

**PALMERSTON NORTH CITY COUNCIL**

**PROPOSED PLAN CHANGE C**

**UNDER PART 1 SCHEDULE 1 RESOURCE MANAGEMENT ACT 1991**

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**DECISION OF THE HEARING COMMISSIONERS**

**Commissioners:  
Chris Mitchell (chair), Reginald Proffit, Cr. Lorna Johnson and  
Cr. Rachel Bowen**

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**Date of Hearing: 20-21 August 2019**

**Date of decision: 14 February 2020**

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## 1. Introduction

- 1) Plan Change C (PC C) is a proposed change to the District Plan to create the Kikiwhenua Residential Area, and to thereby enable the development of the land described below as a new residential area. PC C also proposes to adopt Plan Section 7A Whakarongo Residential Area as a framework for all new greenfield rezoning proposals, including the Kikiwhenua Residential Area.
- 2) The land subject to PC C has an area of approximately 24ha. The land is divided into a number of allotments, most of which are in the same ownership. The land is within a contiguous block defined by Pioneer Highway to the north, Te Wanaka Road to the west and by the land bordering the Mangaone Stream and the Awapuni Racecourse to the east and south. The current District Plan zoning is Race Training (last reviewed in PC 21, which became operative in 2018). In this decision we will refer to the land as 'the Kikiwhenua Area'.
- 3) Most of the Kikiwhenua Area is open, and some parts of it are used for grazing horses. There is one residential property fronting on Pioneer Highway and a range of stable, barns, sheds and fencing.
- 4) Most of the Kikiwhenua Area is owned by Racing at Awapuni & Trentham Combined Enterprises Incorporated ('RACE').
- 5) PC C was notified in November 2018, and 23 submissions and 6 further submissions were received.
- 6) The purpose of PC C is stated in the detailed reports (referred to collectively as 'the section 32 report') accompanying the public notice:

### The Purpose of PC C

- 1.5 The primary purpose of PC C is to rezone land between the eastern boundary of Te Wanaka Road, the western boundary of the Mangaone Stream, and the southern boundary of Pioneer Highway, from Race Training Zone to Residential Zone, and introduce new provisions in the District Plan to manage residential development of the site. The rezoning involves approximately 23.6 ha of land, and the creation of approximately 220 residential lots. The property at 234 Pioneer Highway is also included for rezoning to residential to maintain a contiguous Residential Zone.
- 1.6 The scope of PC C is restricted to this area of land for the following reasons:
  - a. The identified area has been signalled in PNCC's Asset Management Plans as stage one for the development of the wider Kakatangiata Growth Area.
  - b. The area is able to be serviced independently of other parts of the wider Kakatangiata Growth Area. Proposed Plan Change C: Kakatangiata – Stage 1 Kikiwhenua Residential Area

- c. The area is the closest site to the established urban boundary, so forms a continuation of the existing residential environment.
- d. The area has a discrete number of landowners to develop a structure plan with, enabling for land to be released for housing faster than conducting a structure plan and plan change preparation for a larger area.
- e. The land area is no longer required for horse training activities.
- f. The Te Wanaka Road corridor provides a buffer between horse training and residential land use to avoid noise sensitivity effects.

1.7 The rezoning proposal is accompanied by a structure plan and set of District Plan objectives, policies, and rules that will inform subdivision and development in the Kikiwhenua Residential Area. The recommended approach is to adopt the operative District Plan Section 7A Whakarongo Residential Area objectives, policies and rules and repurpose these as generic greenfield provisions. This approach will form the basis for all new future greenfield residential sites across the District.

- 7) Prior to the hearing a set of reports (referred to as the 'section 42A report') from Council officers and consultants was prepared and publicly issued to all participants in the hearing. This report contains the professional assessments and recommendations of those officers and consultants on specific aspects of PC C, and on submissions and further submissions.
- 8) The Commissioners made a site visit on 19 August 2019 and were formally welcomed by Wiremu Te Awe Awe on behalf of Rangitāne o Manawatu. The hearing of PC C, and the submissions and further submissions, was held on 20 and 21 August 2019.
- 9) On 13 September 2019 Commissioners issued a Minute setting out some key preliminary findings and requesting further information from Council on specific issues. The information requested was provided by Council over 3 separate responses, and a number of submitters then accepted the opportunity to provide further comment on the Council responses.
- 10) All of this information (and all the documentary information received and considered by the Commissioners) has been, and remains, available on the Council website for the PC C hearing.
- 11) All the Commissioners appointed to the PC C hearing panel were collectively delegated by the Council to make decisions on the requests made in the various submissions.



## **2. Formal Decision**

- 12) Plan Change C is accepted subject to the amendments shown in Appendix 1 to this decision.
- 13) The submissions on PC C are accepted, in whole or part, or rejected for the reasons given in paragraphs 37-51 and 88-186 of this decision. Decisions on further decisions accord with the decision(s) on the submission(s) to which they related.
- 14) Where, in relation to any request made in a submission, a specific reason for the decision is not given, that reason will be either in the submission itself (in the case of acceptance), or in the relevant section 42A report (in the case of acceptance in part or rejection). Though we have tried to be flexible in considering the intent of a submission, it has not always been possible to identify a specific and relevant request on which a decision is required.

## **3. Plan Change C: General Approach**

- 15) In this section of the decision we briefly set out the background to PC C, and our approach to the core issues and factual findings which we have identified in our Minute of 13 September. Submissions on the more detailed issues are considered in the next sections of the decision.
- 16) District plans are, of necessity, generally broad scale documents in which key provisions often apply across large areas of the City, and to areas which may have significant physical differences. We bear in mind that Plan provisions are, in essence, a high level guide to development within specific areas. The larger the area which is to be subject to the proposed provisions, the less likely it is that that very localised factors will be considered. However where the area involved is smaller, it can be appropriate to consider those local factors in greater detail, particular where the proposed provisions are intended to enable a significant change to the area.
- 17) PC C is intended to apply to a small and well defined area which appears to have seen little physical change for several decades. It is therefore possible to consider a set of specific management provisions for the future development of the area which will be responsive to an existing environment whose qualities and potential points of conflict can be identified.
- 18) The starting point is that any plan change reflects the Council's view of how, when, and whether, the relevant Plan provisions should be amended to respond to changes in circumstances, issues of future demands and challenges, and lessons learned from experience.
- 19) The Kikiwhenua Area is a part of wider area of rural land, to the west of the City's current urban edge, which has been recognised by Council for many years as an urban growth area. The wider area has been renamed Kakatangiata (from 'City West'), and it extends both to the west of the

Kikiwhenua Area and to the north, across Pioneer Highway. PC C describes the proposed Kikiwhenua Residential Area as "stage 1 Kakatangiata Residential Area".

- 20) Complementing this Council strategy, the owners of most of the Kikiwhenua Area strongly support the proposed rezoning - so if PC C is approved, it can be expected that development will proceed in the near term.
- 21) Finally, and by no means least, the Kikiwhenua Area is Rangitāne ancestral land. Rangitāne representatives are supportive of PC C and the proposals to recognise specific site of significance. It should also be noted that Rangitāne also own the land bordering both sides of the Mangaone Stream, and this land not only adjoins the Kikiwhenua Area on its eastern and southern sides, but is also (perhaps unintentionally) included within the Area shown on the Structure Plan.
- 22) At this stage, then, it is apparent that no-one within the Kikiwhenua Area opposes PC C. The majority land owner (RACE) has made a submission addressing a number of important aspects of PC C but, for the moment, we regard these as matters of detail.
- 23) Turning to the position of neighbouring, or affected, persons, for the purposes of our assessment, the submissions can be grouped into 2 categories. First, owners and residents on the western side of Te Wanaka Road and on Pioneer Highway to the west of Te Wanaka Road (collectively referred to as 'the western owners'). Second, owners or residents on the eastern side of the Mangaone Stream. There are other submissions, of course, and we will return to these in the next section of the decision.
- 24) The western owners account for 7 of the submissions. The submissions raise a variety of issues and requests, but there is a significant degree of overlap on 2 major issues which we will outline at this stage. The first is traffic - including the safety of Te Wanaka Road, and state of the Te Wanaka Road intersection with Pioneer Highway. The second is the impact of rezoning land from Race Training ('RTZ') to Residential, whilst maintaining the RTZ zoning on the western side of Te Wanaka Road. For the reasons set out in our Minute of 13 September, we regard both of these as significant issues which must be resolved before development of the Kikiwhenua Area can proceed.
- 25) The eastern owners account for 6 of the submissions. The two issues arising from these submissions are the outlook towards the west (ie towards the Kikiwhenua Area), and traffic - the concerns being the potential access through the Racecourse, and the capacity of the Maxwells Line intersection with Pioneer Highway. For the purposes of assessing PC C we do not regard these as major issues. Although the outlook from some eastern properties will change if the Kikiwhenua Area is developed, we did not hear any evidence from affected persons on this point and, on our own assessment, the distance is a significant visual buffer - but even if it were not, we would not reject or amend PC C on this basis. The traffic issues are beyond our scope, and in particular, any proposal to link Te Wanaka Road and Grand Oaks Drive by a public road will require a future plan change.
- 26) The matters referred to in the preceding paragraphs are a significant part of the context in which many of the submissions will be assessed. In any evidence based assessment of proposals and submissions, any proposal - whether from the Council or a submitter - which is not supported by good evidence on the issues raised by this wider context cannot usually be accepted without diminishing the integrity and quality of the whole.

## 4. The Hearing

- 27) The hearing took place in the Council Chambers on 20 and 21 August 2019. The Commissioners were assisted by Committee Administrator Penny Odell.
- 28) The Council was represented by Keegan Aplin-Thane, Michael Duindam, Nicholas Jessen, Harriet Fraser, Nigel Lloyd, Rose Armstrong, Reiko Baugham and Eng Lim. Mr Aplin-Thane, Mrs Fraser, Mr Lloyd, Ms Baugham and Mr Eng all gave evidence based on their parts of the section 42A report. Mr Jessen gave legal submissions and contributed as necessary during the hearing. Mr Duindam also assisted, in answering some of the broader questions from Commissioners. Their presentations were assisted by PowerPoint slides which are on the Council website for the hearing. As usual, we will not summarise the detailed evidence which is fully recorded in the agenda for the hearing.
- 29) Commissioners asked the Council witnesses a range of questions, on their respective evidence. In large part these questions related to clarification of matters in the evidence, or in the preceding technical reports. Where the answers were material to our decision, we have referred to them below in the evaluation.
- 30) One particular matter which was not addressed in evidence was the draft/consultative national policy statement for highly productive land. The Commissioners' initial view was that they are not required to consider this document. Mr Jessen was asked to comment on this issue, and his advice confirmed this initial view.
- 31) Prior to the hearing, Commissioners had asked about the availability of a cultural impact report, referred to in both the section 32 report and in some evidence, and described as 'confidential' in the former. The report had not been made available, either publicly or to Commissioners. Mr Jessen advised that the report would be given to Commissioners, but subject to confidentiality. The Council, through Mr Jessen, was asked to explain why the report could not be publicly available in terms of the factors in section 42(1). We understand that efforts were made by Council to discuss this matter with representatives of Rangitāne during the hearing, but by the end of the hearing the question had not been answered.
- 32) We have also considered the detailed technical reports attached to the public notice and section 32 report
- 33) Following the presentations and evidence by submitters, the Council reply was given by Mr Aplin-Thane assisted by Mr Duindam, Mrs Fraser and Mr Jessen.
- 34) The submitters and further submitters who attended the hearing and presented or gave evidence in support of their submissions are listed below. In a number of cases, we were provided with written and/or visual material, and this now available on the Council website for PC C and does not need to be summarised here. In the summary below we have simply recorded the key points advanced by each submitter at the hearing:
  - a) RACE represented by Alistair Robinson (Chief Executive). Mr Robinson outlined the RACE aspirations for the future of the Awapuni Racecourse. The subdivision of the Kikiwhenua Area for residential development will

fund the continuing development of the Awapuni racing assets. RACE has a partnership with Kamada Racing, both being significant landowners in the area. RACE is the major owner of the Kikiwhenua Area. RACE has a memorandum of partnership with Rangitāne organisations - Tanenuiarangi Manawatu Incorporated, Hineaute Hapu Authority Trust and Rangimarie Marae trustees. The details of this agreement were not supplied. Mr Robinson concluded his evidence by identifying points of agreement or disagreement with the recommendations in the section 42A report.

- b) John Salmon: Mr Salmon's primary concern is the impact of any connection between Te Wanaka Road and Grand Oaks Drive. This would have both amenity and traffic functionality consequences. He submitted a petition from 75 affected residents in support of this position. He questioned whether it would be preferable to link Te Wanaka Road with Totara Road. He suggested either traffic lights or a roundabout at the Te Wanaka/Pioneer intersection.
- c) Lynley Day: Mrs Day (52 Te Wanaka Road) read her submission, with an explanation of the photos. Her primary emphasis was managing and avoiding the effects of the significant increase in traffic from the Kikiwhenua Area when it is developed. She agreed that moving or removing one of the secondary roads could be helpful.
- d) Neil Wright (western Te Wanaka Rd Residents Group): The Group's submission is endorsed by a majority of the resident owners on the western side of the road. Mr Wright read his statement of evidence. He stated that all residents on the west side of the road agree to a residential rezoning of their properties (Kamada Park excepted). In answer to questions he emphasised that, in his view, Te Wanaka Road would no longer be a safe environment for race horse training, and on that basis the RTZ provisions do not allow any realistic options for use of the land. Mr Wright is also critical of the Council's communication and lack of consultation with the Group.
- e) Jeremy Dodge: Jeremy and Tammy Dodge have lived at 48 Te Wanaka Road for around 15 years. They do not oppose development, but are particularly concerned about two aspects - outlook and noise. They favour a single storey height limit on new development and the removal of the intersection opposite their property shown on the Structure Plan. His preference would be for their property to be rezoned Residential - does want to see a 'them and us' spilt on Te Wanaka Road.
- f) New Zealand Transport Agency: represented by Kelly Standish and Dan Tate. NZTA is generally supportive of the Structure Plan. It favours a roundabout intersection with Pioneer Highway. Any proposed change to speed limit must go through a formal review process, and Pioneer Highway is currently not a review priority. It is inherent in the process that the outcome cannot be predetermined. However a proposed roundabout could be viewed favourably by NZTA, and if constructed, the speed limit would be changed as part of that process rather than under a separate review of speed limits.

- g) Grant Binns: Mr Binns read evidence on behalf of Milmac Homes which owns land on Te Wanaka Road. He addressed the restrictive nature of the RTZ provisions, the traffic situation, and the potential for the land on west side of Te Wanaka Road to contribute up to 160 new residential sections. He is critical of the Council for not approaching the RTZ land on an integrated basis, and for not consulting with affected owners.
  - h) Dean Philpott: Mr Philpott (40 Te Wanaka Road) covered a range of issues. He was concerned about an inequity where one side of the road has modern services and the other does not. He is concerned about the lack of clear commitment to the intersection at Pioneer Highway. He thinks that new development requires recreational facilities for children within the development.
  - i) Tabitha Jonson: Ms Jonson (102 Te Wanaka Road) believes that there should be a priority for road safety. There is no advantage to west side residents, and awareness of this proposed change has influenced their decision (and probably others) from doing anything new on their property. In her view, residential and horse training activities are fundamentally incompatible.
- 35) We will refer in more detail to what was said by various parties at the hearing in the Assessment section of this decision. As noted above, we do not think it necessary, or helpful, to try to summarise the extensive evidence and submissions at this stage.
- 36) Many submitters did not attend the hearing, but we confirm that we have read and considered all submissions in making our decision.

## 5. Preliminary Findings and Further Information

- 37) Following the hearing we issued a Minute on 13 September. In this Minute we made some preliminary findings, and identified what we regarded as the major issues. These findings and issues are reiterated briefly in the next two paragraphs. In respect of these issues we asked the Council for information about timing and process in terms of resolution of two of them, and further substantive information on the remaining issue.
- 38) Our preliminary findings are recorded in the Minute of 13 September. These findings were expressed briefly at paragraphs 4-10 of the Minute, so we repeat them in full:
- We are satisfied that the Kikiwhenua Residential Area is generally suitable for residential development and that, subject to the resolution of the issues listed in paragraph 2 above, the land should be rezoned Residential to enable residential and ancillary development.
  - Either on its own, or as part of the wider Kakatangiata Area, the Kikiwhenua Residential Area fits well with the Council's strategic planning in respect of future greenfield development, and will contribute significantly to the achievement of Council's obligations under the National Policy Statement for Urban Development Capacity.
  - With some relatively minor exceptions, we are satisfied that the proposed structure plan is appropriate.
  - We are satisfied that appropriate infrastructure to service development of the Kikiwhenua Residential Area is available, or can be efficiently created as part of subdivision and development.
  - Before any development of the Kikiwhenua Residential Area can occur, we think that a safe intersection between Te Wanaka Road and Pioneer Highway must be either created or committed to, so that it is available before any new development is completed. We note that there is no disagreement on the need for this, and our concern arises from the absence of certainty on when a safe intersection will be in place.
  - We have concluded that a consequence of the proposed Kikiwhenua Residential Area is to make much of land on the western side of Te Wanaka Road incapable of reasonable use under the Race Training Zone. In this respect, we accept the evidence of the submitters who live on, or own, land in that area, and we do not accept the contrary evidence on behalf of the Council. However, we also find that requests for the extension of residential zoning to the western side of Te Wanaka Road are outside the scope of PC C and thus not within our authority to accept.
  - We are not satisfied, yet, that PC C provides an appropriate level of recognition and protection of sites of significance to Rangitāne. Our difficulty is that whilst Rangitāne clearly had some involvement in the development of PC C, it did not make a submission on it. The Cultural Impact Assessment was not made available to us until the hearing was well

underway, and Commissioners were limited in their ability to engage in the content of the CIA in relation to the adequacy of proposed provisions as the report writer was not in attendance. We note that the CIA was not available to any other participant in the hearing, nor to any potential submitter.

- 39) These findings were explained and expanded on paragraphs 12-34 of the Minute.
- 40) Our Minute of 13 September identified the following issues on which further information was required from Council. The issues and the required information are:

In short, three issues remain of significant interest and relevance, and all require some further work by the Council:

- a) the position of submitters on the west side of Te Wanaka Road
- b) the timing of a safe intersection between Pioneer Highway and Te Wanaka Road
- c) the recognition and protection of Rangitāne ancestral land within the proposed Kikiwhenua Residential Area.

(Minute paragraph 2)

### **Directions**

We have four separate directions to align with the issues identified above. In relation to our requested variation, and to the need for a commitment to a new intersection we recognise that these are, or may be, policy choices for the Council, and also that we are nearing the triennial election. We have therefore asked the Council, at this stage, simply for a description of the decision making processes, and the likely time within which a decision could be made. In relation to other matters which may be answered by Council staff, we have set a response time on the basis that it will be extended if necessary. We are also conscious that we need to make a decision on PC C as 'promptly as reasonably possible'.

**Direction 1:** In relation to our request for a variation to PC C to include rezoning of land on the western side of Te Wanaka Road, we direct that Council advise the details of the process it will follow to make a decision on this request, and its estimate as to when the Council will decide whether or not to notify such a variation. We anticipate that this information can be supplied by the end of October 2019.

**Direction 2:** In relation to our request for a commitment to build a safe intersection between Pioneer Highway and Te Wanaka Road prior to the completion of any development within the Kikiwhenua Residential Area, we direct the Council advise the details of the process it will follow to make a decision on this request, and its estimate as to when the Council and NZTA could grant the approvals necessary for us to regard the commitment as firm. We anticipate that this information can be supplied by the end of October 2019.

**Direction 3:** In relation to our request for further information on the identification, and protection if appropriate, of the three sites of significance to Rangitāne, we direct the Council to discuss these issues with Rangitāne, and with relevant land owners as necessary, and report to us on the way in which each site should be spatially identified, and on whether specific measures are required, as part of PC C, to preserve or protect any of the sites. This report should be sent by 31 October 2019.

**Direction 4:** In relation to the Cultural Impact Assessment, a report should be sent to us identifying the reasons for which any order is sought under section 42(1), and why those reasons outweigh the public interest in making the report public. This report should be sent to us by 20 September 2019.

(minute paragraphs 42-46)

- 41) There were three separate Council responses, generally corresponding with the issues raised in the Minute. Again, a summary of the responses follows:
- The first response addressed direction 4. The Council's view is that the confidentiality of the cultural impact report should be maintained.
  - The second response addressed direction 1. The information requested was not supplied on the basis that the Council would not accept a recommendation to prepare a variation to PC C.
  - The third response addressed directions 2 and 3. In relation to direction 2, the Council recommends a new performance standard in the subdivision rules. The proposed performance standard requires that, prior to any subdivision, the speed limits on Te Wanaka Road and Pioneer Highway must be 50kmh and no more than 80kmh respectively, and that the intersection must be upgraded to incorporate a right turn bay. In relation direction 3, the Council has reported on discussions with Rangitāne representatives which culminated in the latter being satisfied with the relevant provisions in PC C. However Council recommends that the Structure Plan be amended by excluding land which is not to be rezoned from the area within the dotted red line.
- 42) We had not envisaged that the information requested from Council would require any response from submitters. This was because there were no submissions touching on either the cultural impact report or the recognition and protection of site of significance to Rangitane, and the information requested on the other two issues was restricted to process options for resolving them. However, as we will discuss below, the Council responses went beyond this information, and an opportunity for submitters to comment was necessary. This opportunity was foreshadowed in our second Minute, and comments were formally invited in our third Minute.
- 43) We received comments from the following submitters:
- West Side Residents of Te Wanaka Road (Neil Wright) sent us an email on 22 October in relation to Council's second response.
  - West Side Residents of Te Wanaka Road, and Mr Wright personally
  - Milmac Homes sent comments.



- NZTA sent comments.
  - Pioneer City West sent comments.
  - RACE sent comments.
  - Milmac Homes sent comments on the RACE comments on 27 November.
- 44) With one exception (discussed in the following paragraph) we will not summarise the submitters' comments. The comments were in line with relevant submissions and evidence. There was no support for the Council proposals. There was general support for our preliminary findings which, as will be noted below, we have maintained.
- 45) The exception referred to above was the comment from RACE. This was not restricted to the matters in paragraph 4 of our third Minute, but rather extended to a wide-ranging, and somewhat aggressive, repudiation of evidence given by other submitters (particularly from the western side of Te Wanaka Rd), and thus to an argument against our preliminary findings. Re-opening the substantive issues in this way is self-evidently problematic because this kind of information could, and should, have been given at the hearing where it could have been considered in the normal way. In the event, we have considered this 'extra' information but give it little weight in our assessment, particularly as it does not really address the central concern around the limitations of the RTZ zoning. On this basis we have not considered the supplementary comments from Milmac Homes. (Two further separate comments from persons who were not submitters were sent to two commissioners, but these have not been considered).
- 46) We return now to the Council responses.
- 47) It would be an understatement to say that we were disconcerted at the tone and content of the first response. To put the matter into context, we start with the obvious point, that the preparation of, or change to, a district plan is an exercise of statutory power - with potentially significant legal, social and economic consequences. It is axiomatic that Council must exercise these powers within relevant statutory requirements and limits. In respect of the cultural impact report, Council did not do this. The report was clearly used in the preparation of PC C, and as a resource in the supporting evidence for PC C at the hearing. Nevertheless, Council simply asserted that the report was confidential, without any reference to the relevant statutory provision. Even at the hearing, Council was unable to provide a justification for this restriction in terms of the relevant provision. When the Council's response was received it included a comment which was essentially an attack on the Commissioners for even raising the issue.
- 48) We commend Council and Rangitāne representatives for their co-operative work in producing PC C, but caution that a similar approach to the availability of significant information might, in another case, prove to be damaging not only to their relationship but to both their relationships with other communities affected by a proposal.

- 49) The second response did not provide the requested information on the process for preparing a variation to PC C. Instead, it gave a range of reasons why a variation would not be supported by officers. These reasons can be summarised as a wish to avoid duplication of effort (and resources) in connection with a plan change already committed which will include the balance of the RTZ land. These reasons were supplemented by perceived legal problems with a variation at this stage.
- 50) While we accept that Council officers are entitled to have a different view, and to express that view to the Council, we will maintain our recommendation, and Council will have to make a decision on it. Unfortunately, one way or the other, this will simply extend the time for PC C. Our reasons will be amplified in the Assessment section of this decision but, in short, there is an opportunity for Council to resolve a significant problem, which it created with PC C, in a reasonably short time, and without any untoward disruption to further plan changes for the Kakatangiata Area. Indeed, there is no reason why the necessary work could not have begun already.
- 51) The third response did provide the process information we requested on the Pioneer Highway speed limit and intersection changes which we regard as necessary, and confirmation from Rangitāne representatives that they are satisfied with relevant PC C provisions, notwithstanding the reservations expressed in our Minute of 13 September. However our view that both the speed limits and the intersection are incompatible with residential development remains.

## 6. Statutory and Planning Framework for Plan Change C

- 52) Before moving to our assessment of submissions, we record the key elements of the statutory and planning framework within which this proposed plan change is advanced.
- 53) This framework has two major components: statutory and planning. The statutory framework is set out in the RMA and applies to all plan review and change proposals. The planning framework is a mix of policies, plans and other documents – some of which must always be considered in this context, and some which may be relevant only in particular topics or circumstances.

### **Statutory framework**

- 54) In the following outline, all references to statutory provisions are those in the Resource Management Act 1991 unless another statute is expressly identified.
- 55) The process for changing the District Plan is governed by Schedule 1. The process is, briefly, as follows.
- 56) The Council must prepare a proposed change. In doing so, it must consult with relevant iwi authorities and the Minister of Conservation. The proposed change is publicly notified, and submissions on it may be made by anyone (subject to restrictions on trade competition submissions). Once submissions have been received, Council must prepare and publicly notify a summary of the decisions requested by those submissions. Following the notification of that summary, some persons are entitled to make further submissions, but these are restricted to support of, or opposition to, a submission. If there are submissions, Council will set a hearing date. Following the hearing, a decision must be issued - the decision must address the matters raised in submissions, but submissions do not need to be considered individually. The decision need not consider aspects of the proposed plan change which are not affected by submissions. The decision must be made and publicly notified within 2 years of the notification of the plan change.
- 57) Once the decision is notified, any person who made a submission has a right of appeal to the Environment Court. When any appeals have been resolved (or if there are no appeals) the Council must approve the plan change, unless it has initiated a variation to it or withdrawn it.
- 58) In our view, the Council has, to date, complied with Schedule 1 in relation to PC C.
- 59) The substantive requirements, and matters which must be considered in preparing a plan change are listed in sections 74 and 75. Sections 76-77D apply specifically to proposed rules. The higher level obligations are to act in accordance with Part 2 (the purpose and principles of the RMA), the Council's functional responsibilities (section 32), and the requirement for an evaluation of the proposal (section 32). The proposal must give effect to (ie comply with) or consider certain other higher level policies, or policies made under other statutes - we consider these other policies in the 'planning framework' section below.

- 60) The statutory framework consists of a number of inter-related provisions, the key elements being the following:
- a) Part 2: Section 5 sets and defines the purpose of the RMA, and sections 6-8 contain a hierarchy of matters which must be specifically considered by decision makers in this context;
  - b) Section 31 sets out the functions of the Council under RMA;
  - c) Section 32 directs the Council to evaluate whether each of its objectives is the most appropriate way of achieving the purpose of the RMA, and then whether the policies and rules are the most appropriate way of achieving those objectives;
  - d) Section 32AA specifies the circumstances where a further evaluation under s.32 is required;
- 61) All planning decisions under the RMA must collectively achieve the statutory purpose of sustainable management of the City's natural and physical resources (as defined in section 5) and, in doing so, give effect to the requirements of sections 6 to 8. These provisions are collectively referred to as 'Part 2 RMA'.
- 62) Section 6 sets out matters of national importance which the Council must recognise and provide for in exercising its powers and functions. Section 7 sets out matters which the Council must have regard to in exercising its powers and functions. Section 8 requires the Council, when exercising functions and powers of the RMA, to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).
- 63) In PC C, a number of Part 2 provisions are specifically relevant. The list in the following paragraphs provides an identification of the key areas where these provisions have been considered.
- 64) Section 5(2): the definition of sustainable management of natural and physical resources is a complex one which cannot be usefully abbreviated, yet is the cornerstone of many of the decisions which have to be made:
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*
    - (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
    - (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
    - (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

- 65) Section 6 has three provisions which are relevant to the management of the Kikiwhenua Area, and we must 'recognise and provide' for them:
- a) Section 6(e) which relates to the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:
  - b) Section 6(f) which relates to the protection of historic heritage from inappropriate subdivision, use, and development.
  - c) Section 6(h) which relates to the management of significant risks from natural hazards.
- 66) In relation to section 7, the obligation is 'to have particular regard' to the matters below where that are relevant to specific topics
- a) Section 7(a): kaitiakitanga
  - b) Section 7(b): the efficient use and development of natural and physical resources
  - c) Section 7(c): the maintenance and enhancement of amenity values
  - d) Section 7(f): the maintenance and enhancement of the quality of the environment
  - e) Section 7(g): any finite characteristics of natural and physical resources
  - f) Section 7(i): the effects of climate change
- 67) Section 8 requires decision makers to 'take into account the principles of the Treaty of Waitangi (TeTiriti o Waitangi)'.
- 68) A number of aspects within the provisions listed above are defined in section 2 RMA (specifically, 'natural and physical resources', 'amenity values' and 'environment') and these definitions are also part of the statutory context. The word 'use' in section 9 is also defined.
- 69) We have considered Part 2 RMA as part of our overall evaluation of the component parts of PC C, and will return to it in the conclusion.
- 70) The Council has the functions set out in section 31. In terms of the functions created by section 31, we look specifically in this context at s.31(1)(a), (b) and (d):
- (a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:
  - (b) the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—
    - (i) the avoidance or mitigation of natural hazards; and

- (ii) *repealed*
    - (iia) the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land:
    - (iii) the maintenance of indigenous biological diversity:
  - (d) the control of the emission of noise and the mitigation of the effects of noise:
- 71) Section 32 requires Council to evaluate a proposal against specific matters. Section 32AA then requires us to make a further evaluation of any changes to PC C made since the initial evaluation under s.32. This further evaluation is contained in the final section of this decision. The matters to be considered under section 32 are, in essence, the same as those in section 32AA which are listed below.
- 72) In his evidence on behalf of the west Te Wanaka Road residents Mr Wright was critical of the section 32 evaluation, in particular as it related to those residents. We will return that issue in the Assessment section of the decision, but for the moment we simply confirm that the evaluation required by section was carried out, and that Council had regard to it.
- 73) The further evaluation under s.32AA must consider in relation to any changes to PC C:
- a) The extent to which each objective is the most appropriate way to achieve the purpose of the Act;
  - b) Whether, having regard to their efficiency and effectiveness, the policies, rules or other methods are the most appropriate for achieving the relevant objectives (which include both any proposed objectives and any relevant existing objectives);
  - c) The assessment under (b) above must identify anticipated benefits and costs including opportunities for economic growth and employment that may be provided or reduced and, if practicable, quantify those benefits and costs;
  - d) 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.
- 74) The District Plan exists (and is changed) within a context of other statutory plans and policies which may be relevant to the same resource management issues.
- 75) In this context we are ultimately required to consider whether the proposed provisions which are subject to requests for change in submissions represent the best option for achieving the purpose of the RMA. The statutory purpose of sustainably managing the City's natural and physical resources (defined in s.5(2)) has to be applied in the PC C context, with due regard to the relevant provisions of Part 2 and to the relevant objectives of both higher order policies and the Plan itself.



- 76) Returning to process, Schedule 1 Clause 10 states that we must give reasons for accepting or rejecting any submission, but also states that we are not required to address each submission individually and may instead group submissions according to the topic(s) or provision(s) to which they relate. We have generally followed the latter approach except where the particular submission raises a unique issue.

### **Plan and Policy Framework**

- 77) With that background, we turn now to outline the policy context for the content of PC C and the submissions and further submissions on it.
- 78) As we noted above, sections 74 and 75 state the matters which must be considered by the Council in preparing or changing a Plan, and the contents of the Plan. Section 75 includes the requirement to either 'give effect to' or 'not be inconsistent with' certain other policies, plans and rules made under the RMA. Sections 43B and 44A in relation national environmental standards (which are rules applying nationwide) are also relevant.
- 79) The directly relevant policies which must be 'given effect to' are:
- a) The National Policy Statement on Urban Development Capacity 2016 ('NPSUDC').
  - b) The Regional Policy Statement ('RPS' but also referred to as 'One Plan')
- 80) The relevant documents which PC C must not be 'inconsistent with' are:
- a) The Regional Plan in relation to any Regional Council function under section 30(1) ('One Plan')
  - b) Any provision of the National Environmental Standards for Telecommunication Facilities ('NESTF')
  - c) Any provision of the National Environmental Standards for Electricity Transmission Activities ('NESETA')
  - d) Any provision of the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health ('NES Contaminated Soil')
- 81) The relevant documents which PC C must 'have regard to' are:
- a) Management plans and strategies prepared under other Acts.
  - b) Any relevant entry on the New Zealand Heritage List/ Rārangī Kōrero.
  - c) The district plan of any adjoining territorial authority (to the extent that consistency of approach is relevant).



- 82) There is no dispute as to the content and application of the documents referred to in the preceding 4 paragraphs, and their respective significance and relevance has been well identified and canvassed in the preparatory documents (including the Section 32 report), the section 42A reports and in some submissions. None of these matters is contentious in this context, and we have therefore not repeated the summary and analysis referred to above.
- 83) Section 2 of the Plan contains the City View Issues and Objectives. A number of the Objectives are specifically relevant to urban residential management, and must shape the approach taken in PC C. These are Objectives 1-3, 5, 6, 9-11, 15-17 and 23-24.
- 84) Much of the Plan rests on a variety of 'building block' strategies adopted by the Council in recent years, often through a public consultative process. Many of these strategies concern the Council's spending and resourcing priorities. Their significance in this context varies, but can be considerable. Those strategies which are particularly relevant to PC C are referred to in some detail in section 2.58 of the section 32 report. Again, none of these matters has been contentious, and for the purposes of this decision we refer to and adopt that summary in the section 32 as the policy context for PC C.
- 85) In a policy context, PC C thus represents a proposed implementation of a wide range of existing policies affecting the management of the City's natural and physical resources.

## **7. Submissions**

- 86) As noted in para.5 above, there were 23 submissions and 6 further submissions. It is not clear Submission 3 from Colleen O'Byrne was intended as a submission as it does not make any request in relation to PC C. These submissions and further submissions are accurately summarised in Appendix A of the section 42A report. The submitters who were able to attend the hearing are listed in the next section of this decision.
- 87) While we have considered all submissions in making this decision, any submission which simply indicated support for the proposed plan change and any submission which did not make any specific request in relation to the proposed plan change do not require assessment. Any submission which requested that specific parts of the proposed plan change be approved as notified has not been assessed unless there was some other submission which requested a change to those parts. Any further submission is restricted to support of or opposition to a submission, and consequently further submissions generally do not require specific assessment though their contents and any supporting evidence are, of course, matters we must consider.

## 8. Assessment and Reasons

- 88) As noted earlier we have approached decision making by grouping the submission requests into a number of topics. In turn, these topics are in two categories. First, the high level issues concerned with the essence of PC C: fundamentally these issues are concerned with whether PC C should be accepted in the form proposed. Second, the detailed provisions and management measures which enable PC C to achieve its purpose. Within these two categories we have arranged specific issues in a sequential or logical, but not necessarily hierarchical, way. Different submitters understandably have different views on the relative importance of these issues.

### The high level issues

- 89) In this section of the decision we assess the following 'high level' issues:
- a. Zoning: Race Training to Residential
  - b. Traffic
  - c. Sites of significance to Rangitāne

### Zoning: Race Training to Residential

- 90) The essence of PC C is the rezoning of the Kikiwhenua Area from Race Training to Residential. Only one submission opposes this outright, but a further three oppose it conditionally. A number of submissions expressly support the proposed rezoning.

### Submissions opposing rezoning

- 91) A submission from Mr Hillary (submission 13) requests the rejection of PC C on the basis that 'an adequate reliable long term system is not being provided' for wastewater disposal. It is correct that such a system is necessary for urban development. However the undisputed evidence from Mr Eng is that the pressure sewer system will work, and will be economic. Mr Hillary did not offer any contrary evidence. The fact that such a system is relatively new in this country means that questions will be asked about it, and must be answered. In our view these queries have been answered. This submission is therefore rejected.
- 92) The submissions from Residents Group Te Wanaka Road, Milmac Homes, and Residents Group 62, 86 and 199 Pioneer Highway all request the extension of the rezoning to properties to the west of Te Wanaka Road. As an alternative they request that PC C be rejected. These are submissions 21, 22 and 23, (We note that three individual submitters are also within the Residents Group Te Wanaka Road). We will refer to these submitters collectively as the 'western owners' for the purposes of this part of the assessment.

### The scope issue

- 93) Prior to the hearing the Council raised the issue of 'scope' in relation to the western owners' request for an extension of the Residential zoning to their properties. The argument that all or part of a submission is outside the scope of the plan change means that any request 'outside' the scope cannot be considered.
- 94) The RMA itself does not use, or define, 'scope'. Instead, what it requires (Schedule 1 clause 7) is that a submission must be 'on' the proposed plan change. An analysis of the way in which this language has been applied by the Courts is contained in Mr Jessen's legal report of 5 August 2019 (included in the hearing agenda). Invariably, 'scope' is occasionally a grey area, and a judgment is required on whether a request falls one side of the line or the other. A logical, but not necessarily decisive, starting point is the stated purpose and scope of PC set out under para.6 above.
- 95) Our approach is ultimately a pragmatic one, but it does fit comfortably with the general concept of scope. We simply do not have sufficient information on which to base a rezoning decision for the western side of the road. An examination of the range of expert assessments for the Kikiwhenua Area gives an idea of the matters which need to be considered. Even if these assessments could be simply 'transported' across the road (and this may be the case for some at least), the more important consideration involves the boundaries of any rezoning and its effect on other adjoining owners (for example Kamada Park or the Shirriffs Road properties). These owners are not parties to PC C, and some at least would likely have wanted to make their views known if an extended rezoning had been part of PC C. For these reasons, even if the scope limitation did not exist, we would not accept the rezoning request. Accordingly the rezoning requests are rejected.

### Outcome on opposition to rezoning

- 96) However, as indicated in our preliminary findings, we regard this as an unacceptable outcome of PC C. In our view the Kikiwhenua Area is suitable for residential development, but only if, and when, there is an adequate integration of community needs. In essence, we think that Council misconceived Te Wanaka Road as a significant boundary when, in reality, it is the core of this area. In the present context we see no net benefit to the City in enabling the development of the Kikiwhenua Area in a way which imposes a significant and, we think, both unfair and unnecessary cost on the western owners. On the issue of integration, it will also be apparent that we do not think that the development of the Kikiwhenua Area can proceed without a commitment to contemporaneously create a fully upgraded intersection with Pioneer Highway - this will be discussed further under Traffic, but we mention it now because it is the second of two issues which need to, and can be, resolved before development.
- 97) Our preliminary view was that the Council should notify a variation to PC C addressing the zoning of the RTZ properties on the west side of Te Wanaka Road. The second response from Council to our Minute advised that the officers would oppose this course of action. Nevertheless, for reasons which will set out below, we will maintain this recommendation, and our decision will include a rule requiring a variation to PC C or a plan change to be notified

before the Kikiwhenua Area can be subdivided. To that extent the submission requests opposing the rezoning proposed by PC C are allowed in part.

The variation recommendation

- 98) Our recommendation is that Council prepare and notify a variation to PC C to change the zoning of the remaining RTZ area. The reasons for this recommendation are reiterated below.
- 99) Early in the process, Council should be able to determine whether all RTZ property owners wish to have the land rezoned, and if so what zoning they would prefer. If, for example, the owners of the Kamada Park land do not wish to be included in any rezoning proposal it would appear to be simple enough to respect that view.
- 100) Council can initiate a variation to a plan change any time between notification of the plan change and its approval. This decision will necessarily have been completed before Council makes a decision on whether to accept the recommendation that a variation be notified.
- 101) We record that, since the hearing and our Minute of 13 September which introduced this recommendation, Council officers advised that the Council had resolved to proceed with a plan change for the balance of the Kakatangiata Area, including (we understand) most of the rest of the RTZ land. It would have been helpful to know this before, or at the hearing, to enable discussion as to how firm the commitment is, examine questions of timing, potential difficulties and so on. Mr Aplin-Thane was able to advise that a plan change covering the remaining RTZ land could be notified as early as the end of 2020. The formal advice (in the second response) was that a plan change would be publicly notified within 18 months - say by mid 2021.
- 102) We now turn to the substance of our recommendation. We heard evidence from a number of western owners which was consistent on three important issues. First, that the land is not actually used for race training purposes. Second, that residential development across the road would make it impossible for such use because it would not be a suitable environment (there was also evidence that the mere prospect of residential development was sufficient to discourage any horse related activities). Third, that the RTZ is a very restrictive set of rules and policies which makes it difficult, if not practically impossible, to do anything else with the land.
- 103) Our reading of the provisions of Plan Section 21 confirms this. It is a zone tailored for a specific activity, with a policy (1.2) expressly discouraging all other activities. Existing lawfully established activities are of course permitted under section 10 RMA.
- 104) We found the evidence from the western owners, overall, compelling and credible. We did not agree with the Council planning evidence that the RTZ is not unduly restrictive - it is, in fact, designed to be restrictive. As noted above, we have considered the comments provided by Mr Robinson for RACE. We accept that he has a different view from the western owners, but we are not prepared to reopen evidence on issues of land and environmental suitability. The important point is that the zone is very restrictive, and the activities it does permit are not, and probably cannot, be currently undertaken by the western

owners (Mr Robinson indirectly provides some support for that with his comments about RACE's requirements for licensed trainers).

105) We conclude this section by repeating the findings set out in the Minute of 13 September at paragraphs 12-17:

- PC C involves rezoning around half of the land currently zoned Race Training to Residential. The Race Training Zone ('RTZ') can be described as highly specific in its purpose and its single Objective, and narrow in the range of activities which are permitted within it. These things are self-evident from the provisions of District Plan Section 21: Race Training Zone.
- In a physical sense, the land within the RTZ is currently separated from urban development by the Mangaone Stream, the Awapuni Racecourse and rural land to the north and west. This separation is critical to the functioning of the RTZ. It is necessary to emphasise this point, because the evidence of various submitters has persuaded us that leaving a 'remnant RTZ' not only serves no resource management purpose, but also disadvantages the owners and occupiers within this zone.
- The starting point is the nature of horses. Despite their size, they are often nervous animals who react to perceived risk or stress by using their superior speed to run away from it. With race horses these characteristics are amplified. Looking at it another way, a horse who is not nervous, and not inclined to run away, is unlikely to be a successful racer. An area dedicated to the training and care of race horses thus needs to be within an environment where they will not be subject to the stresses of unfamiliar people, activities and noise. A stressful environment is not a suitable training environment. The current RTZ environment is suitable for race horses because of the physical separation described in the last paragraph. The residents within the RTZ understand this, and are sensitive to it in the way they carry on their own day to day activities.
- We accept the submitters' evidence that a residential development on the scale envisaged within the Kikiwhenua Area would create an environmental change, a short distance away on the other side of Te Wanaka Road, which is completely unsuitable for race horses.
- Council has noted that the properties on the western side of Te Wanaka Road are not currently used for race training purposes, with the exception of Kamada Park. The submitters agree that this is correct. What the submitters also say, however, is that the proposed residential zoning in the eastern half of the RTZ (which has been discussed for some time) will have dissuaded any potential race training activities from establishing in the western half. Whether this is so or not, we have concluded that, even though the western Te Wanaka Rd properties are not currently used for RTZ purposes, PC C will turn this disuse into a practical impossibility. Race horses and moderately intensive residential development simply do not mix. This makes the remaining RTZ a pointless, inefficient and costly resource management control.

- Given this finding, it appears to us that while PC C is a good proposal within its own terms, its effect is to create or compound a significant problem for many of those left in the remnant RTZ. In resource management terms, that outcome attaches a significant environmental cost to PC C, and one which is imposed on people who do not share in its benefits. However, it also seems to us that this is by no means a necessary outcome.

106) We now turn to the reasons given by Council officers for opposing a variation to PC C. Three reasons are given in the Council's second response. We comment on each as follows:

- The Commissioners would not have been aware that the Council had authorised the commencement of work on a plan change for the rest of the Kakatangiata Area: We were not aware that Council had (in June 2019) already authorised this work. However we were aware from Mr Aplin-Thane that the planning team favoured commencing the next stage, perhaps as early as late 2020 (evidence at para.1.7). The main reason we are not persuaded by this factor is that there is every chance that the wider Kakatangiata Area will raise different and more complex issues than Kikiwhenua. These issues are described in Mr Aplin-Thane's evidence. Even with Council's best intentions, we think it probable that it could be a significantly slower solution to the problem created by PC C - and the west side of Te Wanaka Road would not be a major part of a new plan change. In that sense, the future plan change is very much a second best solution - and that is not something the Council should be happy with.
- Efficiency issues: We accept that starting a PC C variation may eventually overlap with a plan change for the rest of Kakatangiata. But there is no reason for a substantive overlap. The same work has to be done on the remnant RTZ area irrespective of whether it is under a variation limited to that area, or as part of a broader plan change. In other words if a variation addresses the remnant RTZ area, that area will not be included in the plan change. Efficiency issues are ultimately for the Council, but we doubt that they are significant enough to justify a delay in fixing a major problem with PC C.
- Procedural difficulties: We think that the alleged procedural issues are misconceived. If PC C is subject to a variation, then the Council should not formally approve it until the variation has reached the same stage. This might, however, occur quickly. In any case, PC C rules will have legal effect once this decision has been publicly notified. Nor have we made any finding as to the future zoning of the remnant RTZ which would affect, let alone predetermine, the approach in a future variation. Our finding is that keeping the RTZ is now untenable from a resource management perspective, and unfair to owners. Both the western owners and the Council favour the extension of the Residential zone, but we have expressed no opinion on this, and nor are we in a position to do so.

## Traffic

### A new intersection

- 107) The key issue is the relationship between PC C and the availability of a safe intersection at Te Wanaka Road/Pioneer Highway. There are subordinate issues of speed limits both these roads.
- 108) Council's view is that the Kikiwhenua Area can be developed with a combination of a partial intersection upgrade, and a reduction in speed limits on both roads, with a full intersection upgrade as a future option if needed. We do not agree. Our decision, as signalled in the Minute of 13 September 2019, is that development of the Kikiwhenua Area cannot occur until there is a full intersection upgrade with attendant speed limit reductions. The following paragraphs will explain our reasons for this decision.
- 109) Any traffic from the Kikiwhenua Area will have, initially at least, only one exit point - on to Te Wanaka Road, and then on to Pioneer Highway. There may be a future road connection between Te Wanaka Road and Grand Oaks Drive (across the Awapuni Racecourse land), and a future access from Pioneer Highway, but the former would require statutory processes including resource consents, and it will be controversial, and the latter requires full evaluation.
- 110) Pioneer Highway is an NZTA road currently subject to a 100kmh speed limit. NZTA representatives accept that it should probably be an 80kmh limit, particularly given the transition into the urban area at the Mangaone Stream. Nevertheless it has no current plans to review the speed limit, nor could it assure us that any review would recommend a reduction in the limit. The speed limit on Te Wanaka Road (currently 70kmh) is controlled by Council, and the process for reducing the limit is much simpler.
- 111) At this stage, our obligation under RMA is to provide for a traffic solution which will be safe for all users: adults, children, pedestrians, cyclists and drivers of all abilities. It is not primarily an engineering or economic exercise, but ultimately an application of our own judgment and experience, informed by local and professional evidence.
- 112) On this approach, the current intersection looks unsafe. For example, any exit from Te Wanaka Road to go towards the City has to judge cars coming at high speed in both directions; and any turn into Te Wanaka Road approaching from the west is safely possible only if there is no oncoming traffic and there is no following traffic because of the narrow carriageway. Being aware that regular users of a road may have a different experience, we were particularly interested in Mr Binns' evidence on the difficulties for commercial/heavy vehicles trying to turn right from Te Wanaka Road towards the City.
- 113) There is no suggestion that the current intersection is compatible with the needs of a residential development. As noted above, Council believes that performance standard requiring both speed reductions and a partial upgrade of the intersection are necessary.
- 114) Those submissions which addressed the issue of increased traffic generation pointed to problems with the intersection at the moment. Solutions requested focused on speed reduction on Pioneer Highway (to 60kmh); an alternative access from Pioneer Highway into the Kikiwhenua Area; and the creation of a

secondary access through Grand Oaks Drive. NZTA' submission (supported by a further submission from Pioneer City West and Heritage Estates) prefers a roundabout intersection. Having heard the evidence, our view on these requests is:

- In our view, speed limits and intersection improvements go hand in hand. We agree with NZTA that a roundabout is the best solution. In answer to specific questions on the turning bay option, Mr Tate's view was that it did not bring advantages for any road users other than cars. Mrs Fraser's evidence appeared open to either option, noting that a right turn bay could be adequate until 2025, but might then need reconsideration. For reasons set out below we do not favour a staged assessment of this kind.
- A roundabout will also entail speed reductions on both Pioneer Highway and Te Wanaka Road. We do not see any advantage in the (now) proposed performance standard under which a consent planner would have to decide, on a non-notified application, if and when a full upgrade is needed. We think that a roundabout would be the best solution even if new development were to stop at the Kikiwhenua Area - but given that the Council intends to bring forward the rezoning of further areas which will access on to both Te Wanaka Road and Pioneer Highway, we see no merit at all in starting with a partial upgrade, so we do not accept it as an option.
- We can only assume that the Council recommendation is based on funding constraints, and while these (if they exist) are relevant, they do not weigh as heavily with us as safety for all users and good planning. Regrettably, a nation-wide experience in prioritising physical improvements to existing roading is that a history of serious accidents is an important weighting factor. We think that the answer, in the planning context, is to do the work to the best standard first time.
- We accept that there is some merit in exploring a limited access from Pioneer Highway for construction purposes. However in our view such an arrangement is best left to a construction traffic management plan when development can begin.
- We are unsure as to the need for a further permanent access directly from Pioneer Highway. This is currently shown on Map 7A.2 as 'potential future link', and we discuss it further below under the Structure Plan heading.
- We understand the reasons for wishing to maintain the possibility of a future link from Te Wanaka Road to Grand Oaks Drive. There is, however, no evidence that such a link is necessary for the PC C area to be developed. We deal with this further below.

#### Grand Oaks Drive connection

- 115) The possibility of a future road from Grand Oaks Drive to Te Wanaka Road was the subject of submissions in Plan Change 21. An outcome of PC21 was a Map 15.1 Awapuni Racecourse Structure Plan, which showed this a 'potential future road connection'. That identification is substantially maintained on Map 7A.2 as notified, except that 'link' is used instead of 'connection'.



- 116) A number of submissions relate to this potential future road. Mr Wrathall and Mr/Mrs Day (submissions 2 and 17) request the link. Mr and Mrs Salmon, Mr Barr and Mr and Mrs Lovelock (submissions 10, 15 and 16) oppose it. NZTA point to an apparent lack of consistency with policy 1.6 (discouraging cul de sacs) by noting that Te Wanaka Road will be a cul de sac without some other connections.
- 117) Mrs Fraser acknowledges that a connection would align with some Plan objectives and policies, but does not regard it as necessary for the development of this area.
- 118) Our approach is similar to that taken with the 'scope' issue in relation to extending the rezoning to the west. In our view, any decision on this potential connection should be made in the light of all options, and when all affected persons have had an opportunity to have their say on a specific proposal. That is really the essence of the scope problem, and for that reason we decline to make any substantive changes to Map 7A.2. However we do accept that an explanatory note of the kind recommended by Council would be useful, but we amend it as follows *2. Potential future road connection subject to assessment via a designation or PNCC resource consent and Horizons resource consent.*
- 119) To avoid doubt, there is no change to Map 15.1.
- 120) The submissions on this point are accepted or rejected accordingly.

#### Maxwells Line

- 121) The submission from Mr Tietjens requested provision for cars turning right from Pioneer Highway into Maxwells Line.
- 122) We are prepared to accept the possibility that the development of the Kikiwhenua Area will have some effects on the wider roading network. One would expect, for example, that many of the new residents will drive into the City along Pioneer Highway and past Maxwells Line. But adjustments to the roading network are not within our remit. We can make decisions on new roads (and specify, as we have, that a certain standard must be created before development can proceed) but decisions on existing roads are, finally, for the roading authorities - either NZTA or Council.
- 123) For these reasons we must reject Mr Tietjens' request.

#### Access directly from Pioneer Highway

- 124) Map 7A.2 shows a potential future road link from Pioneer Highway at the eastern end of the Kikiwhenua Area. We have assessed this below under 'Structure Plan'.

#### **Sites of significance to Rangitāne**

- 125) There were no submissions on this issue. The concerns raised in our Minute of 13 September 2019 reflected a preliminary view that the provisions of PC C did not adequately 'recognise and provide for' the specific sites of significance to Rangitane mentioned in PC C (eg Policy 2.7 and Rule 7A.5.2.3 assessment criterion (c)(v)). We think that these issues of clarity are self-evident from the wording of these provisions. It has proved difficult to better define this issue,

partly because of the confidentiality around the cultural impact report, and partly because Council (understandably) were not in a position to answer questions on behalf of Rangitāne.

- 126) A particular concern is that Map 7A.2 incorporates Rangitāne owned land which is not subject to rezoning within the defined structure plan area, and also shows assets such as 'main pedestrian/cycle connections' through this land in an area thought to be the urupa.
- 127) We thought that management of all of these issues could be improved. However the Council's third response contains a confirmation from Danielle Harris, on behalf of Rangitāne, that she is satisfied with PC C. We therefore do not take these issues any further. There being no submission, a decision is not required.
- 128) The Council's third response recommends (at para.28 and Appendix 3) that we amend Map 7A.2 to generally align the definition of the structure plan area with the area subject to rezoning. We are unable to do this. Our difficulty is that there is no submission making such a request, and the power in Schedule 1 clause 16(2) is limited to altering 'information' if the alteration is of minor effect, or to correct a 'minor error'. The Structure Plan has some 'information' components (eg the map key) but we think that the boundary is much more fundamental. Nor can we conclude that the boundary is an 'error': the reason for including the land which is now to be excluded is explained in para.27 of the third response. We agree that the alteration should be made and, of course, it could be included in a variation to PC C. It could also be done by Council itself, if it regards clause 16(2) as sufficient authority.
- 129) We now turn to a number of detailed issues raised in submissions which are not addressed above. These are as follows:
  - a) Structure Plan Map 7A.2
    - Stormwater ponds
    - Connections with Pioneer Highway
    - Internal roads: secondary and tertiary
    - Trees
    - Pedestrian and Cycle connections
    - Community and Recreation facilities
  - b) Lot sizes
  - c) Development setback
    - Pioneer Highway
    - Te Wanaka Road
  - d) Outlook from the east

- e) Infrastructure cost
- f) Gas and Electricity Services
- g) Changes to Policies and Rules
- h) Effects on Military Training

### **Structure Plan Map 7A.2**

130) As indicated above, there are 6 specific issues affecting the Structure Plan.

#### Stormwater

- 131) There are two relevant submissions. The submission from RACE request the removal of the northern pond option. The submission from Pioneer City West and Heritage Estates ('Pioneer City West') simply indicates a provisional support for the stormwater assessment and mitigation. Its further submissions opposes both its own submission (reversing provisional support) and the RACE request.
- 132) The only expert evidence we heard was from Reiko Baugham for the Council. We accept her evidence. Under proposed Rule 7A.5.2.2 an application of subdivision consent will require a detailed stormwater design incorporating the matters in (a)(xiii) and (c)(xii-xiii). The specific provision(s) for stormwater detention, and any associated options, costs and risks are best addressed at that stage.
- 133) We accept Ms Baugham's recommended note on hydraulic neutrality for Rule 7A.5.2.1.1. We also accept the recommended addition to Rule 7A.5.2.2(f) to ensure that any impacts of new infrastructure on existing stopbanks are considered.
- 134) The outcome is that the RACE request is rejected. The Pioneer City West position is unusual: it is entitled to change its mind and to resile from its submission, but it is not entitled to use the further submission process to advance a new request. As the essence of the Pioneer City West position is now opposition to the proposal it suffices to note that we would have accepted the initial request, but reject the further submission in this respect.

#### Connections with Pioneer Highway

- 135) Map 7A.2 shows a potential future road link from Pioneer Highway at the eastern end of the Kikiwhenua Area. The NZTA submission deals with both of the future links shown on Map 7A.2, and its concern appears to relate to the word 'potential', and the possibility that the only access to the site would be at the Te Wanaka Road intersection. The RACE submission also requests access to a slip lane from Pioneer Highway. Mr and Mrs Dodge request that the access from Pioneer Highway is built before any work commences. Mr and Mrs Philpott also request this as a primary route.
- 136) Our difficulty with these submissions, and Mr Aplin-Thane's recommendation, is that there is no evidence on the traffic and safety impacts. We have outlined above our concerns with the Te Wanaka Road intersection, and required both

a full upgrade and a reduction in speed limits before development can proceed. the same general concerns arise with this proposed intersection.

- 137) Even accepting that a speed limit of no greater than 60kmh will have to be in place before development can occur, we would need evidence on a range of fairly obvious potential conflicts. How would a right turn from or into Pioneer Highway be made safe? Should there be permanent left turn restrictions? How would this access relate compatibly to the use of the area as pedestrian or cycle route? Endorsing the recommendation would infer that we are satisfied on these issues, but we are not. We have already noted that such access may be advantageous for construction traffic, but this will be done prior to development and under a plan which incorporates appropriate safety measures, including traffic controls. Our conclusion is that the 'potential' notation should remain until the option has been fully evaluated.
- 138) For these reasons, the requests are rejected.

#### Internal roads

- 139) Map 7A.2 shows (in blue) a number of secondary roads. Submissions from Mr and Mrs Day and Mr and Mrs Dodge request the removal of the two secondary roads intersecting with Te Wanaka Road. The amenity grounds for this were explained in their submissions and evidence. We have considered the evidence of Mrs Fraser who thought that one of the internal roads could be formed as a cul de sac, Ms Armstrong who does not favour cul de sacs, and Mr Aplin-Thane agrees with her and recommends that both roads remain on Map 7A.2.
- 140) On balance, we think that the northern secondary road should be removed, at least to the extent that it does not intersect with Te Wanaka Road. In reaching this conclusion, we think that the amenity effects of the northern secondary intersection outweigh its benefits. We think that if another secondary road intersection is regarded as necessary it should be moved to a location where it does not directly face existing houses. We think that our decision addresses the concerns of Mr and Mrs Day, but we emphasise that we do not favour a slip road on Te Wanaka Road itself - we agree with Mrs Fraser's concerns about safety (para.34).
- 141) To the extent that the northern secondary road intersection is removed from Map 7A.2, the Day and Dodge requests are accepted in part.
- 142) RACE's submission is in rather general terms, and requests a slip lane access on to Pioneer Highway and two internal cul de sacs. Neither Ms Armstrong nor Mrs Fraser supported a slip lane access off Pioneer Highway. RACE did not call expert evidence on traffic or urban design issues. Given the detailed alternative plan submitted, that would have been useful, because the 'contest' of alternatives is unequal and limited when we have expert evidence only from the Council. Mr Robinson did not comment specifically on the evidence from Mr Aplin-Thane, Ms Armstrong and Mrs Fraser in relation to roading connections with Pioneer Highway, save to request more flexibility. We accept Ms Armstrong's recommendation to add a specific performance condition in relation to cul de sacs, and adopt the recommended wording at para 3.107 of the section 42A report.

143) We understand the development advantages of some kind of controlled access within the Pioneer Highway frontage, and appreciate Mr Aplin-Thane's efforts to find a 'middle way'. However, we refer to our comments above in relation to access from Pioneer Highway. We do not think that there is sufficient evidence on which we could accept Mr Aplin-Thane's recommendations. This means that we will not amend Map 7A.2 as recommended. It does not mean, of course, that an access and/or a tertiary 'laneway' are precluded as development options, if future assessment shows that they can be provided safely and effectively for all users. Rule 7A.5.2.3(c)(xiv) is therefore amended as shown in Appendix 1.

144) This submission request is therefore rejected.

#### Trees

145) The RACE submission notes that the retention of existing shelter belts may not be compatible with residential development. This is an issue under both Map 7A.2 and Rule 7A.5.2.3. The RACE submission is supported by a further submission from Milmac Homes.

146) We agree with RACE that a perceived requirement to retain the existing trees is not warranted. Our view is that the trees we saw are all exotic species which, while useful in a rural area, are unlikely to be compatible in an urban residential area. They do not always align with proposed road corridors (which is the context for the proposed rule), and we do not have any expert evidence on their safety, longevity or quality. None of the trees is protected under Plan Section 17.

147) The tree notations on Map 7A.2 are therefore removed. Policy 2.7 is amended by removing the first bullet point. Rule 7A.5.2.3(c)(vii) is deleted. We note that the requirement to consider appropriate street tree planting remains, and also that existing trees can be retained if the owner so wishes.

148) This request is accordingly accepted.

#### Pedestrian and Cycle connections

149) Submissions from NZTA and Mr and Mrs Philpott address pedestrian and cycleway provisions across the Mangaone Stream and connection with the Longburn path.

150) The NZTA submission requests that the connection be clearly depicted. The Philpott submission requests an appropriate and safe connection (noting the current hazards of crossing even within the 50kmh area east of the bridge).

151) We agree with the recommendations at paras 3.71 - 3.74 of Mr Aplin-Thane's evidence and agree that the proposed amendments to Map 7A.2 are appropriate. We would add that these are a further factor in favour of development occurring only once a suite of measures is committed to in relation to Pioneer Highway.

152) The submission requests are accordingly accepted.

### Community and Recreation facilities

- 153) Submissions from Mr and Mrs Dodge and Mr and Mrs Philpott request the inclusion of a pocket park and play area, and the Philpott submissions broadens the request to community facilities. The request are opposed by RACE in its further submission.
- 154) We note that Ms Armstrong generally supports the requests. Mr Aplin-Thane does not support the requests. He points to the potential that the Council might provide a play area through its own asset planning, and notes the provision of pedestrian and cycleway corridors.
- 155) In our view the provision of both a play area and a dedicated area for a community facility are necessary. The Kikiwhenua Area will be a new community of over 200 hundred houses. Provision needs to be made for young children, so that families do not have to drive or travel to play areas. Open spaces used for other purposes (eg cycling or stormwater storage) are not a substitute. We think that this is a basic amenity for a new community, and should be reflected in planning. The same applies to land for a dedicated community space which will also encourage community growth and strength.
- 156) Accordingly, provision is to be made in Map 7A.2 for a play area and community facility. Rule 7A.5.2.3(c) is amended by inserting a new criterion *'the extent to which the development of a community facility and small park, and a play area for young children are provided for'*
- 157) The requests are accepted to this extent.

### Council requested amendments

- 158) The Council's submission requested a number of minor amendments to Map 7A.2 to improve legibility. We agree with all these requests, and accept them accordingly.

### **Lot sizes**

- 159) There are two submissions. RACE requests that the generic greenfield average lot size of 500m<sup>2</sup> - 550m<sup>2</sup> should be replaced for Kikiwhenua Area with average size of above 600m<sup>2</sup>. Council requests a minimum site area (ie lot size) of 350m<sup>2</sup> which is a control applying generally to the Residential Zone.
- 160) There does not appear to be any dispute about the Council request, and we therefore accept it.
- 161) The issue with the RACE request comes down to a difference in perspective. RACE is, or might be, aiming its subdivision at a market (second or third home buyers) where it perceives that there will be greater demand for slightly larger sections. The Council is, primarily interested in making provision for urban and housing growth (as it is required to do), and is perhaps more interested in efficient use of the land for this purpose. and the potential yield.
- 162) On Mr Aplin-Thane's assessment the difference in yield is potentially quite significant. Inevitably this has a bearing, not only on the utility of the rezoning exercise, but also on the justification for the significant public infrastructure costs which support the development. Mr Robinson was, understandably,

more concerned with the financial viability and benefit of doing the development. There may always be a degree of tension between the public and private perspectives. However in this planning context we have to put significant weight on the public benefits of the proposed change. We therefore accept Mr Aplin-Thane's recommendation, For these reason, the RACE request is rejected.

### **Development setback, mitigation and restrictions**

- 163) Submissions from RACE, NZTA and Pioneer City West concern setbacks from Pioneer Highway. Submissions from Mr and Mrs Dodge and the Residents of Te Wanaka Road request building restrictions of the east side of Te Wanaka Road.

#### Pioneer Highway

- 164) The RACE submission requests clarification that the setback is measured from the nearest edge of the road carriageway to the nearest part of a dwelling. That is agreed by Council (para.3.67). It also seems reasonably clear from Rule 10.6.1.5(f), so we do not think that any change is needed. The request is therefore accepted.
- 165) NZTA's submission supports the proposed setback, but also requests provisions for either a larger setback or acoustic insulation if development proceeds prior to a reduction in the speed limit on Pioneer Highway. Our decision is that development cannot occur until the speed limit on Pioneer Highway is reduced to a level consistent with the fully upgraded intersection at Te Wanaka Road (we assume that this would be either 50kmh or 60kmh). This matter is within NZTA's control. On this basis the extra provisions requested by NZTA are unnecessary, and we reject the requests. It follows that we do not accept Mr Lloyd's recommendation at para.23 of his evidence.
- 166) The Pioneer City West submission requests a new provision which is essentially a sunset clause on the setback, Under this requested provision the setback requirement would cease in the event that the Te Wanaka Road intersection is upgraded, or that the speed limit is reduced from its current level, or that Pioneer Highway is no longer a state highway. The request is immediately relevant because we have decided that development cannot occur until the first two of these contingencies are in place.
- 167) Pioneer City West did not attend the hearing, and advised that it thought that its issues had been 'appropriately addressed'. Mr Lloyd's evidence on the request is that the setback of 20m is based on the assumption that the speed limit on Pioneer Highway would be reduced to 60kmh. We also think that the setback accommodates the proposed slip road and pedestrian and cycling access. For these reasons we reject this request.

#### Te Wanaka Road

- 168) A number of submissions from owners on the west side of Te Wanaka Road raise amenity issues including outlook, design and noise effects and request mitigation measures:
- Mr and Mrs Day request double glazing (for noise) and avoiding high timber fences.

- Mr and Mrs Dodge request a walkway opposite the cluster of houses on Te Wanaka Road and a single storey restriction on houses fronting Te Wanaka Road to a distance of 80-100m
  - Mr and Mrs Philpott request double glazing if Te Wanaka Road becomes the main access, and tree lined footpaths.
  - The Residents of Te Wanaka Road request a single storey height limit along Te Wanaka Road.
- 169) In relation to noise and the request for double glazing, we are guided by the expert evidence of Mr Lloyd at paras.39-41, His evidence is that residents will be subject to greater traffic noise, that noise reduction from increased traffic volumes can be reduced by combination of speed reduction to 50kmh and laying a quiet road surface. Noise levels, in his opinion, are not sufficiently high enough to warrant double glazing. The speed limit on Te Wanaka Road will be reduced if development is to occur. When Te Wanaka Road is no longer a rural road we recommend that Council install a quiet road surface - this would benefit residents on both sides.
- 170) Fence heights are already subject to controls in the Residential Zone which would require consents for high fences.
- 171) There is scope for amenity planting on Te Wanaka Road during the development, and it is one of the matters Council will consider in assessing any subdivision.
- 172) We favour a single storey (4 meter) building height limit along Te Wanaka Road. This would achieve the amenity benefits the submitters are concerned with, and also maintain a relationship between building types on both sides of the road. It is also, in our experience, by far the most common dwelling type in the City. However, we do not see any need to extend this height control beyond the immediate Te Wanaka Road frontage. We acknowledge that a height limit on its own can be something of a blunt instrument, but Council did not offer any alternatives to address our concerns on this point - these concerns are best illustrated by a number of the housing typologies illustrated in the urban design technical report which we would regard as unacceptably out of character in this location.
- 173) The submission requests are accordingly accepted in part.

#### **Outlook from the east**

- 174) Submissions from Colleen O'Byrne and Mark and Denise Oram deal with potential effects from a perspective east of the Kikiwhenua Area. Neither of these submitters attended the hearing so we can only assess the content of their respective submissions.
- 175) The submission from Colleen O'Byrne states *I have no objection provided the reserve and trees adjacent to Spilman Place and the other cul de sacs are not sacrificed in anyway*. None of these areas are affected by PC C, and there is therefore nothing for us to consider. On that basis we simply note this submission.



176) The submission from Mr and Mrs Oram requests that Council ensure that the outlook from their property, currently rural in nature, is maintained by appropriate planting along the Mangaone Stream. Having looked at this area, our conclusion is that whilst some of the distant views from the Oram property would change, it is, in reality a distant view separated by the width of the Mangaone Stream corridor, now owned by Rangitane (not the Council). We do not think that this change of outlook is a significant effect requiring screening. Accordingly this request is rejected.

### **Infrastructure costs**

177) Both RACE and Milmac Homes have made submissions which addressed the costs of any infrastructure or services which are associated with the development.

178) The RACE submission relates to a comment in the section 32 report Appendix 5 on the funding of infrastructure. However that comment is not reflected in PC C itself. Funding is not within our remit. As a general comment, the costs of any service infrastructure required for the development are costs to the developer. Beyond that, contributions to Council networks are governed by a policy under the Local Government Act 2002. Just what the costs will be, and who will bear them is usually only determinable at the time of a specific development. For these reasons, we note this aspect of the RACE submission, but it is not an issue we can decide.

179) The Milmac submission discussed infrastructure in some detail, but does not make a specific request relating to any provision in PC C. On that basis, we simply note this part of the Milmac submission.

### **Gas and Electricity services**

180) Powerco made a submission covering a number of issues including the need to ensure adequate supply of both gas and electricity to new developments, and to ensure that any rezoning does not conflict with electricity or gas assets. We regard the submission as primarily context and information for Council. The submission does not contain any specific request for change to PC C.

181) On that basis we note Powerco's submission.

### **Effects on Military Training**

182) The submission from the New Zealand Defence Force ('NZDF') requested a range of provisions on potential reverse sensitivity effects on its Linton Camp activities.

183) We did not hear any evidence from NZDF, nor was any other supporting material provided. To assess the request in any meaningful way, we would have to be first satisfied that there would be a potential for reverse sensitivity effects. We accept Mr Lloyd's evaluation of the potential effects (paras 26-30). For those reasons, we reject the NZDF requests.

### **Changes to Policies and Rules**

184) Council's submission makes a number of requests on PC C provisions. All are aimed at better implementing aspects of PC C. Those which have not been

considered elsewhere in this decision are accepted for the reasons given in the submission. We accept the recommended provisions (containing minor variations and additions to those requested in the Council submission) at para.3.218 of the section 42A report for the reasons given on that report.

- 185) Plan Section 10 will be amended to create a maximum building height of 4 metres, in line with our decision, on land with direct frontage to Te Wanaka Road. This is achieved by amending Rule 10.6.1.5(b) as shown in Appendix 1. To avoid doubt, we do not intend this as an interim measure. It is aimed at avoiding a 'hard' transition from the new Residential zone to the land to the west.
- 186) We turn to the implementation of our decision in relation to the 2 high level issues which affect the commencement of any development. We drafted policy and rule provisions to give effect to these decisions, and asked the Council for any comments on whether the draft provisions could be better expressed or made a better fit with the balance of the Plan. Comments were received from Mr Aplin-Thane on 17 December 2019, and the provisions set out below take account of those comments with minor alterations to the original drafts for improved clarity and intent.

#### **Section 7: (new) Policy (before or after policy 2.7)**

(a) *To ensure that the subdivision of the Kikiwhenua Residential Area does not occur until*

- *any land within the remainder of the Race Training Zone, which is not used for, or not required for, Race Training activities is subject to a variation to Plan Change C or to a plan change which, under either process, includes one or more proposals for the zoning of the land*
- *a full upgrade of the intersection between Pioneer Highway and Te Wanaka Road is committed to by the relevant roading agencies, and speed limits on both roads where they front the Kikiwhenua Residential Area are reduced to no more than 60kmph and 50kmph respectively, so that both of these must occur before any development of the Area is completed. 'Full upgrade' means either a roundabout intersection, or one controlled by traffic lights.*

(b) *this policy shall cease to have effect once both of the matters above are completed*

**Note:** in paragraph (a), and in Rule 7A.5.2.4, 'variation' and 'change' have the respective meanings given in section 43AA Resource Management Act 1991.

#### **Section 7 new Rule 7A.5.2.4**

(a) *No subdivision of the Kikiwhenua Residential Area shall be classified as a restricted discretionary activity until and unless:*

- *the land within the Race Training Zone to the west of the Kikiwhenua Residential area is subject to a variation to Plan Change C or to a plan change which, under either process, includes one or more proposals for the zoning of the land*

- *a full upgrade of the intersection between Pioneer Highway and Te Wanaka Road is committed to by the relevant roading agencies, and speed limits on both roads where they front the Kikiwhenua Residential Area are reduced to no more than 60kmph and 50kmph respectively, so that both of these must occur before any development of the Area is completed. 'Full upgrade' means either a roundabout intersection, or one controlled by traffic lights.*
- (b) *this rule shall cease to have effect once both of the matters above are completed.*

**Section 7 new rule 7A.5.5**

- a) *Any subdivision within the Kikiwhenua Residential Area to which Rule 7A.5.2.4 applies is a non-complying activity.*
- b) *Any application for consent to such a subdivision shall be publicly notified.*
- c) *This rule ceases to have effect when Rule 7A.5.2.4 ceases to have effect.*

**Adequacy of evaluation under section 32**

187) We have considered Mr Wright's submissions on the section 32 evaluation. At least with the benefit of hindsight, it may have been better for the Council to have looked more closely at the impact of PC C on the remnant RTZ owners. Having listened to those owners, we have taken a fundamentally different view to the Council on the associated issues. However we do not see this as a deficiency in the section 32 process - that process is inherently one which requires judgments on a range of issues, and on the remnant RTZ issue Council was conscious that a future plan change would be prepared at some stage and believed that the issues could be left to that process.

188) We will set out our own views in the next section of this decision.


## 9. Further evaluation under Section 32AA

- 189) As we noted at para.73 above, we are required to undertake a further evaluation of PC C under section 32AA. That further evaluation is required only for changes to the proposal since the original section 32 evaluation, and 'must be undertaken in accordance with s.32(1)-(4)', and must be 'at a level of detail that corresponds with the scale and significance of the changes'. (Section 32AA(1)(a)-(c)).
- 190) The starting point is whether any proposed objectives have been changed (section 32(1)). This decision has not made any amendments to proposed objectives, and none were requested.
- 191) There is a new policy and new rules relating to subdivision to ensure that necessary preconditions to residential development will be met in a timely way - these are subject to sunset clauses once those preconditions are achieved. In a section 32AA context our decision on the integration of the remnant RTZ area reflects a different view from that taken by the Council on 'the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions' (section 32(2)). The policy and rule in relation to traffic, and the rule relating to building height both reflect a different view on the implementation of Plan Section 7 Objectives 1 and 2, and Section 10 Objective 9.
- 192) A number of amendments have been made to subordinate policies to reinforce the direction set by the objectives above. We do not regard these changes as signaling any substantially different policy approach.
- 193) Changes to the proposed rules are, in context, fairly minor, and cover matters such as the single story restriction on the Te Wanaka Road frontage, trees, and a requirement to address recreational and community provisions within the Kikiwhenua Area. The Structure Plan has been clarified and enhanced.
- 194) This decision has made a number of minor changes to the provisions of Sections 4, 7 and 10 affected by PC C. Many of these changes are simply to achieve better clarity and/or effectiveness, or references to other relevant provisions. In the scheme of s.32 we do not regard these changes as significant - in our view they make PC C more workable without altering anything of fundamental importance. In the language of section 32(1)(b) we have made the relevant provisions more efficient and effective without changing any of the factors under section 32(2).
- 195) Changes to Plan section 7A will standardise the approach to future greenfield proposals.
- 196) For the purposes of section 32(2) we do not think that the changes would have any significant or quantifiable direct impact on economic growth or employment opportunities. In enabling future residential development, PC C is also enabling the growth of the City and its economy. In this sense it replaces a zoning which appeared to be much less likely to make these contributions.

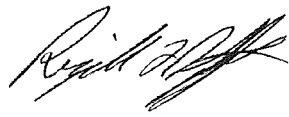
- 197) We think that the appropriate level of information was ultimately available for all decisions.
- 198) Section 32(4) does not apply as there has been no proposal to introduce a 'greater prohibition or restriction on an activity to which a national environmental standard applies.'

## 10. Conclusion

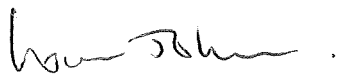
- 199) Plan Change C signals the first step into an expansion of the urban past of the City. This expansion is an inevitable consequence of growth, strategic choices and national policy. The Kikiwhenua Area is also important to Rangitāne and a key asset to enable the continued development of the Awapuni Racecourse which is both regionally and nationally recognised.
- 200) Submissions on PC C have covered many aspects of the proposal, and as always, tensions can arise between the wishes of the land owner, Council strategies and community views. We acknowledge that the owner of the land has taken a particularly constructive approach in its relationship with Rangitāne and Council. In our view, PC C is, in many ways, an excellent proposal but it has left one significant community feeling somewhat sidelined - we do not think that this needs to be, or should be, a 'cost' of PC C, and this is reflected in our approach.
- 201) We noted also that planning for growth is a complex matter often involving numerous statutory processes and different decision makers. Nevertheless, planning under RMA is at the centre of these processes, and good planning requires the holistic view anticipated by the definition in section 5(2). Some of our concerns expressed at the hearing were met with the answer that they would, or might, be addressed under another process at another time. We were not prepared to accept this on some of our concerns, and see no reason why better integration of processes cannot be achieved particularly where Council itself is in control. Moreover, we do not think that the community expects a fragmented process.
- 202) Finally we record our thanks to all those people, particularly submitters, who attended and contributed information to the hearings.




**Chris Mitchell**  
Chair



**Reginald Proffit  
Commissioner**



**Lorna Johnson  
Commissioner**



**Rachel Bowen  
Commissioner**

**Appendix 1 –District Plan Provisions as Amended as a Result of Submissions**

*Appendix 1: District Plan provisions as amended as a result of submissions*

**Appendix 1: District Plan provisions as amended as a result of submissions**

**Notified changes are shown as follows:**

New text: underlined

Deleted text: ~~striketrough~~

**Changes as a result of submissions received are shown as follows:**

New text: underlined and highlighted

Deleted text: ~~striketrough and highlighted~~



**District Plan Amendments: Section 4 Definitions (Excerpts only)**

Greenfield Residential Area: means any area shown in the following structure plans:  
- Whakarongo Structure Plan (Map 7A.1)  
- Kikiwhenua Structure Plan (Map 7A.2)

Kikiwhenua Residential Area: means the Greenfield Residential Area shown in the Kikiwhenua Structure Plan (Map 7A.2)

Whakarongo Residential Area: means that the Greenfield Residential Area shown in the Whakarongo Structure Plan (Map 7A.1).

Average Lot Size: for the purposes of the ~~any Whakarongo Greenfield the Whakarongo Residential Area (Map 7A.1)~~, this shall be calculated by taking the total site area included in the application for subdivision minus all land identified for roads and public open space, and dividing the area by the number of residential lots to be created.

Commercial Activity: for the purposes of the ~~any Whakarongo Greenfield the Whakarongo Residential Area (Map 7A.1)~~, this means the use of land and buildings for the display, offering, provision, sale or hire of goods, equipment or service including restaurants, and retail shops and outlets, but excludes service stations and supermarkets.

Pressure Sewer Areas: means the following areas where pressure sewer systems must be utilised:

- The Kikiwhenua Residential Area as shown in Map 7A.2

Pressure Sewer System: means a sewer system where sewage is conveyed under pressure generated by multiple pump units, each located on an identified private property, to a shared pressure main.



# SECTION 7A:

# ~~WHAKARONGO~~ GREENFIELD RESIDENTIAL AREAS

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*Appendix 1: District Plan provisions as amended as a result of submissions*

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# 7A.

# ~~WHAKARONGO~~ GREENFIELD RESIDENTIAL AREAS

## 7A.1 Introduction

Subdivision is a process to enable the separate ownership of land and the registration of interests in land. Subdivision of land is defined by the Resource Management Act 1991.

This section enables greenfield development within:

- ~~The~~ Whakarongo Residential Area (~~as shown on~~ Map 7A.1)
- The Kikiwhenua Residential Area (Map 7A.2)

~~These~~ areas ~~were~~as-identified for residential growth in the Palmerston North City Residential Growth Strategy (2010)-Development Strategy 2017.

The provisions within this section require well designed, attractive and functional communities within the Whakarongo Greenfield Residential Areas. ~~The Whakarongo Structure Plans (Map 7A.1) for each Greenfield Residential Area will direct subdivision, and provides for a neighbourhood centres surrounded by residential development and including s and public open spaces. A mix of activities and densities are provided for which will assist with achieving a variety of living choices and a diverse communitiesy.~~

## 7A.2 Resource Management Issues

The following resource management issues were identified with regard to subdivision within the Whakarongo Greenfield Residential Area and apply in addition to the overarching issues identified in Section 7.2:

1. The need for subdivision to create a pleasant, attractive and safe residential neighbourhood.
2. The need to ensure that appropriate mitigation measures are put in place to support residential development in areas affected by natural hazards.
3. The risk of uncoordinated residential development.
4. The need for connectivity between staged development and adjacent urban neighbourhoods.
5. The need to cater for an aging population and changing housing demand through a variety of housing forms and densities.
6. The importance for well-located and accessible local services and community facilities within the neighbourhood centre.
7. The need for high-quality and coordinated streetscapes and public open space.
8. The effects of residential development on sites of significance to Rangitāne.

9. The effects of residential development on stormwater quantity and quality.

## 7A.3 Objectives and Policies

### Introduction

This section contains specific objectives and policies for the ~~the Whakarongo~~Greenfield Residential Areas that apply, in addition to the overarching objectives and policies in Section 7.3. These provisions recognise the importance of well-planned and coordinated greenfield residential growth in the City.

### OBJECTIVE 1

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**Subdivision and development in the ~~the Whakarongo~~Greenfield Residential Areas occurs in a coordinated and integrated manner.**

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### POLICIES

- 1.1 To ensure that subdivision and development proceeds in a manner that provides for a logical, planned and integrated extension of the urban boundary within the ~~the Whakarongo~~Greenfield Residential Areas that ~~have~~ been specifically identified as suitable for that purpose and that achieves high quality urban design outcomes.
- 1.2 To ensure that subdivision and development is undertaken in general accordance with ~~the the~~ area's relevant ~~Whakarongo~~ Structure Plan (~~Map 7A.1~~) including setting aside at the earliest stage of subdivision those areas identified in the ~~Whakarongo~~ Structure Plan (~~Map 7A.1~~) as public open space.
- 1.3 To require a Comprehensive Development Plan at each stage of development to ensure that the subdivision design, layout and servicing is in general accordance with the ~~Whakarongo~~ Structure Plan (~~Map 7A.1~~) and does not restrict future development opportunities.
- 1.4 To ensure that all new lots have safe and adequate vehicle access from the roading network.
- 1.5 To require an interconnected transport network that provides a variety of routes for walking, cycling, passenger transport and motor vehicles.
- 1.6 To control the use of cul-de-sacs within the local roading network.
- 1.7 To provide for the installation of pressure sewer systems in Pressure Sewer Areas.

#### **Explanation**

*Subdivision and development within the ~~the~~ each ~~Whakarongo~~Greenfield Residential Area is guided by the ~~the~~ ~~Whakarongo~~ Structure Plan, which identifies where infrastructure, services, public open space and neighbourhood facilities should be located.*

### OBJECTIVE 2

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**Subdivision and development in the ~~the Whakarongo~~Greenfield Residential Areas creates a high-quality and diverse living environment.**

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### POLICIES

*Appendix 1: District Plan provisions as amended as a result of submissions*

- 2.1 To ensure subdivision and development meets the reasonable needs of future users whilst achieving the following design principles:
- Street design contributes to attractive and safe neighbourhoods.
  - Housing diversity and variety is achieved
  - Visual dominance is avoided
  - Allotments are shaped and designed to enable dwellings with good solar access and sufficient outdoor amenity and sunny private outdoor space
  - Convenient and safe access for residents is provided to nearby public open spaces, neighbourhood centre and public transportation routes
  - Intended building scale and form contributes to a distinctive sense of place that complements other subdivisions or developments
  - Takes advantage of connections and significant views to the wider landscape
  - The natural characteristics and contours of the site are worked with
  - Safe walking and cycling is facilitated
  - A high degree of connectivity within the local roading network is provided, and
  - Crime Prevention Through Environmental Design (CPTED) ensures all streets and public spaces are overlooked or visible from adjacent activities
- 2.2 To enhance and restore the natural features of the site, through sensitive integration of stormwater design.
- 2.3 To enhance the amenities of the natural and built environment following earthworks by requiring that road berms, new allotments, and public open spaces are formed, landscaped and planted to a level commensurate with the intended use and consistent with delivering a coordinated and coherent streetscape.
- 2.4 To ensure public open spaces meet the needs of the community by ensuring that these areas:
- are of a high quality
  - have sufficient road frontage so that users are visible to the general public for safety reasons
  - are located so that they are easily accessible to the general public, and
  - have a terrain and are of a type and size that is useable for a number of active and passive recreation activities.
- 2.5 To ensure ~~the~~ neighbourhood centres meets the needs of the community by ensuring it:
- has sufficient road frontage so that users are visible to the public
  - is located to ensure ready access by all users, and
  - is designed to create a high-quality environment and community focal point.
- 2.6 To control the development of land near roads and the railway line to ensure noise from transport infrastructure does not cause adverse effects on the amenity of noise sensitive activities, and that subdivision design prevents adverse impacts on the efficient use of roads and railway lines.
- 2.7 To ensure that subdivision in the Kikiwhenua Residential Area:



- Retains mature existing vegetation as practicably as possible
- Responds positively to and minimises adverse effects on identified waahi tapu sites
- Facilitates pedestrian and cycle connections to the Longburn Shared Pathway and Manawatu Bridle Track
- Ensures any significant areas, such as Kikiwhenua, urupa, and current Rangitāne owned land are protected and safe public access to those areas are facilitated
- Creates a high-amenity interface between the Kikiwhenua Residential Area, Pioneer Highway, Mangaone Stream, and Te Wanaka Road
- Public open space design is site specific, responding to vegetation and cultural significance

**2.8 (a) To ensure that the subdivision of the Kikiwhenua Residential Area does not occur until**

- any land within the remainder of the Race Training Zone, which is not used for, or not required for, Race Training activities is subject to a variation to Plan Change C or to a plan change which, under either process, includes one or more proposals for the zoning of the land
- a full upgrade of the intersection between Pioneer Highway and Te Wanaka Road is committed to by the relevant roading agencies, and speed limits on both roads where they front the Kikiwhenua Residential Area are reduced to no more than 60kmph and 50kmph respectively, so that both of these must occur before any development of the Area is completed. 'Full upgrade' means either a roundabout intersection, or one controlled by traffic lights.

(b) this policy shall cease to have effect once both of the matters above are completed

Note: in paragraph (a), and in Rule 7A.5.2.4, 'variation' and 'change' have the respective meanings given in section 43AA Resource Management Act 1991.

### OBJECTIVE 3

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**Subdivision and development in the Whakarongo Greenfield Residential Areas occurs in a manner that recognises the risk and effects of natural hazards.**

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### POLICIES

- 3.1 To control the subdivision of land that is affected by natural hazards and to ensure that any necessary mitigation measures are in place prior to development.
- 3.2 To improve land utilisation to safeguard people, property and the environment from the adverse effects of unstable land by ensuring that:
- Disturbance to the natural land form, existing vegetation and habitats, natural drainage and significant natural features is minimised.
  - Each lot is designed in a manner that ensures:
    - (i) technically appropriate building platforms exist
    - (ii) foundations are designed and implemented to mitigate risk associated with

subsurface conditions

(iii) sites are identified where roading and access is suitable for its intended use/activities.

- Earthworks are to be designed and constructed to:
  - (i) provide safe and adequate building platforms and foundations for roads and services
  - (ii) provide for the adequate control of stormwater
  - (iii) prevent erosion and instability
  - (iv) remain safe and stable for the duration of the intended land use
  - (v) not necessarily rely on artificial or human-built structures for stability; and where such structures are employed these shall remain safe and stable for the duration of the intended land use
  - (vi) avoid contamination of groundwater and surface water, and
  - (vii) avoid or mitigate the diversion of ground water flows.
- Earthworks and the re-contouring of land are to be the subject of specific design by a chartered professional engineer experienced in soil mechanics or geotechnical matters and shall take into account the predicted improvements to soil slope and stability which will be achieved and the impact on existing vegetation and landscape values.

3.3 To restrict development or require additional geotechnical investigations prior to the future use of land where appropriate.

## OBJECTIVE 4

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**Stormwater management in the Whakarongo Greenfield Residential Areas is carried out in an integrated manner.**

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## POLICIES

- 4.1 To have stormwater management measures in place in advance of residential development.
- 4.2 To demonstrate an integrated approach to the provision of stormwater management that recognizes the capacity of existing systems and natural drainage patterns.
- 4.3 To encourage the use of Sustainable Urban Drainage Systems and Low Impact Design Systems Water Sensitive Design wherever appropriate.
- 4.4 To ensure stormwater management contributes to the recreational and visual amenity of the development.

## 7A.4 Methods

### General

The principle methods used to implement the policies are District Plan Rules and the following Greenfield Structure Plans:

- The Whakarongo Structure Plan (Map 7A.1)



*Appendix 1: District Plan provisions as amended as a result of submissions*

- The Kikiwhenua Structure Plan (Map 7A.2):

In some cases, reliance on the provisions of the statute itself will cause policies to be implemented. For instance, Section 106 of the RMA in respect of refusal of consent or the imposition of conditions in respect of natural hazards, and Section 220 in respect of the imposition of certain subdivision conditions.

Council has prepared a document “Engineering Standards for Land Development” which illustrates good subdivision engineering practice and is useful in the control of subdivision. It provides sound technical standards which, where appropriate, can be incorporated by reference in conditions of consent.

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## **7A.5 Residential Zone**

### **Introduction**

This section contains specific rules and assessment criteria for the Whakarongo Greenfield Residential Areas and governs subdivision in that area. ~~as a distinct suite of rules for that area.~~ These provisions recognize the importance of achieving a logical, planned and integrated urban form that achieves high quality urban design outcomes.

### **7A.5.1 RULES: CONTROLLED ACTIVITIES**

#### **R7A.5.1.1 Controlled Activities**

1. Any subdivision in the Whakarongo Greenfield Residential Area for the purpose of accommodating any network utility is a Controlled Activity in respect of:
  - a. The size, shape and arrangement of the lot and access.
  - b. Those matters described in Sections 108 and 220 of the Resource Management Act 1991, provided the network utility concerned is a Permitted Activity or a resource consent has been granted.

#### **R7A.5.1.2 Performance Standards for Controlled Activities**

**(a) Lot Size**

The maximum area of an allotment for a network utility shall not exceed 200m<sup>2</sup>.

**(b) Balance lot size**

The balance lot(s) must not result in any increase in non-conformity with any permitted activity standard for the Residential Zone.

**(c) Access**

Provision is made for the safe, efficient and convenient access for vehicles to access the roading network.

**(d) Servicing**

New essential services are located in public service corridors that are vested with Council.

### **7A.5.2 RULES: RESTRICTED DISCRETIONARY ACTIVITIES**

#### **R7A.5.2.1 Restricted Discretionary Activities**

1. Any subdivision in ~~the a~~ Whakarongo Greenfield Residential Area which is not a Controlled Activity, and any cross lease, company lease or unit title subdivision creating allotments requiring vehicular or foot access to a road listed in Appendix 20A of the Transportation Section as a State Highway or a Limited Access Road is a Restricted Discretionary Activity with regard to:
  - a. The size, shape and arrangement of roads, public open spaces, lots, cross lease and company lease areas, units and access
  - b. Those matters described in Sections 108 and 220 of the Resource Management Act 1991
  - e. Subdivision design and layout, provision for local services and public open space in general accordance with the relevant Whakarongo Structure Plan for the area (Map 7A.1)

Appendix 1: District Plan provisions as amended as a result of submissions

- d. Urban design
- e. Landscaping
- f. Noise attenuation and management
- g. Enhancement and management of surface water flows and overland flow paths
- h. Integration of essential services
- i. Natural hazards
- j. Future development opportunities
- k. Visual amenity
- l. Effects on the capacity of Council infrastructure
- m. Safe and efficient operation of the roading network
- n. Connectivity
- o. Outdoor/on-site amenity
- p. Infrastructure and physical resources of regional or national importance
- q. Hydraulic Neutrality with regards to stormwater runoff.

**NOTE TO PLAN USERS R7A.5.2.1.1 (q)**

For the purposes of the Kikiwhenua Residential Area, hydraulic neutrality means limiting peak stormwater runoff rates to no greater than pre-development levels for a site.

**R7A.5.2.2. Performance Conditions for Restricted Discretionary Activity**

**(a) Comprehensive Development Plan**

All activities under R7A.5.2.1 must provide (as part of the resource consent application) a Comprehensive Development Plan that details how the design, layout and servicing of the Residential Area is in general accordance with the area's relevant Whakarongo Greenfield Structure Plan (Map 7A.1). The Comprehensive Development Plan must consider and address the following:

- (i) total area of the development
- (ii) total number of allotments to be developed
- (iii) programme and time frame from development, including the staging of development in the Residential Area
- (iv) the proposed mix of residential, commercial and recreational activities
- (v) primary and secondary road layouts and pavement widths, including details of how these are in general accordance with the relevant Whakarongo Greenfield Structure Plan (Map 7A.1).
- (vi) streetscape including the location and type of street trees and other proposed planting
- (vii) design, shape and location of public open space within the development, including how these are to be managed in the future, including any landscaping or planting corridors
- (viii) location of natural watercourses, how these will be incorporated into the subdivision design and managed in the future, and their potential to be integrated into an innovative and/or low-impact stormwater design
- (ix) proposed walkways and cycleways

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Appendix 1: District Plan provisions as amended as a result of submissions

- (x) facilities for people with disabilities or special needs, such as shared walkways and disabled parking
- (xi) infrastructural network servicing requirements, including how the proposed infrastructure will provide for future staged development of the Residential Area
- (xii) a report from one or more chartered professional engineers, or other suitably qualified persons, experienced in soil mechanics, geotechnical engineering or land contamination, as determined relevant by Council, identifying geo-physical features and characteristics of the land, including potential erosion, falling debris, subsidence, slippage, alluvium or likely presence of hazardous contaminants, and the likely risks that those features or characteristics present for the land, adjoining land, or any structure likely to be constructed on the land. This report must also contain or be accompanied by:
- any recommendations as to the design and construction of foundations that are appropriate to mitigate any characteristic or feature identified;
  - an assessment on how fill should be placed onto the land based on sub-surface conditions;
  - recommendations of the setback for buildings from ~~the top or bottom of the existing escarpment;~~ areas of high natural hazard risk;
  - any recommendations as to the necessary remediation of contaminated land;
  - a copy of any site investigations including bore logs; and
  - a certificate from the engineer or other qualified person confirming that the analysis undertaken is in accordance with professional standards, appropriate to the risks identified and of sufficient quality in order to be relied upon as a comprehensive hazard assessment.
- (xiii) a report from a hydraulic engineer identifying the characteristics of the land including potential avulsion or inundation and the likely risks that those features or characteristics present for the land and its future use. This report must also contain any recommendation as to the location, design and construction of foundations that are appropriate to mitigate any characteristic or feature identified. A copy of any site investigations including bore logs must accompany the report. The report must also demonstrate how the proposed ~~stormwater detention~~ Water Sensitive Design measures will ensure hydraulic neutrality is achieved and ensure that there is no increase in stormwater effects on surrounding areas.
- (xiv) an urban design statement from a registered architect, landscape architect, or qualified urban designer to explain how the proposed subdivision design relates to the site, its surroundings, and how it creates a high amenity living environment, ~~and~~ sense of place, and contributes positively to the local neighbourhood. The urban design statement shall include:
- a context analysis describing how the planning anticipates staged development and/or future growth, including how the development relates to neighbouring sites and areas;
  - the rationale for site planning and design decisions; and
  - how the planning and design of the proposed subdivision relates to the relevant objectives and policies of the District Plan.
- (xv) how the proposed road layout and design ensures connectivity to property and roads that have been developed or have the potential to be developed in the future. Design

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## Appendix 1: District Plan provisions as amended as a result of submissions

matters must explain how the proposal provides for the network connectivity to achieve:

- increased number and choice of travel routes for all types of users; and
- improved access to public transport, cycling and walking networks and access to existing roading networks.

- (xvi) Whether approval is required from external agencies, including the New Zealand Transport Agency, Horizons Regional Council, and the Department of Conservation, and what progress has been made in securing the approvals, where relevant.

### **Explanation**

*The above is not a prescriptive list of requirements, but an indication of the range of matters that may be relevant. Relevance will depend on site characteristics including the context of streets, connections and adjoining activity, and the scale and type of development to be covered by the Comprehensive Development Plan.*

*These issues will be considered to the extent that they are relevant in each situation. The degree of emphasis given to each will depend on specific context, with the intention of achieving a well-planning, coordinated outcome that satisfies the ~~Whakarongo~~Greenfield Residential Area Objectives.*

*The extent of documentation required will be that necessary to describe the planning and design intention and demonstrate that the relevant issues are addressed by the Comprehensive Development Plan. That will vary from subdivision to subdivision depending on the type of development, prominence of the site and the size of the area covered. It might include, but will not necessarily be limited to:*

1. *Context plan, describing the development in the context of neighbouring sites and the residential area as a whole, showing the arrangement of lots, activities, public open spaces, and landscape planting*
2. *Site and context analysis which identifies important existing conditions*
3. *Indication of the intended activities and their location, and the location and type of visual and physical connections between residential lots and public open spaces including streets.*
4. *Design rationale, which provides the reasoning the intended approach and describes how the relevant issues identified have been responded to.*

*There is no one optimal way of scoping or presenting the information for a Comprehensive Development Plan. The amount of information and type of approach will relate to the size and complexity of the project. Confirmation of relevant issues and precise information requirements should be discussed with the PNCC consents team early in the Comprehensive Development Plan formulation process.*

### **(b) Essential services**

- (i) All essential services must be available for connection within 30 metres of the nearest point of the land being subdivided.
- (ii) All new lots must have sewer, stormwater and water supply services that are connected to essential services, including innovative/low impact stormwater designs as provided under the requirements for a Comprehensive Development Plan in R7A.5.2.2 and subject to the assessment criteria in R7A.5.2.3 (a) (xii).
- (iii) All new essential services proposed in a subdivision must be located in public service corridors and vested in Council where practical.
- (iv) **Wastewater in Pressure Sewer Areas shall be reticulated with a Pressure Sewer System.**
- **For the purposes of R7A.5.2.2 (b) (iii), the boundary kit and the pressure sewer pipe network located in public service corridors must be installed at the time of subdivision and vested to Council.**





**Explanation**

*The Kikiwhenua Residential Area has been defined as a Pressure Sewer Area under the Palmerston North City Council Pressure Sewer Systems Policy. Pressure Sewer Systems are required in certain areas where there are geotechnical and technical constraints to wastewater servicing. The design, supply, and installation of the Pressure Sewer System must meet Council's Engineering Standards for Land Development.*

**(c) Existing Buildings**

Where any land proposed to be subdivided contains existing buildings there must be no increase in the degree of non-conformity with any Permitted Activity standard for the Residential Zone (or relevant underlying zone at the time of subdivision).

**(d) Lot Size**

- (i) Any subdivision within the a Whakarongo Greenfield Residential Area must have an average lot size of 500m<sup>2</sup> - 550m<sup>2</sup>.
- (ii) No single lot shall be less than 350m<sup>2</sup>.
- (iii) No single lot shall exceed 1000m<sup>2</sup> (excluding balance lots).
- (iv) In calculating the lot sizes in (i) to (iii) above, no balance lot, public open space lot, or road parcel shall be included; and the lot sizes shall be exclusive of the acoustic setbacks required by the provisions of R10.7.1.5 (e) (i) and (ii).

**Explanation**

*Council is seeking a variety of lot sizes in any subdivision. This will provide future residents with a greater choice to cater for their specific housing needs, rather than a uniform provision of lots in greenfield locations.*

**(e) Cul-de-sacs**

- (i) Cul-de-sacs shall be a maximum of 100m in length unless otherwise shown on the Whakarongo area's relevant Structure Plan (Map 7A.1).
- (ii) Cul-de-sacs in the Kikiwhenua Residential Area shall include a minimum of a 10m wide straight public open space walking link connecting the cul-de-sac bulb with an adjacent road or reserve.

**Explanation**

*Council is seeking control over the length and use of cul-de-sacs in an endeavor to ensure street connectivity is achieved and disjointed communities are avoided with a range of transport modes available to residents.*

**(f) Water Sensitive Design in the Kikiwhenua Residential Area**

- (i) A Stormwater Management Plan must be prepared by a suitably qualified stormwater design consultant with experience in Water Sensitive Design concepts and elements. The Stormwater Management Plan must address the following:
  - a site specific assessment of the likely changes in stormwater quantities created by the development for the 2 year, 5 year, 10 year, 20 year and 50 year ARI events using the HIRDS database, taking into account climate change effects;
  - assessment of all internal stormwater infrastructure and how it will interact with the existing drainage system;
  - how the development will hydraulically relate to its surrounding environs, including assessment of overland flow paths and potential flood impacts;

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- how the stormwater management system will ensure that any changes in runoff from the site will be addressed;
- Reduction in peak flow discharges by flow attenuation
- Reduction in discharge volumes by infiltration, soakage or other means appropriate for the site (i.e., the first 5 or 10mm of daily rainfall runoff from impervious areas may need to be retained on site in certain circumstances)
- The ability to use Water Sensitive Design to address stormwater runoff quality aspects
- assessment on the impact of development (including new infrastructure) on the existing stopbanks and what mitigation may be required so as to not exacerbate the risk of piping failure

In determining whether to grant consent and what conditions to impose, if any, the Council will, in addition to the City View Objectives in Section 2, and the objectives and policies of Sections 7 and 7A, assess any application in terms of the following:

#### **R7A.5.2.3 Assessment Criteria for Restricted Discretionary Activity:**

##### **(a) Subdivision design and layout within the Greenfield Residential Area**

- (i) The extent to which the design and layout of the subdivision is in general accordance with the area's relevant Whakarongo Greenfield Structure Plan, (Map 7A.1), including how the proposal contributes to the overall design principles for the area.
- (ii) The extent to which a range of lot sizes has been provided that enable the provision of a diverse range (or variety) of housing development options.
- (iii) How the proposed subdivision relates to adjoining sites and areas and whether it enables future subdivision of adjoining lots by providing for the necessary street connections.
- ~~(iv) The extent to which the subdivision and proposed street layout integrates with Whakarongo School.~~
- ~~(v) The extent to which houses front toward s Napier Road along the setback area adjacent to Napier Road. major roads and entrances to the city~~
- (vi) The extent to which the proposed subdivision ensures that sufficient connection and connectivity is achieved that provides for a range of transport means and minimises the need for cul-de-sacs and rights of way.
- (vii) The extent to which the orientation of lots in the subdivision ensures sufficient solar access is available to the outdoor living area of future dwellings.
- (viii) How integrated public open space has been provided in the design of the subdivision.
- (ix) The continuity and coherence of street trees, public open space landscaping, and the extent to which they have been integrated into the design and layout of the subdivision and the wider neighbourhood environment.
- (x) The extent to which street trees have been provided at an appropriate scale in relation to the size and significance of the related street and contributes to a distinctive sense of place within the streetscape.
- (xi) The extent to which Water Sensitive Design ~~low impact urban design~~ is integrated where appropriate and geo-technically possible, and is designed in a way that contributes to the recreational and visual amenity of the development.
- (xii) The extent to which proposed stormwater detention measures ensure hydraulic

neutrality is achieved and that there is no increase in stormwater effects on surrounding areas.

~~(b) Integration of essential services~~

- (xiii) The degree to which the subdivision provides for the integration of essential services into the existing cCity network in a manner which is orderly and efficient and that facilitates future development and capacity requirements.
- (xiv) The extent to which Council has the ability to maintain and access infrastructure and services in the future.
- ~~(xv) The extent to which innovative and/or low impact stormwater design is integrated where appropriate and geo-technically feasible, and is designed in a way that contributes to the recreational and visual amenity of the future development.~~

~~(c) Natural hazards~~

- (xv) The extent to which natural hazard risks are identified and the effects are avoided or mitigated.
- (xvi) The extent to which subdivision considers and implements the findings of the geotechnical reports to address land stability issues and recommended mitigation measures.
- (xvii) The effect any earthworks will have on natural hazard risk and/or land stability, including effects on overland flow paths, and sedimentation.
- (xviii) The extent to which flood hazard avoidance or mitigation is provided to ensure the protection of residential development in a 0.2% Annual Exceedance Probability stormwater event and to ensure the hydraulic neutrality of the residential area.
- (xix) The extent to which landscape planting along road corridors shown on the area's relevant Whakarongo Greenfield Structure Plan (Map 7A.1) is provided for in a way that delivers a coordinated and coherent streetscape.

~~(d) Visual Amenity~~

- ~~(i) The extent to which the proposal provides for the establishment and maintenance of landscape setbacks adjacent to Napier Road and Stoney Creek Road, as outlined on the Whakarongo Structure Plan (Map 7A.1).~~
- (xix) The extent to which the design of the proposed subdivision facilitates the creation of high quality attractive public open spaces, including streetscapes.
- (xx) The extent to which earthworks will affect adjoining properties and result in adverse visual amenity and how these effects are managed.
- ~~(xxi) The degree to which landscape planting along road corridors shown on the Whakarongo Structure Plan (Map 7A.1) is provided for in a way that delivers a coordinated and coherent streetscape.~~

~~(e) Safe and efficient operation of the roading network~~

- (xxi) Whether any adverse effects of the subdivision on the safe and efficient operation of the roading network can be effectively managed.
- (xxii) The degree to which the location and design of access onto the State Highway network, Limited Access Road or Restricted Access Road adversely affects the safe and efficient operation of the roading network, taking into account the long-term operation of the adjacent road.



(xxiii) To have particular regard to the safety of cyclists and pedestrians.

**(b) Subdivision design and layout within the Whakarongo Residential Area**

- (i) The extent to which the subdivision and proposed street layout integrates with Whakarongo School.
- (ii) The extent to which the proposal provides for the establishment and maintenance of landscape setbacks adjacent to Napier Road and Stoney Creek Road, as outlined on the Whakarongo Structure Plan (Map 7A.1).
- (iii) The degree to which landscape planting along road corridors shown on the Whakarongo Structure Plan (Map 7A.1) is provided for in a way that delivers a coordinated and coherent streetscape.

**(c) Subdivision design and layout within the Kikiwhenua Residential Area**

- (i) Whether an archaeological assessment of the site has been undertaken by a suitably qualified archaeologist.
- (ii) Whether archaeological discovery protocol have been prepared and approved by a suitable authority representing Rangitāne o Manawatu.
- (iii) Whether a cultural monitoring plan has been prepared and approved by a suitable authority representing Rangitāne o Manawatu.
- (iv) The extent to which subdivision layout and design recognises and represents the connection that Rangitāne o Manawatu have with their rohe.
- (v) The extent to which physical and visual connections are created between the following sites:
  - The subdivision
  - Kikiwhenua
  - Urupa
  - Awapuni Lagoon
  - Mangaone Stream
  - Rangitāne-owned land in the area
- (vi) The extent to which Kikiwhenua, Awapuni Pa, and associated urupa are retained and recognised within the subdivision.
- ~~(vii) The extent to which subdivision layout enables the retention of mature tree stock and~~

Appendix 1: District Plan provisions as amended as a result of submissions

shelterbelts as established street trees.

- (viii) The extent to which a clear hierarchy of primary, secondary, and tertiary roads provides legible way-finding throughout the site and encourages walking and cycling along key cultural connections.
- (ix) The extent to which the subdivision positively fronts onto Pioneer Highway, Te Wanaka Road and the Awapuni Lagoon area.
- (x) The extent to which the site connects to the Longburn Shared Pathway, Mangaone Stream Shared Pathway, and the Manawatu River Bridle Track.
- (xi) The extent to which road corridors are designed to provide areas for pervious pavements and swales to reduce total runoff and peak flows.
- (xii) Whether on site detention ponds are designed such that the outlet reduces the peak flow to pre-development flow rates for the 10 year ARI rainfall event, and the spillway passes the 100 year ARI rainfall event at pre-development flow rates.
- (xiii) Whether stormwater detention areas utilise gravity flow paths and avoid the need for pumping stations.
- (xiv) The extent to which individual vehicle accesses are limited. Whether properties fronting onto Pioneer Highway in favour of slip lane or are serviced by a laneway alternatives.
- (xv) The extent to which noise setback areas identified in the Kikiwhenua Structure Plan (Map 7A.2) incorporate high quality landscaping and Water Sensitive Design.
- (xvi) The availability of a suitable consent notice for allotments within the Kikiwhenua Residential Area to identify the requirement and management of on-property equipment for the area's Pressure Sewer System.
- (xvii) The extent to which the development of a community facility and small park, and a play area for young children are provided for.

**Explanation**

*Subdivision within the ~~Whakarongo~~ Greenfield Residential Areas is a Restricted Discretionary Activity to ensure that development achieves high environmental outcomes. When rezoning large areas of land for future residential use, it is important that the staged development over time contributes to a well thought out layout and interconnected suburb. The provisions of this rule will ensure that development is integrated with the wider residential area, that connection between stages is maintained and provided for, and the development is consistent with the provisions of the area's relevant Whakarongo Structure Plan.*

**NOTE TO PLAN USERS: R7A.5.2.2 and R7A.5.2.3**

1. All subdivisions must supply a Comprehensive Development Plan as required by R7A.5.2.2 of the District Plan.
2. Any subdivision and development that is located on any object or site of Cultural Heritage Value, as listed in Chapter 17 of the District Plan, must also comply with R17.8.1.
3. Additional consents may be required from Horizons Regional Council for activities including land disturbance and vegetation clearance. Plan users are encouraged to contact Horizons directly for information about the Horizons

One Plan requirements.

4. All subdivisions must comply with the National Environmental Standard for Assessing and Managing Contaminants in Soil.
5. Council requires, where appropriate, the approval of the relevant road controlling authority (New Zealand Transport Agency or Palmerston North City Council) before approving a subdivision consent application.
6. It is advised that the applicant contact the appropriate power, telecommunications and gas companies to determine the feasibility of connecting to their services

#### **R7A.5.2.4 Kikiwhenua Residential Area**

(a) No subdivision of the Kikiwhenua Residential Area shall be classified as a restricted discretionary activity until and unless:

- the land within the Race Training Zone to the west of the Kikiwhenua Residential area is subject to a variation to Plan Change C or to a plan change which, under either process, includes one or more proposals for the zoning of the land
- a full upgrade of the intersection between Pioneer Highway and Te Wanaka Road is committed to by the relevant roading agencies, and speed limits on both roads where they front the Kikiwhenua Residential Area are reduced to no more than 60kmph and 50kmph respectively, so that both of these must occur before any development of the Area is completed. 'Full upgrade' means either a roundabout intersection, or one controlled by traffic lights.

(b) this rule shall cease to have effect once both of the matters above are completed.

### **7A.5.3 RULES: DISCRETIONARY ACTIVITIES**

#### **R7A.5.3.1 Restricted Discretionary Activities**

Any activity which does not comply with the Performance Conditions for Controlled Activities and is not otherwise specified as a Restricted Discretionary Activity is a Discretionary Activity.

### **7A.5.4 RULES: NOTIFICATION**

#### **R7A.5.4.1 Notification**

- (i) The following activity addressed in this section must not be publicly notified: R7A.5.2.1.

### **7A.5.5 RULES: NON-COMPLYING ACTIVITY**

#### **R7A.5.5.1 Non-complying activities**

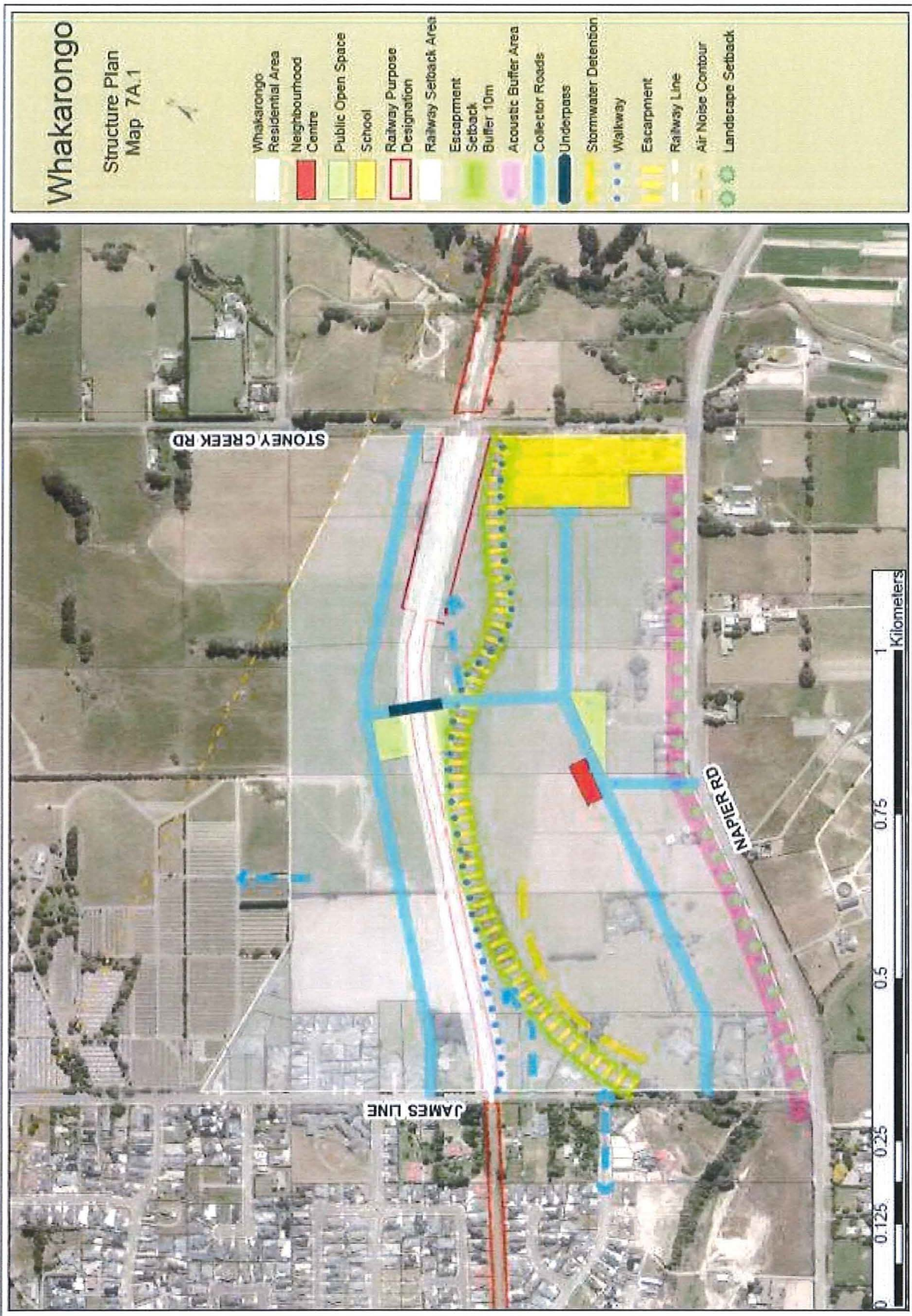
(a) Any subdivision within the Kikiwhenua Residential Area to which Rule 7A.5.2.4 applies is a non-complying activity.

(b) Any application for consent to such a subdivision shall be public notified.

(c) This rule ceases to have effect when Rule 7A.5.2.4 ceases to have effect.



MAP 7A.1



MAP 7A.2

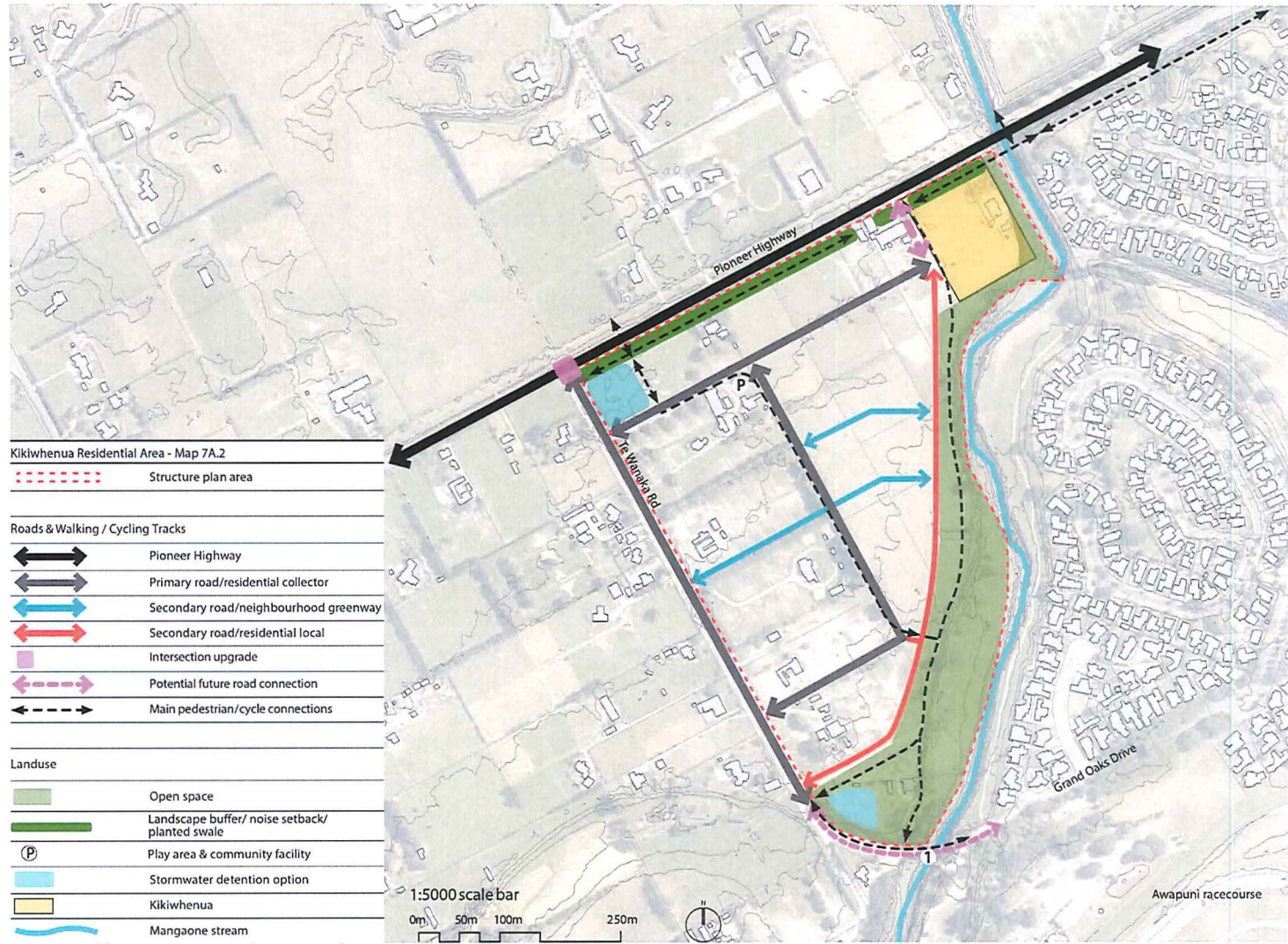
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# Kikiwhenua Residential Area

## Structure Plan

Map 7A.2



District Plan Amendments: Section 10 Residential Zone (Excerpts only)

## OBJECTIVE 9

To encourage an environment within any Greenfield ~~the Whakarongo~~ Residential Area that is an attractive, healthy and safe place in which to live with a diverse range of residential housing types and densities.

### POLICIES

- 9.1 To control the height and scale of buildings to minimize adverse visual effects on adjoining residential properties and the scale and intensity of the surrounding residential environment.
- 9.2 To control the height and visual permeability of fencing on properties, particularly those directly adjoining streets and public open space, to ensure visual connectivity and social surveillance of the area.
- 9.3 To avoid garages that dominate the streetscape.
- 9.4 To encourage the design of building frontages that relate to the street and enhance perceptions of safety.
- 9.5 To encourage development that results in a distinctive, memorable and valued sense of place.
- 9.6 To encourage a mix of lot sizes, dwelling sizes, heights and types.

#### *Explanation*

*Council is seeking to place a stronger emphasis on achieving good urban design outcomes within new residential areas in the City. Greater control is being introduced into the District Plan to guide development to ensure that these outcomes are achieved. The major intention is to create a high quality living environment that has positive effects on residential amenity and enhances the safety and quality of the streetscape environment.*

## OBJECTIVE 10

To ensure non-residential development within any Greenfield ~~the Whakarongo~~ Residential Area neighbourhood centre provides for the day-to-day shopping and service needs of the surrounding community and contributes to a high quality living environment.

### POLICIES

- 10.1 To encourage the development of commercial activities within the neighbourhood centre identified on any Greenfield Residential Area Structure Plan within Section 7A ~~the Whakarongo Structure Plan (Map 7A.1)~~.
- 10.2 To ensure commercial activities within any Greenfield ~~the Whakarongo~~ Residential Area are consistent with the policy framework of the Local Business Zone.

## OBJECTIVE 11

To ensure potential natural hazards within any Greenfield ~~the Whakarongo~~ Residential Area are appropriately investigated and residential development is confined to areas with no known natural hazards or where known natural hazards can be appropriately mitigated.

### POLICIES

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Appendix 1: District Plan provisions as amended as a result of submissions

- 11.1 To control the location of buildings in relation to the escarpment and oxbow in the Whakarongo Residential Area to protect against the risk of natural hazard.
- 11.2 To ensure buildings and structures in any Greenfield ~~the Whakarongo~~ Residential Area are located and designed to protect against the risk of natural hazards.

**R10.6.1.5 Dwellings & Accessory Buildings in the ~~Whakarongo~~ Greenfield Residential Areas**

Any dwelling and/or Accessory Building in ~~the any Whakarongo~~ Greenfield Residential Area is a Permitted Activity provided it complies with the Performance Standards detailed in Clauses(a) – (h).

**Performance Standards**

**(a) Access and Parking**

Compliance with R10.6.1.1(g) (Access and Parking).

**(b) Maximum Building Height, Height Recession Planes and Overlooking**

i. Compliance with R10.6.1.1(a) and (b).

ii. No building within the Kikiwhenua Residential Area with direct frontage to Te Wanaka Road may exceed a maximum height of 4m

**(c) Separation Distances**

i. Compliance with R10.6.1.1(c).

ii. Any accessory buildings in a Greenfield ~~the Whakarongo~~ Residential Area shall be located a minimum of:

- 4m from the road boundary;
- 1m from all other boundaries.

**(d) Site Area and Coverage**

i. Site Area

a) A maximum net site area of 1000m<sup>2</sup> for each dwelling unit, provided that the areas shall be exclusive of the acoustic setbacks required by the provisions of R10.6.1.5(e), (i) and (ii).

b) Compliance with R10.6.1.1(d)(i) in the Kikiwhenua Residential Area.

ii. Site Coverage

a) Compliance with R10.6.1.1(d)(ii).

b) At least 30% of the net site area for each dwelling unit in the Kikiwhenua Residential Area shall be permeable.

**(e) Acoustic Insulation and Setbacks for the Whakarongo Residential Area**

i. Any building (other than accessory buildings) containing a noise sensitive activity constructed within 80 metres of the nearest carriageway edge of State Highway 3 shall be designed, constructed and maintained in accordance with a design report prepared by a suitably qualified and experienced acoustical engineer stating that the design as proposed will achieve compliance with an internal noise level of 40dB L<sub>Aeq(24hr)</sub> in habitable rooms.

Provided that no such building is to be located within 40 metres of the nearest

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Appendix 1: District Plan provisions as amended as a result of submissions

carriageway edge of State Highway 3.

- ii. Any building (other than an accessory building) containing a noise sensitive activity constructed within 70 metres of the nearest edge of the railway track shall be designed, constructed and maintained in accordance with a design report prepared by a suitably qualified and experienced acoustical engineer stating that the design as proposed will achieve compliance with an internal noise level of 40dB  $L_{Aeq(1hr)}$  in living rooms and 35dB  $L_{Aeq(1hr)}$  in bedrooms.

Provided that no such building is to be located within 25m of the nearest edge of the Palmerston North – Gisborne railway track.

- iii. Where bedrooms with openable windows are proposed in buildings requiring acoustic insulation, a positive supplementary source of fresh air ducted from outside is required at the time of fit-out. For the purposes of this requirement, a bedroom is any room intended to be used for sleeping. The supplementary source of air is to achieve a minimum of 7.5 litres per second per person.
- iv. For all other developments, compliance shall be achieved with the satisfactory design guidelines given in AS/NZS 2107:2000: *Acoustics – recommended design sound level and reverberation times for building interiors*.

**(f) Acoustic Setbacks for the Kikiwhenua Residential Area**

- i. Buildings (other than accessory buildings) containing a noise sensitive activity shall be constructed closer than 20 metres from the nearest carriageway edge of Pioneer Highway.

**(gf) On-site Amenity**

- i. Every dwelling shall be provided with an outdoor amenity area which can meet the following requirements:
  - A minimum open area of 36m<sup>2</sup> free of driveways, parking spaces, buildings (other than decks, verandahs and shade sails) and manoeuvring area.
  - Is able to accommodate a circle of 4.5 metres in diameter.
  - Has direct contact with the main living area for a length of not less than 2 metres.
  - Is orientated to the west, north or east of the dwelling.
- ii. Any accessory building or garage, whether freestanding or adjoining a dwelling, shall be recessed by a minimum of 1m behind the front façade of a dwelling.

**(hg) Fencing**

- i. Where a fence is erected along a property boundary directly adjoining public open space it shall not exceed a maximum height of 1.8 metres for half of the property boundary; any remainder is permitted to a maximum height of 0.9m.

This standard does not apply to any fence within any setback area required under performance standard (e) above.

- ii. Where a fence is erected on the road frontage, a maximum height of 0.9m applies.

**(ih) Flood hazards**

Any new occupied structure or activity, or an increase in the scale of any existing occupied structure or activity, must comply with the following Performance Standards:

- i. Occupied structures are to have a finished floor or ground level, which includes

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reasonable freeboard, above the 0.5% AEP (1 in 200 years) flood level.

- ii. The access between occupied structures and an identified safe area, where safe evacuation may be carried out must not be inundated greater than 0.5m above finished ground level with a maximum velocity of 1.0 m/s, in a 0.5% AEP (1 in 200 years) flood.

**NOTES TO PLAN USERS**

1. Any subdivision and development that is located on any object or site of Cultural Heritage Value, as listed in Chapter 17 of the District Plan, must also comply with R17.9.1.
2. Any development within a Greenfield ~~the Whakarongo~~ Residential Area must supply a geotechnical report as part of the subdivision process. This report should be checked to confirm any mitigation measures required to be carried out on site prior to building a dwelling.
3. Any development must comply with the National Environmental Standard for Assessing and Managing Contaminants in Soil.
4. Any new occupied structure under performance standard (h) above will be referred to Horizons Regional Council for further clarification on 'reasonable freeboard' and safe areas for 'safe evacuation'

**R10.6.3.2 Buildings or Structures within a Greenfield ~~the Whakarongo~~ Residential Area that do not comply with Performance Standards for Permitted or Controlled Activities.**

**Any building or structure which does not comply with the Performance Standards for Permitted or Controlled Activities in relation to:**

- i. Height
- ii. Separation Distances
- iii. Site Area and Coverage
- iv. Overlooking
- v. On-site Amenity
- vi. Fencing
- vii. Parking
- viii. Acoustic Insulation and Setbacks
- ix. Flood Hazards

Are Restricted Discretionary Activities with regard to:

- Effects on adjoining residential neighbours
- Site layout
- Effects on the surrounding residential environment and streetscape
- Visual dominance
- Design, scale and appearance
- The impact on achieving the design elements and outcomes of the ~~Whakarongo~~ Greenfield Residential Area's relevant Structure Plan (Map 7A.1)
- The safe and efficient operation of the roading network
- Effects on acoustic amenity and health
- Natural hazards

*Appendix 1: District Plan provisions as amended as a result of submissions*

- Flood Hazards

In determining whether to grant consent and what conditions to impose, if any, Council will, in addition to the City View objectives in Section 2 and the Residential Zone objectives and policies and the policies contained in R10.6.1.1, assess any application in terms of the following:

**Assessment Criteria**

- a) The extent to which the design, scale and appearance of any building or structure compliments the ambience and amenity values of the surrounding residential area as a whole.
- b) The extent to which the building relates to the character of its setting, contributes to the quality of adjoining public open space, streetscapes and residential properties, and avoids visual dominance.
- c) The extent to which new buildings retain reasonable visual privacy and daylighting for adjacent residential properties.
- d) The extent to which outdoor space is accessible and of a useable size with access to daylight and sunlight.
- e) The extent to which the non-compliance leads to a better or more efficient use of the site and/or creates a higher level of on-site amenity.
- f) The degree to which non-compliance results in a development density that, if not consistent with the surrounding residential environment, does not lead to a perception of excessive density.
- g) The extent to which the impact of a building that results in a non-compliance with the permitted activity standard(s) may be mitigated by screening, landscaping or other treatment.
- h) To avoid, remedy or mitigate the effects of parking not accommodated on the site on the safe and efficient operation of the roading network and the amenities of the surrounding neighbourhood.
- i) The degree to which the proposal is consistent with the ~~Whakarongo~~ Whakarongo area's relevant Structure Plan and will result in a high quality amenity environment.
- j) The extent to which internal noise levels and amenity will be protected.
- k) The extent to which the effects of flooding on any new occupied structure or activity, or an increase in the scale of any existing occupied structure or activity, are avoided, remedied or mitigated.

**R10.7.3.5 Commercial activity**

Any commercial activity, including the construction, alteration or addition to a building or structure within an allotment shown in a Comprehensive Development Plan in accordance with R7A.5.2.2 for use for commercial activity where an application for resource consent is made for the particular commercial activity and the application is included as part of the application for subdivision consent to give effect to the Comprehensive Development Plan is a Restricted Discretionary Activity in respect of:

- Effects on nearby residential activities and residential amenity
- Effects on viability and choice of local business activities
- Public safety
- Visual amenity

Appendix 1: District Plan provisions as amended as a result of submissions

- External design and appearance
- Building mass and height
- Relation to streets and other public spaces
- Site Layout
- Parking
- Landscape amenity
- The provision of car parking
- The safe and efficient operation of the roading network
- Efficient, convenient and safe access

**Performance Standards**

- a) Compliance with R11.9.1.1(g)
- b) Compliance with R11.10.2.1(g)
- c) Compliance with R11.10.7.1(a) and (b)

In determining whether to grant consent and what conditions to impose, if any, the Council will, in addition to the City View objectives in Section 2, the objectives and policies of the Local Business Zone, and the Overarching Residential Zone objectives and policies, assess any application in terms of the following assessment criteria:

**Assessment Criteria**

The Objectives and Policies of the Local Business Zone and the assessment criteria identified in R11.10.3.1 and R11.10.3.2.

**Explanation**

*This rule allows development within ~~the~~ an area identified on ~~the~~ a Whakarongo Greenfield Residential Area sStructure pPlan as a neighbourhood centre. At some point in the future ~~these~~ areas will be rezoned to Local Business Zone. In the short term Council wishes to encourage development of local community facilities and services in key locations in a way that is consistent with the Local Business Zone provisions. R10.7.3.5 is a transitional rule until ~~the~~ neighbourhood centres in Greenfield Residential Area ~~identified on the Whakarongo Structure Plan is~~ rezoned at some an appropriate time in the future.*