

## APPENDIX D Officers S42A Recommendation Summary Report by Topic

**Key:** Highlighted sections indicate a change from S42A Report as a result of further consideration of information raised in the expert evidence of MHL and discussions with HBRC as Asset Managers of the Taipo Stream

<b>Submission Topic – Visual Amenity, Recommendation 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>Section 42A Reporting Officers 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 – 1500m2.	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>S42A changes to the Proposed Plan Change as a result of Recommendation 1</b>	
The S42A report recommended no changes as a result of these submissions.	
<b>Changes recommended post hearing</b>	

Insert the following bullet points into Design Outcome 11:

- Reduced prominence of Residential Precinct houses as viewed from Puketitiri Road. A landscape and planting plan is to be submitted to Council at subdivision application stage to demonstrate how this will be achieved.
- 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).

Insert the heading: Reserves to be vested in Council in Appendix 26B-2:



### Reasons for the Recommendation 1

This amendment is proposed as a result of matters raised at the hearing. The purpose of these changes 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 raised by Submitter 2. The inclusion of a heading in the Structure Plan Area Map is a consequential change to provide further clarification for Design Outcome 1 and 11 on the specific reserves to be vested in Council.

Overall I agree with the expert opinion expressed in the Urban Design and Landscape Assessment report. The plan as proposed (with the above amendments) provides adequate mitigation for visual amenity to address these submitters concerns. The Puketitiri Road Buffer Strip Reserve is designed to manage reserve sensitivity issues that may be experienced by residents in Puketitiri Road. The Eastern Hill Face woodland has been designed to screen the residential precinct from Church Road and the use of vegetation to mitigate visual affects within the plan change area is significant. The Design Outcomes and consent requirements are sufficient to give effect to the objectives and policies of the Mission Special Character Area.

### Submission Topic – Visual Amenity, Recommendation 2

Submitters	Plan Provision(s)
7. Merv McNatty (7.1, 7.3)	Appendix 26A, Design Outcome 7
<b>Summary of Submission Points</b>	<b>Section 42A Reporting Officers 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. (changed from S42A report that rejected this submission point as part of recommendation 1)
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>Changes to the Proposed Plan Change as a result of Recommendation 2</b>	
I recommend a change as a result of submission points 7.1 and 7.3 from Merv McNatty	
<b>Proposed Changes</b>	
<b>New Design Outcome 21: Rural Residential Design Manual (with consequential renumbering of design outcome 21 to 22)</b>	
<p>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:</p>	
<ul style="list-style-type: none"> <li>• Relationship of house to landscape to retain and protect rural character and amenity values</li> <li>• Consideration of scale and built form in relation to the existing rural landscape</li> <li>• House design and appearance (e.g. design principles such as the use of recessive buildings materials and colours to mitigate visual amenity affects)</li> <li>• Landscape design to integrate the building into the landscape (e.g vegetative buffer, building setback)</li> <li>• Consideration of rural character and heritage values (e.g. the consideration of scale and built form with regard to traditional farming buildings and yards on the Church Road frontage)</li> <li>• 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</li> </ul>	
<b>Amendment to Design Outcome 7, bullet point 2</b>	
<ul style="list-style-type: none"> <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 and the use of recessive building and colours to mitigate the effects of the development in the Prominent Visual Development Area).</li> </ul>	
<b>Reasons for Revised Recommendation 2</b>	
<p>This recommendation has been further developed as a result of the expert evidence of MHL Holdings. I agree with the point that Design Outcome 7 only applies to the residential precinct and therefore a new Design Outcome 21 is proposed that introduces a design manual to the rural residential precinct for the purpose of mitigating visual amenity effects.</p>	
<p>Further amendments to Design Outcome 7 include the provision of guidelines on the use of recessive buildings and colours for house design in the Prominent Visual Development Area within the Residential Precinct. This proposal is supported in the expert evidence of Philip McKay and has been reworded to apply only to the Prominent Visual Development Area of the Residential Precinct.</p>	

Both these proposals will ensure the plan change more effectively responds to the significant landscape features identified and recommended for the 'Western Hills' in the Napier Landscape Assessment Report (July 2009). In my opinion, the rural residential precinct provides opportunity for development in areas that are no less sensitive than other visually prominent areas of the MSCZ. The specific policy for the rural residential precinct is:

- a) To enable both rural residential development and on-going farming and forestry activities on land of lower versatility and landscape significance that is unsuitable for full residential development.
- b) Provide land use controls that are generally consistent with the Rural Residential Zone.
- c) To enable the efficient use and development of existing building resources.

Rural residential development is likely to occur in areas of greater landscape significance within this precinct such as on high points, ridgelines and areas adjacent to the residential precinct where a design manual already applies. In my opinion, reduced intensity of development in the rural residential precinct in the form of larger minimum lot sizes, greater setbacks and smaller site coverage provisions are not in themselves sufficient in mitigating potential visual amenity issues when the landscape is viewed as a whole. The recommendation of a design manual and review process on titles as a method of managing the visual amenity issues in an area identified as a significant landscape feature is deemed appropriate to meet the following obligations under the RMA, MSCZ objectives and existing objectives and policies of the Napier District Plan.

Section 7(c) of the Resource Management Act 1991 (RMA) requires Council to have particular regard to the maintenance and enhancement of amenity values. Objective 51b.3 of the Mission Special Character Zone provides 'for the sustainable management of the Mission Special Character Zone including the retention and enhancement of the values of the landscape, heritage, archaeology and versatile land resources that create the special character of the Zone'. This aligns with the Rural Environments objective in the Napier District plan 'to protect the city's outstanding natural features, significant landscapes and its rural land from the adverse affects of inappropriate subdivision, use and development of land' and policy 33.2.5 that requires 'specific consideration of the landscape and visual effects of development proposals where they are located on landscapes identified as outstanding or significant in the Napier City Landscape Assessment Study'.

The above recommendation has been developed as an appropriate response to submission 7 ( Merv McNatty) who raises concern about the visual impact of the rural residential precinct. Plan Change 12 provides an opportunity to strengthen the District Plan provisions applying to the significant landscape comprising the MSCZ, beyond existing rural residential zoning rules. This is reflective of the precincts location within the Mission Special Character Zone and the wider significant amenity feature of the Western Hills.

<b>Submission Topic – Visual Amenity, Recommendation 3</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>Section 42A Reporting Officers 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	

<b>X2 - 3.1</b> 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>Changes to the proposed plan change as a result of recommendation 3</b>	
I recommend a change as a result of submission 3. Murray Arnold	
<b>Proposed Changes</b>	
New wording for Design Outcome 1, bullet point 4: <ul style="list-style-type: none"> <li>Connected corridors of restored <u>and maintained</u> indigenous vegetation - including a nominally 20m wide buffer of indigenous vegetation on the South side of the residential precinct.</li> </ul>	
<b>New bullet point added to Design Outcome 1</b> <ul style="list-style-type: none"> <li><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 plantation is removed.</u></li> </ul>	
<b>Reason for revised recommendation 3</b>	
These amendments will provide greater certainty of the planting and maintenance of the restored indigenous vegetation areas as specified in the Structure Plan. Repeating the bullet point of Design Outcome 20 in Design Outcome 1 is necessary because Design Outcome 1 applies to the whole zone while Design Outcome 20 is specific to the Landscape & Visitor, Rural Production and Rural Residential Precincts. The required vegetation buffer as shown on the Structure Plan map falls largely, but not exclusively, in the Residential Precinct.	

<b>Submission Topic – Productive Rural Zone Rules, Recommendation 4</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>Section 42A Reporting Officers 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

<b>X2 - 12.2</b> 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>Changes to the proposed plan change as a result of recommendation 4</b>	
I recommend a change as a result of submission point 12.1 and no changes as a result of 12.2	
<b>Proposed Changes</b>	
That the submission point 21.1 from Hawkes Bay Fruitgrowers Association be accepted in that all references in the plan change to 'versatile and/or productive soils' be changed to 'versatile and productive soils <u>land</u> '	
<b>Reasons for Recommendation 4</b>	
A reference to versatile and productive 'land' over and above versatile and productive 'soils' will ensure broader protection of the resource that the plan change is seeking to protect and will be consistent with the terminology in the RPS. A discretionary status for place of assembly is the most appropriate in this instance considering the MSCZ purpose, objectives and policies. Any review of 'places of assembly' rules in productive land zones should be undertaken as part of the full District Plan review.	

<b>Submission Topic – Landscape and Visitor Precinct, Recommendation 6</b>	
<b>Submitter</b>	<b>Plan Provision</b>
8. Garth Eyles (8.2)	No specific provision identified
<b>Summary of Submission Point</b>	<b>Section 42A Reporting Officers Recommendation</b>
8.2 Concerned with fire risk posed by the eucalyptus plantation behind the Mission Winery and requests removal of trees before development.	Accept in part
<b>Further Submitter</b>	
X2 MHL Holdings	
<b>X2 – 8.2</b> 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
<b>Changes to the proposed plan change as a result of Recommendation 6</b>	
I recommend no changes as a result of submission point 8.2	
<b>Reasons for Recommendation 6</b>	
Tree species is not something regulated through the District Plan. The concern for the danger of Eucalyptus trees has been noted in the further submission from MHL and will therefore be a consideration in the development of a landscape and planting plan for the proposed Eastern Hill Face planting to achieve Design Outcome 16	

<b>Submission Topic – Esplanade Reserves, Recommendation 7</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>Section 42A Reporting Officers 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>Changes to the proposed plan change as a result of Recommendation 7</b>	
I recommend a change as a result of submission point 13.4	
<b>Proposed change in S42A report</b>	
That rule 6.1.3.4 in the Code of Practice, Volume 2 of the Napier District Plan be updated with the following wording: 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. <del>Note: Design Outcome 21 in the Mission Special Character Zone Structure Plan provides for a 6m easement for maintenance and stormwater management purposes</del>	
<b>Changes as a result of conferencing with HBRC, MHL and Napier City Council (prompted by recognition of HBRCs statutory responsibilities in relation to the Taipo Stream).</b>	
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>	
<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>	
<b>Design Outcome 22: Taipo Stream Esplanade Reserve (renumbered as a result of new Design Outcome 21)</b>	
<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</u>	

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.

**Reason for revised Recommendation 7**

Further discussions with HBRC, as Asset Managers of the Taipo Stream have focused on their concerns with the substitution of a 20m reserve corridor for a 6m easement proposed in the plan change and as supported in the S42A report. Concerns were raised in relation to the adequacy of an easement as a substitution to an esplanade reserve that negates any future options of gaining an esplanade reserve if the land use was to change from productive use to one supporting residential type development. A change in land use would remove the health and safety concerns of public access to a stream that traverses a working vineyard. In addition, the Heretunga Plains Rivers Control and Flood Drainage Scheme and powers under the Local Government Act 2002 allow the HBRC to undertake stream maintenance on this section of the Taipo Stream without the need for a 6m easement. Rule 71 in the RRMP controls any activity within 6m of the stream that may impede these rights.

Post the hearing, Minute 4 directed planners from Napier City Council, HBRC and MHL to conference and provide the Panel with a single version of the provisions for an esplanade reserve for the Taipo Stream, including the trigger for requiring the establishment of an esplanade reserve and the corresponding design outcome. The above text is the outcome of this conferencing for which all parties were in agreement. This amendment negates the need to provide a 6m easement on subdivision but provides for an esplanade reserve if land use is to change. Updates to this rule will ensure a 20m Esplanade Reserve is acquired on subdivision of the Rural Residential precinct (Church Road frontage) where the health and safety concerns around public access through a working vineyard do not exist. An esplanade reserve at a width of 20m allows for effective stormwater quality improvements, the mitigation of natural hazards and provides for public access and recreational use.

**Submission Topic – Infrastructure Services, Recommendation 8**

<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>Section 42A Reporting Officers Recommendation</b>
5.1 Concerned that Napier infrastructure and services, especially health services, roads and education 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

**Changes to the District Plan as a result of Recommendation 8**

I recommend no changes as a result of submission points 5.1 and 14.1

**Reasons for Recommendation 8**

The submissions relating to the provision of infrastructure services do not warrant any changes to the plan as notified. Adequate notification has been given to external infrastructure service providers of the proposed development and I concur with the expert opinion expressed in the Traffic report that the existing roads have adequate capacity to service the new development.

**Submission Topic – Traffic, Recommendation 9**

<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>Section 42A Reporting Officers 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

**Changes to the proposed plan change as a result of Recommendation 9**

I recommend no changes as a result of submission points 1.1, 2.1 and 5.2

**Reasons for Recommendation 9**

I agree with the expert evidence of Robin Malley Team Leader Transportation and the Traffic Engineering Report. The current roading network is sufficient to cater for the increase in traffic. Planned safety improvements will assist but are not necessary in order for the plan change to be granted.

<b>Submission Topic – Archaeology, Recommendation 10</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>Section 42A Reporting Officers Recommendation</b>
11.2 Suggests the following if Plan Change 12 is approved: - <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>Changes to the proposed plan change as a result of Recommendation 10</b>	
I recommend no changes as a result of submission point 11.2	
<b>Reasons for Recommendation 10</b>	
Principle protection of archaeological sites is afforded through the Heritage NZ Pouhere Toanga Act 2014 and the plan change as it stands. In particular, Design Outcome 3.	

<b>Submission Topic – Heritage, Recommendation 11</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>Section 42A Reporting Officers 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>Changes to the proposed plan change as a result of Recommendation 11</b>	
I recommend no changes as a result of submission point 11.1	
<b>Reasons for Recommendation 11</b>	
The plan change process is not the appropriate time to consider the inclusion of new items of heritage significance. The Plan Change does not increase risk of effects to any heritage values of existing buildings compared with the current zonings.	

<b>Submission Topic – Stormwater, Recommendation 12</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>Section 42A Reporting Officers 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	

<b>X2 - 13.2</b> 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
<b>X2 - 10.1</b> 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>Changes to the proposed plan as a result of Recommendation 12</b>	
I recommend no changes as a result of submission points 13.2, 13.3 and 10.1	
<b>Reasons for Recommendation 12</b>	
Concerns of both submitters have been addressed through the Stormwater Discharge approval process managed by the HBRC.	

<b>Submission Topic – Natural Hazards, Recommendation 13</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>Section 42A Reporting Officers Recommendation</b>
<b>13.5</b> 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>	
<b>X2</b> MHL Holdings	
<b>X2 - 13.5</b> 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>Changes to the proposed plan as a result of Recommendation 13</b>	
I recommend no changes as a result of submission point 13.5	
<b>Reasons for Recommendation 13</b>	
The proposed plan change gives sufficient consideration to natural hazards and if anything contributes positively to the Napier District by providing a development option outside of existing coastal hazard and liquefaction risk zones.	

<b>Submission Topic – Cultural Values and Consultation, Recommendation 14</b>	
<b>Submitter</b>	<b>Plan Provision</b>
<b>15.</b> Moteo B2G2 Reserve (15.1, 15.2), <b>16.</b> Moteo Marae (16.1, 16.2), <b>17.</b> Te Taiwhenua o te Whanganui ā Orotū (Tania Eden)(17.1) <b>18.</b> Te Taiwhenua o te Whanganui ā Orotū (Peter Eden) (18.2), <b>19.</b> Waiohiki Marae Trustees (19.1) <b>11.</b> Historic Places Hawke's Bay (11.3).	No specific provision identified
<b>Summary of Submission Point</b>	<b>Section 42A Reporting Officers Recommendation</b>
<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	Accept in part

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.

#### **Changes to the proposed plan as a result of Recommendation 14**

I propose the following changes as a result of these submissions, the Cultural Impact Assessments and the expert evidence from MHL

1. That the following word be included in Objective 51b.3:

To provide for the sustainable management of the Mission Special Character Zone including the retention and enhancement of the values of the landscape, heritage, cultural, archaeology and versatile land resources that create the special character of the Zone.

2. That a new policy is inserted as follows:

#### **Policy 51b.3.6 (new numbering)**

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.

3. That Design Outcome 4 be inserted:

#### **Design Outcome 4: Māori Cultural Values**

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:

- the erection of pou whenua and/or cultural art on the development.
- the possible gifting of names for precincts, streets and/or reserves.
- the acknowledgement of stories in the form of plaques or memorials in the area.
- locally sourced fruiting and flowering natives appropriate for the environment.
- the acknowledgement of the historical pathways of Ngāti Hinepare in the design of public pathways

4. That the following wording be added to Chapter 51b under the heading "Principle Reasons for adopting Objectives and Policies"

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. 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 Te Taiwhenua o Te Whanganui ā Orotū.

#### **Reasons for Recommendation 14**

As a result of these submissions, two CIA's were commissioned to inform the plan change. The CIA's clearly demonstrate the significance to mana whenua of the broader Western Hills area that the Mission Special Character Zone fits within. The CIA's provide the mandate to ensure the relationship of mana whenua with their culture and traditions with their ancestral lands will be recognised and provided for in accordance with Section 6(e) of the Resource Management Act. Additional changes highlighted are consequential and have been added in response to the expert evidence from MHL. A further administrative amendment has been proposed as a result of matters raised at the hearing. This amendment separates out archaeology and cultural values in the design outcomes to ensure Māori cultural values are given appropriate recognition in the plan change. This change removes the cultural values component of Design Outcome and places it under a new Design Outcome 4 titled Māori Cultural Values.

<b>Submission Topic – General, Recommendation 15</b>	
<b>Submitter</b>	<b>Plan Provision</b>
8. Garth Eyles (8.1), 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>Section 42A Reporting Officers Recommendation</b>
8.1 General support of the plan change and its development objectives	Accept
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>Changes to the proposed plan as a result of Recommendation 15</b>	
I recommend no changes as a result of submission points 8.1, 9.1, 12.3 and 13.1	
<b>Reasons for Recommendation 15</b>	
I acknowledge the points raised in submissions supporting the Plan Change. I agree that the Plan Change will facilitate the provision of additional housing generally consistent with HPUDS. I recommend the Plan Change be approved subject to the minor recommendations addressed elsewhere in this report.	

<b>Submission Topic – Range of Issues, Recommendation 16</b>	
<b>Submitter</b>	<b>Plan Provision</b>
4. Tania Eden (4.1, 4.2)	No specific provision identified
<b>Summary of Submission Point</b>	<b>Section 42A Reporting Officers 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.	Reject in part
4.2 Opposes the plan change until full consultation with the community and tangata whenua occurs	Accept in part
<b>Further Submitter</b>	
<b>X3</b> Te Taiwhenua o Te Whanganui ā Orotū, Moteo Marae, <b>X4</b> Chey Dearing	
<b>X3</b> 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
<b>X4</b> Requests a new policy be included in the plan change to further protect the landscape and amenity values of the Taradale Hills	Reject
<b>Changes to the proposed plan change as a result of Recommendation 16</b>	
I recommend no changes as a result of submission points 4.1 and 4.2 and further submissions X3 and X4	
<b>Reasons for Recommendation 16</b>	
<p>The further submission of Te Taiwhenua o Te Whanganui ā Orotū and Moteo Marae raises further concern regarding mana whenua consultation. As there are no new issues raised in the further submission of Ms Eden and it effectively reiterates the points made in her original submission, no person is potentially disadvantaged through considering this submission. Following the further submission period, and following consultation with the submitter, Napier City Council commissioned CIAs from both Te Taiwhenua o Te Whanganui ā Orotū and Ngāti Pārau. Further, additional meetings have been held between the landowners, Council and mana whenua to develop relationships which will continue through the design and development phase.</p> <p>The further submission X4 Chey Dearing does not relate to a primary submission point and raises a number of new issues that no person has had the opportunity to submit on. As discussed at the hearing, the submission is beyond the scope of what constitutes a vires further submission and therefore will not be further considered. However, the points the submission makes relating to visual amenity and significant landscapes have been addressed elsewhere in the report.</p>	