

**Section Eight**

Planning Assessment and Section 32 Analysis

## SECTION 8: PLANNING ASSESSMENT AND SECTION 32 ANALYSIS

### 8.1 Scope of Assessment

As set out in Section 3, sections 74 and 75 of the Act set out the statutory framework for changing a District Plan. This section considers those relevant matters the scope of which includes:

- The Existing and Proposed Regional Policy Statements
- The Adjacent Manawatu District Plan.
- The Palmerton North Long Term Council Community Plan and related strategies.
- Part 2 of the RMA
- Section 32 evaluation

A Plan Change is not required to take into account the provisions of the existing District Plan. Indeed for it to do so would be somewhat incongruous as clearly it seeks to change the Plan and therefore clearly will not be compatible with its provisions. However, that does not mean that regard should not be given to the broad strategy of the District Plan into which the plan change is to fit.

In this case the operative plan has set down what are called City View objectives and these may be regarded as relevant. In addition the Council is currently embarking on the review of its District Plan and further work on urban growth options. It is therefore relevant to have regard to any relevant information associated with those processes and therefore assessment is made against the current urban growth objectives that PNCC has adopted

### 8.2 Manawatu Wanganui Regional Policy Statement

The operative RPS is currently being reviewed and hearings on its successor the One Plan are at an advanced stage. While this document remains relevant it is considered that greater weight should be given to the One Plan in terms of longer term policy.

Relevant RPS Objective or Policy.	Comment
<p><b>Objective 5</b></p> <p><i>To achieve sustainable land use</i></p> <p><b>Policy 5.1(c)</b> <i>Irreversible loss of the productive capability of Class I and II land</i></p>	<p>The development of the growth area will result in the urban development of 73 hectares of mostly Class II soils. However the current production level of this land is currently modest with little prospect of long term improvements. The City has few opportunities to provide for growth in a sustainable way whilst avoiding high class soils and flood risk areas.</p>
<p><b>Objective 6</b></p> <p><i>To avoid remedy or mitigate the adverse effects of urban development.</i></p> <p><b>Policy 6.1</b></p>	<p>The RPS identifies that while urban development and expansion of settlements are important aspects of the social and economic fabric of the region, it can have effects.</p> <p>The RPS provides a policy framework</p>

<p><i>In providing for urban development the social, economic and environmental costs of development are to be considered by taking into account the following matters:</i></p> <p>(a) <i>Any increased risks to communities from natural hazards, resulting from development; and</i></p> <p>(b) <i>The retention of options for the future use of Class I and II land; and</i></p> <p>(c) <i>The protection of intrinsic values, amenity values, heritage and cultural value, and the natural features and landscapes of the Region; and</i></p> <p>(d) <i>The protection of areas of cultural, spiritual or historic significance to Maori; and</i></p> <p>(e) <i>The efficient use of resources including energy, transport and utility infrastructure.</i></p>	<p>within which urban expansion can occur. It recognises that future pressures for urban expansion may result in the loss of productive areas, or in reduction of other natural values.</p> <p>In this case any risk from natural hazards is avoided; there is no loss in intrinsic values, heritage and cultural values or natural features and landscapes.</p> <p>Further in our assessment the growth area does provide for efficient use of energy transport and infrastructure resources.</p> <p>The only aspect of this policy therefore not fully met relates to the retention of options for future use of Class II soils.</p> <p>-</p>
<p><b>Objective 15</b></p> <p><i>To preserve the natural character of lakes, rivers wetlands and their margins and protect their ecological, cultural, intrinsic and amenity values from inappropriate subdivision, use and development.</i></p>	<p>The growth area entirely avoids existing lakes rivers and wetlands and will create a new lake as a feature of the growth area which will also provide for stormwater retention.</p>
<p><b>Objective 24</b></p> <p><i>To avoid or mitigate the adverse effects of natural hazards upon life, infrastructure and property, and the natural environment</i></p>	<p>The growth area is free from any natural hazard risk.</p>
<p><b>Policy 24.3</b></p> <p><i>To ensure that activities and development of areas at risk from natural hazards minimise risks to human life, infrastructure and property, and the natural environment. In areas of high risk to people and communities, hazard avoidance is to be advocated. Where costs of hazard avoidance outweigh its benefits local authorities are to promote hazard mitigation. This includes education, planning, response and recovery procedures.</i></p>	

The growth area involves the development of Class II land with drainage limitations; however, in

all other respects the Plan Change does give effect to the operative Regional Policy Statement.

### 8.3 Horizons One Plan

Horizons Regional Council publicly notified its Proposed One Plan, which is a combined Regional Policy Statement and Regional Plan, in May 2007. Hearings on the plan commenced in July 2008. The focus of the One Plan is on four key issues: water quality; water quantity; biodiversity; and sustainable land use.

<b>Relevant One Plan Objective or Policy.</b>	<b>Comment</b>
<p><b>Objective 7-1: Indigenous biological diversity</b></p> <p><i>The existing level of indigenous biological diversity is maintained into the future by ensuring that:</i></p> <p>(a) <i>rare and threatened habitats, as defined in Schedule E, are protected from activities that may cause any loss or modification to the representativeness, distinctiveness or ecological context of these areas</i></p> <p>(b) <i>at risk habitats, as defined in Schedule E, are maintained by ensuring that activities do not cause any significant adverse effects on their representativeness, distinctiveness or ecological context</i></p> <p>(c) <i>the best representative examples of rare and threatened habitats and at risk habitats are proactively managed in order to improve their function</i></p>	<p>There are no indigenous biological values at risk from development of the Plan Change area.</p>
<p><b>Objective 7-2: Landscapes and Natural Character</b></p> <p>(b) <i>adverse effects, including cumulative adverse effects, on the natural character of the coastal environment, wetlands, and rivers, lakes and their margins are –</i></p> <p>(i) <i>Avoided in areas with a high degree of naturalness, and</i></p> <p>(ii) <i>Avoided, remedied or mitigated in other areas.</i></p>	<p>The Plan Change Area avoids the coastal environment, wetlands, rivers and lakes</p>
<p><b>Objective 10-1 Effects of natural hazard events</b></p> <p><i>The adverse effects of natural hazards events on people, property, and the economic wellbeing of communities, infrastructure, and the natural environment are avoided or mitigated.</i></p>	<p>Risks from natural hazards are effectively avoided. The area is not a floodable area. It will not be inundated by a 0.5% annual exceedence probability flood event.</p>
<p><b>Policy 10-6 – Climate Change</b></p>	<p>Climate change has been taken into</p>

<p><i>A precautionary approach shall be taken for managing the effects of climate change and sea level rise, and any associated changes to the scale and frequency of natural hazards, in particular for</i></p> <p><i>(a) Storm water discharges and effluent disposal,</i></p> <p><i>(b) Coastal development and coastal land use,</i></p> <p><i>(c) Activities adjacent to rivers and streams,</i></p> <p><i>(d) Water allocation and water takes</i></p> <p><i>(e) Activities on / near unsustainable hill country, or,</i></p> <p><i>(f) Flood mitigation efforts</i></p> <p><i>(g) Storm surge.</i></p>	<p>account in assessing stormwater discharges, effluent disposal and flood risk.</p>
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The One Plan does not include any regional policy relating to the productive capacity of higher quality soils. The policy preference of the retention of options for Class I and II is therefore proposed to be abandoned at the regional level.

In all respects the Plan Change gives effect the Proposed One Plan.

## **8.4 Palmerston North Long Term Council Community Plan**

The Long Term Council Community Plan (LTCCP) is the Councils strategic plan prepared under the umbrella of the Local Government Act (the LGA). The Plan sets out how the Council, in consultation with the community, will develop Palmerston North over the next 10 years. The LTCCP sets a strategic vision for the City.

The draft LTCCP was notified to the public on 30 March 2009 with submissions closing on 1 May 2009. The LTCCP identifies key goals for the City underpinned by key community outcomes. Relevant key goals include a 'City where people want to live' and an 'environmentally sustainable City'. As part of these goals the Council is seeking to maintain an 'easy' lifestyle with focus on public transport facilities, cycle ways and use of walkways to encourage people out of their cars.

Relevant Community Outcomes include 'People Feel Safe', 'Palmerston North is attractive, clean and green' and 'People move easily around the City'. Key themes underlying these community outcomes include the provision of safe transport networks; ensuring transport is part of land planning for new growth areas, good provision of green space and walkways, good urban design and heritage protection.

A key activity area in the LTCCP is Leadership (Direction Setting) which includes strategic and district planning, and urban design. The LTCCP states that Cities need to be well planned and well designed. The LTCCP states that Council needs to consider and balance the social, economic, environmental and cultural well-being of current and future communities.

In regard to Direction Setting the major projects planned for the next 10 years include:

- Review of District Plan by 2014
- A review of short-medium term residential growth strategy, and investigation of a joint strategy with Manawatu District Council for long-term urban growth

- Looking at the impacts and Council's response to climate change
- Implementing an Urban Design Strategy

The LTCCP does not resolve plans for future urban growth; this is the focus of the separate review of the Urban Growth Strategy and is now well underway. The LTCCP does however propose a new bridge upstream of the existing Fitzherbert Avenue Bridge at Te Matai Road. This is proposed to be part of a rural ring road which continues to be pursued.

This plan change is a contribution to resolving the long term growth needs of the City but should not be the only initiative in a coordinated strategy that provides choice and balanced growth. The plan change area is well connected to the City and to cycle and pedestrian links. Measures to provide for medium density housing, water conservation and solar power generation will assist in moving the City towards its goal of an environmentally sustainable City. Recent decisions of the Council on the work to date on the urban growth strategy support this location as the key urban growth node for the City.

## 8.5 Other Strategies and Plans.

**Urban Design Strategy:** In February 2008 Palmerston North City Council resolved to prepare an Urban Design Strategy and this is referred to in the draft LTCCP. The strategy is intended to form an input into the review of the District Plan. As part of the development of the strategy a set of draft urban design principles and associated goals have been developed. Some goals relevant to this Plan Change include:

- To elevate the importance of Connectedness and Accessibility in development of new parts of Palmerston North City and the redevelopment of older parts of the city
- To increase the Quality, Diversity and Uniqueness of the Urban Environment
- To promote Public Spaces as key aspects of redevelopment, and to redefine the concept of public spaces

The PCWGA provides for effective connectivity to the centre of the City and other major employment nodes north of the City and at Longburn. The Pioneer City West Growth Area Outline Development Plan provides a framework for the development of the growth area that will contribute positively to the quality, diversity of the urban environment. Similarly the Pioneer City West Growth Area Outline Development Plan provides for a central strategic open space that will through detailed design interact with the public spaces associated with the commercial heart of the growth area.

**Regional Land Transport Strategy:** The Regional Land Transport Strategy (RLTS) was adopted in March 2006. The vision for the regional transport system is '*a safe transport system that provides choices and opportunities, and contributes to the Region's economic vitality and easy lifestyle*'. The Transportation Impact Assessment in Appendix G has considered the six key objectives that underpin this vision and concluded that the development of this area would not be contrary to any of them.

A new strategic transport study has recently been commissioned by Horizons which is required to resolve the long term strategic network issues in this part of the region.

## 8.6 Manawatu District Plan

The boundary between Palmerston North City Council and Manawatu District Council adjoins the plan change area along Rongotea Road to the west and No 1 Line to the north. The Act requires consideration of the extent to which the plan change needs to be consistent with the Manawatu District Plan.

The development of the area will bring urban activities to the local authority boundary however this is common across most of the northern boundary of the City and has not resulted in any particular policy approach in response to this in the Manawatu District Plan.

The adjoining land is zoned rural in the Manawatu District Plan with much of the land to the north subject to flood hazard.

The principal area of Plan interface is with the standards relating to access and intersections. The Pioneer City West Growth Area Outline Development Plan provides for one major access to each of No.1 line and Rongotea Road. Additional access points will be limited to these locations and the Plan Change does not alter any of the standards that would otherwise apply in the Palmerston North District Plan.

In terms of rural interface and associated amenity it is proposed to establish a 4 metre planted buffer along these boundaries.

Given these provisions it is considered that no inconsistencies with the provisions of the Manawatu District Plan arise

## 8.7 District Plan City View Objectives

As discussed earlier consideration of this plan change request is not required to have regard to the existing operative District Plan. However, there is some merit in understanding the extent to which the request supports the broader strategic objectives of the Plan, albeit that the Plan is currently being reviewed and therefore these objectives may not reflect the longer term policy position.

Relevant City View Objective	Evaluation
<p><b><i>The Convenient Community</i></b></p> <p><i>To sustain a compact and orderly urban form which avoids the adverse environmental effects of uncontained urban expansion.</i></p> <p><i>To facilitate easy, energy efficient provision of, and access to, network utilities, services and facilities for all residents.</i></p> <p><i>To ensure the efficient and sustainable provision of infrastructure in urban areas.</i></p>	<p>The growth area is within 4 kilometres of the central Palmerston North Square, although an area of existing lower density rural residential activities do sit between the growth area and the existing residential zone.</p> <p>The City boundary prevents uncontained expansion west of the City. The Pioneer City West Growth Area Outline Development Plan is sensitive to the rural urban interface and also connects well to the arterial road network.</p> <p>The surrounding rural residential activities mean that this part of the City has a rural character only on the plan change area. Further strategic initiatives as part of the District Plan review could further enhance the extent of compact growth in this part of the City.</p> <p>The growth area can be provided with services (water and wastewater) and will be developed with its own community and commercial facilities.</p>
<p><b><i>The Healthy Community</i></b></p> <p><i>To promote a clean, healthy and safe environment</i></p>	<p>The Pioneer City West Growth Area Outline Development Plan framework will provide for development to high standards and cycle and</p>

<p><i>To avoid, remedy or mitigate the adverse effects of natural hazards</i></p>	<p>pedestrian links will promote healthy living.</p> <p>The growth area avoids any natural hazards</p>
<p><b>The Working Community</b></p> <p><i>To promote a range of business and economic activity which lead to the efficient use and development of natural and physical resources.</i></p>	<p>The Plan Change will provide opportunities for economic activity with the development of up to 1000 dwelling units and associated commercial and community developments. The Pioneer City West Growth Area Outline Development Plan provides for an efficient use of the natural and physical resource of the area and incorporates a number of sustainability initiatives.</p> <p>The commercial centre will provide employment together with the Special Use area.</p>
<p><b>The Leisure Community</b></p> <p><i>To encourage a broad range of leisure opportunities in the City</i></p>	<p>The integrated and comprehensive development concept for the area includes 10 hectares of public open space including a major central facility. Landscaped road corridors and local neighbourhood open spaces will also promote leisure opportunities. The location is also well placed for access to the Mangaone Stream walkway.</p>
<p><b>The Heritage Community</b></p> <p><i>To identify and preserve the cultural heritage fabric of the City</i></p> <p><i>To preserve and enhance the natural heritage features of the City, including lake and river margins, significant areas of indigenous vegetation and habitats, and important natural features and landscapes</i></p>	<p>There are no cultural or natural heritage features associated with this plan change.</p>
<p><b>The Attractive Community</b></p> <p><i>To maintain and enhance the visual appeal of the City.</i></p> <p><i>To recognise the distinct rural and urban character of the City.</i></p> <p><i>To manage the adverse effects of activities on the environment.</i></p>	<p>The proposed growth area is located at the western entrance to the City and therefore has some gateway significance. The comprehensive landscape planting proposals along the major corridors along with a high level of design particularly that related to medium density housing and the central commercial area will ensure that the growth area makes a positive contribution to this objective.</p> <p>The Plan provisions seek to ensure that the risk of adverse effects is managed.</p>
<p><b>The Mobile Community</b></p> <p><i>To ensure the transport infrastructure can operate in a safe and efficient manner, and that the effects of activities which</i></p>	<p>Road access to the wider network and within the growth area has been carefully planned. There is capacity within the roading network to continue to operate safely and efficiently, however some speed limit reduction on</p>

<p><i>could impact on the safe and efficient operation of this infrastructure are avoided, remedied or mitigated.</i></p>	<p>Pioneer Highway and Rongotea Road may be necessary.</p> <p>Three main access points provide a strong level of connectivity to the wider network and future road links will provide for connectivity in the event that wider urban growth in this area is enabled.</p>
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## 8.8 PNCC New Urban Growth Objectives

The Council has developed and agreed a set of objectives for the evaluation of alternative opportunities associated with urban growth.

Again while these have no statutory status in terms of consideration of the plan change request, some comment may assist the Council and public in considering the merits of this request.

Clearly a complete analysis requires comparative judgments between alternative growth options that might be available for the City This requires comparable level of information and can be undertaken itself by the Council as part of its urban growth strategy development.

### ***Environmental Objectives***

***Flood Risk:*** Avoid development in flood risk areas, unless the risk is minor and can be effectively mitigated.

Comment: Specialist assessment confirms that flood risk can be avoided.

√

***Soils:*** Avoid development which would result in the loss of significant areas of high class (1 and 2) soils.

Comment: The development will involve loss of largely Class 2 soils

X

***Biodiversity:*** Avoid development which would result in the loss of significant habitats.

Comment: There is no loss of significant habitats

√

***Biodiversity:*** Encourage development which creates or enhances habitats, especially green corridors.

Comment: There is no existing habitat to enhance however over time planting associated with the development will contribute to green corridors and the lake will add to water habitat.

√

***Sustainable transport:*** Encourage development which is close to and well linked to the City and its facilities, with a variety of public and private transport alternatives.

Comment: The growth area is both close and well linked to the City and its facilities and a public transport loop through the development will be promoted.

√

***Interzone compatibility:*** Avoid development in areas where reverse sensitivity would be a problem.

Comment: there is no evidence of any existing activities within adjacent rural residential areas that would be potentially affected by the development of the area. ✓

### **Economic Objectives**

**Minimise infrastructure costs:** Encourage development in areas with lowest infrastructure costs

Comment: Services can be provided to the entire area in an efficient manner as detailed in earlier sections. There are no expected wider network adverse effects. ✓

**Compact city:** Encourage development which is close to and well linked to the city and its facilities

Comment: The growth area supports the concept of a compact and well linked City ✓

**Traffic congestion:** Encourage development in areas which have least adverse effects on the roading network capacity

Comment: The traffic generated by the accommodated by the existing network although there may need to be some speed limit reduction to 70kph on Pioneer Highway and Rongotea Road. ✓

**Ensure new residential development supports existing business areas:** Encourage development which is close to and well linked to the city and its facilities.

Comment: The growth area is well connected to the city centre and the east west corridor of business and industrial activity based on Tremaine Avenue. ✓

### **Social / cultural objectives**

**Tangata whenua cultural heritage:** Acknowledge and promote the active protection of places of cultural heritage value identified by tangata whenua.

Comment: The growth area does not affect any known places of cultural heritage value. ✓

**Accessibility:** Encourage development which is close to and well linked to the city and it's a facilities

Comment: The growth area is close and well linked to the City ✓

**Housing choice:** Encourage development in areas which would enable diversity in the city's housing stock.

Comment; The Pioneer City West Growth Area Outline Development Plan provides for a diversity of housing types. ✓

**Local facilities:** Encourage development in areas which enhance the vitality of existing social infrastructure (e.g. schools, health, community, leisure facilities).

Comment: The growth area will develop some of its own facilities and provision has been made for an area for a primary school. However it will also support existing social infrastructure on the western side of the City. ✓

**Distinctive local communities:** Encourage development in areas which would be conducive to creating a local sense of identity.

Comment: The comprehensive form of development with a distinct community heart is conducive to creating a sense of identity.

The above brief analysis shows that the growth area in general supports the current objectives of the Council in relation to urban growth, with only one exception, that being in relation to the loss of Class 2 soil.

Council has followed this work up with public consultation on urban growth options which has recently been reported. This analysis of the consultation responses supports this location for future urban growth and as a result PNCC has now resolved to undertake further more detailed work on growth in this area. This Plan Change provides the ability to make early provisions for planned development in this area while this work is further advanced.

## 8.9 Section 32 Evaluation Requirements

Section 32 requires:

### 32. Consideration of alternatives, benefits and costs

- (1) *In achieving the purpose of this Act, before a proposed plan, proposed policy statement, change, or variation is publicly notified, a national policy statement or New Zealand coastal policy statement is notified under section 48, or a regulation is made, an evaluation must be carried out by—*
  - (a) *The Minister, for a national policy statement or [[a national environmental standard]]; or*
  - (b) *The Minister of Conservation, for the New Zealand coastal policy statement; or*
  - (c) *The local authority, for a policy statement or a plan (except for plan changes that have been requested and the request accepted under clause 25(2) (b) of Part 2 of Schedule 1); or*
  - (d) *The person who made the request, for plan changes that have been requested and the request accepted under clause 25(2) (b) of Part 2 of the Schedule 1.*
- (2) *A further evaluation must also be made by—*
  - (a) *A local authority before making a decision under clause 10 or clause 29(4) of the Schedule 1; and*
  - (b) *The relevant Minister before issuing a national policy statement or New Zealand coastal policy statement.*
- (3) *An evaluation must examine—*
  - (a) *The extent to which each objective is the most appropriate way to achieve the purpose of this Act; and*
  - (b) *Whether, having regard to their efficiency and effectiveness, the Policies, rules, or other methods are the most appropriate for Achieving the objectives.*
- (3A) **.....relates to national environmental standards and is not relevant]**

- (4) For the purposes of [[the examinations referred to in subsections (3) and (3A)], an evaluation must take into account—
  - (a) The benefits and costs of policies, rules, or other methods; and
  - (b) The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.
- (5) The person required to carry out an evaluation under subsection (1) must prepare a report summarising the evaluation and giving reasons for that evaluation.
- (6) The report must be available for public inspection at the same time as the document to which the report relates is publicly notified or the regulation is made.

The Environment Court decision in the case of *Eldamos Investments Limited v Gisborne District Council* (W047/2005) provides helpful guidance on the focus required in a Section 32 evaluation. In that case, the Court stated:

*“.....we accept that the amendments to section 32 call for revision of the Nugent test, by omitting the reference to a rule being necessary, and having to be the most appropriate means. We have revised the test having regard to the current legislation, and propose the following measures for evaluating objectives and for evaluating policy, rules and other methods:*

- A. An objective in a District Plan is to be evaluated by the extent to which:
  - i. It is the most appropriate way to achieve the purpose of the Act (section 32(3)(a)); and
  - ii. It assists the territorial authority to carry out its functions in order to achieve the purpose of the Act (section 72); and
  - iii. It is in accordance with the provisions of Part 2 (section 74(1)).
- B. A policy, rule, or other method in a District Plan is to be evaluated by whether:
  - i. It is the most appropriate way to achieve the objectives of the plan (section 32(3)(b)); and
  - ii. It assists the territorial authority to carry out its functions in order to achieve the purpose of the Act (section 72);
  - iii. It is in accordance with the provisions of Part 2 (section 74(1)); and
  - iv. If a rule, it achieves the objectives and policies of the plan (section 76(1) (b)).”

This approach has been further refined by the Court’s decision in the case of *Cornerstone Group Ltd v North Shore City Council* (reference A042/2007) in which the Court found that where a new zoning is proposed, the question can be summarised as:

- (a) Which zoning would more accord with Part 2?
- (b) Which zoning would better assist the Council carry out its functions?

- (c) *Which zoning would better achieve the objectives and policies of the district plan?*

## **8.10 Evaluation of Objectives**

The plan change request proposes four additional objectives

***To enable a planned urban development on the western side of the City to meet the growth needs of the City.***

***To ensure that the development of the Growth Area achieves a high level of urban design and environmental sustainability.***

***To avoid, remedy or mitigate adverse environmental effects on the amenity of the existing adjacent rural residential activities.***

***To ensure that a high standard of amenity and building design is achieved within the Growth Area.***

The objectives focus on the four key issue areas. The key justification for enabling the development is that the land is generally suitable for urban development as demonstrated in the assessment of environmental effects. The land does have Class 2 soils but the loss of agricultural production associated with development of the area will not have any adverse effects on the productive capacity of the local economy.

It is widely accepted that there is a need to identify and plan for land for further growth of the City and the proposed growth area is generally in accord with the Council own growth objectives.

The other three objectives focus on ensuring that the way in which the growth area is developed promotes the sustainable management of natural and physical resources. There are few if any natural or physical values that need to be protected so the focus is on creating a high quality urban environment while protecting the environmental quality of neighbouring activities.

The alternatives include:

### **No action**

There is a demonstrated need to plan for future urban growth in Palmerston North. The RMA functions of the Council include the integrated management of the effects of the use development and protection of land and associated natural and physical resources. This Plan Change seeks to assist the Council in achieving its functions and by doing so to enable the Palmerston North community to provide for its social, economic and cultural wellbeing

### **Initiating a growth area in another part of the City.**

PNCC has been planning for growth areas for a number of years. Previous initiatives have not been moved forward to plan changes because of flood risk issues. In essence Palmerston North is constrained by its own boundary to the north and west of the City. The limited area of land available to the north has largely been allocated to industrial activities, while flood risk affects large areas associated with the Manawatu River Flood Plain. Similarly opportunities to the north east are to varying degrees affected by airport noise and operational restrictions. Other opportunities are somewhat more remote from the City Centre are located south of the Manawatu River.

Opportunities are therefore limited and the recent work and public consultation undertaken by PNCC supports this location as a major node for future urban growth.

Having said this, in order to achieve the purpose of the Act other opportunities will also need to be developed.

#### **Planning for a larger growth area**

The area proposed for this growth area is the area that is entirely under the control of the requestor. There are a number of opportunities to consider whether areas of rural residential land between the growth area and the existing suburban residential edge should be also part of a longer term expanded growth area. It is known that some landowners have expressed interest in this. This has been taken into account in the areas identified for growth options by PNCC and has been the basis of recent public consultation. This process has led to recommendations to adopt this wider area for future urban growth which have been endorsed. By the Council The plan change area proposed is capable of bringing forward land for urban development without delay and without the complications of multiple ownership. This will assist in addressing the urgent land supply need while the wider area is subject to further consideration. The Outline Development Plan includes possible future road links to adjacent areas in the event that urban growth of the wider area is enabled.

#### **Planning for a smaller growth area**

The size of the proposed growth area is 73 hectares and will provide a supply of 900-1000 households together with an integrated form of development with its own community facilities and commercial services. The overall size fits well the feasibility for such an integrated form of development. The physical form also facilitates a high level of connectivity to the surrounding area and the City Centre. While the area towards Pioneer Highway is a relatively narrow area in form it has the significant advantage of enabling connectivity through the growth area which will also facilitate a loop public transport opportunity.

#### **Providing a more or less planned form of development**

Objectives 2, 3 and 4 all seek to ensure an outcome of a high quality urban environment that minimises any adverse effects on existing activities. A less planned approach could have been adopted without these objectives but the requestor considers that this would not have provided for integrated management of the potential effects of development of this land.

The requestor therefore considers that the objectives proposed:

- are the most appropriate way to achieve the purpose of the Act and
- assist the territorial authority to carry out its functions, and
- Are in accordance with the provisions of Part 2 (section 74(1)).

### **8.11 Evaluation of Policies and Methods**

The request proposes a number of policies under each objective which identify the course of action taken to ensure that the objective is achieved. These policies then link to methods which include rules.

The basis of the request has been to adopt or modify existing zone provisions where they are appropriate. It is recognised that the Council is currently reviewing the District Plan zone provisions and this may lead to some changes through the Plan review process. Rather than anticipate what these changes might be it is considered to be the most efficient and effective course to address generic zone efficiency and effectiveness issues.

The key features of the policies and methods that link to them are:

- The use of an Pioneer City West Growth Area Outline Development Plan which establishes a master plan for the development of the area and a framework for zone controls.
- To require that a comprehensive development plan is approved each initial stage of development.
- To enable existing uses to continue during the transition period from rural to urban.
- To promote environmentally sustainable technologies.
- To mitigate adverse effects on adjacent low density residential activities.
- To ensure that public space is developed in accordance with an integrated landscape concept.
- To ensure that medium density housing areas are designed to a high standard.

The methods employed involve a mixture of rules, covenants and use of a medium density residential design guide.

Additional rules are proposed to ensure that :

- There is control over the detailed layout and construction of roads irrespective of subdivision prior to individual stages of development proceeding.
- A comprehensive development plan for each stage of development is approved as a Discretionary Activity (restricted).

In addition the following specific rules apply to each zone within the area:

#### ***Residential Zone***

- Buildings are set back at least 3 metres from the adjacent rural zone.
- The 3m setback is planted and maintained.
- Buildings are set back at least 5 metres from No 1 Line.
- Access shall be via the internal road network only
- Access from external roads is limited to that shown in the Pioneer City West Growth Area Outline Development Plan.

#### ***Medium Density Residential Zone***

- Development and subdivision is subject to resource consent at least as a discretionary activity (restricted) and is tested against the Pioneer City West Growth Area Outline Development Plan and Design Guide.
- Maximum building height is 13 metres.
- Maximum net site of 350 m<sup>2</sup> per dwelling unit

#### ***Special Use Zone***

- Any activity other than activities permitted in the residential zone is subject to a resource consent as a Discretionary Activity (unrestricted)

### ***School Zone***

- Activities permitted in the medium density residential zone are enabled in this zone as well as education activities.

In addition to provide for a degree of flexibility to improve on the overall design concept as detailed design of projects develop, rules are used to enable activities that would otherwise be permitted in an adjacent zone to be classed as a discretionary activity within 20 metres of the zone boundary.

### ***The Alternatives***

A number of alternatives were considered in the formulation of these provisions and their effectiveness and efficiency considered as well as their costs and benefits. In this regard it is important that the mechanisms adopted will achieve the outcome intended and that having been subject to scrutiny through this plan change process any subsequent decision making processes are efficient.

The Pioneer City West Growth Area Outline Development Plan is a key tool for planning and managing the development of this area. This ODP goes beyond the level of detail often included in a Structure Plan in order to provide a greater level of definition of the spatial relationships between land uses and overall design. For example the hierarchy and layout of roads is taken down to the local access road level and the specific interface between activity types in the central area is established. However, in addition to this is a requirement for approval of a comprehensive development plan for each stage.

The alternatives include:

- The provision of a more schematic form of structure plan that deals more generally with land uses and infrastructure. The advantage of this approach is that it provides greater flexibility taking the project forward to detailed design of particular stages. However, to be effective that leads to a need for a comprehensive consent process at the more detailed stage. This level of accountability and scrutiny has been adopted where higher density of residential development is proposed. In this situation it is considered that the standards approach is not sufficient to ensure that a high quality environment is achieved and therefore evaluation against a design guide is proposed.
- The reliance on the ODP without subsequent approval of a comprehensive development plan. After careful evaluation it was concluded that this additional consenting stage was required to ensure that comprehensive design is achieved despite the additional costs involved.

Matters such as set backs and planted buffers are better suited to being imposed as conditions for permitted activities on development and subdivision as appropriate. In this situation this approach is considered more efficient and effective than triggering a consent process to impose such conditions.

Alongside the Pioneer City West Growth Area Outline Development Plan is a Landscape Overlay which is targeted at ensuring that a common high quality landscape design theme is achieved throughout the growth area. This includes central planted boulevards at the three main entrance access roads, with all other roads being tree lined. The landscape overlay links to a proposed condition of subdivision where appropriate

The Medium Density Residential Design Guide is considered important to achieve the required quality of design and integration in this zone. Consideration was given to the alternative of applying this approach more widely across the growth area and applying it to the Commercial Zone and Residential Zone. However, it was considered that the additional costs associated with this approach did not justify the benefits. In particular it is considered that the commercial area is likely to be designed in a comprehensive manner from the outset while the conditions on residential section size are large enough to accommodate individual house design.

The requestor wishes to ensure that the development of the growth area adopts a number of environmental sustainability initiatives. This includes on area roof stormwater retention, solar power generation and road soakage systems. The latter is able to be accommodated without any change in existing Plan provisions but the former matters that could be implemented by way of rules or alternatively by covenants. The requestor considers that these issues are better dealt with by way of covenant on subdivision; however, this is a matter than can be subject to further consideration during the course of the Plan Change process.

Finally, the Plan has made provision for existing rural activities to continue during the period until development proceeds. This is a sensible approach and avoids placing inefficient and ineffective constraints on exiting activities that might otherwise have to justify their existing use rights.

Given the consideration of alternatives above the requestor considers that the policies and methods are

- the most appropriate way to achieve the objectives of the plan change; and
- will assist the territorial authority to carry out its functions in order to achieve the purpose of the Act, and

It is also considered that the proposed rules are appropriate for achieving the objectives and policies of the plan change.

## **8.12 Part 2 of the Act**

A final area of enquiry is whether the plan change provisions are in accordance with Part 2 of the Act.

In terms of Section 8 iwi will be consulted prior to notification of the plan change. However, at this stage the requestor is not aware of any issues relating to the Treaty of Waitangi.

Relevant section 7 matters include:

- The efficient use and development of natural and physical resources and
- The maintenance and enhancement of amenity values, and
- Maintenance and enhancement of the quality of the environment.

It is considered the integrated form of development proposed and framed around the Pioneer City West Growth Area Outline Development Plan provides a robust mechanism to ensure that the resource is used efficiently while ensuring the quality of development and amenity protection for adjacent activities ensures that all relevant section 7 requirements are met. Careful stormwater management will also ensure that environmental quality is maintained.

Of some significance is that there are no Section 6 matters that are relevant to this Plan Change request. The growth area does not involve any margins of lakes or rivers, any outstanding natural features or landscapes, any areas of significant indigenous vegetation or habitats, historic heritage or sites of cultural significance. The Plan Change therefore does not put at risk any values that the Act places highest weight on.

These matters along with all other aspects of this assessment inform the overall judgement in Section 5. It is considered the Plan Change will enables growth of the City while not unreasonably affecting the natural and physical resource of the area, and avoiding remedying or mitigating any risk of adverse effects.

It is therefore considered that the Plan Change request is in accordance with Part 2 of the Act.