

PROPOSED PLAN CHANGE PLC17/00047

1. INTRODUCTION

The purpose of Plan Change PLC17/00047 (herein “PLC47” or “the Plan Change”) is to enable some residential development in Stage 2 of Area Q in a timely manner. The current staging framework for Area Q has resulted in development in Stage 2 being stalled until the Parklands Avenue extension road from Wills Road to the Stage 2 land is developed, or until Stage 3E is released. The release of Stage 3E is dependent on the realignment of Airport Drive and a separate Plan Change process to rezone Area R.

PLC47 is required to address an unforeseen consequence of the staging regime for Area Q, which has resulted in Stage 2 land being unable to be developed in a timely manner due to the inability to access public roads. The activity status does not allow for innovative development solutions and unduly restricts options for residential development to progress, even when the effects are in fact able to be managed through a resource consent. The prohibited activity status for access to Airport Drive from Stage 2 Area Q is not the most appropriate activity status for this activity as it has unduly limited the efficient development of the Stage 2 land. The Plan Change seeks to change the activity status to discretionary for the first 30 residential lots/habitable buildings, then cascade to non-complying once 30 residential lots/habitable buildings have obtained resource consent. The cascading activity status in the event that more than 30 residential lots/habitable buildings are developed acknowledges the capacity limitations at the intersection of Airport Drive and State highway 3 (SH3).

The Plan Change is a minor change to a rule and does not impact the overall intent to staging the development of Area Q.

2. BACKGROUND TO PLAN CHANGE

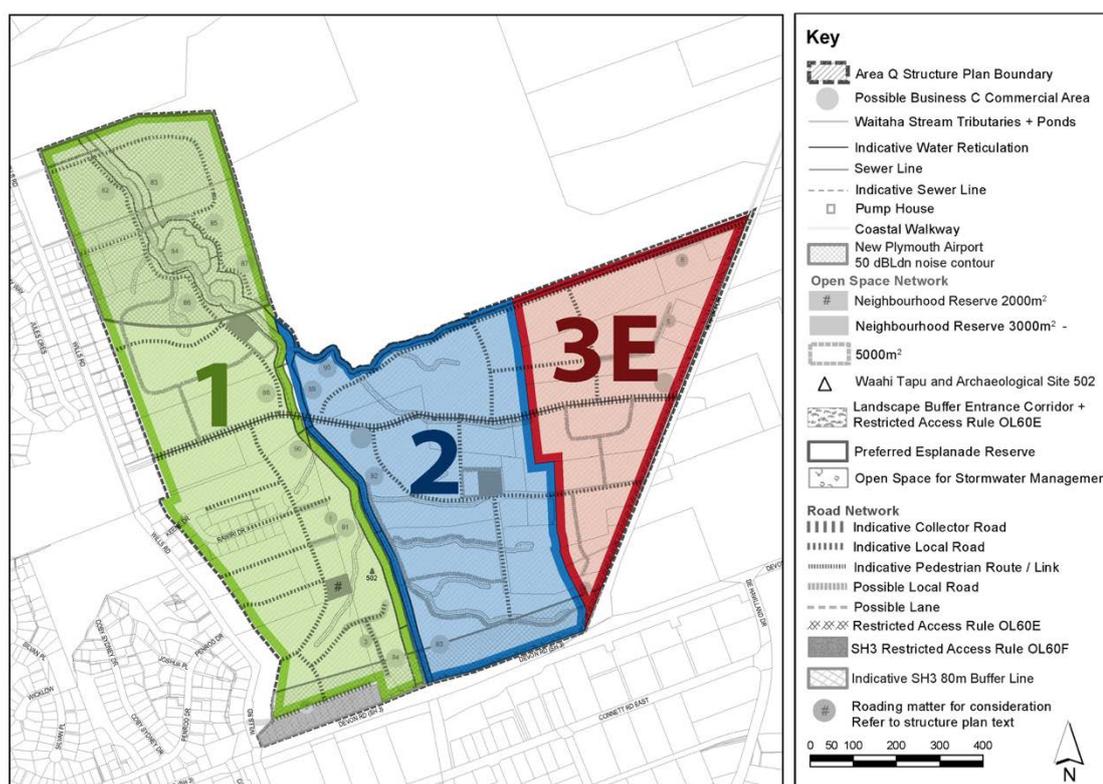
Area Q was rezoned from Rural Environment Area to Residential A Environment Area (“Res A”) in 2014 via PLC09/00020. Plan Change PLC09/00020 (PLC20) resulted in the Area Q Structure Plan, a staging plan and provisions enabling the development of Area Q for residential activities being included in the District Plan. The staging plan was not included as part of the notified Plan Change, but was promoted in the hearing and recommended in the decision. The staging plan was included to address concerns about the capacity of SH3 and Airport Drive, and the formation of the intersection with the State highway, and reverse sensitivity effects expected to arise with sensitive land uses establishing in close proximity to the established poultry operations.

Item for Recommendation

The staging plan divided Area Q into three stages comprising:

- Stage 1 – for which no timing constraints were imposed – this land can be developed immediately in accordance with the Residential A provisions.
- Stage 2 - no development can occur within Stage 2 until the roading access over the Waitaha Stream through the extension of Parklands Avenue from Wills Road is established. Further, roading access from Airport Drive is prohibited until Stage 3E is released.
- Stage 3E - urban residential type subdivision and development is a prohibited activity until Area R is rezoned to an urban zoning through a Plan Change process and released upon completion of the realignment of Airport Drive;
- Stage 3E - and all other activities shall be regulated through the Rural Environment Area rules and any relevant overlays.

Figure 1: Bell Block Area Q Structure Plan Staging



An unforeseen consequence of the staging plan and associated restrictions was the limitations to the development of Stage 2. At the time the decision was made, it was anticipated that some/all of Stage 2 land could gain vehicular access to the south via the Parklands Avenue extension to Wills Road. However, the development of this road connection is reliant on a third party to develop, and this road connection has not been developed.

To remedy this situation, access for some limited residential development of Stage 2 land could be obtained via Airport Drive. However, rule OL60D currently prohibits this activity. Having a prohibited activity status for subdivision is unusual and has proven to be problematic in this circumstance. This prohibited activity status for any access to Airport Drive is considered to be overly onerous as it does not enable the effects of a development to be considered based on traffic activity occurring on the network at the time a subdivision application is made. It is considered that the prohibited activity status has unnecessarily precluded any urban residential development of the Stage 2 land (where access is obtained from Airport Drive, which is currently the only option for access) in the short term. This has therefore reduced the yield realised from projected residential land supply under PLC20 and led to limited development opportunities for owners of Stage 2 land.

Since the PLC20 decision, the Ministry for the Environment has released the National Policy Statement on Urban Development Capacity 2016 (NPS-UDC). New Plymouth District is currently classified as a medium growth district under this policy statement, and is on the cusp of becoming a high growth district. The Council has been informed by central government that it will move to a high growth Council. The NPS-UDC sets out directive policies requiring local authorities to ensure that they provide a supply of appropriately zoned, serviced and feasible land to meet the demands of the growing population. The specific policies from the NPS-UDC that are relevant to PLC47 are discussed in detail later in this report. Compared to the status quo, PLC47 will better assist in giving effect to the NPS-UDC policies and increasing supply of land by enabling some development within Area Q Stage 2 land.

Alongside the Plan Change, financial and engineering planning for the key infrastructure corridors through Area Q, Area R and the Airport Drive re-alignment, will be undertaken to assist in achieving the development capacity requirements of the NPS-UDC for the short and medium term. Consideration to designating key arterial and lead networks will be given, which would then need to be considered in the Long Term Plan 2018/19.

Development in Area Q is also reliant on a sewer system being developed to which lots will connect. The New Plymouth District Council ("the Council") has completed the plans for the sewer development and is currently working alongside those landowners whose land the sewer will traverse. The Council's preferred approach for obtaining the necessary land right to install the sewer is via easement agreements with the affected landowners. The landowners in Stage 2 whose land will be traversed by the proposed sewer line have been precluded, by an unforeseen and unnecessary outcome of PLC20, from developing their land in accordance with the underlying Residential A zone. The Council considers that the Plan Change is appropriate to ensure that at least some development of Stage 2 of Area Q can be progressed in a timely manner. This Plan Change will therefore appease, to some extent, the grievances held by Stage 2 land owners while assisting the Council to reach agreements with

these parties for the use of their land for the sewer line. This has resulted in a more cost-effective outcome for the Council for developing the sewer line via easements as opposed to a Public Works Act acquisition process.

With the view to enabling some residential development within Stage 2 in the short term, the Council considers it appropriate to amend the prohibited activity status to enable the consideration of development within Stage 2 to access Airport Drive via a resource consent process.

3. PROVISIONS OF DISTRICT PLAN AFFECTED BY PLAN CHANGE

Minor changes are required to staging requirements to allow for further development within Stages 1 and 2 of Area Q. The Plan Change seeks to amend rule OL60D to replace the *prohibited* activity status for new subdivision and development activities within Stage 2 land to *discretionary* for up to 30 new residential lots/habitable buildings. Should 30 new residential lots/habitable buildings or more be consented (the trigger being when they obtain resource consent rather than section 224 certification), the activity status changes to non-complying to indicate to the community that Airport Drive is expected to have reached capacity at 30 new residential lots/habitable buildings. Amendments are required to the following provisions:

- Rules - Overlays: Amend rule OL60D which sets out the timing restrictions for development of Area Q. The amendments enable up to 30 dwellings from Stage 2 land to access Airport Drive to be considered as a Discretionary Activity. Development beyond 30 dwellings is not anticipated to be acceptable from a transportation effects perspective and is therefore a non-complying activity, indicating that further development where access is off Airport Drive within Stage 2 prior to the release of Stage 3E is not anticipated. Other subdivision and development in Stage 2 that gains access via the Parklands Avenue extension will be considered under the underlying zone provisions of the Residential Environment Area.
- Rules - Overlays: A new 'Note' has been provided under rule OL60D to provide additional explanation of the expectations for development in Stage 2.
- Rules - Overlays: An additional Non-complying rule is included as rule OL60H to make it clear as to when the non-complying activity status applies.
- Amenity, Health and Safety - Areas for Future Urban Development: Amend Policy 23.4 to enable some limited access to Airport Drive, where the effects on the transportation network are acceptable; and include a new clause (d) which provides for the roads as set out in the Bell Block Area Q Structure Plan. Corresponding amendments to the explanation beneath Policy 23.4 are proposed.

- Appendix 31 – Structure Plan (PLC20) - Area Q Staging: Amend description of the restrictions applying to Stage 2 to reflect the amendments made to rule OL60D.
- Appendix 31 – Structure Plan (PLC20) - Roading: Amend the wording to reflect the changes to the staging rules where up to 30 dwellings may access Airport Drive prior to Stage 3E being released, subject to robust assessment regarding transportation matters.

No changes to the District Plan planning maps are proposed.

4. **STATUTORY REQUIREMENTS AND ASSESSMENT**

The section 32 report prepared for PLC47 is attached as Appendix 1 and sets out the relevant statutory considerations for plan changes and an assessment against those matters. A summary of these matters and findings is provided below:

- The National Policy Statement on Urban Development Capacity 2016 (NPS-UDC) is relevant to PLC47;
- New Plymouth District is now currently classified as a medium high growth urban area, and has been informed by central government that it will be elevated to high growth following the release of population projections later this year, given its population growth is over 10%;
- The Plan Change assists in giving effect to the NPS-UDC because:
 - The Area Q land has long been identified as a key area for new residential development necessary to meet demand. This land is zoned for residential development and has not been identified as unfeasible based on the development that has occurred to date within Stage 1. The Plan Change will enable part of Stage 2 to commence with development by enabling access to the existing road infrastructure;
 - The Plan Change will also assist the Council to obtain the easements required to develop the sewer system, which are necessary to enable any further development in Area Q Stage 1 and Stage 2, and eventually Stage 3E;
- There are no National Environmental Standards that are relevant to the consideration of this Plan Change;¹
- Land within Stage 2 of Area Q is subject to a Statutory Acknowledgement Area, comprising the Watiaha stream and its tributaries. The Plan Change does not change the way this land is managed by the operative District Plan.

¹ The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 may be applicable to land in Area Q. This Standard would be considered via the subdivision resource consent process.

- The Plan Change gives effect to the relevant provisions of the Operative Regional Policy Statement for Taranaki (RPS) on the basis that:
 - The Plan Change will not result in adverse reverse sensitivity effects due to the provisions of the Rural Environment Area rules still remaining applicable until such time as the development of Stage 3E is rezoned for residential purposes;
- There will be no impact on the safe and efficient operation of regionally significant infrastructure. Any effects on access to and from the Airport (via Airport Drive) will be managed via the resource consent process;
 - The proposed Plan Change will further assist in enabling the development of Stage 2, by removing the current statutory bar. The assessments which accompany the Plan Change confirm that there is some capacity in the roading network to provide for this development. However, this will be investigated on a case by case basis as part of any subsequent resource consent process.
- There are no issues within the regional plans that have been prepared by the Taranaki Regional Council with regard to this Plan Change.
- There are no iwi management plans lodged with Council for the subject area, and while there is no direct impact on cultural values as part of this Plan Change, discussions have occurred with Puketapu Hapu and are ongoing with the development of Area Q. There were no issues raised in the submissions with regard to cultural values being affected by the Plan Change. As noted above, the Stage 2 land is subject to a Statutory Acknowledgment Area.

Section 32 also requires an assessment of the changes to the policies, rules and other methods under sections 32(1)(b) and 2(a) of the Resource Management Act 1991 ("RMA"). Section 6.2 of the Section 32 Report provides an analysis of the policies, rules and other methods that are proposed to be amended via this Plan Change against their appropriateness in achieving the objectives for the Residential Environment Area and other relevant objectives in the New Plymouth District Plan. The relevant objectives of the District Plan are extracted below:

Existing amenity, health and safety objectives

Objective 1 *To ensure activities do not adversely affect the environmental and amenity values of areas within the district or adversely affect existing activities.*

Objective 1A *To ensure that activities within and adjacent to the Future Urban Development OVERLAY do not adversely affect the ability to rezone and subsequently develop areas identified as FUTURE URBAN GROWTH AREAS.*

Objective 4 *To ensure the subdivision, use and development of land maintains the elements of RURAL CHARACTER.*

Objective 5 *To maintain and enhance the character and coherence of the urban areas of the New Plymouth District.*

Objective 6 *To ensure:*

- *sufficient space is available to protect residential amenity.*
- *visual and aural amenity is protected.*
- *traffic generation is consistent with the character of the residential area.*

Heritage

Objective 11 *To recognise the district's heritage resources, provide for their protection and promote their enhancement.*

Natural Hazards

Objective 12 *To avoid or mitigate any actual or potential adverse effects of natural hazards on people, property and the environment.*

Tangata Whenua

Objective 19 *To recognise and provide for the cultural and spiritual values of TANGATA WHENUA in all aspects of resource management in the district in a manner which respects and accommodates TIKANGA MAORI.*

Traffic and Transport

Objective 20 *To ensure that the ROAD TRANSPORTATION NETWORK will be able to operate safely and efficiently.*

Works and Services

Objective 22 *To avoid the adverse effects of subdivision, use and development by ensuring appropriate and sufficient INFRASTRUCTURE, COMMUNITY FACILITIES and new areas of open space are provided.*

Areas of FUD

Objective 23 *That land identified for future urban use is comprehensively planned to facilitate an integrated approach to land development while addressing site specific issues to provide for accessible, connected, efficient, liveable communities and coherent urban spaces.*

The provisions of the Plan Change are considered to be appropriate in achieving the relevant objectives of the District Plan. Overall the section 32 analysis concludes that the provisions associated with the Plan Change are appropriate in giving effect to the objectives of the District Plan on the basis that:

- The provisions will enable the efficient use of residentially zoned land by removing the statutory bar that is currently in place and allowing resource consents to be filed and considered;

- The provisions will also be effective in enabling a limited amount of development to be considered by resource consent while ensuring any adverse effects are appropriately managed;
- The actual and potential adverse effects arising from the proposed changes are managed by introducing a two step activity status.
- The activity status that is proposed will enable a full assessment of effects of the development to be considered, and a non complying activity status (post the development of 30 habitable buildings or allotments) provides a clear direction that unless the activity can be managed so as to achieve the objectives and policies of the District Plan, or that the effects are minor or less (including traffic impact considerations), resource consent cannot be obtained;
- The more minor or consequential amendments proposed assist in providing clarity as to the intention of the provisions.

5. CONSULTATION

The pre-notification consultation process carried out for this Plan Change included:

- A meeting was held with NZ Transport Agency (“NZTA”) to discuss the transportation matters associated with the plan change. NZTA have advised that they are supportive of the Plan Change.
- A letter to the Ministry for the Environment advising it of the Plan Change and inviting comment.
- A letter to the Taranaki Regional Council advising it of the Plan Change and inviting comment.
- Puketapu Hapu and Te Atiawa were advised of the Plan Change.
- Meetings were held with D and L Crow and S Wood, owners of land within Area Q Stage 2 and Stage 3E.

The feedback received during this consultation period was positive with key stakeholders and land owners generally indicating their support for the proposal.

6. LIST OF SUBMITTERS TO PLAN CHANGE

A total of seven original submissions were received to PLC47. The following table lists the original submitters.

Original Submitter	Submission Number
Allen Juffermans	1
New Zealand Transport Agency (NZTA)	2
D & L Crow Farm Ltd	3
Brett and Katrina Engert	5
Kit and Meredith Lamdt Jensen	6
Poppas Peppers 2009 Ltd	7
B & B Frederickson	8

It is noted that an additional submission was received by David and Nicole White (submitter reference number 4). However, this submission was subsequently withdrawn on 9 June 2017.

A total of three further submissions were received to PLC47. The following table lists the further submitters.

Further Submitters	Submission Number
Brett and Katrina Engert	FS1
D & L Crow Farm Ltd	FS2
B & B Frederickson	FS3

D & L Crow Farm Ltd's further submission opposed the submission of D & N White, which has now been withdrawn.

7. ASSESSMENT OF SUBMISSIONS AND PLANNER'S RECOMMENDATION

Nature of submissions received

As noted above, seven submissions and two further submissions were received on PLC47.

It was evident from the submissions received that there is general support for the intent and direction of the Plan Change. The key reason for this support is that it was appropriate in order to better facilitate the development of Stage 2 in Area Q.

The NZTA generally supported the Plan Change, but noted that Airport Drive only has capacity for the development of 30 habitable buildings and further development will need to use the collector road as development beyond 30 lots is not anticipated to be acceptable from a transportation perspective.

Brett and Katrina Engert and B and B Frederickson lodged further submissions opposing the submission of NZTA stating that the NZTA submission which supports the Plan Change is not a responsible action while its project (to address the SH3-Waitara to Bell Block) is in investigation stage.

D & L Crow Farm Ltd's further submission supports the NZTA submission, and supports Poppas Peppers 2009 Ltd's submission, both of which generally support the Plan Change.

Item for Recommendation

D & L Crow Farm Ltd also generally supported the Plan Change, but sought minor amendments to ensure that if road access from Wills Road or Parklands Avenue is made available to Stage 2 prior to the release of Stage 3E, then there should not be a timing or development limitation within Stage 2 (i.e. a discretionary activity status should still be retained where such additional or alternative access is available).

Kit and Meredith Lamdt Jensen also supported the Plan Change, but sought that a provisional walkway/cycleway connecting to the proposed subdivision with Wills Road to enable access to the Coastal Walkway and schools should also be provided for as part of the Plan Change.

Poppas Peppers 2009 Ltd supported the Plan Change but sought confirmation that land would not need to be obtained from private property located at 35 Airport Drive in order to widen the carriageway to enable access to Airport Drive.

Allen Juffermans sought that via the Plan Change subdivision in Stage 2 up to 30 habitable buildings should be a Controlled Activity, and thereafter a Discretionary Activity, as there are improvements to the roading network that can satisfy the concerns of the Council regarding the capacity of Airport Drive.

Allen Juffermans submission also sought to change the activity status for development in Stage 3E, to remove the prohibited activity status for subdivision and replace it with non-complying.

Brett and Katrina Engert opposed the Plan Change on the basis that they have concerns about the development of Stage 2 being ahead of schedule and are generally opposed to any access for further development being via Airport Drive. More specifically they raised concerns about traffic hazards on the Highway, and noted that the traffic assessment did not consider the Wills Road/Corbett Road/Farmlands/Fuel Station intersection which is considered to be also affected by the Plan Change and presently has capacity issues.

D & L Crow Farm Ltd's further submission opposes the submission of B and K Engert, as the Crows consider that the Transport Impact Assessment provided with the Plan Change demonstrates that development within Stage 2 with up to 30 allotments gaining access off Airport Drive can be provided for without creating a safety issue.

B & B Frederickson opposed the Plan Change primarily on transportation effects grounds and have raised concerns about the adequacy of the Transport Impact Assessment and the potential for safety effects to arise if more traffic is using Airport Drive. B & B Frederickson raised concerns about the hap-hazard way the District Plan has been written and implemented, and are concerned that further changes will be required to accommodate NPS-UDC pressure. B & B Frederickson have raised a concern that the laneway will become the main

thoroughfare joining Parklands Avenue, which was not in the initial [operative] District Plan.

Brett and Katrina Engert support the submission of B and B Frederickson who raised concerns about the integrity of the Transport Impact Assessment, based on its limited scope.

The submissions and further submissions received are attached as Appendix 2.

Analysis of submissions received

The NZTA submission generally supports the findings of the Traffic Impact Assessment attached to the Plan Change as Appendix C. The Plan Change seeks to change the prohibited activity status for new subdivision and development from Area Q Stage 2 obtaining access from Airport Drive. This prohibited activity status was included in the District Plan given the uncertainty surrounding the re- alignment and upgrading of Airport Drive and the intersection with SH3, which has been identified by the Council and NZTA as requiring upgrading at some future date. Since PLC20 was made operative, improvements to the network have occurred, including the reduction in the speed limit from 100kph to 80kph and planning work has been initiated for the upgrading of this intersection. Given this, it is agreed between the Council and NZTA that there is some capacity in Airport Drive to accommodate limited development from Area Q Stage 2 in the interim, but that a two-stepped activity status is considered to be necessary.

A discretionary activity status is considered appropriate to allow development in Area Q to be assessed via a resource consent process, for the first 30 lots/habitable buildings. After 30 lots/habitable buildings have obtained subdivision consent, then the activity status will change to non-complying. This resource consent process will ensure that the effects on the roading network and other aspects of the environment are fully considered prior to any development being able to proceed.

D & L Crow Farm Ltd ("Crowe") seek to amend the provisions, so that the discretionary activity will apply to the development of habitable buildings within Stage 2, if they can be serviced by an additional or alternative access from Wills Road or Parklands Avenue. PLC20 anticipated the development of Stage 2 with access via the Parklands Avenue extension, and thus avoiding access via Airport Drive. PLC47 does not intend to change the ability for Stage 2 land to be developed where access can be obtained via the Parklands Avenue extension, when this is developed.

However, while an alternative access may be available to Stage 2 land in the future, the proposed amendments to the rules OL60D(a), (b) and (2) sought by Crow would no longer limit the number of habitable buildings gaining access from Airport Drive to 30, as new habitable buildings with access to Airport Drive as well as an alternative access would not be included in the

threshold. In this situation, these dwellings can still access Airport Drive and therefore should be included in the 30 habitable buildings calculation.

However, where the subdivision of land in Stage 2 is proposed with access via the Parklands Avenue extension then the activity status is a discretionary activity (under the Residential Environment Area rules). Where access is proposed to be directly to Wills Road via an alternative connection, then the application will likely comprise a discretionary activity under the current District Plan rules, as this activity would comprise development that does not comply with the Area Q Structure Plan. This is considered appropriate as such access is not foreseen or encouraged in the Area Q Structure Plan.

For these reasons, the amendments sought to rules OL60D(a), (b) and (2), and the Structure Plan guidance in the Crow submission are not recommended to be accepted.

The Crow submission also sought an amendment to the assessment matter (3) that requires an assessment of the effects of the additional vehicle movements on Airport Drive, so that this would apply only where subdivision and development in Stage 2 obtained access *solely* from Airport Drive. This assessment matter will not apply where Stage 2 land obtains access via the Parklands Avenue extension, and, and for development which seek access from Airport Drive along with a secondary access, this amendment would result in this assessment matter not applying to such development. Again, until Stage 3E is released when Airport Drive is realigned, it is considered necessary to ensure that all applications for subdivision and development for Stage 2 land include an assessment of effects on the traffic safety and efficiency of Airport Drive. Accordingly, this amendment is not recommended to be accepted.

However, the submission on the footnote contained under Rule OL60D is supported in part, as this amendment clarifies that development in Stage 2 that does not require access from Airport Drive is anticipated, as it was in PLC20. The recommended amended wording for the footnote follows. PLC47 notified text is shown as underlined and the text sought by the submitter is shown as red underlined. The part of the amended text that is not recommended to be accepted is shown in red underlined/strikethrough highlighted. It is noted that the submitter did not include the works "via the Parklands Avenue extension" in its submission. It is considered necessary to include these works to align the explanation with the operative Structure Plan for Area Q. The inclusion of these words is considered to assist in clarifying the intent of this submission:

** Note: For Area Q Stage 2, the maximum number of HABITABLE BUILDINGS (as at the plan change Notification date) with access off Airport Road that can be accommodated on this transportation network is 30, and any proposals for subdivisions or developments that could accommodate HABITABLE dwellings, shall be a Discretionary Activity, up until this threshold of 30 is met. Once resource consent(s) have been issued for subdivision and/or development that*

cumulatively equates to 30 HABITABLE BUILDINGS then no further development is anticipated within Stage 2 until Stage 3E is released and/or road access is obtained from Wills Road via the Parklands Avenue extension. When Stage 2 reaches this threshold then all subdivision and development activity with road access solely off Airport Drive shall be a non-complying activity until Stage 3E is released.

The suggestion of Kit and Meredith Lamdt Jensen to provide a walkway/cycleway connecting the proposed subdivision with Wills Road to enable access to the Coastal Walkway and schools, is beyond scope of this Plan Change. This Plan Change does not seek to alter the existing Structure Plan for Area Q in any way, and the development of a walkway/cycleway is something that would need to have been included as part of this, and specific provisions developed at that time to provide for its development. However, it is noted that the existing Area Q Structure Plan does provide for the extension of the Coastal Walkway through Area Q, which will enable this connection to be provided in the future.

It is also difficult to accurately quantify what the direct impact of those transporting their bicycles to the Coastal Walkway (and other locations) has on the capacity of Airport Drive versus other more general traffic usage. It is therefore difficult to determine whether the development of a walkway or cycleway would have a significant impact on traffic congestion at Airport Drive, which is the issue of this Plan Change.

However, as land in Area Q is developed, the connection to Parklands Avenue shown on the Area Q Structure Plan (refer Figure 2 below) will be formed and this will provide alternative access to the Coastal Walkway and schools whereby connecting via SH3 will not be required. At the time, these roads are consented (via subdivision consent) consideration for providing walkway/cycleway access as part of the carriageway design can be undertaken under the assessment matters that apply to fully discretionary activities in Area Q whereby matter (1) includes consideration of: *The degree to which parks, reserves and pathways are provided for and effects on the overall provision of parks, reserves and pathways.* The Council can also encourage the development of walkway/cycleway access as part of a controlled subdivision consent process.

Poppas Peppers 2009 Ltd is seeking confirmation that the future development accessing of Airport Drive will not require any additional private land to be taken from 35 Airport Drive to form a connecting road to Airport Drive. The Crow further submission supported this submission. It is noted that the indicative 'local road' shown on the Area Q Structure Plan is located immediately adjacent to the property boundary of 35 Airport Drive, but not over 35 Airport Drive. No changes to the location of this 'local road' on the Area Q Structure Plan are proposed as part of this Plan Change.

The Plan Change seeks to change the prohibited activity status for new subdivision and development within Area Q Stage 2 obtaining access from Airport Drive. This prohibited activity status was included in the District Plan given the uncertainty surrounding the re-alignment and upgrading of Airport Drive and the intersection with SH3, which has been identified by the Council and NZTA as requiring upgrading at some future date. Since PLC20 was made operative, improvements to the network have occurred, including the reduction in the speed limit from 100kph to 80kph and planning work has been initiated, and there has been an increase in demand for the development of sections available for urban development. This Plan Change is required to enable some short term (0-3 years) urban residential development of the land in Stage 2. The prohibited activity status was considered an inappropriate barrier to the development of this land and given the changes to the roading network, increased demand for residential land, and the obligations inherent in the National Policy Statement on Urban Development Capacity 2016, this now needs to be re-assessed. It is noted that the Plan Change requires a resource consent to be obtained for any further development of Stage 2 and as such full consideration of the effects of the proposal on the surrounding environment (including the road network) will need to be considered at that time. This will require a transportation assessment to be prepared specifically for any proposed development seeking access from Airport Drive using the most up to date traffic flow information available at the time the application is lodged. Rejecting the Plan Change in its entirety is therefore not a recommended outcome as per the submissions of Brett and Katrina Engert and B & B Frederickson.

Brett and Katrina Engert and B & B Frederickson also identified in their submissions that the Transport Impact Assessment which accompanied the section 32 report did not consider the Wills Road/Corbett Road/Farmlands/Fuel Station intersection. This submission has been considered by Matt Soper of MWH, whose response is attached to this report as Appendix 3. In brief, Mr Soper has provided the following comments:

The Transport Assessment did not provide a detailed assessment of the impact for intersections other than SH3/Airport Drive for the following reasons:

- *The analysis identified that in its current form the SH3/Airport Drive intersection provides sufficient capacity to accommodate around 20-30 Area Q dwellings up to 2022/2023.*
- *The scale of the impact of 20-30 dwellings upon other intersections is minimal, as:*
 - *For all intersections, aside from SH3/Airport Drive, the development trips add to the major road traffic volume, rather than side road traffic. The impact in terms of average delays is therefore less significant than for other intersections. In essence, the general impact to other intersections would be less than for SH3/Airport Drive.*

While the Plan Change may result in the formation of the indicative roads shown on the operative Structure Plan, the design of these roads will need to be in accordance with the New Plymouth District Council's Land Development and Subdivision Infrastructure Standards, and will be required at the time of subdivision. This is not different to the current requirements, except that any of the indicative roads that enable access from the Stage 2 land through to Airport Drive may be created earlier than was anticipated at the time of the PLC20 decision.

B & B Frederickson have made several suggestions relating to upgrading of the roading network in the immediate and general vicinity of Area Q. While these suggestions are valid, they fall outside the scope of this Plan Change. However, it is noted that any development in Stage 2 of Area Q that is enabled by this Plan Change will be subject to a discretionary or non-complying resource consenting process, a key consideration of which will be the effects of the development on the transportation network. The Council will have the opportunity to decline any application where the transportation assessment concludes that Airport Drive does not have capacity to accommodate the additional vehicle movements.

Allan Juffermans' submission to amend the activity status for the first 30 habitable buildings to Controlled, and thereafter Discretionary, relies on the existing subdivision rules that apply to the Residential Environment Area, which is the zone applicable to the Stage 2 land. In particular, rule Res60 states that the subdivision of an allotment that will require a ROAD to be vested as legal Road is a Discretionary Activity. In addition, the rule Res54 states that the subdivision of an allotment that requires access to an existing right of way where there is an increase in the number of allotments being serviced by, or having ownership of a right of way, is a Discretionary activity. Mr Juffermans considers that as any subdivision in Stage 2 will be caught by these rules, a Controlled activity status under the Overlay rules is appropriate, and would enable the Council to process a subdivision application on a non-notified basis, as matters of discretion would be limited to transportation matters set out under rules Res54 or Res60.

While I accept Mr Juffermans' position for subdivision applications in Stage 2 of Area Q, in my view the Discretionary activity status under the Overlay rule OL60D is appropriate as it provides clear direction to developers in Area Q Stage 2 that the capacity of Airport Drive is not static, and transportation matters will require careful consideration for any development seeking access to Airport Drive.² A controlled activity status under the Overlay rules would not reflect the purpose of the staging of development in Area Q, which for Stage 2 is dependent on roading development. Further, the Discretionary activity status

² Further, it is noted that one habitable building per site within the Residential Environment Area comprises a permitted activity under the Residential Environment Area rule Res9, and more than one habitable building per site is a Discretionary Activity.

aligns with the Residential Environmental Area subdivision rules, which is considered appropriate.

Mr Juffermans' second submission point related to changing the activity status for development in Area Q Stage 3E to remove the Prohibited activity status. This amendment would require careful consideration of the effects likely to arise from this change, and this has not been carried out as part of the PLC47 section 32 analysis. On this basis, it is recommended that this submission point be rejected and that the current staging mechanisms that apply to Stage 3E are retained in the District Plan.

One minor correction has been identified, proposed rule "60H" should be labelled "OL60H". It is noted that existing rules "60E", "60F" and "60G" also require the "OL" inserted in front of them, to read "OL60E", "OL60F" and "OL60G". This minor correction could be made at the same time. It is recommended that this amendment be made.

Other than the minor correction, and the amendment to the footnote outlined earlier in this report, it is recommended that the Plan Change as notified is accepted.

A summary of the recommendations made on the submissions and further submissions is attached to this report as Appendix 4.

8. SECTION 32 – FURTHER EVALUATION

Under Section 32AA of the RMA, a further evaluation is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed. A minor change is now proposed to the explanation note for rule OL60D, so a further evaluation is required, commensurate with the scale and significance of the changes.

In relation to the explanation note for rule OL60D, the Section 32 evaluation stated that "*The explanation note will assist the plan users to interpret the rules and clearly sets out the expectations for development of the Stage 2 area.*" The amendments recommended to this explanation note do not change the information contained in this note, rather the changes will further clarify the intent of the rules insofar as they relate to Stage 2 of Area Q. In terms of the criteria set out in Section 32 of the RMA, it is determined that this amendment is appropriate for the reasons set out in the section 32 evaluation.

APPENDICES

Appendix 1: Plan Change and Section 32 reports ECM7378956

Appendix 2: Submissions and Further Submissions received - Plan Change 47
ECM7471683

Appendix 3: Response from M Soper of MWH regarding the Transport Impact
Assessment

Appendix 4: Table summarising the recommendations made on the submissions and
further submissions.

Report Details

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-----*End of Report*-----