

## Attachment I - Decisions on the Submissions and Further Submissions

### 4.1 Introduction

This section contains the decisions on the submissions and further submissions received on the plan change. The decisions are grouped, to assist the submitters, in the same manner the reporting planner from Council included the recommendations on the submissions in the section 42A RMA report.

### 4.2 Submission Topic Area

Submissions have been arranged in groups according to the following topic areas:

- 4.3 General Submissions
- 4.4 Information Accompanying the Proposed Plan Change and Assessment of Density
- 4.6 Pokeno Structure Plan – Appendix 54.15A
- 4.7 Areas of Significant Indigenous Vegetation
- 4.8 Areas of Indigenous Biodiversity

### 4.3 General Submissions

#### Details:

**Future Proof Implementation Committee (1.1)** generally support the plan change as it encourages development into existing settlements and growth areas, which is a key principle of the Future Proof Strategy. Future Proof supports the changes to the district plan and requests that these are retained as notified. The detail of other submission points is addressed below.

**Waikato Regional Council (3.0)** supported by **Ngati Te Ata (FS4.1)** and **Ngati Tamaoho Trust (FS5.1)** note that a number of consents are likely to be required from WRC in accordance with the Waikato Regional Plan including stormwater discharge, earthworks, diversion or infilling of wetland or stream systems and any structures on or over the bed of any stream or wetland area.

Sub Name Further Sub Name	Sub. Point FS Point	Plan Provision	Sub. Type	Summary of decision sought	Decision	Reasoning
Future Proof Implementation Committee	1.1	General	Support	It is a key principle of the Future Proof Strategy to encourage development into existing settlements and growth areas.  Retain as notified.	Accept in part	The plan change is accepted subject to other decisions below. The plan change has been amended from notification; therefore the submission is accepted in part.
Waikato Regional Council	3.0	General	Neutral	Note that a number of consents are likely to be required from WRC in accordance with the Waikato Regional Plan.	Accept	The likelihood of regional consents being required is noted.
Ngati Te Ata	<del>FS4.1</del>		Support	<i>The further submission supports WRC, in particular the statement that online stormwater treatment is not supported and stormwater treatment devices should be constructed offline.</i>	Accept in part	<i>The relevant submission is accepted in part. It is noted that the WRC does not support online stormwater treatment devices and this is a matter to be addressed as part of any regional consents process.</i>
Ngāti Tamaoho Trust	FS5.1		Support	<i>The further submission supports WRC, in particular the statement that online stormwater treatment is not supported and stormwater treatment devices should be constructed offline and to provide for the protection of identified areas of significant indigenous vegetation and habitat.</i>	Accept in part	<i>The relevant submission is accepted in part. It is noted that the WRC does not support online stormwater treatment devices and this is a matter to be addressed as part of any regional consents process.</i>

#### 4.4 Information Accompanying the Proposed Plan Change and Residential Density

##### Details:

Submissions from **Future Proof Implementation Committee (1.3)** and **New Zealand Transport Agency (2.1)** raise issues with the plan change documentation. These relate to the robustness of the analysis that has accompanied the plan change including reference to documents that the district plan is required to give effect to or have regard to.

The **Future Proof Implementation Committee** has sought that reference to the Future Proof Strategy and the Waikato Regional Policy Statement are included in the plan change documentation as per section 75(3)(c) and section 74(2)(b)(i) of the RMA which require a district plan to give effect to the Regional Policy Statement and have regard to management plans and strategies that have been prepared under other legislation, e.g. Future Proof.

Similarly, **NZTA (2.1 & 2.2)** submits that there was insufficient information provided to ensure that the plan change meets the necessary statutory tests required to be assessed. Subsequently, NZTA sought the rejection of the entire plan change, or, alternatively to ensure that decisions made in relation to the plan change provide for the integration of proposals for future development at Pokeno, in particular, whether the densities proposed by the plan change are appropriate due to the density targets provided in the Regional Policy Statement and draft Future Proof Strategy. The integration of future development and the proposed density of the plan change is addressed below.

Sub Name Further Sub Name	Sub. Point FS Point	Plan Provision	Sub. Type	Summary of decision sought	Decision	Reasoning
Future Proof Implementation Committee	1.3	General	Support	<p>The plan change is generally supported however it would be useful if the documentation referenced the Future Proof Strategy and the WRPS.</p> <p>Reference the Future Proof Strategy and the WRPS in the plan change documentation.</p>	Accept in part	<p>The submission is accepted in part, because the plan change documentation does contain reference to the Future Proof Strategy and to the WRPS.</p> <p>Reference is included in the AEE which needs to be read with the remainder of the plan change application documentation.</p> <p>It is also noted that the RMA requires that the Waikato District Plan gives effect to the WRPS so there is no need to explicitly reference the WRPS for the plan change area in the Waikato District Plan - Franklin Section.</p>

NZTA	2.1	General	Oppose	<p>There is insufficient information to adequately assess the plan change, and the necessary statutory tests have not been met.</p> <p>Reject the plan change in its entirety in the absence of a thorough analysis of the higher order statutory documents; OR</p> <p>Ensure that decisions provide for the integration of proposals for future development at Pokeno. Particular consideration should be given to whether the density targets of the plan change are appropriate given the targets contained in the WRPS and the Draft Future Proof Strategy.</p> <p>Retain the ability to revisit decisions made on the plan change as part of the upcoming District Plan Review.</p>	Reject	<p>The AEE that accompanied the plan change includes an assessment of the relevant statutory documents. The AEE needs to be read with the remainder of the plan change application documentation.</p> <p>For completeness, an assessment of the proposed provisions has been carried out with a particular focus on density and the integration of future development in Pokeno.</p> <p>The location of the plan change is a logical extension of the urban development at Pokeno and the layout and design of future subdivision can readily provide for integration into the existing environment, with that being confirmed during a future resource consent process.</p> <p>The plan change gives effect to the density requirements of the WRPS where the topography of the site allows.</p> <p>The RMA provides for changes to be considered to all plan provisions as part of a District Plan Review.</p>
NZTA	2.2	54.15.2.5 Residential Density	Oppose	<p>There is insufficient information to adequately assess the plan change, and the necessary statutory tests have not been met.</p> <p>Reject the plan change in its entirety in the absence of a thorough analysis of the higher order statutory documents;</p> <p>OR</p> <p>Ensure that decisions provide for the integration of proposals for future development at Pokeno. Particular consideration should be given to whether the density targets of the plan change are appropriate given the targets contained in the WRPS and the Draft Future Proof Strategy. Retain the ability to revisit decisions made on the plan change as part of the upcoming District Plan Review.</p>	Decline	<p>The AEE that accompanied the private plan change includes an assessment of the necessary statutory documents. The AEE needs to be read with the remainder of the plan change application documentation.</p> <p>For completeness, an assessment of the proposed provisions has been carried out with a particular focus on density and the integration of future development in Pokeno.</p> <p>The plan change gives effect to the density requirements of the WRPS where the topography of the site allows.</p>

#### 4.5 Appendix 54.15A: Pokeno Structure Plan Area

**Details:**

The **Future Proof Implementation Committee (1.2)** supports the proposed changes to Appendix 54.15A: Pokeno Structure Plan Area and seek it to be retained as notified.

The **Waikato Regional Council (3.1)** is neutral towards the plan change and acknowledges that urban development is anticipated in Pokeno in a number of documents. WRC seeks the retention of the plan change as notified subject to the amendments sought elsewhere throughout its submission. The details of other submission points are addressed elsewhere in this decisions report.

Sub Name <i>Further Sub Name</i>	Sub. Point <i>FS Point</i>	Plan Provision	Sub. Type	Summary of decision sought	Decision	Reasoning
Future Proof Implementation Committee	1.2	Appendix 54.15A	Support	Future Proof supports the changes to the structure plan area.  Retain as notified.	Accept in part	The plan change has been amended from notification as a result of decisions on other submissions; therefore this submission is accepted in part.
Waikato Regional Council	3.1	Appendix 54.15A	Neutral	Urban development is anticipated in Pokeno in a number of documents. The Future Proof Growth Strategy is currently under review and will include those parts of Waikato District that were formerly part of the Franklin District Council.  Retain as notified subject to amendments sought in other submission points.	Accept in part	The plan change has been amended from notification as a result of decisions on other submissions; therefore this submission is accepted in part.

#### 4.6 Areas of Significant Indigenous Vegetation and Areas of Indigenous Biodiversity

**Details:**

**Waikato Regional Council (3.2)** supported by **Ngati Te Ata (FS4.1)** and **Ngati Tamaoho Trust (FS5.1)** seek further protection be provided for those areas that have been identified as having significant biodiversity values in the Ecological Report appended to the plan change application (Technical Report C – Ecological Assessment: Fresh Water Solutions – April 2017). These areas are denoted as ‘SEI’ and ‘Wetland 1’ and ‘Wetland 2’. SEI is currently listed in the Franklin District Plan as item C34 in Schedule 8A: Historic buildings, Structures, Trees and Areas.

**WRC** requests that ‘Wetland 1’ and ‘Wetland 2’ are included in Schedule 8A or similar relief to ensure their protection. Further relief is sought to amend the objectives and policies of the Pokeno Structure Plan to include reference to “wetlands” to give effect to the Chapter 11 of the WRPS.

Sub Name Further Sub Name	Sub Point FS Point	Plan Provision	Sub. Type	Summary of decision sought	Decision	Reasoning
Waikato Regional Council	3.2	Schedule 8A 54.15.2.2	Oppose in part	In order to provide for the protection of significant indigenous vegetation, amend Schedule 8A to include Wetland 1 and 2 as identified in the plan change document.  In addition to identification, amend Section 54.15.2.2 of the Pokeno Structure Plan to include reference to wetlands in the issues, objective, policy and explanation.	Accept in part	Amendments have been made that include reference to the identified wetlands in the objectives and policies. The wetlands have not been included in Schedule 8A because this Schedule relates to the protection of historic buildings, structures, trees and areas. Inclusion of wetlands in Schedule 8 is consequently not appropriate.
Ngati Te Ata	FS4.1		Support	<i>The further submission supports WRC, in particular the statement that online stormwater treatment is not supported and stormwater treatment devices should be constructed offline.</i>	Accept in part	<i>The relevant submission is recommended to be accepted in part. It is noted that the WRC does not support online stormwater treatment devices and this is a matter to be addressed as part of any regional consents process.</i>

<p><i>Ngāti Tamaoho Trust</i></p>	<p><i>FS5.1</i></p>		<p><i>Support</i></p>	<p><i>The further submission supports WRC, in particular the statement that online stormwater treatment is not supported and stormwater treatment devices should be constructed offline and to provide for the protection of identified areas of significant indigenous vegetation and habitat.</i></p>	<p><i>Accept in part</i></p>	<p><i>The relevant submission is accepted in part. It is noted that the WRC does not support online stormwater treatment devices and this is a matter to be addressed as part of any regional consents process.</i></p>
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## 4.7 Areas of Indigenous Biodiversity

### Details:

**Waikato Regional Council (3.3)** supported by **Ngati Te Ata (FS4.1)** and **Ngati Tamaoho Trust (FS5.1)** have sought general relief to ensure that the effects on areas of indigenous biodiversity within the plan change area are avoided as a preference and where loss or degradation is proposed, there is a process to ensure the effects are assessed and appropriately managed. They have also requested the removal of wording from the explanation to the policy that identifies that modification of ephemeral streams is anticipated in the Pokeno Structure Plan to allow development.

WRC has also sought the removal of reference to the anticipated modification of ephemeral streams to enable development included in 54.15.2.2.4. As an explanation, rather than an objective or policy, it holds little to no weight in any resource consent application assessment. Further, the explanation applies to the whole Pokeno Structure Plan, and not just the Graham Block, therefore there is a possible scope issue with the unanticipated modification of provisions that relate to the wider structure plan area that were not notified as being amended as part of the plan change.

Sub Name Further Name	Sub	Sub. Point FS Point	Plan Provision	Sub. Type	Summary of decision sought	Decision	Reasoning
Waikato Regional Council		3.3	General Plan Change  54.15.2.2.4	Oppose in part	Amend the explanation in 54.15.2.2.4 to remove reference to the anticipated modification of ephemeral streams to allow development as this is inconsistent with the Vision and Strategy and the WRPS.	Accept in part	<p>Following the submission the applicant and WRC have conferred to address the submitter's concerns. Amendments have subsequently been made to the plan change provisions that better address the issue of indigenous biodiversity and allow the Council the ability to assess the removal of indigenous vegetation.</p> <p>Removal of reference to the anticipated modification of ephemeral streams within the explanation is not made because it is only included as an explanation, rather than as an objective or policy, and accordingly carries little weight in any assessments or decisions.</p>

Ngāti Te Ata	FS4.1		Support	The further submission supports WRC, in particular the statement that online stormwater treatment is not supported and stormwater treatment devices should be constructed offline.	Accept in part	The relevant submission is recommended to be accepted in part. It is noted that the WRC does not support online stormwater treatment devices and this is a matter to be addressed as part of any regional consents process.
Ngāti Tamaoho Trust	FS5.1		Support	The further submission supports WRC, in particular the statement that online stormwater treatment is not supported and stormwater treatment devices should be constructed offline and to provide for the protection of identified areas of significant indigenous vegetation and habitat.	Accept in part	The relevant submission is recommended to be accepted in part. It is noted that the WRC does not support online stormwater treatment devices and this is a matter to be addressed as part of any regional consents process.