.
- 3.92 In relation to the issues of cultural values and consultation, for the reason set out above, we find that the amendment to Objective 51.b.3 is the most appropriate in achieving the purpose of the RMA, considering the alternatives available to us and as expanded on in **Appendix 2**. Similarly, as to the provisions, the new policy (renumbered 51b.3.6), and the wording under the heading *'Principle Reasons for adopting Objectives and Policies'* we find that the amendments the most appropriate in achieving the objectives and as expanded on in **Appendix 2**.
- 3.93 We therefore recommend that submission points 15.2 and 19.1 be accepted and that submission points 4.2, 15.1, 16.1, 16.2, 17.1, 18.2 and 18.3 be accepted in part, as detailed in **Appendix 1**.

## ISSUE 11 – General Matters

- 3.94 The submission from G O and PMA Eyles (8.1, 8.2) was in general support and did not seek any amendments to the Plan Change. However, the submission identified the eucalyptus plantation behind the Mission as a fire hazard and sought that the plantation be removed prior to development.

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<sup>85</sup> S42A Report, Para 19.18

<sup>86</sup> Reply Statement, Para 17

- 3.95 Ms. Anstey noted that the Plan Change does not involve the removal of the eucalyptus plantation.<sup>87</sup> At the hearing, in response to our questions, Ms. Anstey's view was that the relief sought was not on the Plan Change itself and that the submission was therefore out of scope. We agree. The matter is an operational one and not within our jurisdiction to address. As such, we recommend that submission be rejected.
- 3.96 Submission point 4.1, from Ms. T Eden expressed concern with the number of precincts and residential allotments, the discretionary activities allowed within the plan change, the code of practice regarding density and lot sizes, the landscape and visitor precincts, the impact of the development on the Taipo Stream and esplanade, archaeological sites and further tourism in the area. No specific relief was sought in the submission.<sup>88</sup>
- 3.97 In the s42A Report, Ms. Anstey noted that the number of residential allotments and the density and lot sizes are consistent with the main residential zone of the Napier District Plan. Mr. McKay in evidence, agreed with that assessment.<sup>89</sup> We were not presented with any evidence to the contrary. As such, we recommend that submission point be rejected.
- 3.98 During the hearing we sought clarification on a number of provisions. In particular, Policy 51b.5.2 which on literal reading, appeared to require the Council to implement and retain woodland planting within the zone. In response, Mr. McKay noted that all policies in the District Plan are prefaced with the wording, "*To achieve this objective the Council will:*". Mr. McKay recommended an amendment to clarify the policy<sup>90</sup> which was endorsed by Ms. Anstey as being a matter that could be addressed under Clause 16 of the First Schedule of the RMA.<sup>91</sup>
- 3.99 We agree. The recommended amendment to Policy 51b.5.2 is set out in **Appendix 2**.

#### 4. STATUTORY CONSIDERATIONS

- 4.1 Drawing on consideration of the Plan Change material, the submissions and further submissions, and the evidence presented, in this section of our report we address the statutory requirements outlined at the beginning of Section 3 above.

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<sup>87</sup> s42A Report, Para 8.1

<sup>88</sup> s42A Report, Para 18.1

<sup>89</sup> EIC, Mr. McKay, Para 61

<sup>90</sup> Supplementary Evidence, Mr McKay, Paras 15 - 16

<sup>91</sup> Reply Statement, Ms. Anstey, Paras 18 - 20

- 4.2 We have adopted a thematic approach to presenting our findings in this respect, using the Colonial Vineyards criteria as a guide. In particular, we rely on (and do not repeat) the detailed reasoning in Section 3 in providing what is essentially a 'high level' response to the criteria and questions prompted by the Colonial Vineyards case. We record that in submissions and in evidence that no party provided expert planning evidence to challenge the effectiveness of the objectives or provisions in giving effect to the higher order documents or to the appropriateness of the objectives in achieving the purpose of the RMA, or the appropriateness of the provision in achieving the objectives. We also record that for the most part, Ms. Anstey<sup>92</sup> and Mr. McKay<sup>93</sup> as planning experts were aligned in their views on these matters.

***Are the proposed objectives the most appropriate way to achieve the purpose of the Act?***

- 4.3 The Plan Change includes new objectives for the Mission Special Character Zone 51.b.3, 51b.4 and 51b.5 that collectively retain the landscape, heritage, archaeological and amenity of the values of the area, while enabling residential, tourism and recreational opportunities in the context of important landscape character backdrop of the eastern hills.
- 4.4 In our view, and for the reasons outlined in Section 3, these objectives are the most appropriate means to achieve the Act's sustainable management purpose in respect of future development the MSCZ.
- 4.5 In particular, the Plan Change objectives establish outcomes for the use, development, and protection of natural and physical resources of the areas in a way that enables enhanced social, economic, and cultural well-being. The Plan Change objectives are also designed to sustain the potential of those resources to meet the needs of future generations, while avoiding or mitigating any adverse environmental effects.
- 4.1 In reaching these findings, we are also satisfied the Plan Change has regard to section 7(c) and 7(f) and in particular that the amendment to Objective 51b.3 to include the word 'cultural', reflects the significance of the area to mana whenua with respect to cultural values and the requirements of section 6(e) and 7(a) of the RMA.

***Are the provisions the most appropriate way to implement the "objectives," having regard to their efficiency and effectiveness, actual and potential environmental effects and reasonable alternatives?***

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<sup>92</sup> s42A Report, Paras 19.1 – 19.28

<sup>93</sup> EIC, Mr McKay, Paras 62 - 66

- 4.2 As set out our evaluation in Section 3, we find that the proposed provisions have been explicitly designed to be effective and efficient at implementing both the proposed and settled objectives of the Plan. Broadly, the policies align to each of the three objectives.
- 4.3 Our evaluation in Section 3 finds that the rules effectively and efficiently implement that policy direction through a range of activities, standards and resource consent requirements (including the type of activity status) that apply across the Productive Rural, Rural Residential, Residential and Landscape and Visitor precincts. In addition, we find that the Design Outcomes and Structure Plan a crucial to the effective implementation of the policy direction.
- 4.4 As described in the issue evaluation above, and in **Appendix 2**, the amendments to the provisions arising since notification have been made for the purposes of improving clarity and/or effective implementation.
- 4.5 We have also assessed alternative methods to implement the Plan Change objectives as proposed by some submitters, but find that they are in general less effective and/or efficient in the implementation of the objectives. The main exception relating to the issue of Esplanade Reserve provision around the Taipo Stream.
- 4.6 For these reasons, we find that the proposal is more appropriate than the status quo, being for the most part the Western Hills Residential Zone at achieving the plan's settled and proposed objectives on the whole.

***Is the Plan Change designed to accord with, and assist the Council to carry out its functions so as to achieve the purpose of the Act?***

- 4.7 Plan Change 12 involves the establishment of methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources for the MSCZ within Napier City. In addition, the Plan Change aims to control the actual or potential effects of the use, development, or protection of land particularly in relation to retention of the productive flat land and the enabling of development whilst preserving the landscape qualities of the escarpment to the rear of the Mission Estate.
- 4.8 Accordingly, we find that the Plan Change is designed to accord with and assist the Council to carry out its s31 functions.

***Does the Plan Change give effect to any NPS or the NZCPS?***

- 4.9 The NZCPS, the National Policy Statement for Urban Development Capacity (NPS-UDC) are both relevant to the Plan Change.

- 4.10 We consider the NZCPS in particular in relation to hazards above. In addition, in the s42A Report, Ms. Anstey considered that the NPS – UDC is implemented through the sub-regional HPUDS 2017 with the MSCZ assisting NCC in meeting its obligations under that NPS.<sup>94</sup> Mr. McKay, concurred with that assessment.<sup>95</sup> We consider that there are no additional amendments required to give effect to the NZCPS and NPS-UDC than the notified provisions.

***Does the Plan Change give effect to the Regional Policy Statement?***

- 4.11 As noted above, no party contended that the operative District Plan gives effect to the Regional Policy Statement (RPS). We contrast this with the evaluation in the Plan Change supporting documents and the evidence of Ms. Anstey and Mr. McKay that the Plan Change provisions give effect to the RPS.

***Is the Plan Change consistent with any regional plans or proposed regional plans?***

- 4.12 No party challenged consistency of the Plan Change with the Hawke's Bay Regional Resource Management Plan. This not surprising given the separate functions of regional councils and territorial authorities as set out under s30 and s31 of the RMA. With no evidence to the contrary, we consider that the Plan Change is not inconsistent with the HBRC regional plan or proposed regional plans.

***What (if any) regard should be given to relevant management plans and strategies under other Acts, including any relevant entry in the Historic Places Register?***

- 4.13 We have already addressed the Pouhere Taonga Act 2014 in Issue 6 above, noting that it imposes separate legal obligations as to any later development works.
- 4.14 In addition, we have also discussed the HPUDS 2017 above, noting that the Plan Change area is identified in that strategy and similarly that the proposal will facilitate the provision of additional housing generally consistent with the strategy.
- 4.15 In our evaluation, and for the reasons set out in Section 3 above, we find the Plan Change is consistent with the overall direction set out in the HPUDS 2017.

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<sup>94</sup> s42A Report, Paras 19.4 – 19.5

<sup>95</sup> EIC, Mr McKay, Para 62



***To what extent does the District Plan need to be consistent with the plans or proposed plans of adjacent territorial authorities?***

4.16 Part of the western edge of the proposed MSCZ, is on the territorial authority boundary between NCC and Hastings District Council. The precinct of the proposed MSCZ at the boundary is Rural Residential. This precinct has similar provisions to that of the Rural Residential Zone in the operative Napier City District Plan. Given there is effectively no change as to the potential outcomes, that being a potential Rural Residential environment, we are satisfied that the proposal has had sufficient regard to the extent to which it needs to be consistent with the Hastings District Plan.

**5. OVERALL RECOMMENDATION**

5.1 Based on our consideration of all the material before us, including the section 42A report, submissions, further submissions, cultural impacts assessments, evidence presented at the hearing and following consideration of the requirements of Section 32 and other relevant statutory matters, we recommend to the Council that:

(a) the Plan Change be accepted as notified except where it is to be amended as shown in **Appendix 2** and that all submissions on the Plan Change be accepted or rejected to the extent set out above (and summarised in **Appendix 1**); and

(b) pursuant to Clause 10 of the First Schedule of the Resource Management Act 1991, Council give notice of its decision on submissions to Plan Change 12.



M L St.Clair  
Independent Hearing Commissioner (Chair)



R Kirikiri  
Independent Hearing Commissioner

24 October 2018

**APPENDIX 1 - Plan Change 12: Mission Special Character Zone Commissioners' recommended decisions by issues, submissions and submitter points**

<b>Submission Topic – Visual Amenity, Issue 1</b>	
<b>Submitters</b>	<b>Plan Provision(s)</b>
2. Anthony Kite (2.2,2.3,2.4), 6. Tony Brightwell (6.1), 7. Merv McNatty (7.2, 7.4)	Appendix 26A, Design Outcomes 1,5,7,11,16 and 20, Residential Precinct Rules
<b>Summary of Submission Points</b>	<b>Commissioners' Recommendation</b>
2.2 Suggests the location of the bridle path and green screen are adjusted to take into account any road improvement changes.	Accept
2.3 Suggests planting of the green screening belt (Puketitiri Road buffer strip) occurs prior to the commencement of the subdivision.	Accept
2.4 Suggests that the area of development adjacent to the Puketitiri Rd contain a larger minimum lot size as per the Western Hills Residential Zone – 1500m <sup>2</sup> .	Reject
6.1 Concerned about residential houses being viewed from Church Road and impact this will have on property values. Suggests reconsideration of zoning to a large zone in the immediate area surrounding the Mission Estate, 200-300m from the Grande Maison Building.	Reject
7.2 Suggests a 5 metre vegetation strip (ideally native) planted along the boundary of neighbouring properties zoned rural, in particular 266 Puketapu Road.	Reject
7.4 Suggests that the developer incorporates native plantings wherever possible to support wildlife.	Accept in part
<b>Further Submitter</b>	
X2 MHL Holdings	
<b>Summary of Further Submission Points</b>	
X2 - 2.4 There is no justification for the requested larger lot sizes adjacent to Puketitiri Road with the mitigation provided by the Buffer Reserve (as identified on the Structure Plan map and as specified in Design Outcome 11), therefore the submitters concerns are mitigated by the Structure Plan and Plan Change as it stands.	Accept
X2 - 6.1 Plan Change 12 includes substantial planting of the eastern hill face to screen any view of the development from Church Road and therefore mitigates the visual effects that the submitter is concerned about.	Accept
X2 – 7 The concerns raised by the submitter are addressed in the plan change documentation which shows that the effects are suitably mitigated/managed by the plan change as it stands.	Accept

<b>Submission Topic – Visual Amenity, Issue 1</b>	
<b>Submitters</b>	<b>Plan Provision(s)</b>
7. Merv McNatty (7.1, 7.3)	Appendix 26A, Design Outcome 7
<b>Summary of Submission Points</b>	<b>Commissioner Recommendation</b>
7.1 Suggests the plan change consider the number, density and location of buildings/platforms to retain and protect adequate rural amenity value in terms of adverse visual, noise, landscape and environmental effects on neighbouring properties zoned as rural.	Accept in part
7.3 Requests development is adequately mitigated through the use of vegetation and recessive building materials and colours.	Accept
<b>Further Submitter</b>	
X2 MHL Holdings	
X2 - 7.1 Plan Change 12 does not include a change in planning status to the land adjoining the submitters boundary, it is currently zoned Rural Residential and is now proposed as Rural Residential Precinct within the Mission Special Character Zone. Any subdivision of that area will be subject to the relevant district plan provisions including the Structure Plan Design Outcomes. The suggested amendment to Design Outcome 1 in response to submission 3 would also be beneficial in addressing the concerns of this submitter.	Accept in part

<b>Submission Topic – Visual Amenity, Issue 1</b>	
<b>Submitters</b>	<b>Plan Provision(s)</b>
7. Murray Arnold (3.1,3.2)	Appendix 26A, Design Outcome 1, 20
<b>Summary of Submission Points</b>	<b>Commissioner Recommendation</b>
3.1 Suggests that the southern revegetation belt on the boundary between the residential precinct and the rural residential precinct be a minimum of 20m wide and included in the 'indicative open space including reserve areas' to be vested in Council to ensure retention and protection of this area on an ongoing basis.	Accept in part
3.2 Suggests specific assessment criteria for the establishment and ongoing maintenance of the revegetation belt is achieved through strengthening of Design Outcome 20.	Accept
<b>Further Submitter</b>	
X2 MHL Holdings	
X2 - 3.1 Structure Plan Design Outcomes 1 and 20 in combination require that the components of the green network shown in the structure plan will have been planted, including a 20m wide band of vegetation on the southern side of the residential precinct that would be enforced by subdivision consent conditions.	Accept

<b>Submission Topic – Productive Rural Zone Rules, Issue 2</b>	
<b>Submitter</b>	<b>Plan Provision</b>
12. Hawkes Bay Fruit Growers Association (12.1, 12.2)	51b.1, 51b.2.4, 51.b.2.6, 51.b.3.5, 51.b.4.3, 51b.4.3c, 51b.6(10) and 51b.16a 51b.17
<b>Summary of Submission Points</b>	<b>Commissioner Recommendation</b>
12.1 Suggests consistency in wording by updating all references to 'versatile and/or productive soils' to 'versatile and/or productive land' as Horticulture NZ define land as a more encompassing term.	Accept
12.2 Suggests that Places of Assembly be moved from discretionary activity status to non-complying status.	Reject
<b>Further Submitter</b>	
X2 MHL Holdings	
X2 - 12.1 MHL Holdings agree with suggestion to replace references to 'versatile and / or productive soils' with 'versatile and / or productive land' throughout the Plan Change 12 District Plan provisions.	Accept
X2 - 12.2 Discretionary activity status in the Rural Productive Precinct carries over the existing activity status from the Main Rural Zone, being its current zoning. Given the history of the site and its association with the Church and that a discretionary activity requires a full assessment against all relevant district plan objectives and policies, MHL considers a 'discretionary activity status' for a Place of Assembly as appropriate.	Accept

<b>Submission Topic – Esplanade Reserves, Issue 3</b>	
<b>Submitter</b>	<b>Plan Provision</b>
13. Hawke's Bay Regional Council (13.4)	Appendix 26A - Design Outcome 21, Chapter 66 Code of Practice 6.1.3(4)
<b>Summary of Submission Point</b>	<b>Commissioner Recommendation</b>
13.4 Suggests the proposed Plan Change 12 is amended to provide a reserve corridor alongside the Taipo Stream to provide for maintenance and enhancement of the stream corridor for drainage purposes and to support ecological values. Or alternatively, retain provisions 6.1.3.(4) in Vol 2 of current District Plan.	Accept in part
<b>Further Submitter</b>	
X2 MHL Holdings	
X2 - 13.4 The requested amendment for a widened esplanade reserve along the Taipo Stream is not supported on the basis that a 6m wide easement is proposed by Structure Plan Design Outcome 21 for stormwater management. Public access is better provided for by the proposed track network than an esplanade reserve.	Reject

<b>Submission Topic – Infrastructure Services, Issue 4</b>	
<b>Submitters</b>	<b>Plan Provision</b>
5. Lynne Anderson (5.1), 14. Powerco Ltd (14.1)	No specific provision identified
<b>Summary of Submission Points</b>	<b>Commissioner Recommendation</b>
5.1 Concerned that Napier infrastructure and services, especially health services, roads and educations services etc. cannot support the proposed number of new households. Suggests these services need to be further developed before new households are built.	Reject
14.1 Suggests adequate time be given to Powerco to enable forward planning for the provision and laying of new gas supply pipes prior to the establishment of above ground assets. Requests that gas supply infrastructure be coordinated with other utilities to ensure orderly and timely provision of gas supply.	Accept in part
<b>Further Submitter</b>	
X2 MHL Holdings, X1 Powerco	
X2 - 5.1 The Residential Precinct within the MSCZ is consistent with HPUDS. HPUDS is the strategic residential growth document upon which infrastructure and service providers can base their long-term planning. The Ministry of Education have been consulted with regarding local schools and have factored the anticipated population growth into their long term planning.	Accept
X2 - 14.1 Plan Change 12 does not prevent gas supply to the Mission Special Character Zone. No amendments to the Plan Change are requested by this submission and MHL acknowledges the request to coordinate gas supply infrastructure.	Accept
X1 – 5.1 Powerco support the submission point that services need to be further developed before new households are built as this aligns with Powerco's submission regarding the provision of gas infrastructure to new residential areas.	Accept

<b>Submission Topic – Traffic, Issue 5</b>	
<b>Submitters</b>	<b>Plan Provision</b>
1. Keith Moretta, (1.1) 2. Anthony Kite (2.1), 5. Lynne Anderson (5.2)	Appendix 26A Design Outcome 6
<b>Summary of Submission Point</b>	<b>Commissioner Recommendation</b>
1.1 Concerned about visibility for traffic entering and exiting subdivision from both proposed entrances on Puketitiri Road. Suggest speed controls in the form of a reduced speed limit or turning lanes, roundabout or modification of road to improve visibility at both entrances proposed on Puketitiri Road.	Reject
2.1 Would like speed and accident problem on the section of road between Poraiti Road and the new entranceway addressed through road widening and modification of corner. Suggests speed problem be addressed through reduced speed restrictions and/or roundabouts.	Reject
5.2 Suggests road connection with Puketapu Road to avoid congestion on Church Road.	Reject
<b>Further Submitter</b>	
X2 MHL Holdings	
X2 – 1.1 The traffic issues raised by the submitter are addressed in the report prepared by the Traffic Design Group which shows that the effects of the increased traffic generated by the future residential development will be appropriately managed by the existing roading network and mitigated by the proposed entrance designs.	Accept
X2 - 2.1 The traffic issues raised by the submissions are addressed in the Traffic Design Group Report which shows that the effects of the increased traffic generated by the future residential development will be appropriately managed by the existing roading network and mitigated by the proposed entrance designs.	Accept
X2 - 5.2 The traffic assessment confirms that Church Road can adequately accommodate the additional traffic generated	Accept

<b>Submission Topic – Archaeology, Issue 6</b>	
<b>Submitter</b>	<b>Plan Provision</b>
11. Historic Places Hawkes Bay (11.2)	Appendix 26A – Design Outcome 3
<b>Summary of Submission Point</b>	<b>Commissioner Recommendation</b>
<p>11.2 Suggests the following if Plan Change 12 is approved: -</p> <ul style="list-style-type: none"> <li>• an updated archaeological report</li> <li>• further archaeological surveying undertaken prior to any earthworks 24</li> <li>• archaeological monitoring during earthworks and excavation to identify any current unrecorded sites</li> <li>• The developer observes hapū-driven protocols if any undiscovered taonga is unearthed during any ground disturbance.</li> </ul>	Accept in part
<b>Further Submitter</b>	
X2 MHL Holdings	
X2 - 11.2 Design Outcome 3 states that an updated archaeological assessment will be submitted at the time of subdivision and would incorporate a protocol for taonga being unearthed from an unidentified archaeological site during earthworks (an accidental discovery protocol).	Accept

<b>Submission Topic – Heritage, Issue 7</b>	
<b>Submitter</b>	<b>Plan Provision</b>
11. Historic Places Hawkes Bay (11.1)	Appendix 26A – Design Outcome 3
<b>Summary of Submission Point</b>	<b>Commissioner Recommendation</b>
11.1 Suggests that the Grande Maison building and the Observatory pedestal be listed as items of heritage significance in the Napier District Plan, as part of the plan change.	Reject
<b>Further Submitter</b>	
X2 MHL Holdings	
X2 - 11.1 The Grande Maison's heritage and landscape significance is recognised in the objectives, policies and Structure Plan Design Outcomes of the Mission Special Character Zone (Design Outcome 15), it is not a building listed by Heritage NZ, is not original to its site and has been altered internally over the years, so the proposed Mission Special Character Zone provisions provide the appropriate level of protection. The observatory pedestal is protected by the Mission Special Character Zone provisions (Design Outcome 3).	Accept

<b>Submission Topic – Stormwater, Issue 8</b>	
<b>Submitter</b>	<b>Plan Provision</b>
13. Hawke's Bay Regional Council (13.2, 13.3), 10. P and L Alexander Partnership (10.1).	Appendix 26A, Design Outcome 2
<b>Summary of Submission Point</b>	<b>Commissioner Recommendation</b>
13.2 Express doubts as to the adequacy of current technical reports regarding addressing stormwater discharge issue. Suggests further information and/or that re-evaluation of stormwater discharge parameters are made to address stormwater concerns raised by HBRC Asset Managers.	Reject
13.3 Suggests Napier City Council ensure that the capability of existing stormwater and wastewater infrastructure avoids further incidences of contaminated stormwater into the Ahuriri Estuary.	Reject
10.1 Suggests that work is done to the Springfield culvert so that it is able to accommodate an increase in stormwater generated by the Mission development. Concerned that the increase in impervious surfaces as a result of the Mission development will create flooding issues in the Tarirau catchment (land immediately to the west of the proposed development).	Reject
<b>Further Submitter</b>	
X2 MHL Holdings	
X2 - 13.2 MHL have met with the Hawke's Bay Regional Council with reference to the stormwater issues and have agreed an approach to modelling and stormwater storage pond design with the results showing that there are no downstream effects of the discharge from the development. A consent process for the stormwater discharge is nearing completion.	Accept
X2 - 10.1 MHL have met with the submitter to discuss their concerns. Stormwater modelling shows no downstream effects from the development and the Hawke's Bay Regional Council resource consent process for the stormwater discharge is nearing completion. The resource consent and its conditions to be issued by the Regional Council will ensure that any adverse effects resulting from stormwater runoff on downstream properties are avoided or mitigated.	Accept



<b>Submission Topic – Natural Hazards, Issue 9</b>	
<b>Submitter</b>	<b>Plan Provision</b>
13. Hawkes Bay Regional Council (13.5)	No specific provision identified
<b>Summary of Submission Point</b>	<b>Commissioner Recommendation</b>
13.5 Suggests consideration of natural hazard risks including considering enhanced foundation requirements in areas susceptible to liquefaction, restricting critical facilities in tsunami inundation areas and protection of tsunami evacuation routes. Submission notes that contaminated land assessments are required for any change in land use although no specific relief sought.	Accept in part
<b>Further Submitter</b>	
X2 MHL Holdings	
X2 - 13.5 Natural Hazard avoidance is one of the strongest justifications for the subdivision and the hazards referred to by the submitter are only relevant to the Productive Rural Precinct where there is no provision for residential development. The NES for Soil Contamination would also only be primarily relevant to the Productive Rural Precinct where there is no provision for residential development.	Accept

<b>Submission Topic – Cultural Values and Consultation, Issue 10</b>	
<b>Submitter</b>	<b>Plan Provision</b>
<b>4 . T Eden (14.2), 15. Moteo B2G2 Reserve (15.1, 15.2), 16. Moteo Marae (16.1, 16.2), 17. Te Taiwhenua o te Whanganui ā Orotū (Tania Eden)(17.1) 18. Te Taiwhenua o te Whanganui ā Orotū (Peter Eden) (18.2), 19. Waiohiki Marae Trustees (19.1) 11. Historic Places Hawke’s Bay (11.3).</b>	No specific provision identified
<b>Summary of Submission Point</b>	<b>Commissioner Recommendation</b>
<b>4.2</b> Opposes the plan change until full consultation with the community and tangata whenua occurs	Accept in part
<b>15.1</b> Opposes Plan Change from a Māori cultural perspective, under section 6 of the RMA. There has been no consultation with local hapū associated with Moteo Marae (Ngāti Hinepare, Ngāti Mahu, Ngāi Tawhao).	Accept in part
<b>15.2</b> Requests that a Māori Cultural Impact Assessment be undertaken with consultation to enable local hapū to voice concerns in regard to kaitiakitanga.	Accept
<b>16.1</b> Opposes all matters relating to the environs of the proposed development, impact on environment and cultural significance of the area. In particular sites of cultural significance, wāhi tapu, kumara pits and historical sites.	Accept in part
<b>16.2</b> Opposes plan change until full and comprehensive consultation is carried out with local marae, local hapū, Iwi groups and members of the community.	Accept in part
<b>17.1</b> Opposes all matters pertaining to the environs of this development. Suggests immediate consultation with the local hapū, local marae (including Moteo Marae and other Iwi groups impacted by this development.	Accept in part
<b>18.2</b> Concerned about the impact of urban development and liaison with tangata whenua, impact on sites of cultural significance, impact on landscapes and codes of practice regarding lot size and density.	Accept in part
<b>18.3</b> Suggests that plan change is not progressed until full consultation is carried out with affected parties including the community and local hapū.	Accept in part
<b>19.1</b> Requests a cultural impact assessment be undertaken on behalf of Ngāti Pārau.	Accept
<b>11.3</b> Suggests a cultural impact report be undertaken as part of an updated archaeological assessment report.	Accept in part
<b>Further Submitter</b>	
<b>X2</b> MHL Holdings	
<b>X2 - 15.1, 15.2, 16.1, 16.2, 17.1, 18.2, 18.3, 19.1 and 11.3.</b> The concerns raised by these submitters are partially addressed in the archaeological report appended to the Plan Change documentation which concludes that archaeological effects can be suitably mitigated by the plan change as it stands and in association with the requirements of the Heritage New Zealand Pouhere Taonga Act 2014. Section 42 of that Act protects both recorded and unrecorded archaeological sites from modification or destruction. If an application is made under that Act for an archaeological authority, section 46 requires that an assessment of the ‘archaeological, Māori, and other relevant values’ is provided, as is a statement regarding the consultation undertaken with tangata whenua.	Accept in part

<b>Submission Topic – General Matters, Issue 11</b>	
<b>Submitter</b>	<b>Plan Provision</b>
4. Tania Eden (4.1), 8. Garth Eyles (8.1, 8.2), 9. Marist Holdings (Greenmeadows) Ltd (9.1), 12. Hawke's Bay Fruitgrowers Association (12.3), 13. Hawke's Bay Regional Council (13.1).	No specific provision identified
<b>Summary of Submission Point</b>	<b>Commissioner Recommendation</b>
4.1 The number of precincts and residential allotments, the discretionary activities allowed with the plan change, the code of practice regarding density and lot sizes, the land scape and visitor precincts, the impact of the development on the Taipo stream and esplanade, archaeological sites and further tourism in the area.	Accept in part
8.1 General support of the plan change and its development objectives.	Accept
8.2 Concerned with fire risk posed by the eucalyptus plantation behind the Mission Winery and requests removal of trees before development.	Reject
9.1 Supports plan change in its entirety. Suggests Council approve the Plan Change in accordance with the version notified and that any consequential changes as a result of submissions do not alter the intent of the plan change	Accept
12.3. Submitter supports the potential of the plan change to offer elevated housing opportunities to enhance residential developments in Napier	Accept
13.1 Supports Plan Change 12 in so far as it meets the needs identified through the Heretaunga Plains Urban Development Strategy, subject to further assessments as outlined in policies UD10.1, UD10.3, UD10.2 and UD12.	Accept
<b>Further Submitter</b>	
X2 MHL Holdings, X3 Te Taiwhenua o Te Whanganui ā Orotū, Moteo Marae, X4 Chey Dearing	
X2 – 8.2 Issue related to fire risk of eucalyptus plantation is considered an operational issue rather than a plan change matter and is noted by MHL.	Accept
X3 Submission opposed on that grounds outlined in the previous submissions made and secondly based on previous consultation excluding hapū and mana whenua.	Accept in part
X4 Requests a new policy be included in the plan change to further protect the landscape and amenity values of the Taradale Hills	Further Submission Struck out under s41D of the RMA (see paragraph 2.11 of Recommendation Report)

**APPENDIX 2 – Updated s32AA Table - Summary of recommended changes to notified provisions**

KEY TO ANNOTATIONS: additions are shown as underlined - deletions are shown as struck through

This table represents the Panel's assessment as required under Section 32AA of the RMA and it draws on and adopts in part or in full the section 32 (Plan Change Component) and officer's S32AA assessment.

AMENDMENT NO.	CHAPTER	PROVISION	PROPOSED AMENDMENTS	SUMMARY EVALUATION OF AMENDMENTS TO NOTIFIED PROVISIONS
1.	Part 10 – District Plan Appendices	Appendix 26A - Mission Special Character Zone, Design Outcome 7	<p>Amend the following:</p> <p><b>Design Outcome 7: Design Manual and Review Process</b></p> <p>A design manual and design review process is to be implemented to ensure houses contribute positively to the streetscape and character of the Residential Precinct. The design manual is to be submitted with the first subdivision consent application involving land within the Residential Precinct and be given effect to by way of condition of consent. The design review process is to be administered by Marist Holdings (Greenmeadows) Ltd or successor – be a condition of subdivision consent – enforced by consent notice on the title of each residential allotment. Napier City Council's role will be to certify that the process is followed in accordance with the condition. The Design Manual will be assessed on its ability to ensure that built development within the Residential Precinct will give effect to the objectives and policies of the Mission Special Character Zone and in particular objective 51b.4 and policy 51b.4.2. The Design Manual is to include design principles and guidelines which buildings are to be assessed against in the design review process. It is to address such matters as:</p> <ul style="list-style-type: none"> <li>• Relationship of house to street (i.e. including such matters as setbacks, orientation of entrance to the street, provision of windows overlooking street).</li> <li>• House design and appearance (e.g. the design guide is to set out themes characteristic of Napier houses; design principles such as variety, use of materials characteristic of the area, modelling of façade and roof forms to create interest to streetscape <u>and the use of recessive building and colours to mitigate the effects of the development in the Prominent Visual Development Area</u>).</li> <li>• Garaging (including avoidance of visual dominance of garage doors, maximum garage door width as proportion of house width, setbacks from the street, – but also including instances where garages may be appropriate close to the street boundary as part of the distinctive character of the precinct).</li> <li>• Landscape design (including street fencing and contribution of trees in front yards to streetscape).</li> <li>• Specific guidelines and design principles for the Neighbourhood Centre (see Design Outcome 9).</li> </ul>	<p><b>Reason for the Proposed Amendment</b> This amendment introduces a new explanation of what to include in the Design Manual for the Prominent Visual Development Area within the Residential Precinct. The use of recessive building materials and colours is a technique to integrate buildings within the landscape and to avoid buildings that contrast with, and dominate the landscape, to ensure natural values are maintained.</p> <p><b>Evaluation of the Proposed Amendment:</b> <i>Scale and significance</i> The proposed amendment better aligns the design outcomes in achieving the Mission Plan Change and District Plan objectives and policies for the residential precinct (51b.3, 51b.3.1) and Residential Environments (4.2, 4.2.3, 4.2.4). The scale of significance is considered low.</p> <p><i>Costs and benefits</i> The proposed amendments are not anticipated to result in any additional costs that were not considered within the officer's S32AA assessment.</p> <p><i>Appropriateness</i> This amendment is appropriate as it more clearly aligns the explanation with the intent of Design Outcome 7 which is specifically relevant to the Residential Precinct.</p>

AMENDMENT NO.	CHAPTER	PROVISION	PROPOSED AMENDMENTS	SUMMARY EVALUATION OF AMENDMENTS TO NOTIFIED PROVISIONS
2.	Part 10 – District Plan Appendices	Appendix 26A - Mission Special Character Zone Design Outcomes – Design Outcome 21.	<p>Insert the following:</p> <p><b><u>New Design Outcome 22: Rural Residential Design Manual (with any consequential renumbering)</u></b></p> <p><u>A design manual is to be implemented to ensure houses in the rural residential precincts contribute positively to the landscape of the Mission Special Character Zone. The design manual is to be submitted with the first subdivision consent application involving land within the Rural Residential Precincts and be given effect to by way of condition of consent. The design review process is to be administered by Marist Holdings (Greenmeadows) Ltd or successor – be a condition of subdivision consent – enforced by consent notice on the title of each rural residential allotment. Napier City Council's role will be to certify that the process is followed in accordance with the condition. The Design Manual will be assessed on its ability to ensure that built development within the Rural Residential Precincts will give effect to the objectives and policies of the Mission Special Character Zone, in particular objectives 51b.3 and 51b.4 and policies 51b.3.1 and 51b.4.5. The Design Manual may form part of the residential precinct design manual but is to include design principles and guidelines which buildings in the rural residential precinct are to be assessed against in a design review process. It is to address such matters as:</u></p> <ul style="list-style-type: none"> <li>• <u>Relationship of house to landscape to retain and protect rural amenity values</u></li> <li>• <u>House design and appearance (e.g. design principles such as the use of recessive buildings and colours to mitigate visual amenity affects)</u></li> <li>• <u>A site analysis plan to indicate the defining attributes and features of the sites immediate surroundings e.g. contours, roads, reserves and walkways, waterways and wetlands</u></li> <li>• <u>Landscape design to provide a visual buffer</u></li> <li>• <u>Consideration of rural heritage values (i.e. the traditional farming buildings and yards on the Church Road frontage)</u></li> </ul>	<p><b>Reason for the Proposed Amendment</b></p> <p>It is proposed to add a new Design Outcome introducing a Design Manual and Design Review process to the Rural Residential Precinct. The amendment more effectively responds to the significant landscape features identified and recommended for the 'Western Hills' in the Napier Landscape Assessment Report (July 2009). The Rural Residential Precinct provides opportunity for development in areas that are no less sensitive than other visually prominent areas of the MSCZ.</p> <p><b>Evaluation of the Proposed Amendment:</b></p> <p><i>Scale and significance</i> The amendment refines the Plan Change's approach in aligning the design outcomes with the objectives. The scale of significance is considered low to moderate.</p> <p><i>Costs and benefits</i> Although not quantified, the costs of requiring a Design Manual and Review process for the Rural Residential Precincts would be an increase over the provisions as notified through increased regulation. This has been weighed against the benefits in minimising the potential visual effects on properties as viewed from adjacent properties and within the precinct itself.</p> <p><i>Appropriateness</i> The new policy will provide guidance in the development of dwellings in the visually prominent areas of the Rural Residential Precinct in the MSCZ. The amendment is appropriate in achieving the settled objectives in the Plan Change.</p>

AMENDMENT NO.	CHAPTER	PROVISION	PROPOSED AMENDMENTS	SUMMARY EVALUATION OF AMENDMENTS TO NOTIFIED PROVISIONS
3.	Part 10 – District Plan Appendices	Appendix 26A - Mission Special Character Zone Design Outcomes – Design Outcome 1.	<p>Amend Design Outcome 1, bullet point 4:</p> <ul style="list-style-type: none"> <li>• Connected corridors of restored <u>and maintained</u> indigenous vegetation – particularly on South facing slopes.</li> </ul> <p>New bullet point added to Design Outcome 1</p> <p><u>Planting of a band of indigenous vegetation (nominally 20m wide) on the south side of the Residential Precinct to soften views of housing, and provide shelter, in the event the existing pine planation is removed.</u></p>	<p><b>Reason for the Proposed Amendment</b> The inclusion of the word 'maintained' seeks to ensure certainty of the maintenance of the bands of revegetation on the south facing slopes primarily of the Residential Precinct identified in the structure plan.</p> <p>Repeating the bullet point of Design Outcome 20 in Design Outcome 1 is necessary as Design Outcome 1 applies to the whole zone while Design Outcome 20 is specific to the Landscape &amp; Visitor, Rural Production and Rural Residential Precincts.</p> <p><b>Evaluation of the Proposed Amendment:</b></p> <p><i>Scale and significance</i> The amendments are largely for clarification purposes rather than substance. The scale of significance is considered low.</p> <p><i>Costs and benefits</i> The proposed amendments are not anticipated to result in any additional costs that were not considered within the officer's S32AA assessment.</p> <p><i>Appropriateness</i> These amendments are appropriate in that more clearly align the Design Outcome with the Objectives as well as linkage between the Design Outcome and Structure Plan. This will reinforce the coherence of the Plan and be efficient and effective in improving the administration of the Plan.</p>

AMENDMENT NO.	CHAPTER	PROVISION	PROPOSED AMENDMENTS	SUMMARY EVALUATION OF AMENDMENTS TO NOTIFIED PROVISIONS
4.	Chapter 51b	51b.1, 51b.2.4, 51b.2.6, 51b.3.5, 51b.4.3, 51b.4.3c, 51b.6(10) and 51b.16a 51b.17	Update all references in Chapter 51b from 'versatile and productive soils' to 'versatile and productive <u>land</u> '	<p><b>Reason for the Proposed Amendment</b> This amendment aligns terminology with Horticulture NZ, Heretaunga Plains Urban Development Strategy 2017 and the Regional Policy Statement that references the protection of versatile land in favour of terminology concerned with versatile soils. It is more encompassing of all factors influencing versatility, rather than just soils.</p> <p><b>Evaluation of the Proposed Amendment:</b></p> <p><i>Scale and significance</i> The amendments are largely for clarification purposes, and considered to be of low significance.</p> <p><i>Costs and benefits</i> The proposed amendments are not anticipated to result in any additional costs that were not considered within the officer's S32AA assessment.</p> <p><i>Appropriateness</i> This amendment is efficient and effective in improving the administration of the plan change provisions and alignment with the higher order provisions.</p>

AMENDMENT NO.	CHAPTER	PROVISION	PROPOSED AMENDMENTS	SUMMARY EVALUATION OF AMENDMENTS TO NOTIFIED PROVISIONS
5.	Chapter 66 Code of Practice	6.1.3(4)	<p>Delete the following:</p> <p>4. The esplanade reserves for the Taipo Stream shall be 6 metres and 20 metres, except for where it traverses the Mission Special Character Zone where there is no esplanade reserve requirement as shown on Appendix A4 attached.</p> <p><u>Note: Design Outcome 21 in the Mission Special Character Zone Structure Plan provides for a 6m easement for maintenance and stormwater management purposes</u></p> <p>Update 6.1.3(4) with the following:</p> <p><u>The esplanade reserves for the Taipo stream shall be 6 metres and 20m metres as shown on Appendix A4 attached. Consideration of the need to apply the esplanade reserve for the Mission Special Character Zone shall only apply in the following circumstances (albeit with the exception listed below). Any subdivision application for land Comprised in (either Lot 1 DP 27138 held in Certificate of title W3/453 W1/63 and/or Part Lot 2 DP25932 held in certificate of title HBW1/63 (as at 12 September 2018 ) which falls within the Productive Rural, and/or Landscape &amp; Visitor, and/or Rural Residential (fronting Church Road) Precincts where sites of less than 4ha are created within 100m of the Taipo Stream. The exception to this provision is that no esplanade reserve will be required for sites created through subdivision within the Residential Precinct and the Rural Residential Precinct which adjoins the Residential Precinct.</u></p> <p>The esplanade reserves for the Taipo Stream shall be 6 metres and 20 metres as shown on Appendix A4 attached. <u>Consideration of the need to apply the esplanade reserve for the Mission Special Character Zone shall only apply in the following circumstances:</u></p> <ul style="list-style-type: none"> <li>• <u>Any subdivision application for land comprised in (either Lot 1 DP 27138 held in Certificate of Title W3/453 W1/63 and/or Part Lot 2 DP25932 held in Certificate of Title HBW1/63 (as at 12 September 2018) which falls within the Productive Rural, and/or Landscape &amp; Visitor, and/or Rural Residential (fronting Church Road) Precincts where sites of less than 4ha are created wholly or partly within 100m of the Taipo Stream.</u></li> <li>• <u>Upon such subdivision an esplanade reserve shall be set aside either from, or adjacent to, the site created of less than 4ha.</u></li> <li>• <u>The exception to this provision is that no esplanade reserve will be required for sites created through subdivision within the Residential Precinct and the Rural Residential Precinct which adjoins the Residential Precinct.</u></li> </ul> <p>And consequently, Appendix A4 is to be retained without amendment by Plan Change 12.</p>	<p><b>Reason for the Proposed Amendment</b> This amendment removes the 6 metre easement corridor around the Taipo Stream in the notified provisions and replaces that method with provision for a 20m esplanade reserve at the time of any subdivision of land in the Rural Productive or Rural Residential precincts that the Taipo Stream crosses. The amendment provides for a potential esplanade reserve if the land use was to change away from productive rural uses, while negating any health and safety concerns of public access to a stream that traverses an operational vineyard.</p> <p><b>Evaluation of the Proposed Amendment:</b> <i>Scale and significance</i> This amendment effectively reverts this aspect of the Plan Change to the operative District Plan provisions, but with amendments that only trigger the requirements at subdivision and land use change. The scale and significance of this amendment is considered low to moderate.</p> <p><i>Costs and benefits</i> The proposed amendments are not anticipated to result in any additional costs that were not considered within the officer's S32AA assessment.</p> <p><i>Appropriateness</i> These amendments are appropriate in maintaining the potential for a 20 metre esplanade reserve at any future subdivision, including connection though to the lower Taipo Stream. In addition these amendments will make the Plan more effective in the implementation of the Act's sustainable management purpose.</p>



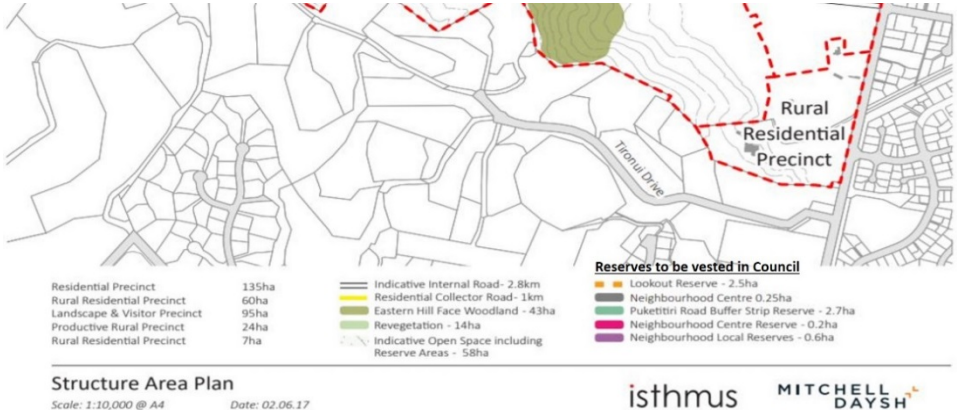
AMENDMENT NO.	CHAPTER	PROVISION	PROPOSED AMENDMENTS	SUMMARY EVALUATION OF AMENDMENTS TO NOTIFIED PROVISIONS
6.	Part 10 - District Plan Appendices	Appendix 26A - Mission Special Character Zone Design Outcomes – Design Outcome 21	<p>Delete the following:</p> <p><u>Design Outcome 21</u></p> <p><u>Taipo Stream Maintenance Easement Access for Napier City Council (and potentially the Hawke's Bay Regional Council) is secured by easement along both sides of the Taipo Stream within the Productive Rural Precinct and Landscape &amp; Visitor Precinct and Rural Residential Precinct for stream maintenance and stormwater management purposes only. The easement will provide a minimum width of 6 metres except where existing buildings and structures necessitate a lesser width, on both sides of the Taipo Stream for maintenance purposes and be registered on the relevant land titles at the time of the first subdivision of the parent title.</u></p> <p>Insert the following:</p> <p><u>Design Outcome 22: Taipo Stream Esplanade Reserve (renumbered as a result of new Design Outcome 21)</u></p> <p><u>Any subdivision application for land in the Mission Special Character Zone which falls within the Productive Rural, and/or Landscape &amp; Visitor, and/or Rural Residential (fronting Church Road) Precincts where sites of less than 4ha are created within 100m of the Taipo Stream will be subject to the provision of a 20m esplanade reserve requirement. An esplanade reserve of 20m allows for effective stormwater quality improvements, the mitigation of natural hazards and provides for public access and recreational use. Not requiring the esplanade reserve at this point in time mitigates health and safety concerns of public access through a working vineyard. This allows the productive uses of the MSCZ to continue until such time as there is a change of land use moving away from productive uses to a residential form of development.</u></p> <p><u>Any subdivision application for land in the Mission Special Character Zone which falls within the Productive Rural, and/or Landscape &amp; Visitor, and/or Rural Residential (fronting Church Road) Precincts where sites of less than 4ha are created wholly and partly within 100m of the Taipo Stream will be subject to the provision of a 20m esplanade reserve requirement adjacent to those sites. An esplanade reserve of 20m allows for the protection of conservation values and particularly effective stormwater quality improvements, in addition to access for maintenance purposes. An esplanade reserve also provides for the mitigation of natural hazards, public access and recreational use. Not requiring the esplanade reserve at this point in time mitigates health and safety concerns of public access through a working vineyard. This allows the productive uses of the MSCZ to continue until such time as there is a change of land use away from rural activity.</u></p>	<p><b>Reason for the Proposed Amendment</b></p> <p>The amendment is required to align the Design Outcome for the Taipo Stream and the above amendment to rule 6.1.3 (4).</p> <p><b>Evaluation of the Proposed Amendment:</b></p> <p><i>Scale and significance</i></p> <p>As with above amendment, this change effectively reverts this aspect of the Plan Change to the operative District Plan provisions, but with amendments that only trigger the requirements at subdivision and land use change. The scale and significance of this amendment is considered low to moderate.</p> <p><i>Costs and benefits</i></p> <p>The proposed amendments are not anticipated to result in any additional costs that were not considered within the officer's S32AA assessment.</p> <p><i>Appropriateness</i></p> <p>This amendment is appropriate in maintaining the potential for a 20 metre esplanade reserve at any future subdivision, including connection though to the lower Taipo Stream. In addition these amendments will make the Plan more effective in the implementation of the Act's sustainable management purpose.</p>

AMENDMENT NO.	CHAPTER	PROVISION	PROPOSED AMENDMENTS	SUMMARY EVALUATION OF AMENDMENTS TO NOTIFIED PROVISIONS
6.	Chapter 51b	Objective 51b.3,	<p>Update Objective 51b.3 by inserting the following word:</p> <p>To provide for the sustainable management of the Mission Special Character Zone including the retention and enhancement of the values of the landscape, heritage, <u>cultural</u>, archaeology and versatile land resources that create the special character of the Zone.</p>	<p><b>Reason for the Proposed Amendment</b> The inclusion of the word 'cultural' in objective 51b.3 accurately reflects the significance of the area to mana whenua with respect to cultural values.</p> <p><b>Evaluation of the Proposed Amendment:</b> <i>Scale and significance</i> The amendment is largely for clarification purposes, and considered to be of low significance.</p> <p><i>Costs and benefits</i> The proposed amendment is not anticipated to result in any additional costs that were not considered within the officer's S32AA assessment.</p> <p><i>Appropriateness</i> The amendment is appropriate in ensuring the alignment of Objective 51b.3 with sections 6(e) and 7(a) of the RMA.</p>
7.	Chapter 51.b	New Policy 51b.3.4	<p>Insert the following policy:</p> <p><u>Policy 51b.3.4</u></p> <p><u>Ensure that kaitiaki status of mana whenua is recognised and provided for through development design that takes into account and reflects the relationship of the site to mana whenua ancestral values.</u></p>	<p><b>Reason for the Proposed Amendment</b> This new policy provides the mechanism for delivery of Objective 51b.3 and provides the basis for Design Outcome 4 of the Structure Plan.</p> <p>The efficiency and effectiveness of the proposed policy will assist in achieving Objective 51b.3 being 'the sustainable management of the Mission Special Character Zone including the retention and enhancement of the values of the landscape, heritage, <u>cultural</u>, archaeology and versatile land resources that create the special character of the Zone.</p> <p><b>Evaluation of the Proposed Amendment:</b> <i>Scale and Significance</i> The amendment refines the Plan Change's approach in recognising the relationship of the Plan Change area to mana whenua values. It is considered to be of low scale and significance.</p> <p><i>Costs and benefits</i> The proposed amendments are not anticipated to result in any additional costs that were not considered within the officer's S32AA assessment.</p> <p><i>Appropriateness</i> The amendment is appropriate as it provides the opportunity for cultural values (i.e. relationship of Māori and their culture and traditions with their ancestral lands) to be recognised and provided for in accordance with RMA obligations.</p>

AMENDMENT NO.	CHAPTER	PROVISION	PROPOSED AMENDMENTS	SUMMARY EVALUATION OF AMENDMENTS TO NOTIFIED PROVISIONS
8.	Part 10 - District Plan Appendices	Appendix 26A - Mission Special Character Zone Design Outcomes – Design Outcome 3.	<p>Amend the following:</p> <p><u>Design Outcome 3: Archaeology and Cultural Values</u></p> <p>Subdivision and development, including tree planting, is to be designed to avoid the disturbance of the 'Recorded Identified Sites' as shown on the Map of Archaeological Sites in Appendix 26F, including a 10m buffer zone around such sites. An updated archaeological Assessment of Environmental Effects is to be submitted with applications for the following activities:</p> <ul style="list-style-type: none"> <li>• Subdivision consent within the Residential Precinct.</li> <li>• Felling the southern pine plantation</li> <li>• Constructing walkway paths</li> <li>• Construction of 'art cabin' accommodation</li> </ul> <p>Insert the following:</p> <p><u>Design Outcome 4: Māori Cultural Values</u></p> <p><u>Cultural values are to be recognised and respected in the design of the development, in particular, in open spaces and public pathways, to reflect the whakapapa, ancestral names, history and stories of the area through engagement with Te Taiwhenua o te Whanganui ā Orotū and Ngāti Pārau. This may include:</u></p> <ul style="list-style-type: none"> <li>• <u>the erection of pou whenua and/or cultural art on the development.</u></li> <li>• <u>the possible gifting of names for precincts, streets and/or reserves.</u></li> <li>• <u>the acknowledgement of stories in the form of plaques or memorials in the area.</u></li> <li>• <u>locally sourced fruiting and flowering natives appropriate for the environment.</u></li> <li>• <u>the acknowledgement of the historical pathways of Ngāti Hinepare in the design of public pathway</u></li> </ul>	<p><b>Reason for the Proposed Amendment</b></p> <p>The amendment to this design outcome seeks to ensure objective 51b.3 and Policy 51b.3.4 are delivered through tangible outcomes that recognise and respect cultural values in the design of the development. The amendment to Design Outcome 3 removes the Cultural Values component of this Design Outcome and places it under a new Design Outcome 4 titled Māori Cultural Values.</p> <p><b>Evaluation of the Proposed Amendment:</b></p> <p><i>Scale and significance</i> This amendment separates out archaeology and cultural values in the design outcomes to provide clarification. The scale and significance is considered low.</p> <p><i>Costs and benefits</i> The proposed amendments are not anticipated to result in any additional costs that were not considered within the officer's S32AA assessment.</p> <p><i>Appropriateness</i> The amendment is appropriate as it provides the opportunity for cultural values (i.e. relationship of Māori and their culture and traditions with their ancestral lands) to be recognised and provided for in accordance with RMA obligations.</p>

AMENDMENT NO.	CHAPTER	PROVISION	PROPOSED AMENDMENTS	SUMMARY EVALUATION OF AMENDMENTS TO NOTIFIED PROVISIONS
9.	Chapter 51b	<i>Principle Reasons for adopting Objectives and Policies</i>	<p>Insert the following wording to Chapter 51b under the heading “<i>Principle Reasons for adopting Objectives and Policies</i>’</p> <p>Both building and archaeological heritage also add to the Character of the Zone. It is therefore important for the integrity of the Special Character Zone that these values are retained into the future. <u>Similarly, there is a relationship of mana whenua ancestral values to the Zone. It is appropriate for these values to be acknowledged in development design as expressed in Policy 51b.3.6 and further articulated in the Structure Plan Design Outcomes. These mana whenua ancestral values are documented in cultural impact assessments prepared in August 2018 on behalf of both Ngāti Pārau and and Te Taiwhenua o Te Whanganui ā Orotū.</u></p>	<p><b>Reason for the Proposed Amendment</b> The proposed addition to the ‘<i>Principle Reasons for Adopting Objectives and Policies</i>’ provides clarity and certainty to the proposed amended objective, new policy and amendment to Design Outcome 4.</p> <p><b>Evaluation of the Proposed Amendment:</b></p> <p><i>Scale and significance</i> This amendment separates out archaeology and cultural values in the design outcomes to provide clarification. The scale and significance is considered low.</p> <p><i>Costs and benefits</i> The proposed amendments are not anticipated to result in any additional costs that were not considered within the original Section 32 assessment.</p> <p><i>Appropriateness</i> The amendment is appropriate as it provides the opportunity for cultural values (i.e. relationship of Māori and their culture and traditions with their ancestral lands) to be recognised and provided for in accordance with RMA obligations.</p>

AMENDMENT NO.	CHAPTER	PROVISION	PROPOSED AMENDMENTS	SUMMARY EVALUATION OF AMENDMENTS TO NOTIFIED PROVISIONS
10.	Part 10 - District Plan Appendices	Appendix 26A - Mission Special Character Zone Design Outcomes – Design Outcome 11.	<p>Insert the following:</p> <p><b>Design Outcome 11: Puketitiri Road Buffer Strip</b></p> <p>A green buffer is to be provided along the boundary of the Residential Precinct with Puketitiri Road to be vested with the Napier City Council. The buffer is to include a path (potentially able to be used as a bridle path) and woodland trees to achieve the following outcomes:</p> <ul style="list-style-type: none"> <li>• A green margin with rural characteristics along Puketitiri Road.</li> <li>• Reduced prominence of Residential Precinct houses as viewed from Puketitiri Road. <u>A landscape and planting plan is to be submitted to Council at subdivision application stage to demonstrate how this will be achieved.</u></li> <li>• <u>A reserve width of approximately 12 – 20 metres, depending on any localised topographical constraints (Refer to figures 31 and 32 of the Urban Design Statement + Assessment of Landscape and Visual Effects, 2018 Isthmus Report for a concept plan and cross sectional diagrams that depict the reserves interface with Puketitiri Road).</u></li> <li>• Trees capable of growing to 9m high.</li> <li>• A soft surfaced path (e.g. compacted limestone or similar) that connects the Residential Precinct path network.</li> <li>• An off road connection from Puketitiri Road to Church Road via the path network through the Mission Special Character Zone.</li> <li>• The reserve location and area is to be generally consistent with that shown on the Structure Plan Area Plan Map in Appendix 26B-2 and is to be vested at the time of the first subdivision of the Residential Precinct. If land within the zone is required to be purchased for the upgrading of Puketitiri Road the internal reserve boundary is to be moved to maintain the reserves proposed width and purpose</li> </ul>	<p><b>Reason for the Proposed Amendment</b> Amendment is to ensure clarity around the Puketitiri Road Buffer Strip Reserves overall purpose and function, including the timing of its establishment as a means to mitigate environmental effects.</p> <p><b>Evaluation of the Proposed Amendment:</b></p> <p><i>Scale and significance</i> The amendment is largely for clarification purposes, in providing further detail to the Design Outcome. It is considered to be of a low scale and significance.</p> <p><i>Costs and benefits</i> The proposed amendments are not anticipated to result in any additional costs that were not considered within the officer's S32AA assessment.</p> <p><i>Appropriateness</i> The amendment is appropriate in that it will enhance the implementation of the Plan Change through clarifying the connection between the Structure Plan Map and the Design Outcome.</p>

AMENDMENT NO.	CHAPTER	PROVISION	PROPOSED AMENDMENTS	SUMMARY EVALUATION OF AMENDMENTS TO NOTIFIED PROVISIONS
11.	Part 10 - District Plan Appendices	Appendix 26B – 2: Mission Special Character Zone Structure Plan – Area Plan Map	<p>Amend Structure Plan – Area Plan Map with the following heading:</p>  <p>Structure Area Plan Scale: 1:10,000 @ A4 Date: 02.06.17</p> <p>isthmus MITCHELL DAYSH</p>	<p><b>Reason for the Proposed Amendment</b> This is a consequential change to provide further clarification for Design Outcome 1 and 11 on the specific reserves to be vested in Council.</p> <p><b>Evaluation of the Proposed Amendment:</b> <i>Scale and significance</i> These amendments are primarily a matter of clarification rather than substance. The scale and significance is considered low.</p> <p><i>Costs and benefits</i> The proposed amendments are not anticipated to result in any additional costs that were not considered within the officer's S32AA assessment.</p> <p><i>Appropriateness</i> The amendment is appropriate in that it more clearly identifies the reserves to be vested. It will also assist with the administration of the District Plan.</p>

AMENDMENT NO.	CHAPTER	PROVISION	PROPOSED AMENDMENTS	SUMMARY EVALUATION OF AMENDMENTS TO NOTIFIED PROVISIONS
12.	Chapter 51b	Policy 51b.5.2	<p>Update policy 51b.5.2 with the following wording change:</p> <p>To achieve this objective, the Council will:</p> <p><u>Ensure implementation and retention of</u> <del>Implement and retain</del> woodland planting to the hill face to retain its undeveloped appearance and to stabilise the slope while softening and adding visual interest to the landscape.</p>	<p><b>Reason for the Proposed Amendment</b>  This change falls within the scope of a clause 16 (2) amendment under the First Schedule of the RMA. In practice the regulatory method of assessing a resource consent application for subdivision will be considered primarily under Design Outcome 16 and conditions of consent imposed under this provision accordingly. The recommended minor wording amendment to Policy 51b.5.2 will make future administration of the policy clear and explicit for all plan users.</p> <p><b>Evaluation of the Proposed Amendment:</b></p> <p><i>Scale and significance</i>  The amendment is largely for clarification purposes, in providing further detail to the Design Outcome. It is considered to be of a low scale and significance.</p> <p><i>Costs and benefits</i>  The proposed amendments are not anticipated to result in any additional costs that were not considered within the officer's S32AA assessment.</p> <p><i>Appropriateness</i>  The amendment is appropriate in that it more clearly states the intention of the policy. It will assist with the administration of the District Plan as it relates to the role of Council.</p>