

**BEFORE THE HEARINGS PANEL**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER OF** Proposed Plan Change E: Roxburgh Residential  
Area to the Palmerston North City Council  
District Plan

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**SUPPLEMENTARY STATEMENT OF EVIDENCE OF EAMON MICHAEL GUTHRIE AND ANDREA  
MICHELLE HARRIS ON BEHALF OF PALMERSTON NORTH CITY COUNCIL**

**PLANNING**

**Dated: 25 JUNE 2025**

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**SUPPLEMENTARY STATEMENT OF EAMON MICHAEL GUTHRIE AND  
ANDREA MICHELLE HARRIS**

**A. INTRODUCTION**

**Author 1 – Eamon Michel Guthrie**

- [1] My full name is Eamon Michael Guthrie.
- [2] I prepared the s42A report dated 24 April 2025 on Planning (**s42A report**) and Statement of Reply Evidence (**Reply Evidence**) on behalf of the Palmerston North City Council (**Council**) for proposed Plan Change E: Roxburgh Residential Area to the Palmerston North District Plan (**PCE**).
- [3] My experience and qualifications are set out in the s42A report.
- [4] In this reply evidence I use the same defined terms as in this Evidence.
- [5] I repeat the confirmation given in my s42A Report that I have read and will comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023, and that this report has been prepared in compliance with that Code.
- [6] Ms Harris attended expert conferencing on 10 June 2025 with Mr Thomas, Ms Shirley and Mr Wickramasinghe. Mr Mori attended as note taker. I was unable to attend due to illness, however, am familiar with and agree with the position reached by Ms Harris. A joint witness statement (**JWS**) was signed on 12 June 2025. A copy has been provided to the Panel as required by Minute 3 dated 25 May 2025. I refer to and rely on the JWS, as appropriate within this evidence.

**Author 2 – Andrea Michelle Harris**

- [7] My full name is Andrea Michelle Harris. I have over 30 years of experience as a planner and have worked for a regional authority and various local authorities as a consultant. I am employed by WSP NZ Limited as a Technical Principal – Planning, based in the Palmerston North Office. I have a Bachelor of Resource and Environmental Planning from Massey University. I am a full member of the New Zealand Planning Institute.
- [8] I have been involved with PCE since 2021, providing oversight and guidance during the pre-notification phase to Ms Tara Lennard, and then to Mr Guthrie since notification. I

have reviewed all material relevant to PCE, attended meetings with technical experts, and assisted Council with public engagement over the years. I am familiar with the site having completed a number of site visits, including briefing the new technical experts for the hearing phase of this Plan Change. Since the hearing Mr Guthrie has been unwell and I have provided greater assistance to Council through attendance at planning conferencing, and in the preparation of this Supplementary Evidence.

[9] More generally, I have worked on a number of plan changes for Palmerston North City and other local authority clients. I have also prepared and processed a number of resource consent applications, Notice of Requirement applications, and Outline Plans. I am therefore familiar with the issues associated with preparing and applying District Plan provisions.

[10] I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and I agree to comply with this Code. The evidence is within my area of expertise, except where I state I am relying on evidence from another expert. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

## **B. SCOPE**

[11] This supplementary statement responds to the following matters raised at the Hearing on 20 May 2025 and in Minute 3 of the Hearing Panel.

[12] Specifically, with regard to Minute 3:

- (a) Planning justification, including scope and policy direction, for the minimum number of storeys in the Riverfront Area and maximum lot size in the Roxburgh Residential Area provisions.
- (b) The treatment of the interface with the Tilbury Avenue properties.
- (c) How energy efficiency is addressed through the provisions and District Plan as a whole.
- (d) Planning justification under s30 RMA for the proposed copper and zinc rule.

- (e) Planning response to Mr Syman’s proposed matter of discretion regarding noise.
- (f) The Reserve Act process for the reserve exchange.
- (g) Proposed fencing of the boundary between the site and the Tilbury Avenue properties.

[13] We also address other matters not raised by Minute 3, but which were raised at the hearing, including:

- (a) One Plan direction for a Structure Plan.
- (b) The purpose of the No Build Area on the Structure Plan.
- (c) Whether the activity status in the rules reflects the least restrictive approach to achieve the required outcome (particularly with regard to the stormwater standards). This includes justification for non-compliance with Permeable Surface Performance Standards being a Discretionary Activity.

[14] In addition, we have recommended changes to provisions and the associated plans and cross-sections, arising from consideration of the above matters, with a set of marked up provisions attached as **Attachment A**, along with an updated Structure Plan (Map 7.10), updated road cross sections for Road D (Map 7.10 B) and a new Laneway cross section for Road E<sup>1</sup> (Map 7.10 C).

[15] We have included an updated section 32AA RMA evaluation of substantive changes made to PCE since the original s 32 Report was completed. The s 32AA evaluation is provided in Section O below. These include changes made as a consequence of the JWS. The s 32AA addresses the following changes:

- (a) Amendments to the Tilbury Avenue Separation Distance Performance Standard.

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<sup>1</sup> The northern area of Road B has been renamed Road E in the Structure Plan for additional clarity for plan users.

- (b) Location of Reserves, including amended policies and a new performance standard.
- (c) Provision of a Laneway.
- (d) Amended Stormwater Provisions.

[16] Also, attached to this supplementary statement are updated Modelled Shading Renders by Mr Dave Charnley (**Attachment B**) relating to Tilbury Avenue.

### **C. SCOPE AND POLICY DIRECTION FOR MINIMUM BUILDING HEIGHT PROVISIONS**

[17] Proposed Rule 10.6.1.8(f)(ii)(b) outlines that residential units in the Riverfront Area must be a minimum height of 2 storeys. We understand that the Hearing Panel was interested in both the justification for this rule, and further, whether there was scope to remove it, should it consider it appropriate. We address these matters below.

#### **Origin for proposed rule**

[18] The purpose of standard 10.6.1.8(f)(ii)(b) was threefold:

- (a) CPTED principles are provided for, by allowing for passive surveillance over the stop bank. By contrast, single storey houses would look out onto the stop bank which reduces the passive surveillance opportunities.
- (b) A height of (at least) two storeys ensures a connection to the adjacent River environment to enable a high-quality urban environment.
- (c) A two-storey dwelling also provides an element of increased density to encourage developers to construct conjoined townhouses if desired.

[19] As discussed by Mr McDonald in his Supplementary Statement, single storey dwellings represent underutilisation of a scarce land resource.<sup>2</sup> Further, the stop bank prevents the visual connection between single storey dwellings and the river corridor, and single storey dwellings have a poor relationship with the walkway on top of the stop bank

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<sup>2</sup> At paragraphs 19 to 23.

(with people looking down into living spaces). These factors align with the intent of the standard, at the time of drafting, and in our view, remain valid considerations.

- [20] We note that an option considered in the early stages of PCE was providing for a minimum of two stories across the entire plan change area. This option was explored as a method to provide for a higher density environment to help meet the Council's housing targets under the Future Development Strategy (**FDS**). However, there was little community support for this approach during consultation. The requirement was removed from the provisions, other than at the Riverfront Area, where it was retained for the reasons outlined in para 18 above. We consider that the minimum height rule provides an opportunity to enable a 'stepped' approach from the existing residential environment towards the River, as well as optimising development adjacent to the stopbank overlooking the River environment.
- [21] We are of the view that the minimum building height provision as proposed in PCE is also consistent with higher order documents, including NPS-UD Policy 1 and Horizon's RPS UFD-P4(1)(c). It will provide for additional housing capacity and a variety of houses as part of well-functioning urban environment, with higher density development being enabled in proximity to the Manawatu River Reserve and public transport networks.
- [22] A related question by the Hearing Panel was whether the 11m height controls for the Riverfront Area could result in a four-storey house being constructed. Mr McDonald discusses this in his Supplementary Statement.<sup>3</sup> He notes that the PCE provisions were tested based on 3m floor to floor intervals, with 0.5m freeboard which allows for a pitched roof form. While in theory the 11m could allow for four storeys, this does not allow for roof pitch or freeboard between floors. Mr McDonald notes that four storeys also trigger additional building regulations with the requirement for a lift, adding considerable costs. On that basis, while a four-storey house could be designed to fit the permitted activity rules, this type of development is uncommon in Palmerston North.
- [23] Having regard to the above points, including the evidence of Mr McDonald, we are of the view that the minimum building height provisions are justified for the purpose of PCE.

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<sup>3</sup> At paragraphs 24 to 32.

### **Scope for removal of ‘minimum storey’ requirement’**

- [24] We have considered whether there is scope to remove the minimum two storey requirement in Rule 10.6.1.8(f)(ii)(b). No submissions were received requesting that the minimum two storey provision be removed. Some submitters sought increased height,<sup>4</sup> while some others<sup>5</sup> opposed three storey buildings along the Riverfront Area due to shading and visual impact on the river walkways. Those submitters opposing three-storey dwellings, sought a two-storey height limit be imposed instead.
- [25] More generally, when considering the 11m height requirement, some submitters<sup>6</sup> were concerned that excessively high buildings will stand over the river path and dominate the horizon. The submitters’ concern was related to the visual effect from the perceived height of the buildings in relation to their surroundings.
- [26] Of note is that all the submissions were addressing maximum height, rather than minimum height. We do not consider the requirement for two stories to be a matter raised in submissions or a matter of particular concern for submitters.
- [27] We therefore consider that removing the minimum height of two storeys in the Riverfront Area would go beyond what is fairly and reasonably raised in the submissions.

### **D. SCOPE AND POLICY DIRECTION FOR MAXIMUM LOT SIZE**

- [28] The Hearing Panel has queried whether there is scope for removing the maximum lot size from the provisions. We have reviewed the submissions on PCE, noting:
- (a) S11 (Frances Holdings Limited (**FHL**)) requests a discrete increase to a 600m<sup>2</sup> maximum lot size.
  - (b) S10 (Jason Temperley), S15 (Grant Higgins) and S19 (Rosemary Watson) request that the minimum lot size of 250m<sup>2</sup> is increased.

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<sup>4</sup> Submission S03 (Luke Hiscox) and S04 (Jack McKenzie).

<sup>5</sup> Submissions S17 (Rowan Bell), S18 (Doug Kidd), S19 (Rosemary Watson) and S20 (Linda Bell).

<sup>6</sup> Submissions S19 (Rosemary Watson) and S 20 (Linda Bell).

- [29] None of the submissions requested a change to the maximum lot size. The only relevant request was from FHL; however, it sought a change in quantum (from 500m<sup>2</sup> to 600m<sup>2</sup>), not a change to the approach of a maximum. For this reason, we are of the view that there is no scope in the submissions to delete the maximum lot size.
- [30] Mr McDonald outlines in his Supplementary Evidence that a maximum lot size remains appropriate for PCE.<sup>7</sup> He considers by setting a maximum lot size of 500m<sup>2</sup> rather than enforcing average lot sizes, PCE will accommodate varied redevelopment timelines and existing property sizes, while preventing uniform lot layouts that could reduce housing diversity. His design studies confirm that most (if not all) lots can comply with this limit, as the 500m<sup>2</sup> maximum still supports diverse housing types from 225m<sup>2</sup> single-storey homes (at 45% site coverage) to larger multi-storey dwellings and semi-detached units.
- [31] We understand from the hearing that a maximum lot size was also considered preferable by the urban design experts for FHL, noting its advantages to an averaging approach.
- [32] We are of the view that a maximum lot size performance standard remains appropriate for PCE. We note that there are other areas in the District Plan where there is a maximum lot size performance standard. This includes the Aokautere Greenfield Residential Area where there is a maximum lot size of 1000m<sup>2</sup> for each dwelling unit.<sup>8</sup>
- [33] This leaves at issue whether the maximum lot size should be 500m<sup>2</sup> vs 600m<sup>2</sup>. This issue was not resolved through planning conferencing, as set out in the JWS.
- [34] We remain of the view that the maximum lot size in the proposed provisions should remain 500m<sup>2</sup>. As outlined in Mr Guthrie's Reply Evidence,<sup>9</sup> the FDS outlines that there is a shortage of housing of infill housing in the existing Palmerston North urban area in the short-to-long term. Between 2021 & 2022 3-4-bedroom houses compromised 77% of new residential buildings. The average floor area during this time within infill areas was 164m<sup>2</sup> which contained 3 bedrooms. We understand from recent monitoring that greenfield capacity is less than anticipated, with a continued focus on intensification.

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<sup>7</sup> At paragraphs 7–10.

<sup>8</sup> While PCG is the subject of appeal, the maximum lot size has not been challenged.

<sup>9</sup> At paragraphs 40–43.

- [35] We consider that the maximum lot size approach aligns with the Future Development Strategy's target of 105 homes for the Roxburgh Residential Area, leveraging its access to amenities while ensuring development intensity exceeds that of other residential zones.
- [36] We note the discussion at the hearing regarding the current market conditions for larger lots. We are mindful that the District Plan is a way to assist in directing the market to provide for smaller lots, with a view to enabling diversity in typology, and smaller houses to be meet a growing demand. The need to provide diverse housing options to cater to a broad spectrum of preferences and needs is a growing issue in Palmerston North based on the HBA. There continues to be a growing latent demand for small dwellings in Palmerston North, along with a growing shortage of housing capacity.
- [37] The JWS records the outcome of discussions during planning conferencing about the potential yield for PCE. Ms Harris considers that the proposed maximum lot size assists to achieve a variety of housing types and sizes and will potentially achieve a better yield, aligned with the FDS findings. Mr Guthrie concurs with Ms Harris' opinion.
- [38] A key driver for PCE continues to be the need to respond to a market shortfall of lower-medium lot and dwelling sizes. PCE seeks to provide for additional housing stock in the Palmerston North urban area with smaller lot sizes to support intensification. In our view, the maximum lot size achieves this outcome, and is, as supported by the evidence of Mr McDonald, best achieved with a maximum lot size of 500m<sup>2</sup>.

**E. THE MOST APPROPRIATE TREATMENT OF THE INTERFACE WITH THE TILBURY AVENUE PROPERTIES**

- [39] During the hearing, Ms Watson did not support the proposed height recession plane or setback standard along the rear boundary with Tilbury Avenue. The Hearing Panel requested officers investigate the most appropriate treatment of the interface with Tilbury Avenue properties.
- [40] As a consequence of discussions at the hearing, Mr McDonald has outlined 4 potential options to address the interface with Tilbury Avenue properties.<sup>10</sup> These include:

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<sup>10</sup> Supplementary Statement, Chris McDonald, 25 June 2025, at 15–16.



- (a) 1.5m setback along the common boundary;
- (b) 5m setback along the common boundary;
- (c) 4m setback along the common boundary; and
- (d) 1.5m setback plus a single-storey height limit within rear third of lot.

[41] Mr McDonald is of the opinion that the most appropriate treatment with the Tilbury Avenue interface is a 1.5m setback from Tilbury Avenue, along with a 1 storey height restriction within the rear one-third of a lot.<sup>11</sup> Mr McDonald considers the key advantage of this performance standard is that it replicates the degree of protection afforded by height in relation to boundary (**HRTB**) controls on narrow lots i.e., single-storey construction within the rear third of an adjoining Roxburgh Residential Area lot.<sup>12</sup> This outcome recognises that single storey building volumes are not visually dominant and pose little threat to neighbours' privacy.

[42] Mr McDonald advises that the revised separation distance standard could operate independently (i.e. there is no need to amend the proposed HRTB provisions).<sup>13</sup> It would still be necessary to limit single-storey construction close to the Tilbury boundary.

[43] In support of this approach, attached at **Attachment B**, are updated renders showing the potential shading effects on Tilbury Avenue, as a result of the revised performance standard. These have been prepared by Mr Charnley and are based on what the shading and building bulk effects may be during winter solstice along the Tilbury Avenue boundary.

[44] We consider that a separation distance of 1.5m plus a single-storey height limit within rear third of a lot is appropriate. The revised performance standard will provide a reasonable degree of privacy and bulk protections along the Tilbury Avenue interface, as was sought originally from Ms Watson. Figure 1 in the Residential zone shows a height recession plan already taking into account the elements of the proposed

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<sup>11</sup> Supplementary Statement, Chris McDonald, 25 June 2025, at 17.

<sup>12</sup> Supplementary Statement, Chris McDonald, 25 June 2025, at 17.

<sup>13</sup> Supplementary Statement, Chris McDonald, 25 June 2025, at 18.

separation distance. We do not consider that any other changes to the PCE provisions are required.

- [45] Therefore, taking into account Mr McDonald's supplementary evidence, we consider that a separation distance of 1.5m plus a single-storey height limit within the rear third of a lot is appropriate. Changes to rule 10.6.1.8(i) are recommended as follows:

i. Separation Distances

- i. Compliance with performance standard R10.6.1.1(c).
- ii. All buildings and accessory buildings adjoining a lot on Tilbury Avenue must be:
  - a. 1.5m from the rear boundary; and
  - b. One storey in height for one third of the site as measured from the rear boundary. ~~must be located a minimum of 5 metres~~

**F. HOW ENERGY EFFICIENCY IS ADDRESSED THROUGH THE PROVISIONS AND DISTRICT PLAN**

- [46] When preparing PCE, consideration was given to the best site layout for energy efficient development, in order to capture the benefits of energy-efficient housing design. This matter was also raised during consultation phases of PCE.

- [47] Section 7(ba) RMA requires Territorial Authorities to have particular regard to the efficiency of the end use of energy. This is further captured under the RPS, in particular EIT-Policy 5, which outlines that *Territorial Authorities must have particular regard to the efficient end use of energy in consent decision-making processes for large users of energy*. Additionally, UFD-P8(2)(b) of the RPS requires Territorial Authorities to encourage energy-efficient house design and access to solar energy.

- [48] Energy Efficient development is provided for in the District Plan, as follows:

- (a) Section 2.3 outlines the City View Objectives which are issues identified as the overall resource management issues which face the City of Palmerston North. Specifically, Objective 21 states *The need for more sustainable energy use within the City*.
- (b) Objective 3 in Section 10 Residential Zone states *Housing development is energy efficient, resilient and environmentally sustainable*. The

objective aligns with RMA s7(ba) *the efficiency of the end use of energy*, and RMA s7(j) *the benefits to be derived from the use and development of renewable energy*.

- (c) Policies 3.1-3.3 in section 10 Residential Zone were drafted in recognition of the differing function a District Plan can take in regard to the resilience, energy efficiency and sustainability of housing development. The policies state:

3.1 To encourage the adoption of energy efficient design and water-sensitive design techniques in the design and construction of housing.

3.2 To recognise the impacts of impermeable surfaces in residential areas and mitigate their effects.

3.3 Residential development is confined to areas with no known natural hazards or where known natural hazards can be appropriately mitigated.

[49] We are of the opinion that the Roxburgh Residential Area provisions complement these existing provisions in the District Plan. The north – east orientation of the site provides opportunities to maximise solar gain.<sup>14</sup> The roading layout in the Structure Plan allows for sections to be orientated to achieve the best access to sunlight. Even those houses facing over the stopbank in an east facing direction will gain sunlight for long periods of the day.

[50] The Structure Plan and proposed provisions have also considered integrating walking and cycling needs. The transport assessment and Mr Groom’s evidence has confirmed that with a reduction in overall trip generation in the site, the existing narrow streets can accommodate a footpath on both sites, with parking only on one side. As discussed by Mr Groom, should a public laneway be developed then footpath is only possible on one side and there would have to be no parking areas on both sides of the lane. This is not an optimal solution compared to a public road; however, the laneway cross section has required a footpath on one side of the laneway to maintain walkability as far as practicable. This will still enhance walking and cycling in the area. There is also an

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<sup>14</sup> Section 42A Report, Chris McDonald, paras 36-39.

additional access to the site at the southern end near Pahiatua Street that provides for cyclists and pedestrians access to the site and River from the southern areas.

[51] Finally, we note that the existing provisions for energy efficiency would be considered in any future resource consent application as part of the residential provisions.

[52] Overall, we consider there to be sufficient provision relating to energy efficient development within PCE, and more broadly in the wider planning framework.

#### **G. JUSTIFICATION UNDER S30 RMA FOR THE PROPOSED COPPER AND ZINC RULE**

[53] Legal submissions address the jurisdictional issues raised by the Hearing Panel relating to the imposition of copper and zinc provisions under s30 of the RMA. We do not repeat those matters, but focus on the planning rationale behind the proposed controls.

[54] As a starting point, NPS-UD Policy 1(a)(f) requires that *“Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum are resilient to the likely current and future effects of climate change.”*

[55] The National Policy Statement for Freshwater (**NPS-FW**) is also relevant when considering these matters in a plan making context. In particular, NPS-FW Policies 1-3 set out requirements for managing stormwater quality and quantity for Regional and Territorial Authorities. The policies state:

**Policy 1:** Freshwater is managed in a way that gives effect to Te Mana o te Wai.

**Policy 2:** Tangata whenua are actively involved in freshwater management (including decision-making processes), and Māori freshwater values are identified and provided for.

**Policy 3:** Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.

[56] Of further relevance is clause 3.5.4(4) of the NPS-FW which provides that:

Every territorial authority must include objectives, policies, and methods in its district plan to promote positive effects, and avoid, remedy, or mitigate

adverse effects (including cumulative effects), of urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments.

[57] We note that the copper and zinc provisions have been supported by Horizons and Rangitāne o Manawatū.<sup>15</sup> No further submissions opposed the proposed addition.

[58] In its further submission Horizons confirmed that these provisions are consistent with RPS-LF-FW-O3 & O4 and RPS-LF-FW-P4 & P12 of the RPS. We agree that these policies are relevant to and inform the provisions to improve stormwater quality, including through managing the effects from copper and zinc.

[59] We also consider that provisions to improve stormwater quality and treatment are also consistent with UFD-P4(1)(g) which relates to managing effects on water from urban development. Specifically, intensification and expansion of urban environments is provided for and enabled in district plans where (inter alia):

(g) it promotes positive effects and gives appropriate priority to the health and wellbeing of waterbodies of waterbodies, freshwater ecosystems, and other receiving environments where they are potentially adversely affected by urban development, while at a minimum avoiding, remedying or mitigating those effects (including cumulative effects).

[60] We are of the opinion that proposed zinc and copper controls directly respond to the above matters. In reaching this view we have had regard to Ms Wood's opinion that the preferred approach when copper and zinc building materials are used is for them to be sealed or coated in a way that avoids contaminants being released into the environment. Ms Wood considers the proposed provisions can reduce the likelihood of contamination runoff occurring to the receiving environment.<sup>16</sup>

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<sup>15</sup> See Further Submissions to PCE of Horizons and Rangitāne in response to S09.001.

<sup>16</sup> Section 42A Report, Mary Wood, 22 April 2025, paras 49-50, and Supplementary Evidence, Ms Wood, section G.

- [61] Relevant to these matters is also the Rangitāne o Manawatū Environmental Management Plan (**EMP**), which is an iwi management plan for the purpose of s 74(2A) of the RMA. The EMP outlines:<sup>17</sup>

Land and freshwater within the Manawatū will be managed in a way that gives effect to Te Mana o Te Wai by: Protecting and restoring the mauri of the Manawatū Awa and costal [sic] lagoons, their tributaries and connections so they can physically, traditionally and spiritually sustain Rangitāne by ensuring:

The quality and quantity of water is sufficient to support all species that would be expected to be present in that place, including plants, birds, aquatic insects, molluscs, kōrua and fish.

Rivers and streams have sufficient room on their flood plains to express their natural character, including changing course and connecting to wetlands.

- [62] We have also reviewed the practices of other Councils when implementing the NPS-FW and higher order documents. Similar provisions are contained in the Wellington City 2024 District Plan: Appeals Version (**WCDP**) under Part 2 – Three Waters. The WCDP outlines that new development using copper or zinc building materials (two common contaminants) will need to treat these surfaces or the stormwater from these surfaces to avoid copper or zinc from entering stormwater. Provisions have been included to give effect to copper and zinc building material provisions including THW-Objective 1, THW-Policy 2, and THW-Rule 3 under the proposed WCDP. These provisions state:

**THW-O1 Protecting water bodies and freshwater ecosystems:** Subdivision and development contributes to an improvement in the health and wellbeing of water bodies and freshwater ecosystems.

**THW-P2 Building materials:** The effects of copper and zinc entering the stormwater system from the use as roofing, guttering and building materials are mitigated through the use of appropriate treatment.

**THW-R3 Copper and zinc building materials – all residential and non-residential development: Activity Status Permitted.**

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<sup>17</sup> At page 35.

Where new buildings and structures, or additions and alterations to existing buildings and structures, use copper or zinc cladding and/or roofing materials (including guttering and spouting):

- (a) Building materials are sealed or otherwise finished to prevent water runoff which contains copper or zinc; or
- (b) Stormwater copper or zinc surfaces is to be collected and treated in accordance with the Wellington Water Ltd Water Sensitive Design for Stormwater: Treatment Device Guideline (2019).

- [63] We have also considered whether the PNCC Bylaws or the PNCC Engineering Standards could be used to address the issue of stormwater runoff from unsealed copper and zinc building materials. No provisions currently exist in PNCC Bylaws or the PNCC Engineering Standards to manage the runoff effects of copper and zinc building materials. In addition, we note that the Building Act is also silent on the matter.
- [64] In contrast, the District Plan provisions offer a more direct and proactive approach to the management of these contaminants - if a developer wants to use copper and zinc, then it needs to be treated. This source control method helps prevent contamination before it occurs, reducing the need for costly downstream treatment or remediation. Copper and zinc mobilise in the water column making treatment different and expensive. Therefore, having the provisions in the District Plan is a function of mitigating the adverse effects of the use of copper and zinc contaminants prior to the point of discharge (which is where the Regional Council responsibilities start). The Regional Council cannot control what goes into the system, only the point source discharge as it enters the receiving environment – in this case the Manawatū River.
- [65] In our view, solely managing the impacts of copper and zinc at the point of discharge is not as efficient and effective as regulating within the District Plan.
- [66] Plan Change I: Medium Density Residential Zone (PCI) also seeks to implement copper and zinc provisions. Council through its own submission on PCE, has sought to include provisions for copper and zinc in the Roxburgh Residential Area similar to the approach in PCI. The two plan changes ensure a consistent approach to managing stormwater across the District Plan. We note that PCI has received five submissions on the copper

and zinc provisions – two oppose and three support the additions. A hearing is scheduled for September 2025.

[67] We consider that the inclusion of copper and zinc building material proposed provisions in the District Plan are an efficient and effective mechanism to manage contaminants from stormwater runoff as it enters the Council network prior to the discharge into the Manawatu River. Further, regulating these matters is consistent with the District Plan, the RPS, and higher order documents, particularly the NPS-FW and NPS-UD.

[68] Finally, while Mr Thomas did not comment on the copper and zinc provisions in the JWS, or through his evidence, we note the JWS states his preference (if copper and zinc provisions is included) for a policy rather than an assessment criteria in Rule 10.6.3.1.

#### **H. PLANNING RESPONSE TO MR SYMAN’S PROPOSED MATTER OF DISCRETION REGARDING NOISE**

[69] Mr Syman has outlined in his Supplementary Statement of Evidence that the current noise levels from industrial activities within the proposed Roxburgh Residential Area are acceptable for nearby residential areas. Initially, he suggested including noise as a matter of discretion to ensure existing industrial use rights were acknowledged. However, having reflected on the existing use regime in the RMA, Mr Syman is now of the view that those rights are already appropriately protected. Mr Syman no longer recommends including noise from existing industrial uses as a matter of discretion in the proposed provisions.<sup>18</sup>

[70] Based on Mr Syman’s supplementary statement, we do not consider that any provisions are required to mitigate any potential noise from existing industrial sites. The industrial businesses will be able to continue to operate under existing use rights consistent with s 10 of the RMA where the appropriate legal threshold tests are met.

#### **I. RESERVES ACT**

[71] Mr Phillips has confirmed the reserve exchange process the Council has undertaken to date in his Supplementary Statement, along with next steps if PCE is approved.<sup>19</sup>

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<sup>18</sup> Supplementary Statement, Sean Syman, 25 June 2025, at 6–9.

<sup>19</sup> Supplementary Statement, Aaron Phillips, 25 June 2025, at 13-28.



- [72] As part of Mr Guthrie's Reply Evidence, he indicated that the location of the Open Space Area could potentially be located to either the north or south of Road D. As outlined in the JWS, all Planning experts agreed that Objective 11(d), Policy 11.4, Rule 7.6.2.6(e) and the Road D cross sections should be amended if an optional open space location (either side of Road D) was to be considered. In short, these changes involve including specific provisions relating to the Open Space Area – that it must be located in a central location adjacent to Road D, be the same size (1300m<sup>2</sup>) as the Waterloo Park exchange area, and that it is connected to the Council owned land.
- [73] Following planning conferencing, amendments to Map 7.10 B for the Roding Cross Section adjacent to Road 'D' have been made to show where the Open Space Areas could be located in the Roxburgh Residential Area. These changes show the minimum open space areas and dimensions, and acceptable locations within the Roxburgh Residential Area. We refer the Hearing Panel to **Attachment A** for the changes.
- [74] On the basis the Panel agree that the reserve location can be flexible, noting the final location is subject to the recommendations by the Department of Conservation, then the Open Space Area provisions proposed will provide the flexibility sought by FHL.
- [75] The reserve activity would be a Restricted Discretionary Activity provided compliance is achieved with all performance standards, including the new standards proposed specifically for the Open Space Areas (to ensure the minimum requirements are met regardless of whether it is to the north or south of Road D). If future applications cannot meet the Open Space Area performance standard, then it would be assessed as a Discretionary Activity.
- [76] Mr Guthrie agrees with the JWS that the proposed amendments to PCE will suitability provide the necessary policy framework to enable the flexible location of the Open Space Area.

## **J. FENCING**

- [77] We acknowledge the evidence of Mr Phillips that FHL and the Council have agreed to share the cost of a new boundary fence for the properties 17, 21 A, 23, 25 and 27 Tilbury Avenue.<sup>20</sup>
- [78] Mr Guthrie maintains his opinion in the s42A report in response to submission point S19.006 (contained in Appendix 1 of the s42A report) that fencing along common boundaries are better addressed under the Fencing Act 1978, rather than the District Plan provisions. There is no mechanism for the District Plan to address who pays for fencing internally between private property owners. Any agreement between Council, landowners and FHL is outside this plan change process. Ms Harris also agrees. We are therefore of the view that no changes to the proposed provisions are required to implement the agreement between the Council and FHL.

## **K. ONE PLAN DIRECTION FOR STRUCTURE PLANS**

- [79] We understood that the Hearing Panel was interested in whether there was any planning direction as to the use of structure plans as a planning tool.
- [80] While there is no specific direction in the District Plan, there is regional policy direction through RPS-UFD-M3.<sup>21</sup> This provides that policies, rules and/or methods must be included in District Plans to enable a variety of housing types (such as minor dwellings and the development of one and two bedroom homes) and lot sizes to provide for housing densities that meet housing demand and mixed-use development (including affordable housing) in urban environments.
- [81] In our view, the Structure Plan implements RPS-UFD-M3 by providing for development to enable a range of housing types to meet diverse housing demand. Of particular note is that the Structure Plan provides for higher density development in specific areas, with a prescribed street layout that enables lot sizes between 250m<sup>2</sup>-500m<sup>2</sup>.
- [82] Along with the accompanying provisions, the Structure Plan guides the development of the Roxburgh Residential Area to deliver the overall objective of PCE, which is to enable

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<sup>20</sup> Supplementary Statement, Aaron Phillips, 25 June 2025, at 35-36.

<sup>21</sup> RPS-UFD-M3 implements RPS-UFD-P1 to RPS-UD-P8 of the One Plan.

a different density and therefore housing typology than the rest of the Residential Zone. This responds to the shortfall of smaller houses in the City urban area, as explained in the FDS.<sup>22</sup>

[83] Regardless, we are of the view that a structure plan remains a method open to the Council in considering the most appropriate approach to achieve the objectives of PCE and the purpose of the Act. In this case, the size and shape of the plan change area (and overarching intensification objectives) lends itself to a structure plan approach. Mr McDonald has traversed some of these matters in evidence, including the small size of the site meaning that it is important to have clear design matters for connectivity, and ultimately lot size consistent with the proposed minimum and maximum lots to provide for a range of housing typologies.

[84] We note that no submitters have sought the removal of the Structure Plan, only that flexibility is enabled through it. The changes proposed as part of the hearing process provide the flexibility sought by FHL and S15.<sup>23</sup>

## **L. RELATIONSHIP BETWEEN STORMWATER SUBDIVISION AND RESIDENTIAL ZONE RULES**

### **Overview**

[85] The proposed stormwater provisions were the subject of planning conferencing. While Mr Thomas does not agree fully with the approach to stormwater including the permeable surface standard, if the Hearing Panel were of a mind to retain the permeable surface provisions, the JWS records that Mr Thomas agrees with the amended policy direction in Subdivision Policy 11.9 and 11.10.

[86] Relying on the evidence of Ms Wood, Mr Guthrie remains of the view that stormwater provisions are required at both subdivision and land use stages of development, otherwise this risks poor stormwater management implementation across the PCE area and outcomes that may not achieve WSUD urban design objectives at a practical level.<sup>24</sup> This view is shared by Ms Harris, who recorded in the JWS, that controls are required

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<sup>22</sup> Palmerston North Future Development Strategy 2024, Appendix 2.

<sup>23</sup> Submission 15 (Grant Higgins).

<sup>24</sup> Supplementary Statement, Mary Wood, 25 June 2025, at 14.

at both stages, noting, in particular, that land use activities could occur without subdivision necessitating controls.

- [87] Ms Wood is of the opinion that water sensitive design elements are important to effectively manage stormwater quality and quantity in the Roxburgh Residential Area. Additionally, Ms Wood considers that there must be early direction as to the appropriate stormwater controls, for the public (roading for example) and private realms (to ensure sufficient permeability). This is particularly the case given the absence of storage as an appropriate option for managing stormwater. Ms Wood considers that these elements are appropriately captured in the proposed provisions.
- [88] For completeness, and to avoid any uncertainty, we have included below what is to be covered in the Subdivision section and the Residential Zone in regard to stormwater.

#### **Subdivision Section**

- [89] A key purpose of stormwater provisions in the subdivision section is to manage the public realm for stormwater runoff through the use of water sensitive design elements. This primarily includes the road areas. In contrast the Residential Zone provisions are generally to manage the private realm for stormwater runoff, primarily through permeable surface standards. Mr Guthrie notes this matter was discussed in the JWS.
- [90] Relevantly, RPS-UFD-Policy 8 requires that urban development in the Horizons Region is planned to be resilient to climate change and to reduce greenhouse gas emissions. This means designing urban areas and transport systems that can adapt to climate impacts and support lower emissions, with local authorities needing to consider both adaptation and mitigation in planning decisions. This includes incorporating water-sensitive design elements and nature-based solutions as part of urban planning.
- [91] We note that Horizons have supported PCE with regard to its alignment with RPS-UFD-P8, including through the evidence of Mr Wickramasinghe at the hearing.
- [92] The PCE subdivision provisions seek to manage stormwater in the public realm through incorporating water sensitive design principles in the road corridor, consistent with the requirements outlined in the PNCC Engineering Standards<sup>25</sup> and in accordance with

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<sup>25</sup> See section 6.7.

RPS-UFD Policy 8. This approach is reinforced through amended Policy 11.9 which requires stormwater to be managed in the road corridor through water sensitive design elements. Policy 11.9 was amended and agreed through planning caucusing to remove reference to onsite permeability, as it could confuse plan users that they need to meet permeable surface standards as part of a subdivision application.

[93] Additionally, the insertion of Policy 11.10 is recommended to provide for lots being sufficiently sized to meet minimum permeable surface requirements (the need for on-site permeability management is discussed further below). The stormwater modelling in the s32 Stormwater Evaluation Report demonstrates that requiring onsite permeability at the lot level alongside other water sensitive design measures are the appropriate mechanisms to deal with the stormwater issues in the Roxburgh Residential Area.<sup>26</sup> There are limited other options that would successfully manage stormwater. Foreshadowing the necessary requirements at the time of subdivision will ensure future development can meet the permeable surface requirements to reduce the generation of stormwater runoff. This in turn ensures stormwater is managed appropriately over time.

[94] We no longer consider it necessary to require consent notices on titles to manage and maintain pervious surfaces through Policy 11.6. In our view, the changes to policies 11.9 and 11.10 better address these matters. However, Policy 11.6 also manages land contamination, and a new policy is recommended in place (new Policy 11.6) to ensure potential land contaminated sites are managed through the change in land use.

### **Residential Zone**

[95] Permeable surfaces are best suited to manage stormwater runoff in the private realm when residential units are constructed.

[96] As outlined Ms Wood's evidence, the change of use from industrial to residential purposes is not expected to increase stormwater runoff. The main issue is that the capacity of the outfall is currently undersized. To effectively manage stormwater, including allowing for future climate change, upgrades are necessary, as well as implementation of water sensitive design at a land use stage through the use of

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<sup>26</sup> See sections 3.2 and 3.3.

minimum permeable surface areas to facilitate natural filtration of rainwater to the ground to reduce stormwater discharges.

- [97] Permeable surface provisions were incorporated into the Residential Zone with the inclusion of new Objective 17 and its Policies 17.1-17.5, and Rule 10.6.1.8(d) for the permitted activity performance standard, and Rule 10.6.4.6 where compliance with the performance standard is not achieved as a Discretionary Activity. As we have discussed earlier, the guidance note has been removed from the residential zone provisions and has been incorporated as a policy within the subdivision chapter.
- [98] As outlined Mr Guthrie's Reply Evidence,<sup>27</sup> there are other parts of the PNCC District Plan, including the Napier Road Residential Area and Aokautere Greenfield Residential Area that have included specific permeable surface performance standards. We are also aware that Hutt City, Kapiti Coast District, and Hamilton City Councils have also included permeable surface standards in their District Plans. We consider including permeable surface standards as proposed is a best practice approach to managing the effects of stormwater and climate change through the District Plan.

### **Conclusion**

- [99] Overall, we consider that that the proposed stormwater management provisions, in both the subdivision and residential zone sections, appropriately manage stormwater quantity and quality in the public and private realm and reflect best practice stormwater management in New Zealand. These provisions and appropriately take into account the JWS outcomes by reinforcing that water sensitive design elements within the public road corridor is a subdivision matter, while permeable surfaces are managed on private properties through the residential zone provisions.
- [100] Changes to the stormwater provisions have occurred as part of planning caucusing to better differentiate where stormwater needs to be controlled in the public or private realm. This includes amendments in the Subdivision provisions to policy 11.9 to outline specific water sensitive design elements required in the road corridor and a new Policy 11.10 to outline lots must be sufficiently sized to meet permeable surface

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<sup>27</sup> At paragraphs 30 and 31.

requirements. We refer the Hearing Panel to Appendix 1 of Mr Guthrie's Supplementary Statement for the full list of changes.

#### **M. THE APPROPRIATENESS OF THE VARIOUS ACTIVITY STATUS FOR STORMWATER**

##### **Subdivision Section**

[101] The planning JWS addresses the activity status of subdivision where compliance is not achieved with all relevant performance standards.<sup>28</sup> All parties agreed that subdivision in the Roxburgh Residential Area should be assessed as a Restricted Discretionary Activity, and that non-compliance with the subdivision performance standard should be treated as a discretionary activity. This approach reflects the notified version of PCE, and no specific submissions were received on the rule classifications for subdivision.

[102] We therefore do not recommend any changes to the activity status for subdivision in the Roxburgh Residential Area.

##### **Permeable Surfaces – Residential Zone**

[103] Initially non-compliance with the permeable surface standard was a non-complying activity due to the findings in the s32 Stormwater evaluation report. The evaluation report outlined that the current stormwater network does not meet the minimum service requirements in the existing Roxburgh Industrial Area, nor would it meet the requirements if the area was re-zoned to Residential. Upgrades are necessary to bring the stormwater level of service to the minimum level, as well as to meet specific permeability requirements, as detailed above. Where these matters are not addressed as part of an application, a non-complying status had been considered appropriate.

[104] However, we acknowledge that the policy direction for stormwater in the Residential Zone is not intended to be one of strict avoidance. Subject to there being sufficiently strong policy direction supporting the need for effective stormwater management, Mr Guthrie considers a Discretionary Activity status could be appropriate. Ms Harris has suggested a change to a Discretionary activity for those situations where the permeable surface standards in rule 10.6.4.6 were not met, and this has been agreed in the JWS.

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<sup>28</sup> Joint Witness Statement – Planning (12 June 2025), Annexure A, Topic 5.

[105] We are of the view that the Discretionary Activity status for non-compliance with the permeability standards still retains flexibility for the Council to effectively manage stormwater, given the policy framework supporting anticipated stormwater outcomes.

[106] Overall, Mr Guthrie agrees with the outcome from the JWS and recommend that where compliance cannot be achieved with the permeable surface performance standard in the Residential Zone, that an application be assessed as a Discretionary Activity.

**N. PURPOSE OF THE NO BUILD AREA**

[107] During the hearing, an issue was raised by the Hearing Panel about the purpose of the no build area on the Structure Plan. The purpose of the no build area is to protect the existing stormwater outlet pipe when the area is subdivided, as it ensures the Council's continued ability to access the stormwater pipe for maintenance. The no build area and a future easement created through subdivision will enable Council to access the pipe for ongoing maintenance and upgrade. As we understand it the Council is not intending to remove this pipe as part of the future upgrades.

[108] We do not recommend any changes to the no build area on the Structure Plan.

**O. SECTION 32 – EVALUATION OF APPROPRIATENESS**

[109] Section 32AA of the RMA requires a further evaluation of changes made to PCE since the original evaluation report was completed. This evaluation must be undertaken in accordance with s32 of the Act, which requires the objectives of proposals to be examined for their appropriateness in achieving the purpose of the Act, and whether the proposed provisions (including methods) are the most appropriate way to achieve the objectives. This includes consideration to other practicable options, the efficiency and effectiveness and cost and benefits of the provisions in achieving the objectives.

[110] This s 32AA addresses the most significant recommended amendments to the PCE provisions as identified in this Supplementary Statement and the Planning JWS, reflective of the scale and significance of these amendments. The s 32AA is not exhaustive and does not address minor changes recommended to improve clarity or interpretation of the plan, or where amendments have been proposed that are not a



significant departure from the approach that was notified or discussed in earlier reporting to the Hearing Panel.

- [111] The changes that are recommended in **Attachment A** aim to address issues arising through submissions and the hearing process, to improve the certainty and clarity of the provisions for plan users and/or amend unintended consequences in drafting the provisions. We have concluded that the recommended changes are the most appropriate way to achieve the objectives of PCE, the relevant District Plan objectives and the objectives and directions of the higher order documents.

#### **Separation Distance adjacent to Tilbury Avenue Properties**

- [112] A separation distance of 1.5m and that a dwelling be one storey in height for one third of the site as measured from the rear boundary is now proposed for the boundary with Tilbury Avenue Properties. Refer to **Attachment A** outlining the change to the separation distance performance standard under Rule 10.6.1.8(i).
- [113] This amendment is considered to appropriately address the residential interface of new development along existing buildings within Tilbury Avenue, and the potential privacy and bulk issue that can arise with residential development.
- [114] The introduction of a revised setback standard would reduce building bulk and shading along Tilbury Avenue properties and assist to alleviate concerns raised originally by submitters. The provision will still allow for dwellings to be constructed adjacent to Tilbury Avenue, as a permitted activity, while ensuring any building bulk is to the front of the site near the new Road B on the Structure Plan.
- [115] The new standard would limit the house height for 1/3 of the property when measured from the rear boundary which means the bulk of the building, should 2 storey development be sought, would be at the front of the property closer to new Road B on the Structure Plan. Retaining the 1.5m setback is the same as the Residential Zone. The setback retains the viability of compact detached and semi-detached dwellings on these lots as future development options as well.
- [116] Depending on lot size and design of a future house, there will be a reduction of the heights of building at the southern end of the Roxburgh Residential Area as a result of

the recommended change. This may add constraints on building and lot design, for example dwellings may have to orientate have taller parts of building towards the front of the site which may not be desired. There are no specific costs or benefits that apply in this instance, we note that should a landowner wish to construct a higher building closer to a Tilbury Avenue property boundary then resource consent would be required under Rule 10.6.3.1, which would incur additional costs.

- [117] Based on the evidence of Mr McDonald and the submitters, including Ms Watson, we consider there is sufficient information to act.

#### **Location of the Reserve**

- [118] As outlined earlier, changes to provide flexibility for the reserve location have been identified for Objective 11(d), Policy 11.4, and Rule 7.6.2.6 Performance standard (b), (d), and a new (e). Refer to **Attachment A** for the full set of changes.
- [119] The changes are necessary to provide for the open space area either north or south of Road D within the Roxburgh Residential Area, while outlining the requirements for the open space area design as part of a future subdivision consent. This is important given the reserve exchange requirements for the Department of Conservation as outlined by Mr Phillips in his Supplementary Evidence.
- [120] The amended provisions will help to deliver flexibility to future developers to provide for the reserve in a co-ordinated manner with the location of future housing, without compromising residential amenity or the provision of reserves in the Roxburgh Residential Area. As outlined above, amendments to Map 7.10 B for the Roding Cross Section adjacent to Road 'D' show where the reserve can be located in the Roxburgh Residential Area, with two Open Space Area maps setting out the acceptable locations of the reserve (along with minimum reserve areas and dimensions). This approach provides certainty for Council and plan users.
- [121] Mr Phillips supports locating the Open Space Area to the north or south of Road 'D' from a Parks and Reserves perspective subject to certain requirements being met. Whether or not a change in location from that previously approved by the Department of Conservation will need to be addressed outside of PCE; however, this does not impede flexibility being provided in the meantime, in the event approval is obtained.

- [122] Based on the advice provided by Mr Phillips, we consider that there is sufficient information to act through changes to objective 11(d) & policy 11.3, and 11.4 (to reference Open Space Areas) and amended maps. Further amendments to Maps 7.10 B show where the reserve can be located, and a new performance standard for Open Space Areas (Rule 7.6.2.6(e)) outlines the perimeters required for the reserve.

#### **Provisions for a Laneway**

- [123] The planning JWS proposes amendments to the provisions to provide for the northern portion of Road B as either road or laneway. For clarity these are changes to Policies 11.3, and Rule 7.6.2.6 Performance standard (d)(ii). This road has been renamed Road E for certainty and clarity for future plan users. A new Map 7.10 C Rooding Cross Section Road E has been drafted in response to the changes to provisions and outline the requirements in a potential public laneway. Refer to **Attachment A** for the changes.
- [124] The changes are recommended to provide flexibility for future developers within the Roxburgh Crescent development area, to outline a portion of the road which can be either a public road or a public laneway. While his preference remains a public road, Mr Groom has indicated the necessary requirements for any lane in the area now referenced on the revised Structure Plan as Road E. These requirements must be met in order for a lane to be appropriate for the site. These matters are considered necessary as the PNCC Engineering Standards do not provide for a public laneway.
- [125] The benefits exist in providing flexibility to future developers around different roading options, without compromising residential amenity or the provision of reserves in the Roxburgh Residential Area. The proposed Rooding Cross Section Map 7.10 C Rooding Cross Section Road E Laneway outlines the minimum design elements that would need to be included for a lane, recognising that the lane would be approximately 170m long.
- [126] An associated cost with providing for either a public road or public laneway is that the laneway would be unable to accommodate parking spaces, footpaths on either side, with the carriageway itself narrower. This could compromise the experience for persons living and visiting the area, particularly as there would be no carparking space along the laneway. Future developers will need to consider the compromises of having a public laneway over a public road with on-street carparking.

[127] Based on the advice provided by Mr Groom, we consider that there is sufficient information to act.

### **Changes to Stormwater Provisions**

[128] As outlined above, changes are proposed in the Subdivision and Residential Zone Chapter in relation to stormwater. The full set of changes is at **Attachment A**.

[129] We consider that these amended provisions are the most efficient and effective way to deliver the best stormwater outcomes for PCE at the time of subdivision. The amended policies are the best mechanism to effectively manage stormwater quality and quantity management and creates positive effects on the stormwater network. In the Residential Zone section, the change of activity standard for permeable surface non-compliance still retains flexibility for council to consider all potential impacts and policy issues. They are supported by policy direction around stormwater management so that any non-compliance would still be rigorously assessed in the circumstances. Changes are also proposed to the objective to provide clarity over the intent of the controls.

[130] The recommended changes to the stormwater provisions will provide plan users with greater certainty for how to manage stormwater in the future. Changes to ensure subdivision and land use provisions are clear and do not overlap have been made. There are costs with requiring stormwater to be managed at both subdivision and land use stage, however for reasons we have explained, and supported by Ms Wood, this is considered necessary in the PCE context.

[131] Council has sufficient information expert evidence to inform the changes to the stormwater policies in the subdivision and land use chapters for PCE.

**25 June 2025**

**Eamon Michael Guthrie / Andrea Michelle Harris**

## **P. APPENDICES**

## **Attachment A: Proposed Amendments to PCE Provisions**

# New proposed provisions to be inserted into the Palmerston North City Council District Plan

## Key to District Plan Amendments

Note: ~~Strikethroughs~~ and underline's to provisions are as a result of changes recommended in response to submissions and other evidence in relation to the plan change. Below is a key outlining when changes have been made throughout the plan change process.

- Black = operative provisions
- Black ~~striketrough~~ and underline = notified provisions
- Red ~~striketrough~~ and underline = s42 recommended changes
- Blue ~~striketrough~~ and underline = Reply changes
- Purple ~~striketrough~~ and underline Supplementary Statement changes

## Chapter 4 Definitions

Insert the following new definition:

**Roxburgh Residential Area:** Means the residential area shown in the Roxburgh Residential Area Structure Plan (**Map 7.10** Structure Plan ).

**Principal bedroom:** means the main bedroom in the residential unit which is the largest and/or occupied by the resident or residents who head the household.

Amend the following new definition of open construction:

~~In relation to R10.6.1.7(d):~~ means able to be viewed through, and with not less than 65% openness over the elevation of the fence. Open areas exclude any surface of the fence, which is solid, but may include wire mesh, or wrought iron or similar elements with a facing edge not thicker than 12mm and spaced at not less than 80mm centres.

Add a new definition of Open Space Area as follows:

Open Space Area means the area of open space for the Roxburgh Residential Area that is to be located adjacent to Road D as shown on Map 7.10 Structure Plan.

## Chapter 7 Subdivision

Insert the following new objective and policies:

**Objective 11:** ~~To ensure that s~~Subdivision within the Roxburgh Residential Area: proceeds in a manner that:

- (a) Delivers a comprehensively designed and connected residential area which is integrated with the surrounding environment identified in the Structure Plan layout.

- (b) Manages stormwater in an integrated manner ~~by implementing through incorporating that incorporates~~ water sensitive design principles.
- (c) Provides for an increase in housing supply through a variety of housing types and sizes to achieve the efficient use of land and respond to housing needs and demands.
- (d) Creates ~~a centrally located Open Space Area~~ and a single pedestrian connection with the Manawatū River.

**Policy 11.1:** To ensure that ~~subdivision layout and development is undertaken in an integrated and coordinated manner~~ in general accordance with the Structure ~~p~~-Plan.

**Policy 11.2** To restrict the use of cul de sacs and ensure connectivity ~~through an accessible internal street layout which forms a block structure to maximise connectivity, integrates with the surrounding transport network and provides a pedestrian access and cycleway, as outlined in the structure plan.~~

**Policy 11.3** To recognise the limitations of the existing road corridor by ~~enabling ensuring that road layouts to be consistent are in general accordance with~~ the road cross sections (refer to **Map 7.10 A Roading Cross Section, Map 7.10 B(1), Map 7.10 B(2), and Map 7.10 C).**

**Policy ~~11.3~~ 11.4:** To require a single access point to the Manawatū River ~~and Open Space Area~~ that is located centrally within the Roxburgh Residential Area as identified on the Structure Plan (refer to **Map 7.10 Structure Plan** ).

**Policy 11.5:** To enable the maintenance of critical infrastructure through the use of no build areas, consent notices and access easements.

~~**Policy 11.6:** To impose consent notices on titles outlining measures required to manage and maintain pervious surfaces and land contamination.~~

**Policy 11.6:** Manage potentially contaminated land or Hazardous Activities and Industries List (HAIL) sites to ensure a change in land use reduces risk to human health.

**Policy 11.7:** To enable greater housing density by allowing smaller lot sizes.

**Policy 11.8** To enable larger lot sizes for the purpose of multi-unit residential development only where there is a concurrent subdivision and land use consent.

**Policy 11.9:** To manage ~~the quality and quantity of~~ stormwater by ~~utilising water sensitive design within the road corridor, the use of rapid biofiltration stormwater pits and vegetated grassed areas throughout and through onsite permeability and water sensitive design elements in the Roxburgh Residential Area RRA.~~

**Policy 11.10:** Any proposed lots must be of sufficient size to provide for onsite permeability to reduce the generation of stormwater runoff.

Insert the following new rules:

#### **R7.6.2.6 Subdivision in the Roxburgh Residential Area**



Any subdivision in the Roxburgh Residential Area that complies with the performance standards below is a Restricted Discretionary Activity with regard to:

- (a) The size, shape and arrangement of lots, roads, access, and public open space.
- ~~(b) General accordance with Roxburgh Residential Area structure plan and roading cross sections.~~
- (c) Those matters described in Sections 108 and 220 of the Resource Management Act 1991.
- (d) Natural Hazards.
- (e) Staging of development.
- (f) Integration of essential services.
- (g) Effects on the capacity of Council infrastructure.
- (h) Stormwater Management
- (i) The safe and efficient operation of the roading network.

#### **Performance Standards**

- (a) **Controlled Activity Performance Standards**  
Compliance with R7.6.1.1(a), (d), (e), and (i).

**NOTE TO PLAN USERS:** Where areas within Roxburgh Residential Area are identified in Council's records as being potentially contaminated, the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health applies, and consent may be required under that document. If consent is required, then this must be applied for before or concurrently with a subdivision consent. All subdivisions must comply with the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health in addition to the requirements of this rule.

- (b) **Structure Plan**  
Subdivision must be in general accordance with layout contained in the Structure Plan shown on Map 7.10 Structure Plan , except in relation to the Open Space Area which must meet Rule 7.6.2.6 (e).
- (c) **Lot size**  
In the Roxburgh Residential Area each lot must be
  - i. A minimum of 250 m<sup>2</sup> and a maximum of 500 m<sup>2</sup>.
  - ii. A maximum lot size of 1000 m<sup>2</sup> applies for multi-unit development where a subdivision and land use consent are applied for at the same time.
- (d) **Road corridor:**  
Design of the road corridor must demonstrate:
  - i. Compliance with Map 7.10 A for both the new public roads and existing Roxburgh Crescent.

- ii. Compliance with **Map 7.10 A** where Road D on **Map 7.10** is formed as a public road, or **Map 7.10 C** where Road D on **Map 7.10** is formed as a public laneway.
- iii. Compliance with **Map 7.10 B(1) or B(2)** for the new road in the centre of the site marked as 'd' on the structure plan in **Map 7.10**. The carparking area must be located adjacent to the Open Space Area.
- iv. ~~How water sensitive design elements have been incorporated to manage stormwater quantity~~ ~~Include water sensitive design elements~~ based on one (1) square metre of ~~rapid biofiltration~~ stormwater pit being provided per ~~contributing catchment area of 270 m<sup>2</sup> of road reserve.~~
- v. Provide treatment of road stormwater through ~~pervious pavements~~, grassed areas and other biofiltration devices prior to entering the Council stormwater network to improve the quality of the stormwater discharge.

**(e) Open Space Area**

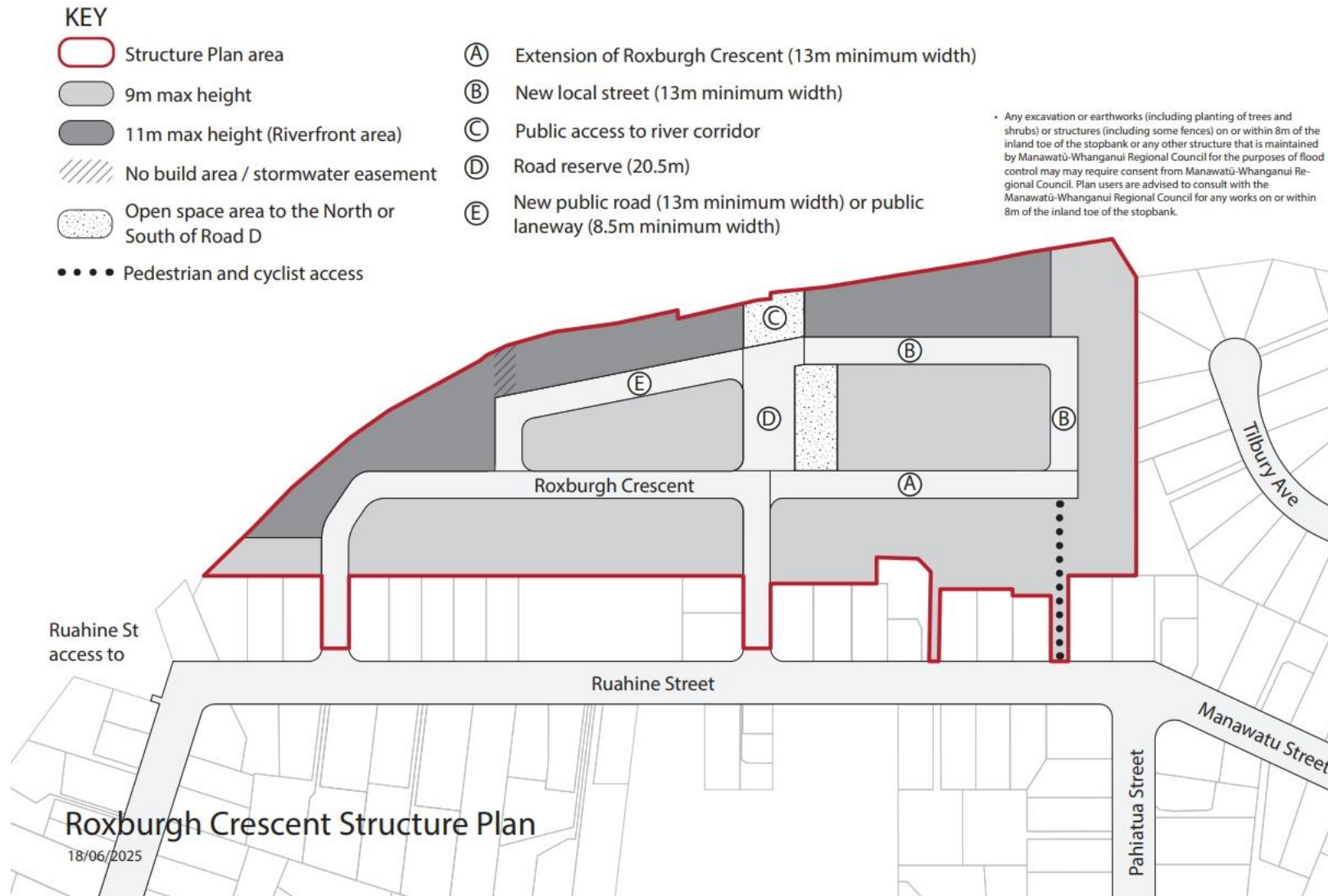
The location of the Open Space Area, as shown on **Map 7.10**, must be:

- i. Located in a central location adjacent to Road 'D'; and
- ii. The same size of the Waterloo Park exchange area of approximately 1,300m<sup>2</sup> in area; and
- iii. Connected to the Council owned land that provides access to the river.

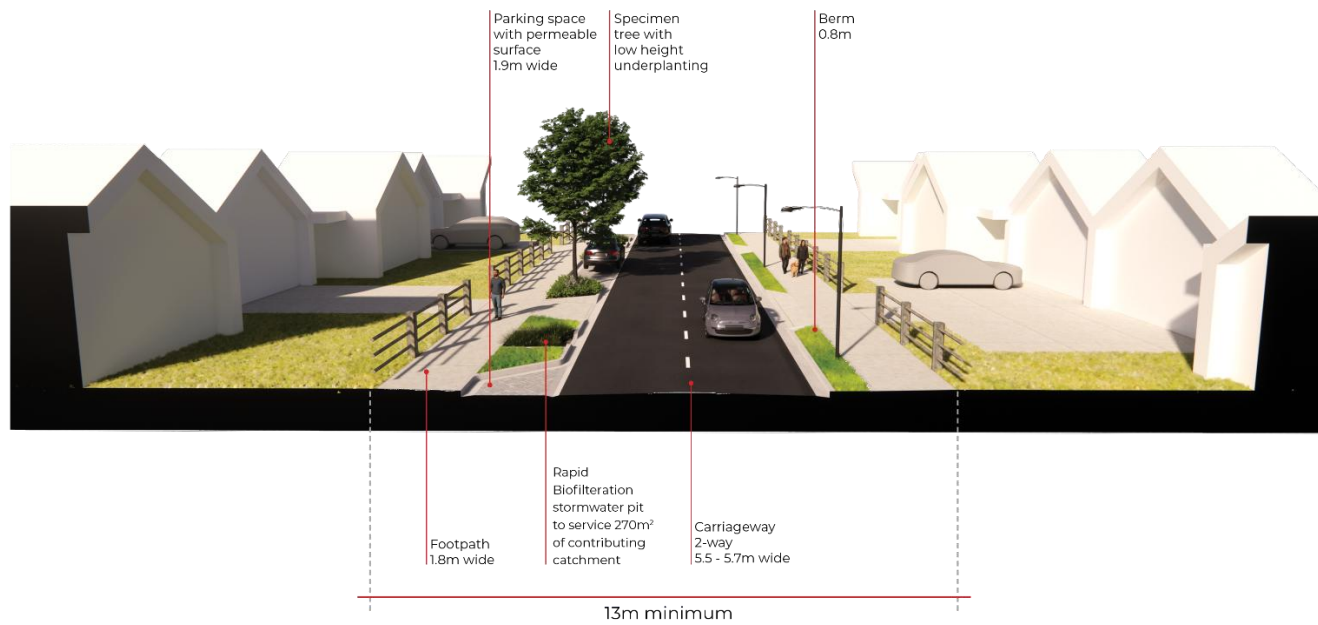
**R7.6.2.7 Non-Notification of Subdivision in the Roxburgh Residential Area**

Subdivision applications made for sites complying with R7.6.2.6 must not be publicly or limited notified.

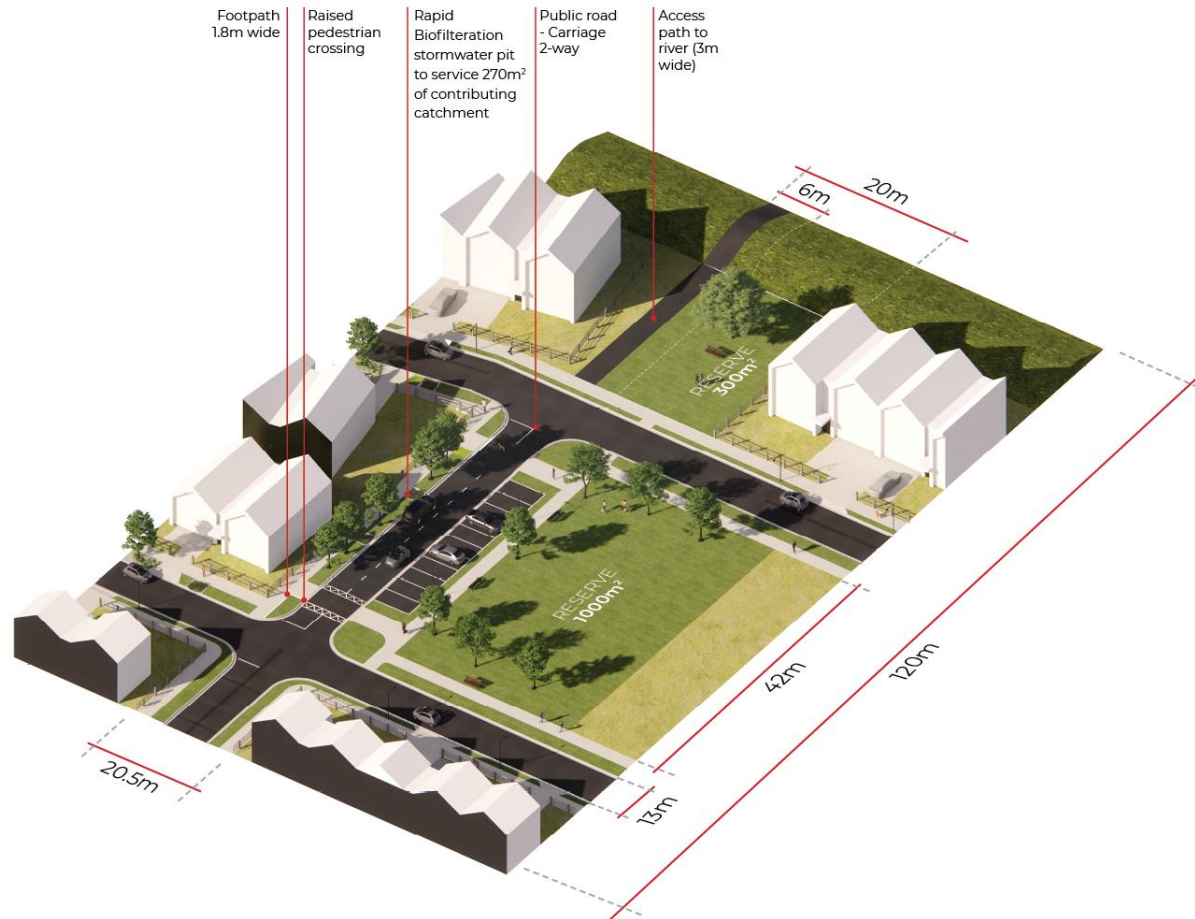
## Map 7.10 Structure Plan



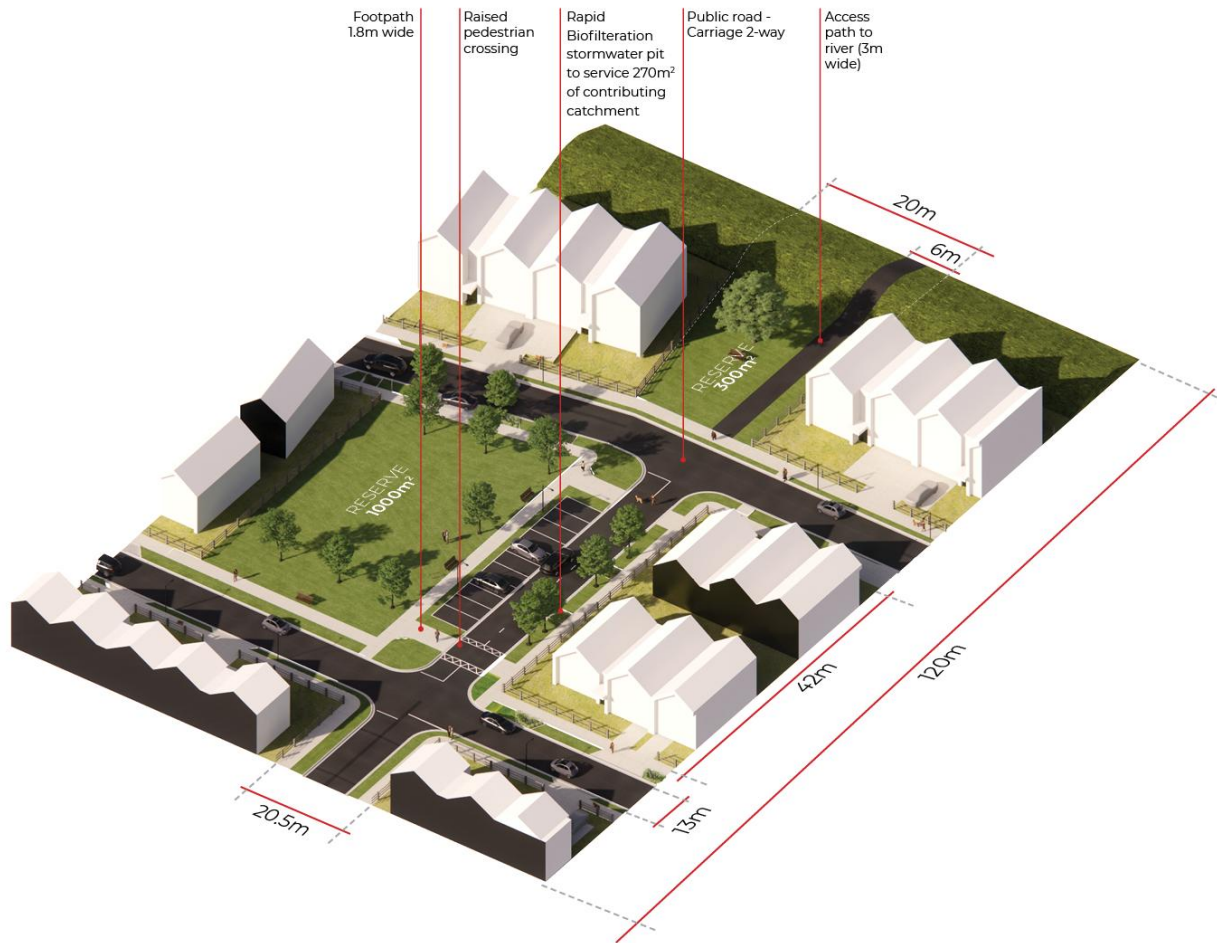
### **Map 7.10 A Roading Cross Section**



**Map 7.10 B(1) Roading Cross Sections for area marked 'D' (centre of site) on the Structure Plan in Map 7.10 to show Southern Open Space Area Option.**

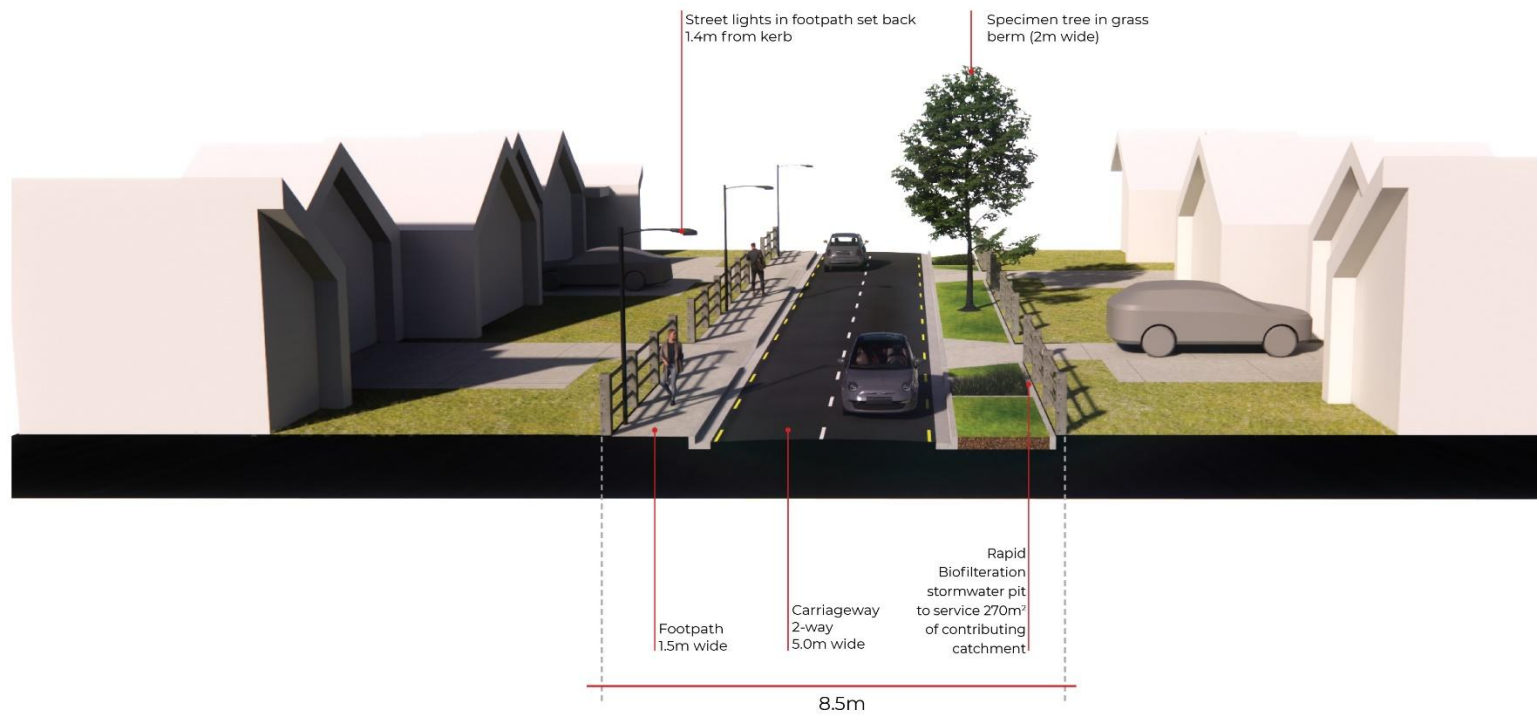


**Map 7.10 B(2)** Alternative Roading Cross Section for area marked 'D' (centre of site) on the Structure Plan in Map 7.10 to show Northern Open Space Area Option.





**Map 7.10 C** Roading Cross Section Road E Laneway



## Chapter 10 Residential

Insert the following new objective and policies:

**Objective 16:** Roxburgh Residential Area delivers a well-functioning urban environment by enabling a greater variety of housing densities, quality-built form and connection with public spaces.

**Policy 16.1:** ~~Require~~ Development ~~to be~~ is delivered in general accordance with the layout of the Roxburgh Residential Area Structure Plan and roading cross sections.

**Policy 16.2:** Roxburgh Residential Area is delivered in a way that:

- a. Provides passive surveillance from dwellings to public spaces.
- b. Provides functional outdoor space for dwelling residents.
- c. Provides a variety of housing density including attached and detached dwellings, 3-storey dwellings, and multi unit development.
- d. The visual dominance of garages from the street is managed through the use of garage setbacks.
- e. Onsite privacy and access to daylight and sunlight for habitable rooms in winter is achieved through building design.

**Policy 16.3:** Non-residential development is restricted in location to be adjacent to Road D and must be on the ground floor with residential activities above. ~~To restrict non-residential activity in the Roxburgh Residential Area, except where the non-residential activity is located on the: Road D and is limited to the ground floor with residential activities above.~~

~~a. Ground floor and residential living is above, and~~

~~b. East—West road opposite or adjacent to the open-space area.~~

**Objective 17:** Stormwater is managed onsite to reduce quantity and improve quality discharges through the use of water sensitive design measures within the Roxburgh Residential Area.

**Policy 17.1:** Utilise front yard landscaping to optimise stormwater runoff and improve stormwater quality.

**Policy 17.2:** To manage the risk of stormwater flooding by requiring that all development achieves the specified minimum floor levels and has sufficient permeable surfaces to manage stormwater runoff onsite.

**Policy 17.3:** To require that where permeability limits are not achieved, onsite measures are provided and demonstrated to achieve stormwater ~~attenuation-retention~~ at the same rate as the required permeability area.

**Policy 17.4:** To encourage parking areas to include permeable surfaces.



**Policy 17.5:** The effects on water quality of copper and zinc entering the stormwater system from use as roofing, guttering and building materials are mitigated through the use of appropriate treatment.

Insert the following new rules:

## **10.6 Dwellings and Accessory Buildings**

### **R10.6.1 Rules: Permitted Activities**

#### **R10.6.1.8 Dwellings within the Roxburgh Residential Area**

Dwellings are a Permitted Activity in the Roxburgh Residential Area, subject to the following performance standards:

##### **Performance Standards:**

- a. Compliance with Permitted Performance Standards under R20.4.2 (a)
- b. Floor Levels

Floor levels must be above the flood and stormwater inundation level predicted for a ~~0.5%~~ 2% annual exceedance probability (AEP) (1 in ~~200~~ 50 year) flood event (including allowance for climate change), plus 350mm reasonable freeboard for dwellings and dwelling units (including attached garages).

- c. Site Area, Site Coverage and Number of Buildings

- i) Site area

- a) A minimum site area of 250m<sup>2</sup>
  - b) A maximum site area of 500m<sup>2</sup>

- ii) Site coverage

- a) Maximum site coverage of 45% of net site area.

- iii) Number of buildings used for residential living per site

One (1) dwelling per site, except that there can be two (2) dwellings on a site up to of 500m<sup>2</sup>.

The number of buildings per lot shall be no more than two (2) dwellings on a site.

~~a) One dwelling unit on lots up to 250m<sup>2</sup>~~

~~b) Two dwelling units on lots between 251m<sup>2</sup> to 500m<sup>2</sup>~~

For three or more dwellings on a site refer to **R10.6.3.3** Multi-unit residential development in the multi-unit housing areas identified on Maps 10.6.3.3(a)-(h j) is a Restricted Discretionary Activity with regard to:

d. Permeable Surfaces

- i) The minimum permeable surface area must be 45% of net site area.
- ii) Should the stormwater outlet from Roxburgh Crescent to the Manawatū River be constructed and is operational, the minimum permeable surface area must be 30% of net site area.
- iii) Permeable surface may be landscaped areas which also achieve the landscaping requirements of R10.6.1.8(e).

~~**Guidance Note:** Given the Roxburgh Residential Area is at the bottom of the stormwater catchment, the lack of detention areas to attenuate stormwater within the site in a location near the outlet to the river, and the current size of the outlet, detention is not a feasible option to achieve the~~ there are few alternatives to providing the onsite permeability required. Council may impose consent notices on property titles at subdivision stage to enforce this standard.

e. Frontage Landscaped areas

30% of the land within the front yard setback area, as referenced under R10.6.1.1(c)(i)(a), must be developed with plants and grass.

f. Height

- i) A maximum height of 9 metres.
- ii) Within the River Front Area
  - a. no building or structures may exceed a maximum height of 11 metres + 1 metres for pitched roof; and
  - b. all dwellings must be a minimum of two stories.
- iii) Antennae, chimneys and aerials may exceed this height by 2 metres.

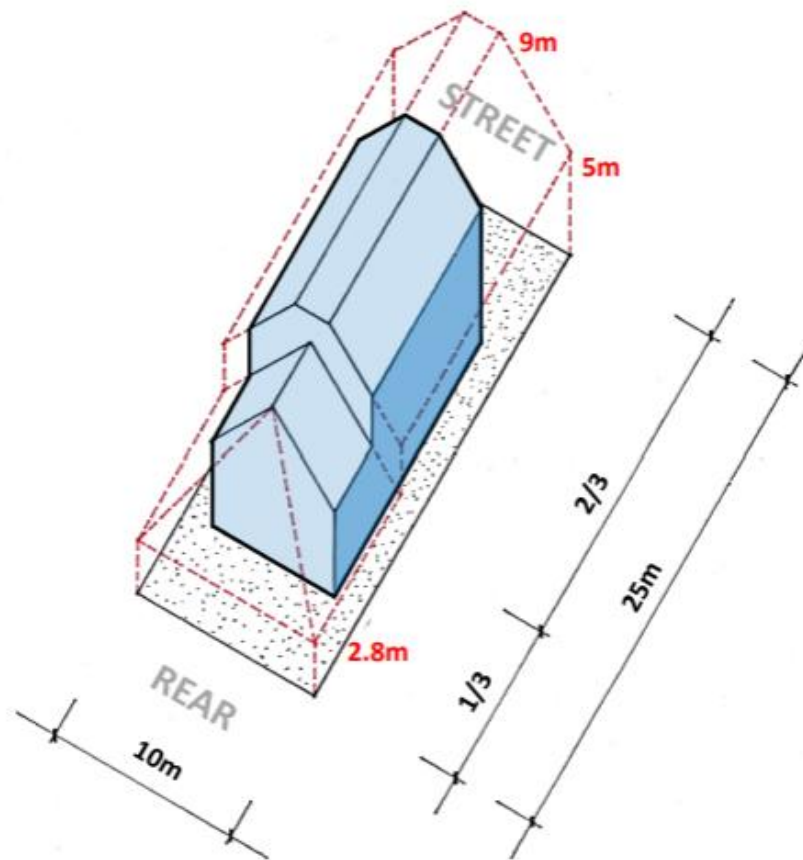
g. Height Recession Plane

- i) Within the Roxburgh Residential area outside the River Front Area (shown on the structure plan **Map 7.10** Structure Plan the following apply:
  - a) All buildings and accessory buildings must be contained within 45° angle inclined inwards at right angles from a point of 5.0 metres above ground level along the front two – thirds including side boundaries; and
  - b) For the rear one-third of the site or any rear lots: buildings and structures must be contained within 45° angle inclined inwards at right angles measured from a point of 2.8 metres above ground level.

Except where:

- a. For parcels longer than 45m, all buildings and accessory buildings must be contained within 45° angle inclined inwards at right angles from a point of 2.8 metres above ground level for the rear 15m of the lot.
  - b. For lot boundaries along existing residential properties in Ruahine Street and Tilbury Avenue, all buildings and accessory buildings must be contained within 45° angle inclined inwards at right angles measured from a point of 2.8 metres above ground level.
- ii) All buildings and accessory buildings within the River Front Area (11m height area shown on the Structure Plan **Map 7.10** Structure Plan the following apply:
  - a) All buildings and accessory buildings must be contained within 45° angle inclined inwards at right angles from a point of 5.0 metres above ground level for the entire length of the lot including side boundaries.
- iii) No height recession plane applies along common boundaries of conjoined dwellings.
- iv) Where a boundary adjoins an access strip the measurement will apply at the furthestmost boundary of the access strip.

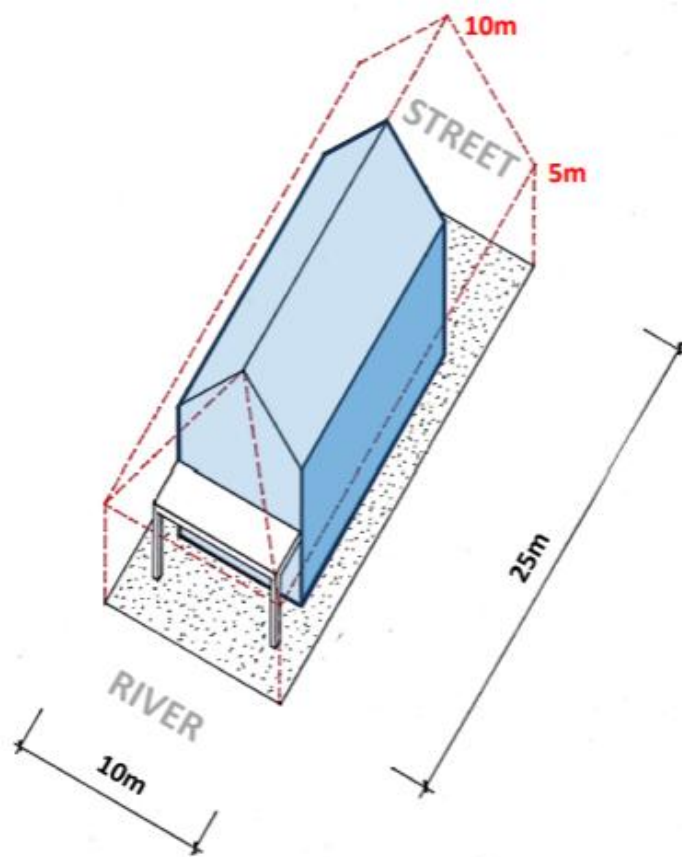
**Guidance Note:** See Figure 1 HRP for the Roxburgh Residential Area and Figure 2 for the River Frontage Area which demonstrates how height recession planes are to be measured.



### 250m<sup>2</sup> Standard Lot

(approximate dimensions)

Figure 1 HRP for the RRA (except River Front Area)



**250m<sup>2</sup> River Frontage Lot**  
(approximate dimensions)

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*Figure 2 HRP for the River Frontage Area*

h. Overlooking

Compliance with performance standard R10.6.1.1(b).

i. Separation Distances

- i. Compliance with performance standard R10.6.1.1(c).
- ii. All buildings and accessory buildings adjoining a lot on Tilbury Avenue must be
  - a. 1.5m from the rear boundary; and
  - b. One storey in height for one third of the site as measured from the rear boundary. All buildings and accessory buildings must be located a minimum of 5 metres from the boundary of on a lot adjoining Tilbury Avenue

Except where:

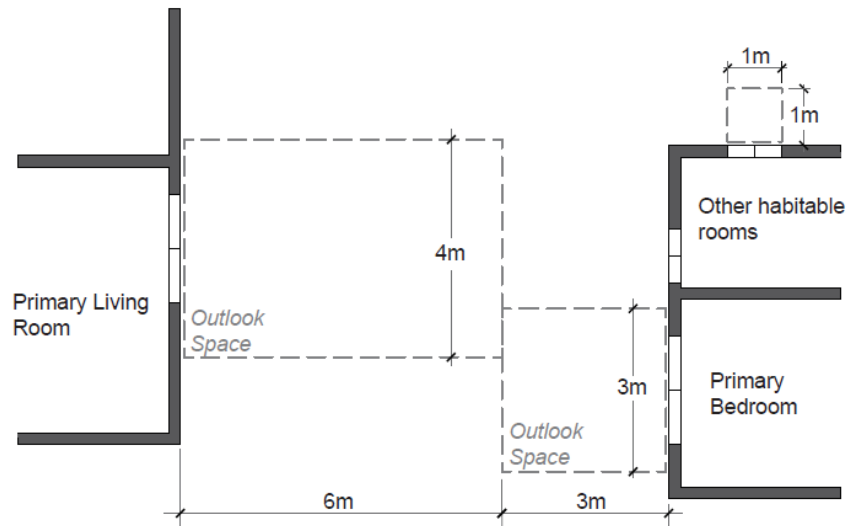
- Where two dwellings are joined by a wall or by their respective garages, the separation distance provisions in R10.6.1.1(c)(i)(a) must not apply.

j. Outlook Space

- i. Every dwelling unit must be provided with an outlook space from habitable room windows that meets the following minimum dimensions:
  - a. 6 metres in depth x 4 metres in width outlook space for a *main living area*; and
  - b. 3 metres x 3 metres outlook space for a *principal bedroom*<sup>1</sup>; and
  - c. 1 metre x 1 metre outlook space for all other *habitable rooms*\*.
- ii. Outlook space must:
  - a. be clear and unobstructed by buildings;
  - b. does not extend over an outlook space or outdoor living space required by another dwelling;
  - c. be provided from the face with the largest area of glazing where the room has two or more external faces; and
  - d. be measured from the centre point of the window to which it applies.
- iii. Outlook space may extend over a public road, public open space, driveways and footpaths within the site, or another outlook space required within the same dwelling.

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<sup>1</sup> Principal bedroom means *the main bedroom or master bedroom in the dwelling unit which is the largest.*



*Figure 3 Outlook space*

k. Fencing

i. Boundaries with public spaces and road frontage:

- c. A solid fence on a property boundary to any road, public walkway or reserve must be no higher than 1.1m in height.
- d. If the fence is of Open Construction<sup>2</sup>, the fence must not exceed more than 1.8m in height.
- e. A solid fence located along a property boundary to a road, public walkway or reserve where a private outdoor amenity area is located must not exceed more than 1.8m in height and be no longer than one third of the total site frontage area in compliance with R10.6.1.1(e) .

ii. Side Boundary Fence:

A side boundary fence must not exceed 1.1 metres in height for a distance of 3 metres into the property from the road boundary when next to the driveway. After 3 metres the fence must not exceed 1.8 metres in height.

l. Onsite Amenity

- i. Where the onsite amenity is provided at ground level compliance with R10.6.1.1(e).

<sup>2</sup> means able to be viewed through, and with not less than 65% openness over the elevation of the fence. Open areas exclude any surface of the fence which is solid, but may include wire mesh, or wrought iron or similar elements with a facing edge not thicker than 12mm and spaced at not less than 80mm centres

- ii. Where the onsite amenity is provided above ground level it must meet the following requirements:
  - a. a minimum area of 5 m<sup>2</sup> where the space serves a one bedroom dwelling unit, or
  - b. a minimum of 8 m<sup>2</sup> where the space serves a dwelling unit with two or more bedrooms, and
  - c. be located to the north, east or west of the dwelling unit, and
  - d. be located to receive a minimum of 3 hours continuous sunlight over at least 50% of the area on the shortest day of the year, and
  - e. have direct contact with the main living area via door access.
- m. Where new buildings and structures, or additions and alterations to existing buildings and structures, use copper or zinc cladding and/or roofing materials (including guttering and spouting) these materials are sealed or otherwise finished to prevent water runoff which contains copper or zinc.

**Note to plan users:**

- Any excavation, ~~or~~ earthworks (including planting of trees and shrubs) or structures (including some fences) on or within 8m of the inland toe of the stopbank or any other structure that is maintained by Manawatū-Whanganui Regional Council for the purposes of flood control ~~may~~ will require consent from Manawatū-Whanganui Regional Council. Plan users are advised to consult with the Manawatū-Whanganui Regional Council for any works on or within 8m of the inland toe of the stopbank.

### **10.6.3 RULES: RESTRICTED DISCRETIONARY ACTIVITIES**

#### **R10.6.3.1 Buildings or Structures 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, including Maximum Height and Height Recession Planes**
- ii. **Overlooking**
- iii. **Separation Distances**
- iv. **Site Area, Site Coverage and Number of Buildings**
- v. **On-Site Amenity**
- vi. **Access and Parking**
- vii. **Turitea / Aokautere Residential Zone Setback**
- viii. **Aokautere Development Area**
- ix. **Fencing in the Hokowhitu Lagoon Residential Area**



- x. Glazing in the Hokowhitu Lagoon Residential Area as per R10.6.1.5(f)
- xi. Floor Levels within the Hokowhitu Lagoon Residential Area as per R10.6.1.5(b)
- xii. Outdoor amenity in the Golf Ball Hazard Area (as shown in Map 7.7.2.7)
- xiii. Acoustic Insulation and Setbacks and separation distances within the Napier Road Residential Extension Area
- xiv. Permeable surfaces in the Napier Road Residential Extension Area
- xv. Fencing in the Napier Road Residential Extension Area
- xvi. Floor levels within the Napier Road Residential Extension Area
- xvii. Active frontages within the Napier Road Residential Extension Area
- xviii. ~~Copper and zinc building materials in Rule 10.6.1.8 (m)~~ within the Roxburgh Residential Area.

are Restricted Discretionary Activities with regard to:

- Effects on Adjoining Residential Neighbours and the Manawatu Golf Course.
- Design, Scale and Appearance
- Effects on the surrounding Residential Environment and Streetscape
- The Safe and Efficient Operation of the Roding Network, and internal circulation and manoeuvring areas
- Site Layout
- Visual effects on the rural character and amenity of the Turitea Valley
- Natural Hazards
- The impact on achieving the design elements and outcomes of the Napier Road Residential Extension Area Structure Plan (Map 7.9).
- Fencing location and height within the Napier Road Residential Extension Area.
- Effects from a non-compliance with the acoustic insulation and setbacks and separation distances for the Napier Road Residential Extension Area.
- How stormwater from copper and zinc building materials will be treated to prevent these contaminants from entering the stormwater network.

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, assess any application in terms of the following assessment criteria:

#### Assessment Criteria

- a. The extent to which the design, scale and appearance of any building, fence or structure compliments the ambience and amenity values of the surrounding residential area and Manawatu Golf Course.
- 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 Manawatu Golf Course, and avoids visual dominance.
- c. To take into account the particular features of the site and its relationship to adjoining sites in

assessing the appropriateness of the proposed design.

- d. The extent to which new buildings retain reasonable visual privacy and daylighting for adjacent residential properties.
- e. The extent to which outdoor space is accessible and of a useable size with access to daylight and sunlight.
- f. 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.
- g. To avoid, remedy or mitigate any adverse effects of noise or other environmental disturbance on any adjoining dwelling.
- h. The degree to which the 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.
- i. The extent to which any off-site parking generated by the activity can be safely accommodated without creating detrimental effects on the efficient operation of the roading network or amenity of the surrounding neighbourhood.
- j. To ensure the location, design and appearance of any building or structure has minimal impact on, and is complementary to, the rural character and visual amenity of the Turitea Valley.
- k. The extent to which natural hazards are avoided or mitigated.
- l. Where a proposal falls under R10.6.3.1(iv) Site Area, Site Coverage and Number of Dwellings, the Council will also assess any application under the relevant assessment criteria in R10.6.3.3.
- m. Whether alternative glazing options in the Hokowhitu Lagoon Residential Area can adequately mitigate to potential adverse effects of stray golf balls.
- n. For the Napier Road Residential Extension Area:
  - i. The extent to which the proposal is consistent with the Napier Road Residential Extension Area Structure Plan and will result in a high quality amenity environment.
  - ii. The extent to which internal noise levels and amenity will be protected.
  - iii. The extent to which the proposed fencing achieves active frontages to public space.
  - iv. The extent to which separation distances are achieved to mitigate stormwater and liquefaction risks.
  - v. How the proposed development achieves the minimum floor levels including freeboard.
  - vi. The extent to which noise sensitive activities achieve setback criteria for the railway corridor and the effects of non-compliance.

**Guidance Note:** Discussions with KiwiRail Holdings Limited are recommended for development that occurs within 70 metres of the railway corridor.

Amend rules for activities that don't meet the permitted activity rule above as follows<sup>3</sup>:

### 10.6.3 Rules: Restricted Discretionary

R10.6.3.3      **Multi-unit residential development in the multi-unit housing areas identified on Maps 10.6.3.3(a)-(h j) is a Restricted Discretionary Activity with regard to:**

- Effects on the surrounding residential environment and streetscape
- Height
- Design, scale and appearance
- Site density and layout
- On-site landscaping
- Privacy across boundary and within the development
- The safe and efficient operation of the roading network, and internal circulation and manoeuvring areas
- Natural hazards
- For developments within the Hokowhitu Lagoon Residential Area, the effects on the Manawatu Golf Club
- Matters addressed in the design principles in Policy 2.8 of Section 7A for housing within the Matangi Residential Area.
- For developments within the Aokautere Residential Area, the impact on achieving the design elements and outcomes of the Aokautere Structure Plan and the effects on the natural gully network.
- For developments within the Roxburgh Residential Area, to achieve a well functioning urban environment by developing in general accordance with the Roxburgh Residential Area Structure Plan, and give effect to storm water permeability standards.

#### Performance Standards

- i. Notional Site Area for Each Unit
  - a) No minimum notional site area applies if the development site is located within Areas A or C;
  - b) A minimum notional site area of 150m<sup>2</sup> applies if the development site is located within Areas B, D, or G, or H
  - c) A minimum notional site area of 250m<sup>2</sup> applies if the development site is located within Area J.
- ii. Minimum Unit Size

- a) Each unit must have a gross floor area greater than 45m<sup>2</sup>, if the site is located within Areas A or C; or H
  - b) Each unit must have a gross floor area greater than 60m<sup>2</sup>, if the site is located within Areas B or D or G or H or J.
- iii. Site Coverage
 

A maximum site coverage of 40% applies to the development site unless in the Aokautere Residential Area and the Roxburgh Residential Area where a maximum site coverage of 45% applies.
- iv. On-site Amenity
  - a) Each unit shall be provided with a private outdoor amenity area within the notional site which can meet the following requirements:
    - A minimum open area of 30m<sup>2</sup> free of driveways, parking spaces, buildings and manoeuvring area.
    - Is able to accommodate a circle of 4 metres in diameter.
    - Has direct contact with a main living area for a length of not less than 2 metres.
    - Is orientated to the east, west or north of the unit.
  - b) Each dwelling unit located on the first floor, which does not have connection at ground level, shall be provided with a private outdoor amenity area which can meet the following requirements:
    - Is accessed directly off the living, dining or kitchen areas, and located at the same level,
    - A minimum of 8m<sup>2</sup> in area, unless a unit in the Aokautere Residential Area or the Roxburgh Residential Area has less than two bedrooms in which case a minimum of 5m<sup>2</sup> applies.
    - Is orientated to the north, west or east.
    - Be located to receive a minimum of 3 hours continuous daylight over at least 50% of the area on the shortest day of the year in the Roxburgh Residential Area.
- v. Access and Parking
 

Compliance with R10.6.1.1(g) (Access and Parking).
- vi. Compliance with R10.6.1.1(a), R10.6.1.1(b), R10.6.1.1(c)(i).
 

The performance standards of 10.6.1.1(a), 10.6.1.1(b), 10.6.1.1(c)(i) apply only to the exterior boundaries of the development site.
- vii. Stormwater Design
 

A plan must be submitted to identify appropriate stormwater design for the development, and:

  - demonstrate how peak run-off volume is to be mitigated
  - demonstrate how low impact development principles are applied
  - identify a secondary flow path.
  - [within the Aokautere Structure Plan area, demonstrate how:](#)

- [the stormwater design meets the requirements of or is consistent with the relevant Stormwater Management Plan prepared under R7A.5.2.2\(f\)](#)
  - [adverse effects on the gully network in Aokautere Structure Plan area will be avoided and,](#)
  - [the stormwater management design provides for a perimeter stormwater swale and associated utility corridor in accordance with Policy 4.10 and 4.11 of Section 7A, where the site adjoins a gully edge identified on the Aokautere Structure Plan \(Map 7A.3\), and](#)
  - [the stormwater design integrates with Primary Stormwater Elements](#)
  - ~~demonstrate how the stormwater design aligns with the Stormwater Management Plan prepared under R7A.5.2.3(h)<sup>4</sup>~~
  - [Within the Roxburgh Residential Area, demonstrate how compliance with the permeable surface performance standards under stormwater design aligns with R10.6.1.8\(d\) are achieved, within the Roxburgh Residential Area.](#)
  - ~~demonstrate how adverse effects on the gully network in Aokautere will be avoided<sup>5</sup>~~
- viii. Additional setback requirements in the Hokowhitu Lagoon Residential Area
- No setback is required from the street edge boundary of lanes identified in Map 7.7.2.7.
  - On corner sites a 3m setback applies to a nominated street interface boundary. The other interfaces can be treated as side boundaries where a minimum 1.5 setback applies.
  - Where a building on a corner site is set back between 1.5m and 3m from a road boundary which is to be treated as a side boundary, as per 10.6.3.3(viii)(ii), at least 10% of the surface area of the side boundary wall that fronts the road must be glazed.
- ix. In the Matangi Residential Area multi-unit unit housing area identified on Map 10.6.3.3(h) the following applies:
- No building may exceed a height of 11 metres
  - All parts of a building shall be contained within a 60 degree plane commencing at 3 metres above ground level inclined inwards at right angles in plan.
  - Front yard fences shall not exceed a height of 0.9 metres.
- x. Development Yield
- Within the multi-unit housing area identified in the Matangi Residential Area (Map 10.6.3.3(h)) the average minimum number of dwellings shall be 25 per hectare.
- xi. Additional height, recession and setback requirements in the Aokautere Residential Area
- a) No building shall exceed 11m within Area H
  - b) All buildings within Area H shall be contained within a 45° plane commencing at 5m above ground level inclined inwards at right angles in plan for the front two-thirds of the side boundary and 2.8m for the rear one-third of the side boundary (See Figure 10.2) unless it is

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<sup>4</sup> [This provision is not in the operative District Plan and has been included here in error. There is no Rule 7A.5.2.3\(h\)](#)

<sup>5</sup> [This provision is not in the operative District Plan and has been removed.](#)

located at the boundary of a Suburban Low Density allotment in which case the recession plan shown in Figure 10.1 applies.

- c) Any dwelling (including with garages) within Area H must be at least:
- 1.5m from the road boundary where the lot has frontage with any public road;
  - 1m from any side yard boundary; and
  - 3m from any rear yard boundary.

xii. Outlook space in the Roxburgh Residential Area

- i. Every dwelling unit must be provided with an outlook space from habitable room windows that meets the following minimum dimensions:
- a. 6 metres in depth x 4 metres in width outlook space for a *main living area*; and
  - b. 3 metres x 3 metres outlook space for a *principal bedroom*<sup>6</sup>; and
  - c. 1 metre x 1 metre outlook space for all other *habitable rooms*.

xiii. Building height requirements in the Roxburgh Residential Area

- i. A maximum height of 9m
- ii. Within the River Front Area
- a. No buildings or structures may exceed a maximum height of 11m + 1m for pitched roof, and
  - b. All dwellings must be a minimum of two stories
- iii. Antennae, chimneys and aerials may exceed this height by 2m

xiv. Height Recession Plane in the Roxburgh Residential Area

- i. Within the Roxburgh Residential area outside the River Front area (shown on the Structure Plan Map 7.10 Structure Plan ) the following apply:
- a. All buildings and accessory buildings must be contained within 45° angle inclined inwards at right angles from a point of 5.0 metres above ground level along the front two – thirds including side boundaries; and
  - b. For the rear one-third of the site or any rear lots: buildings and accessory buildings must be contained within 45° angle inclined inwards at right angles measured from a point of 2.8 metres above ground level.

Except where:

- c. For parcels longer than 45m, all buildings and accessory buildings must be contained within 45° angle inclined inwards at right angles from a point of 2.8 metres above

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<sup>6</sup> Principal bedroom means *the main bedroom or master bedroom in the dwelling unit which is the largest.*

ground level for the rear 15m of the lot.

- d. For lot boundaries along existing residential properties in Ruahine Street and Tilbury Avenue, all buildings and accessory buildings must be contained within 45° angle inclined inwards at right angles measured from a point of 2.8 metres above ground level.
- ii. Dwellings within the river front area (shown on the Structure Plan) the following apply:
  - a. All buildings and accessory buildings must be contained within 45° angle inclined inwards at right angles from a point of 5.0 metres above ground level for the entire length of the lot including side boundaries.
- iii. No height recession plane applies along common boundaries of conjoined dwellings.
- iv. Where a boundary adjoins an access strip the measurement will apply at the furthestmost boundary of the access strip.

**Guidance Note:** See Figure 1 HRP for the Roxburgh Residential Area and Figure 2 for the River Frontage Area which demonstrates how height recession planes are to be measured.

- xv. Compliance with R10.6.1.5(c)(v).

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

#### **Assessment Criteria**

##### **1 Character**

The extent to which:

- (a) any significant planting and trees are retained, and neighbourhood character is reinforced with the type and species of new planting.
- (b) new development relates to common and defining patterns of the height and width of primary building forms, and predominant roof types and pitches.
- (c) new development in valued character areas relates to common and defining patterns of frontage orientation and alignment.
- (d) new development relates to common and defining patterns of façade composition and articulation, and qualities of materials and landscaping.
- (e) development within the Hokowhitu Lagoon Residential Area responds to the park-like character of the adjoining Manawatu Golf Course
- (f) Development, within the Aokautere Residential Area responds to the natural gully network, open space and the network of cycleways and recreational trails.

##### **2 Site Planning**

The extent to which:

- (a) buildings and related open spaces and landscaping are planned and designed together to deliver high levels of amenity with a range of housing types and forms and well-located, good quality open spaces, which are consistent with any relevant Greenfields Structure Plan and within the Hokowhitu Lagoon Residential Area provides a safe interface with the adjoining Manawatu Golf Course.
- (b) private and public areas are differentiated and defined.
- (c) habitable rooms are orientated towards the east, north or west for good sun, and habitable rooms that face south only are avoided.
- (d) new buildings retain reasonable visual privacy and daylighting for all adjacent residential units and properties.
- (e) garages and parking are located and designed to avoid monotony and domination of any street frontage or spaces within the development.
- (f) driveways and entrance courts are designed and landscaped to give visual interest and create an attractive entrance to the development.
- (g) the planning of the development allows views of the street and common spaces within the development to be maintained, including views of open carparking spaces from the dwelling served.

### 3 Building Design

The extent to which:

- (a) dwelling fronts including entrances and windows to habitable rooms are orientated to the street edge, and views are maintained to and from the street. This does not apply within area J.
- (b) modelling of building form, and secondary forms and detail gives visual interest and a sense of human scale at the occupied and/or publicly visible edges of buildings.
- (c) windows are provided to optimise both daylighting and views while providing for privacy, and large blank walls are avoided.
- (d) the living areas of dwellings are located and oriented to optimise sun exposure, natural lighting and views, including to the street or adjacent public open spaces.
- (e) circulation within the dwellings is sufficiently planned, and spaces including storage are provided and sized to be fit for purpose.
- (f) new buildings retain reasonable visual privacy and daylighting for adjacent residential properties.
- (g) individual units are expressed and entrances are signalled and readily visible from the street or entranceways.
- (h) the design of the development incorporates energy efficient and water conservation principles.
- (i) Within the Hokowhitu Lagoon Residential Area incorporates design and materials to withstand damage from stray golf balls from the Manawatu Golf Course.

### 4 Open Space Design



The extent to which:

- (a) main outdoor spaces are associated with a living area within the dwelling, are reasonably private and of a useable size and are orientated to the sun.
- (b) usable, well-orientated balconies are provided to above ground units and where quality at-grade private open space is not reasonably achievable.
- (c) good quality shared private open space is provided as a complement to smaller private open spaces or balconies allocated to individual units.
- (d) boundary treatments such as walls or planting between units balance openness and closure, and are varied to both privacy and views out, and avoid monotony and complete fragmentation of the open space within the development.
- (e) planting is integrated to provide an attractive setting for and outlook from the dwelling, and provide for privacy, summer shade and winter sun.
- (f) carports and garages are visually compatible with and of a similar standard to the development as a whole.
- (g) large, highly visible retaining walls are avoided or screened with appropriate planting.
- (h) front yard boundary treatments are sufficiently low to provide for visual connection between the dwelling and the street and allow safe vehicle access across the footpath.
- (i) suitably screened and located provision is made for rubbish storage and collection.
- (j) suitable, reasonably private and sunny space is provided for open air laundry drying.

## 5 Infrastructure and Servicing

The extent to which:

- (a) site and building design mitigates any increase in peak stormwater run-off and peak stormwater flow due to the reduction in permeable surfaces.
- (b) the development is consistent with relevant engineering requirements
- (c) buildings, structures and landscaping are avoided in the 5 metre no-build setback identified on the Aokautere Structure Plan (Map 7A.4).
- (d) adverse effects on the gully network in Aokautere are avoided.

## 6 Natural Hazards

How the development manages potential adverse effects associated with the geotechnical constraints and natural hazards within the Aokautere Residential Area through implementation of any geotechnical and engineering recommendations, including the level of geotechnical investigation carried out and the level of analysis and specific design requirements arising from the investigation with particular reference to:

- cut slope behavior and slope stability analysis to develop appropriate set back distances from the crest of slopes for building platforms
- whether building platforms should be restricted in certain areas
- whether specific foundation designs are required in certain locations; and/o
- the management of earthworks and recontouring of land.

**NOTE TO PLAN USERS**

- Also refer to the following rules:
  - R10.6.1.3 Amberley Avenue, Escort Grove, Rangitane Park and Awapuni Racecourse Minimum Floor Level Areas;
  - R10.6.3.4 Awatea Stream and Jensen Street Ponding Areas;
  - R10.7.1.6 Limited Development land in Aokautere
- Council's engineering standards for the design and construction of infrastructure and services should be referenced in the design of multi-unit residential developments.
- 

**R10.6.3.4 Non-Notification of Multi –Unit Residential Development Activities in the Hokowhitu Lagoon Residential Area ~~and the Aokautere Residential Area~~ and the Roxburgh Residential Area**

Applications made for restricted discretionary consent applications under R10.6.3.3 for sites associated with Map 10.6.3.3(g), 10.6.3.3(i) and 10.6.3.3 (j) must not be publicly or limited notified.

**10.6.4 Rules: Discretionary Activities**

**R10.6.4.3 Multi-unit residential development that does not comply with R10.6.3.3 or is located within the Golf Ball Hazard Area in the Hokowhitu Lagoon Residential Area identified in Map 7.7.2.7 or is not located within identified areas of 10.6.3.3**

Multi-unit residential development that does not comply with the Performance Standards of R10.6.3.3 or is located within the Golf Ball Hazard Area in the Hokowhitu Lagoon Residential Area identified in Map 7.7.2.7, or that is not located within identified areas of 10.6.3.3 is a Discretionary Activity.

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 objectives and policies of this zone, assess any application against the assessment criteria in R10.6.3.3.

**R10.6.4.6 Non-Compliance with the Permeable Surface Performance Standard in the Roxburgh Residential Area**

Any new building or accessory building located in the Roxburgh Residential Area that does not comply with the Permeable Surfaces Performance Standard is a Discretionary Activity.

**10.6.5 Rules: Non – Complying Activities**

**R10.6.5.6 Non – compliance with rule 10.6.1.8 D Permeable Surfaces in the Roxburgh Residential Area**

~~Any new dwelling, minor dwelling or accessory building located in the Roxburgh Residential Area that does not comply with rule 10.6.1.8 D Permeable surfaces shall be a non-complying activity.~~

**R10.7.4.12 Non-residential activities within the Roxburgh Residential Area**

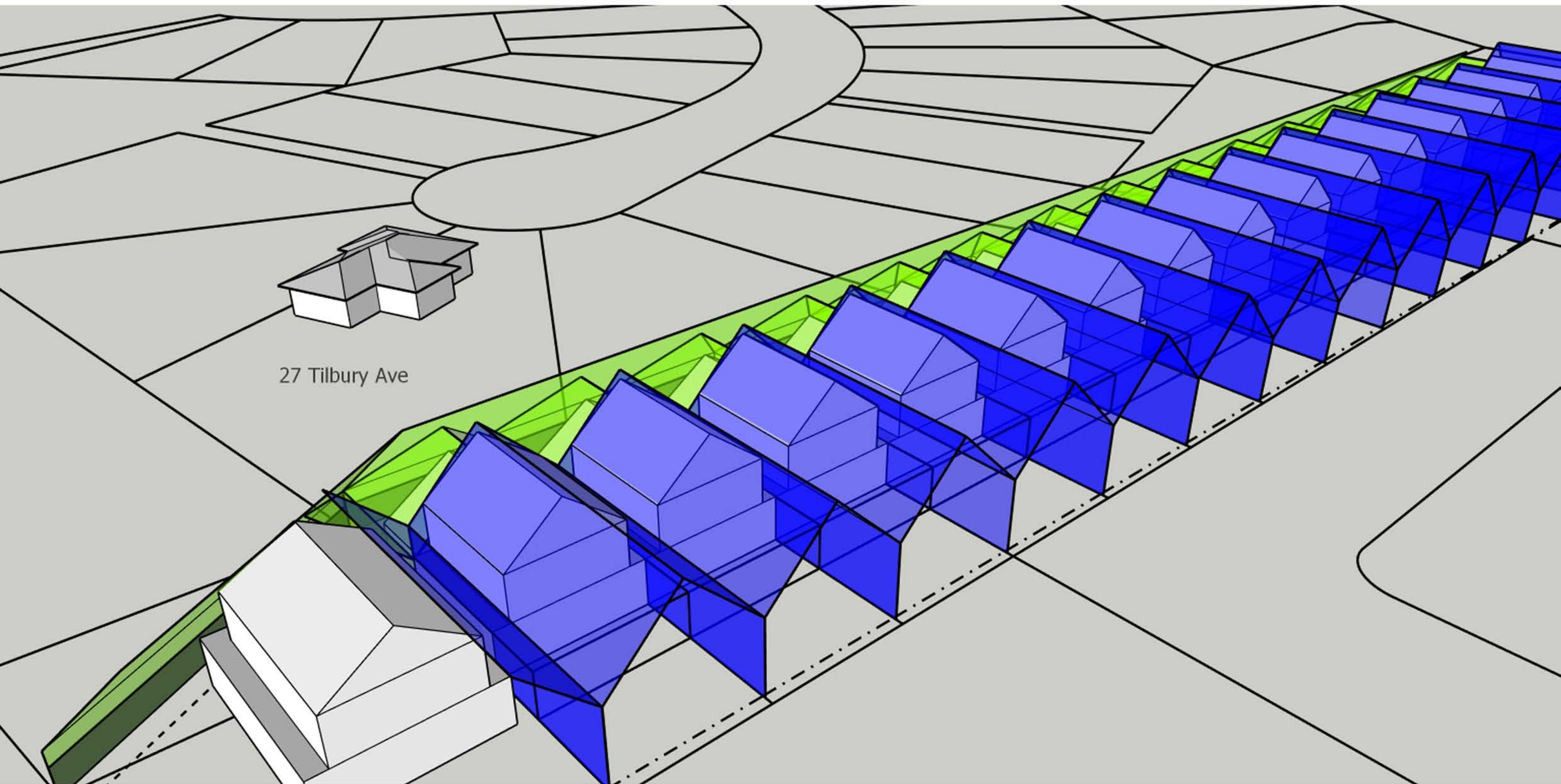
Any non-residential activity within the Roxburgh Residential Area is a Discretionary Activity.

Map 10.6.3.3 (j) Multi – Unit Residential Housing Area: Roxburgh Residential Area



## **Attachment B: Updated Modelled Shading Renders by Mr Dave Charnley**





## SHADE STUDY - BUILDINGS ADJOINING A LOT ON TILBURY AVE

- a) 1.5m setback from rear boundary,
- b) one storey for 1/3 of site from rear boundary, located a min of 5m

### CONTEXT

HRP 1/3 -2.8m @ 45 degree, 2/3 - 5m @60 degree

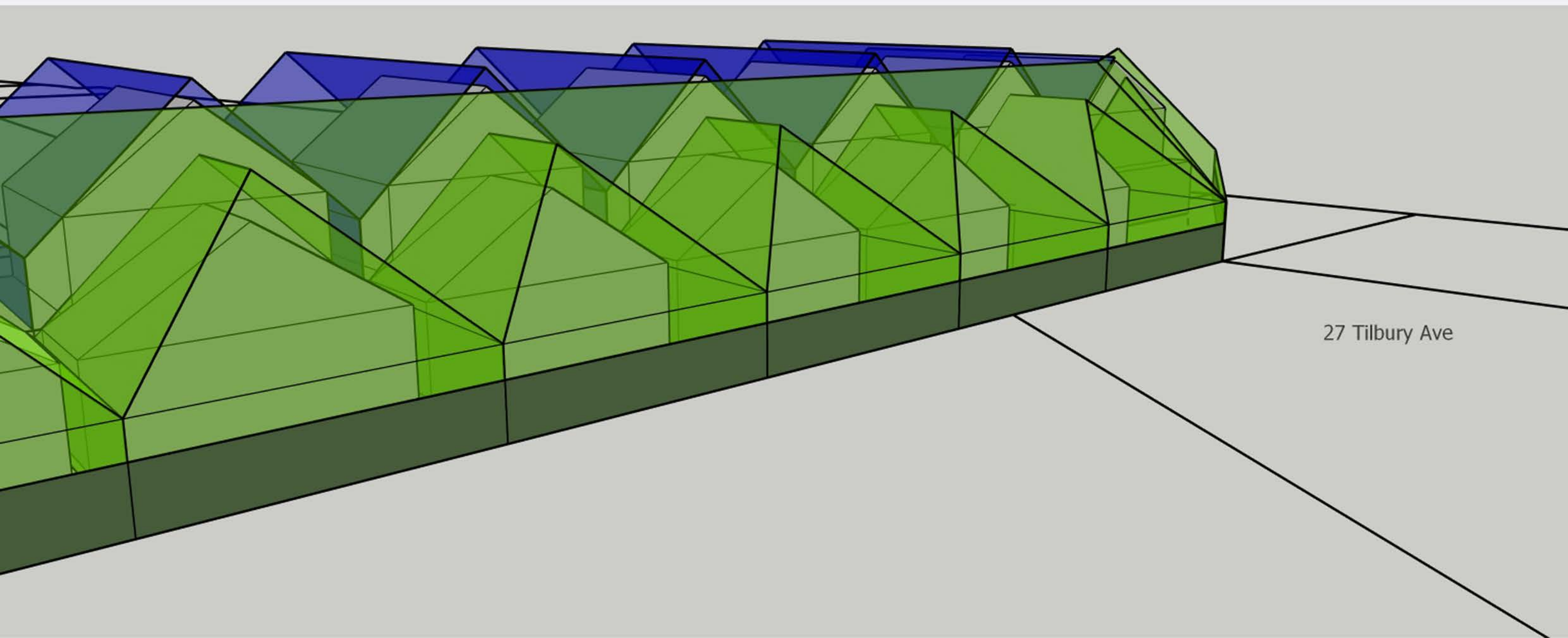
### WINTER SOLSTICE - 21 JUNE

Sunrise 7.40am, Sunset 4.57pm



<https://www.timeanddate.com/sun/@-40.36221,175.64531?month=6&year=2025>





## SHADE STUDY - BUILDINGS ADJOINING A LOT ON TILBURY AVE

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### CONTEXT

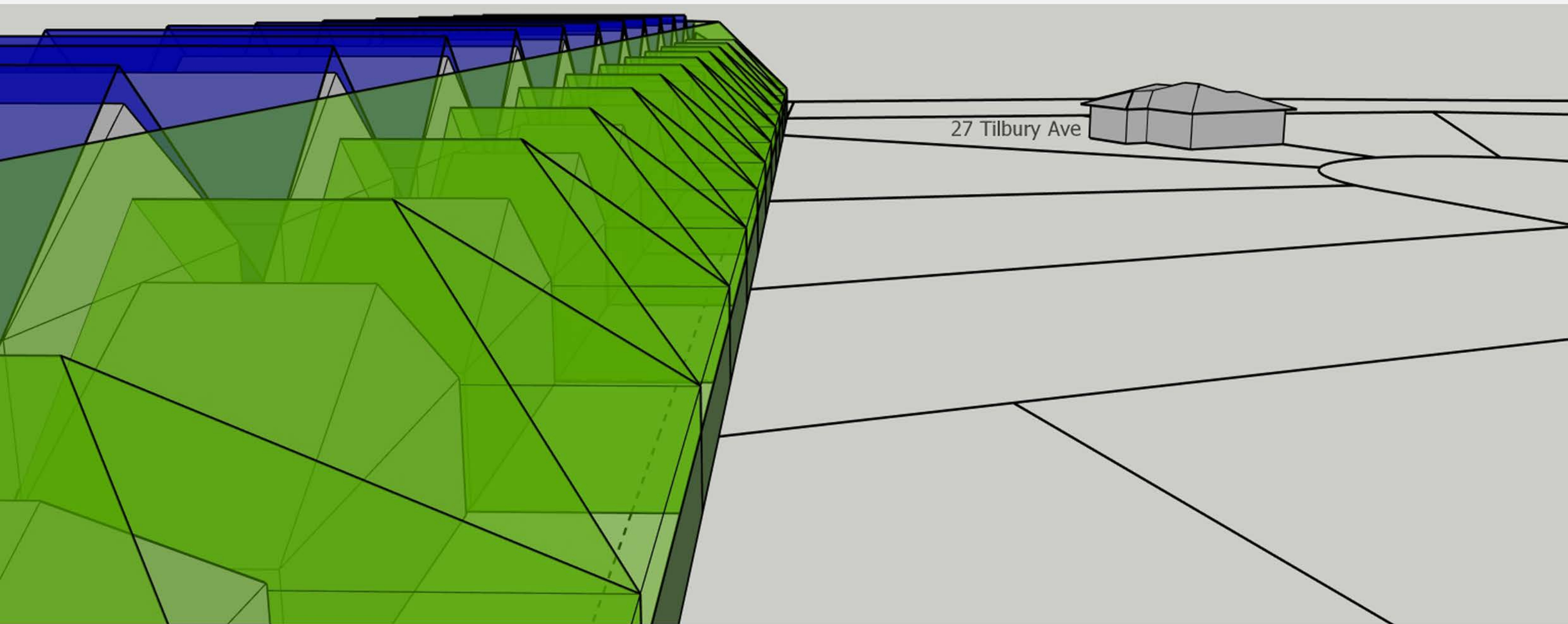
HRP 1/3 -2.8m @ 45 degree, 2/3 - 5m @60 degree

### WINTER SOLSTICE - 21 JUNE

Sunrise 7.40am, Sunset 4.57pm



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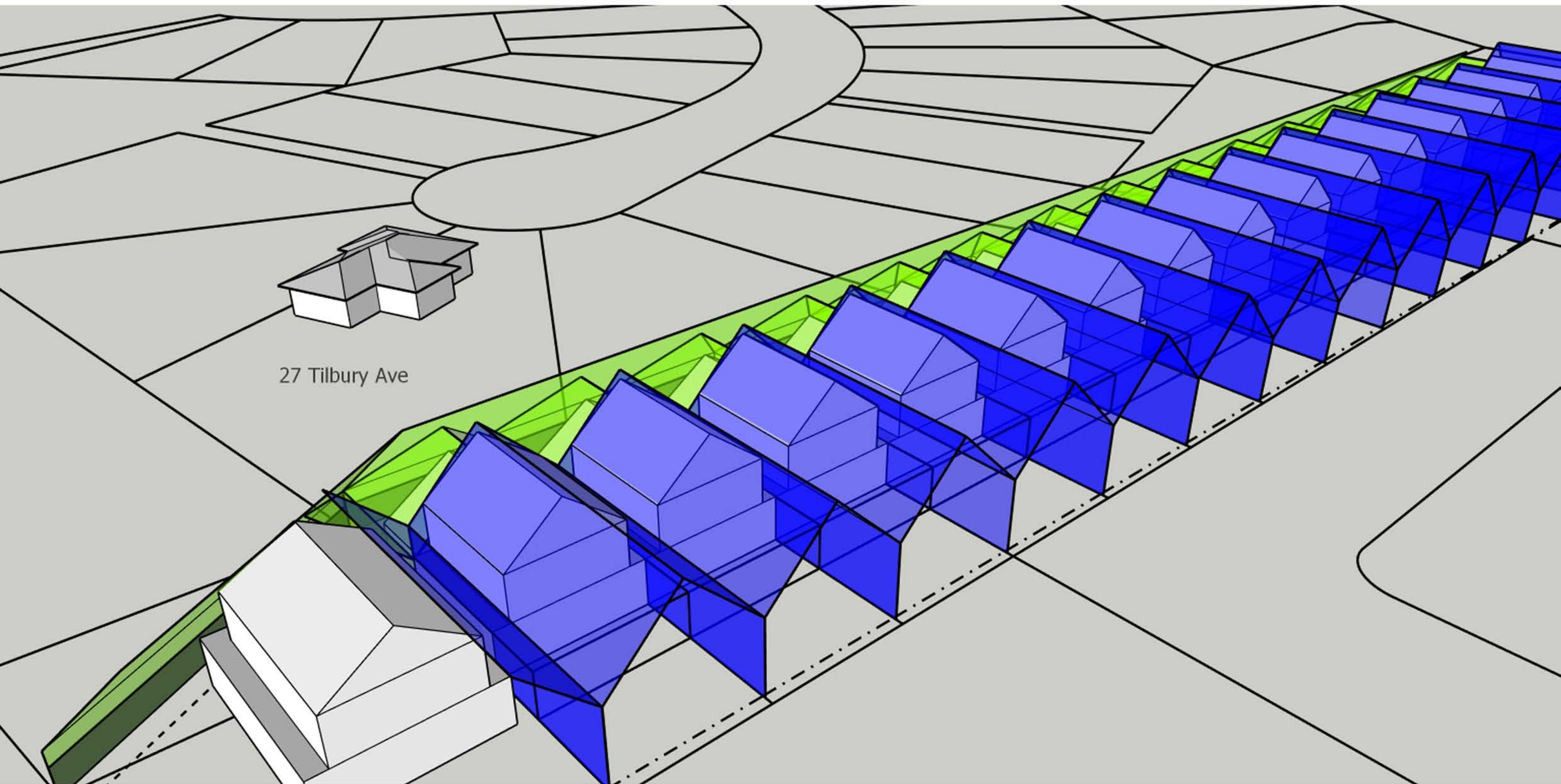
### WINTER SOLSTICE - 21 JUNE

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### CONTEXT

HRP 1/3 -2.8m @ 45 degree, 2/3 - 5m @60 degree

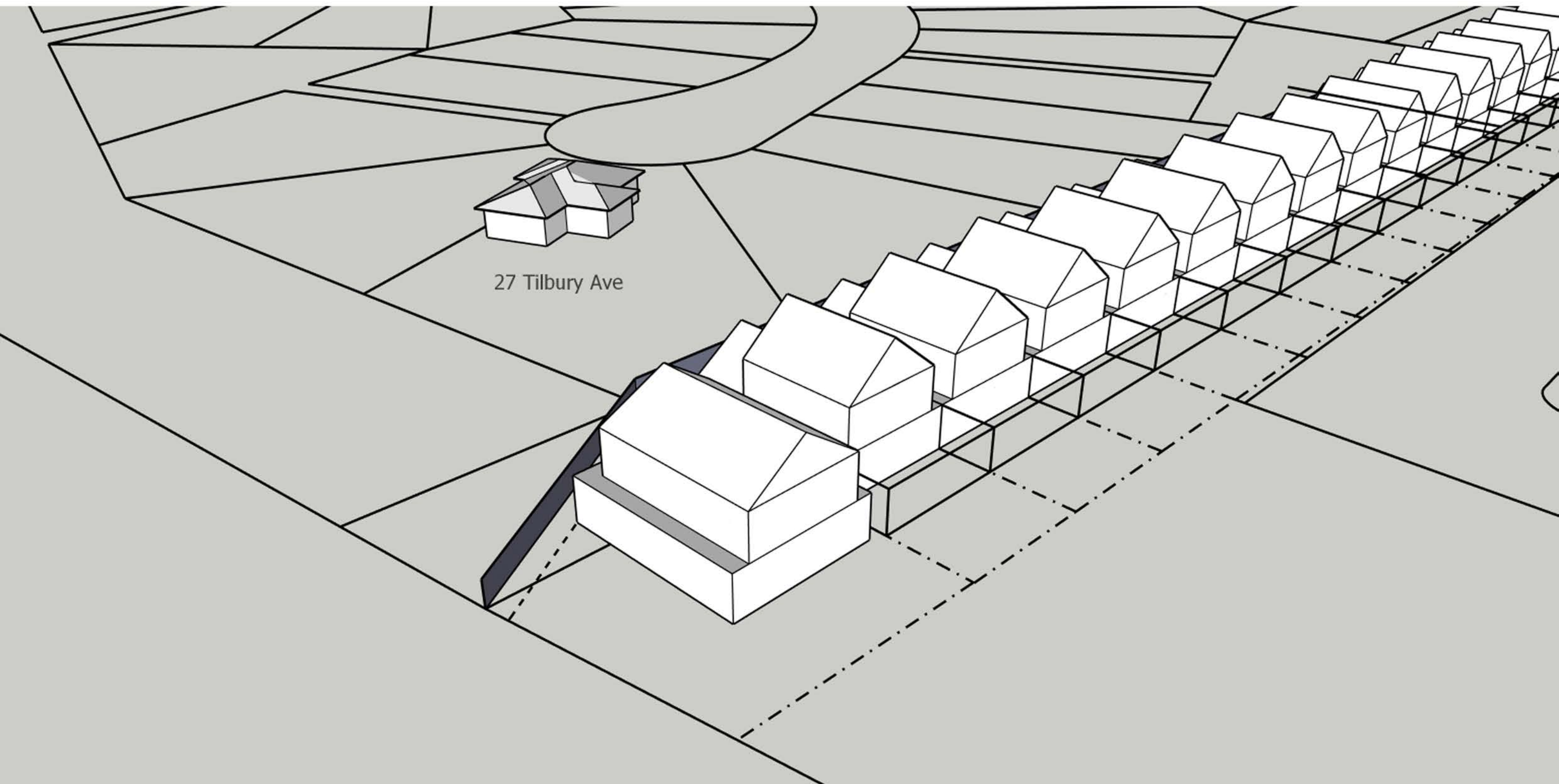
### WINTER SOLSTICE - 21 JUNE

Sunrise 7.40am, Sunset 4.57pm



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## SHADE STUDY - BUILDINGS ADJOINING A LOT ON TILBURY AVE

a) 1.5m setback from rear boundary,

b) one storey for 1/3 of site from rear boundary, located a min of 5m

### SHADE STUDY

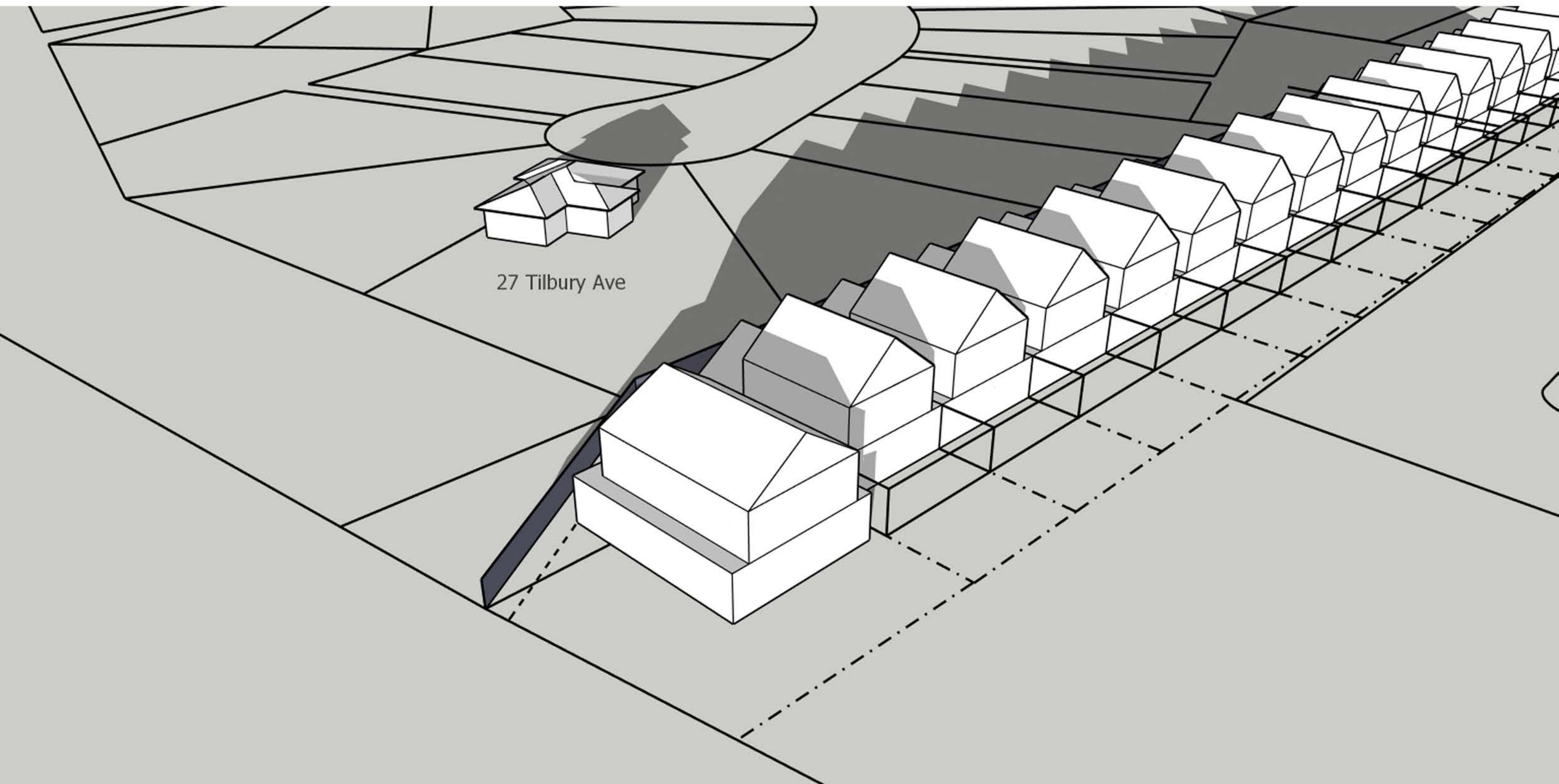
7.30am

### WINTER SOLSTICE - 21 JUNE

Sunrise 7.40am, Sunset 4.57pm



<https://www.timeanddate.com/sun/@-40.36221,175.64531?month=6&year=2025>



# **SHADE STUDY - BUILDINGS ADJOINING A LOT ON TILBURY AVE**

**a) 1.5m setback from rear boundary,**

**b) one storey for 1/3 of site from rear boundary, located a min of 5m**

## **SHADE STUDY**

8.30am

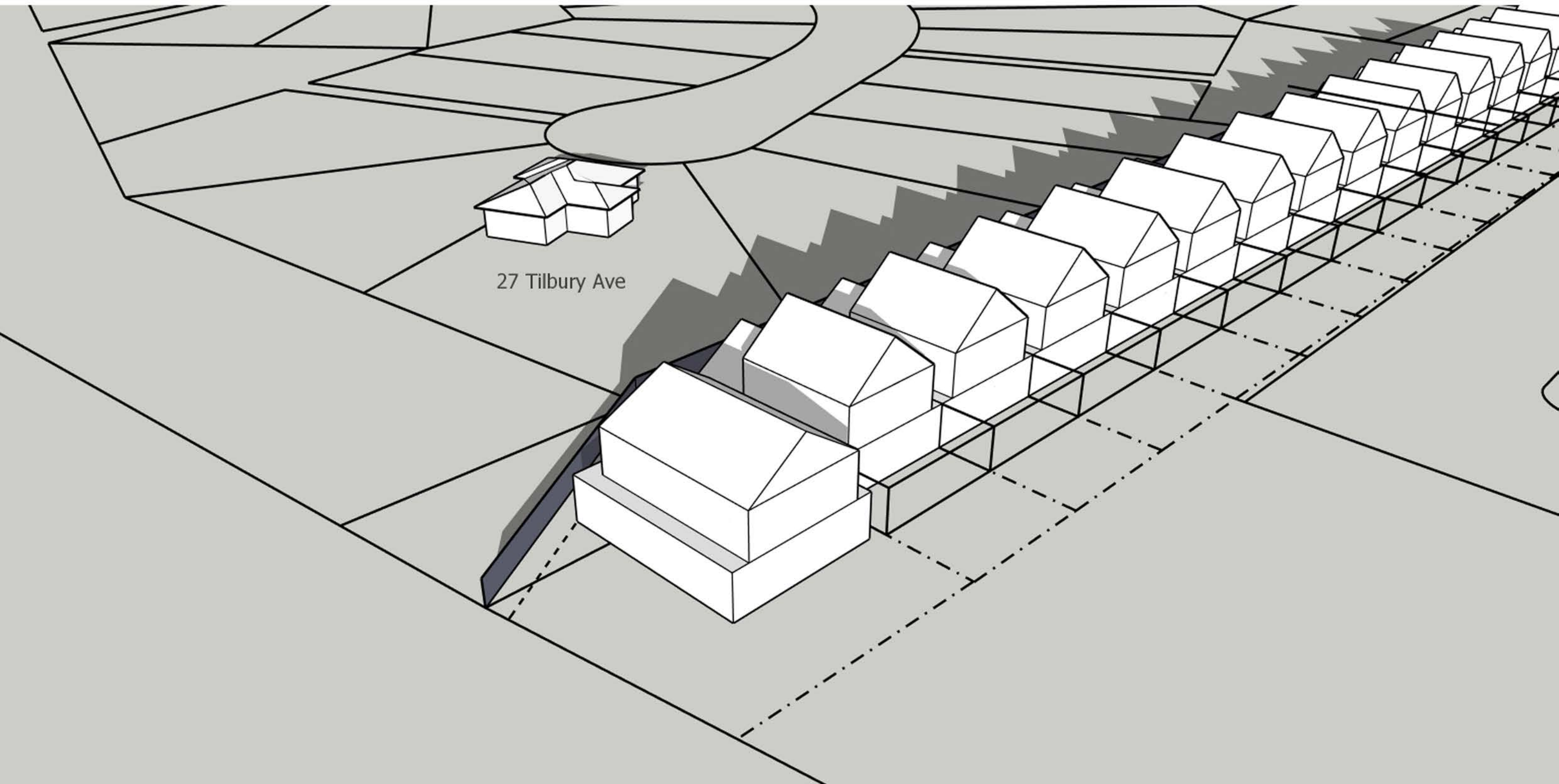
## **WINTER SOLSTICE - 21 JUNE**

Sunrise 7.40am, Sunset 4.57pm



<https://www.timeanddate.com/sun/@-40.36221,175.64531?month=6&year=2025>





## SHADE STUDY - BUILDINGS ADJOINING A LOT ON TILBURY AVE

a) 1.5m setback from rear boundary,

b) one storey for 1/3 of site from rear boundary, located a min of 5m

### SHADE STUDY

9.30am

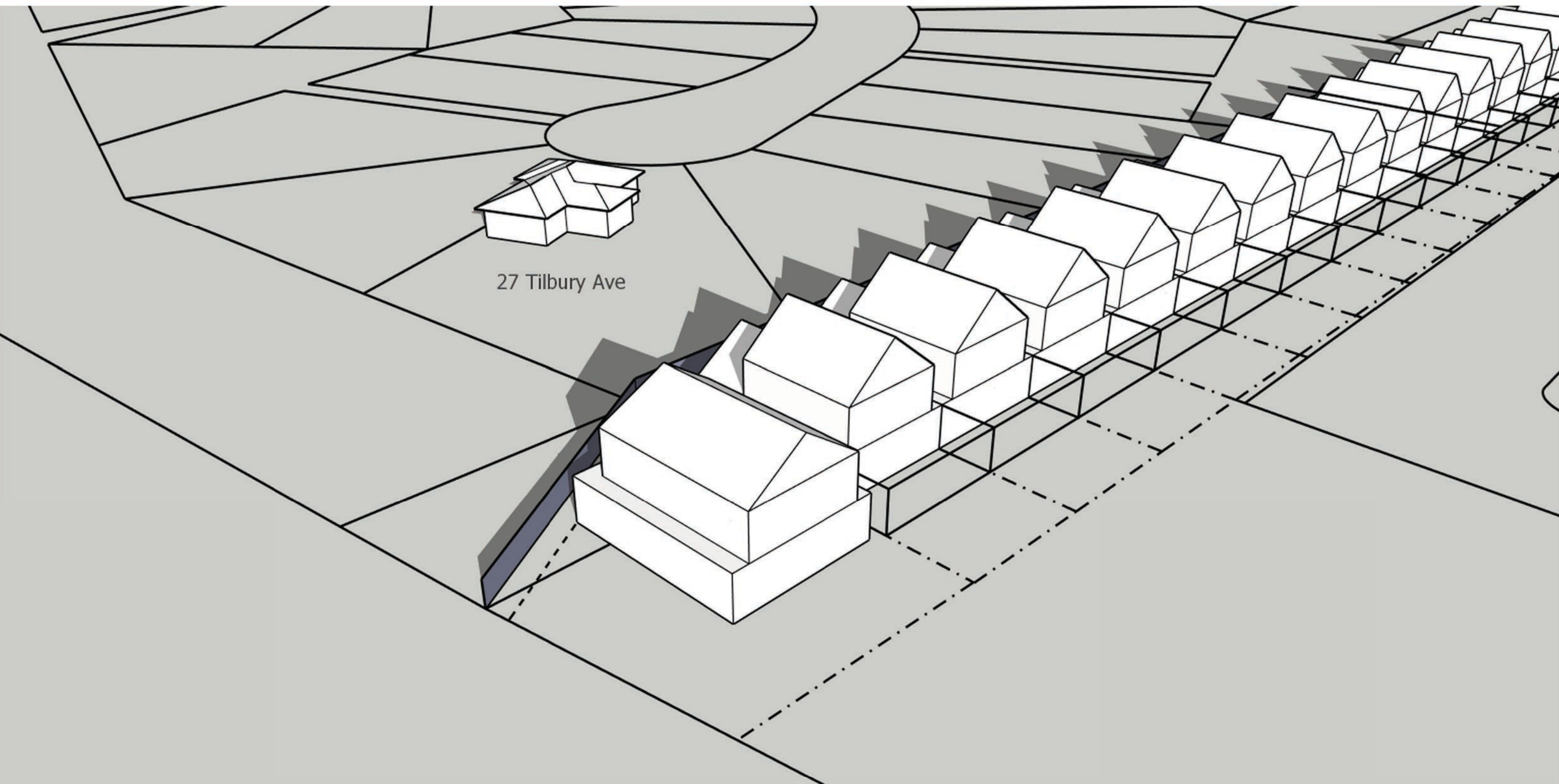
### WINTER SOLSTICE - 21 JUNE

Sunrise 7.40am, Sunset 4.57pm



<https://www.timeanddate.com/sun/@-40.36221,175.64531?month=6&year=2025>





# **SHADE STUDY - BUILDINGS ADJOINING A LOT ON TILBURY AVE**

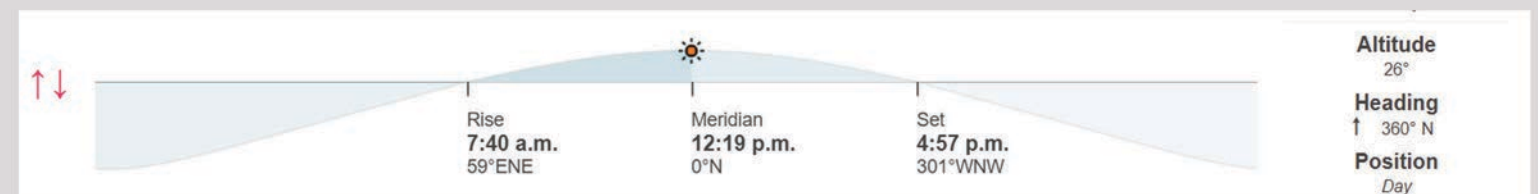
- a) 1.5m setback from rear boundary,
- b) one storey for 1/3 of site from rear boundary, located a min of 5m

## **SHADE STUDY**

10.30am

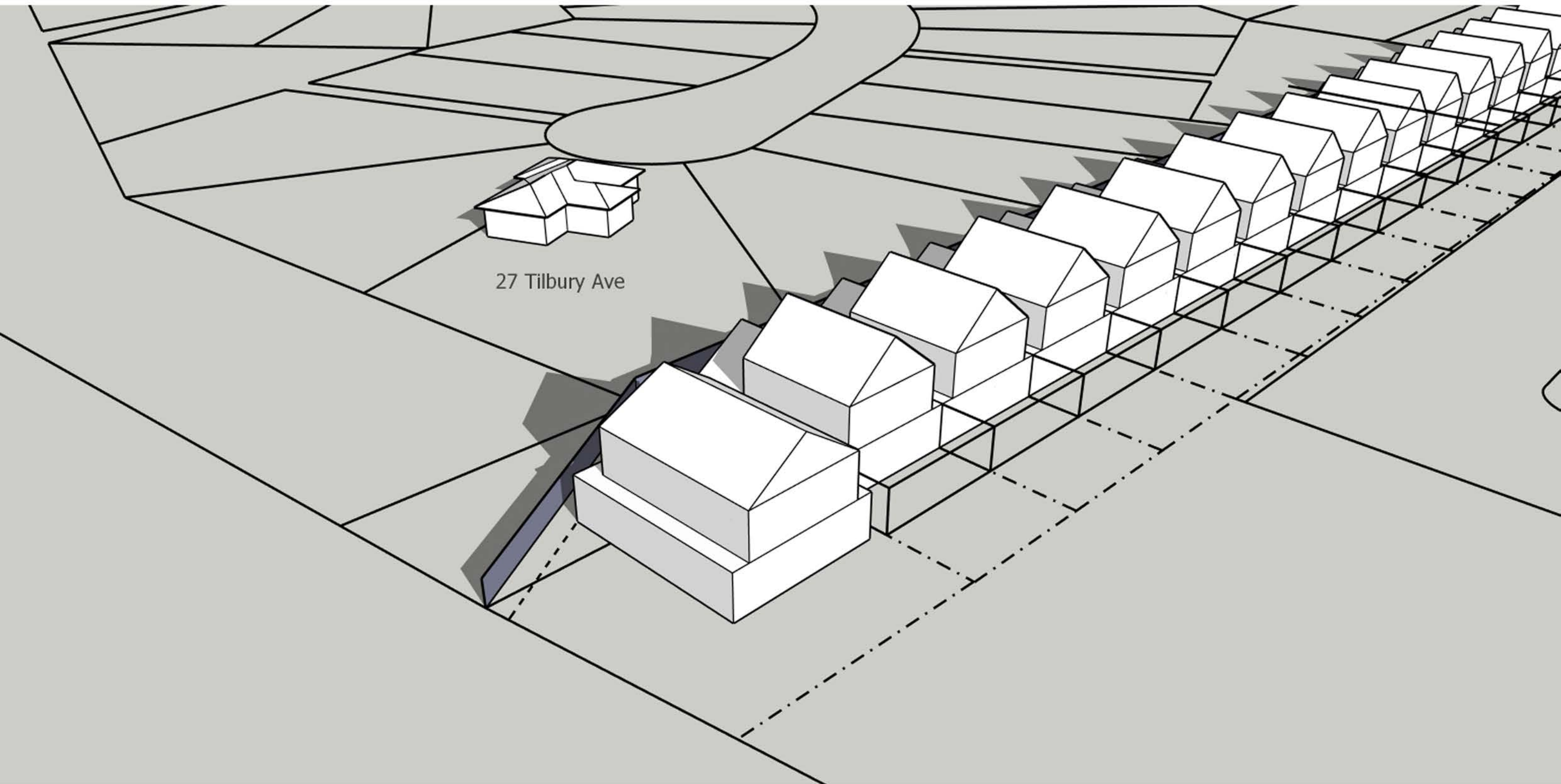
## **WINTER SOLSTICE - 21 JUNE**

Sunrise 7.40am, Sunset 4.57pm



<https://www.timeanddate.com/sun/@-40.36221,175.64531?month=6&year=2025>





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b) one storey for 1/3 of site from rear boundary, located a min of 5m

### SHADE STUDY

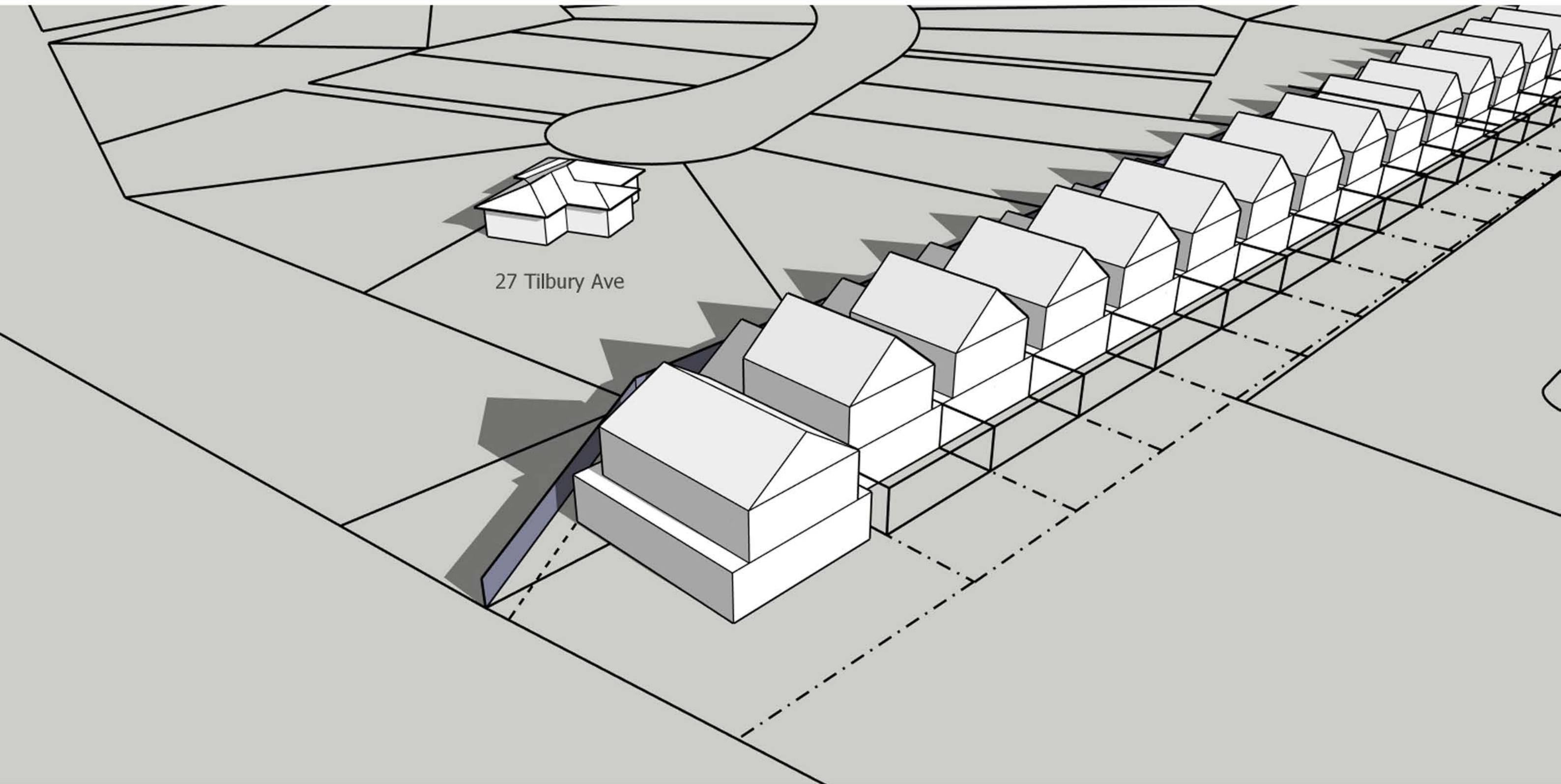
11.30am

### WINTER SOLSTICE - 21 JUNE

Sunrise 7.40am, Sunset 4.57pm



<https://www.timeanddate.com/sun/~-40.36221,175.64531?month=6&year=2025>



## SHADE STUDY - BUILDINGS ADJOINING A LOT ON TILBURY AVE

a) 1.5m setback from rear boundary,

b) one storey for 1/3 of site from rear boundary, located a min of 5m

### SHADE STUDY

12.30pm

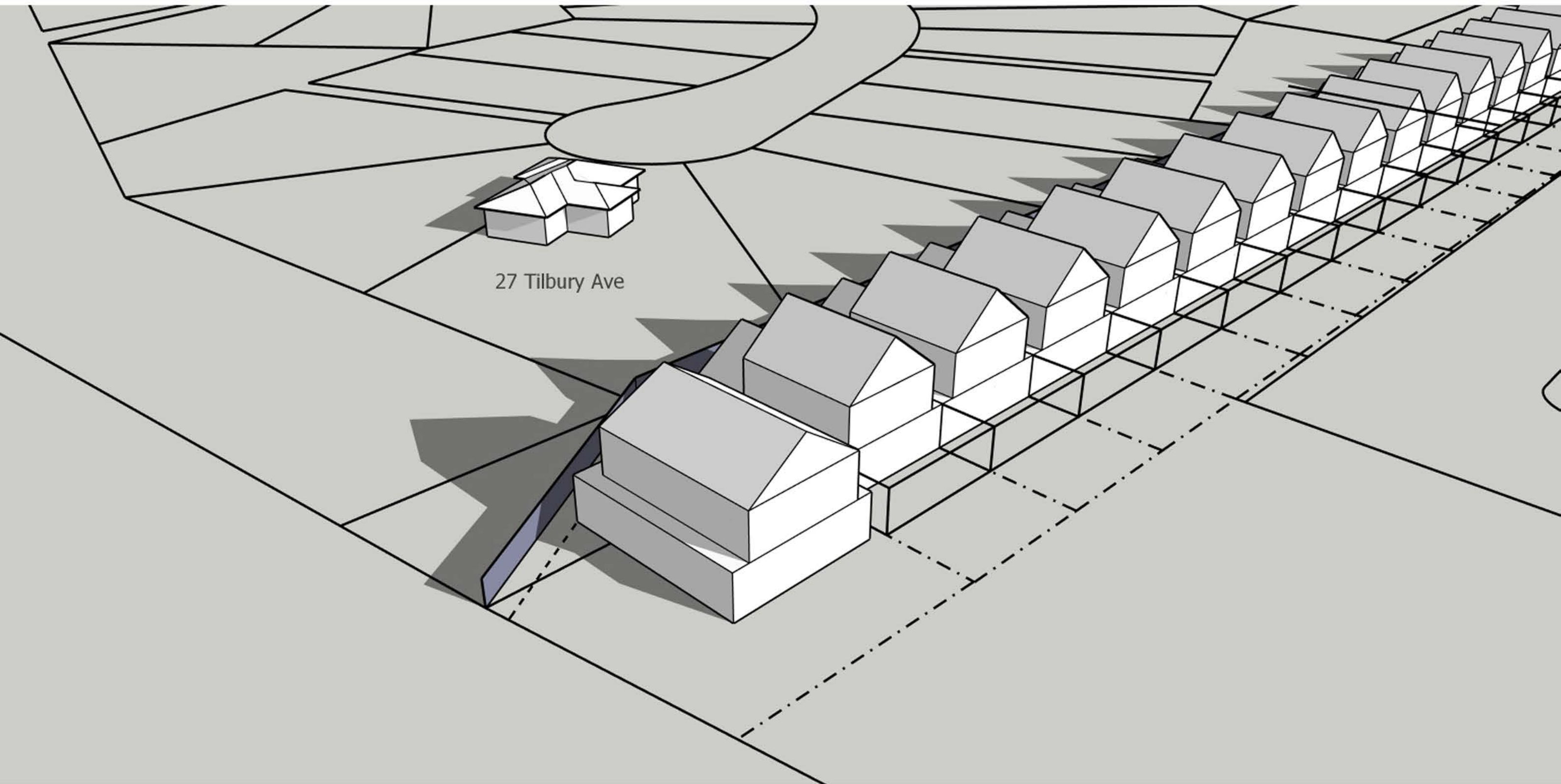
### WINTER SOLSTICE - 21 JUNE

Sunrise 7.40am, Sunset 4.57pm



<https://www.timeanddate.com/sun/~-40.36221,175.64531?month=6&year=2025>





## SHADE STUDY - BUILDINGS ADJOINING A LOT ON TILBURY AVE

a) 1.5m setback from rear boundary,

b) one storey for 1/3 of site from rear boundary, located a min of 5m

### SHADE STUDY

1.30pm

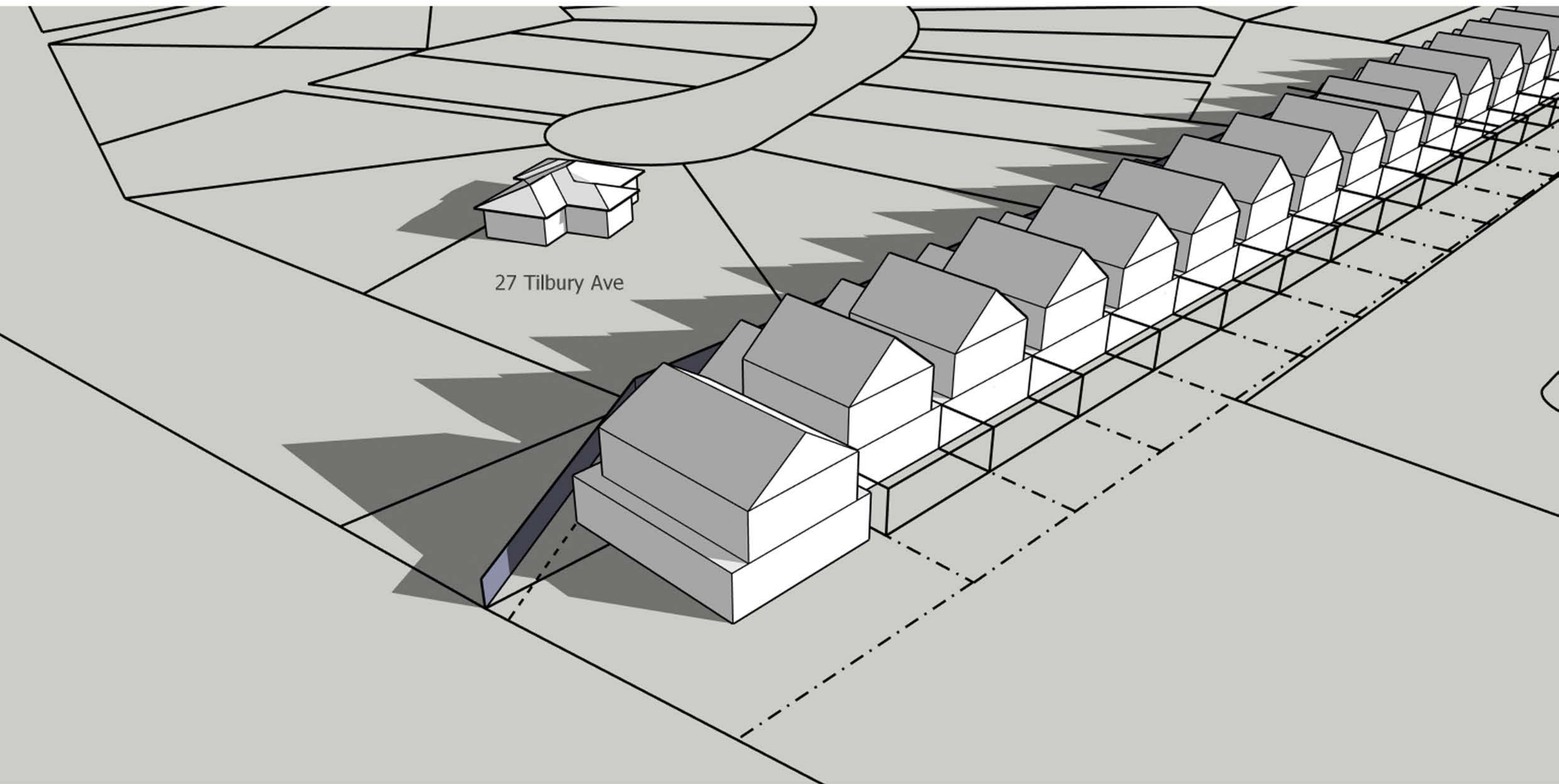
### WINTER SOLSTICE - 21 JUNE

Sunrise 7.40am, Sunset 4.57pm



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# **SHADE STUDY - BUILDINGS ADJOINING A LOT ON TILBURY AVE**

a) 1.5m setback from rear boundary,

b) one storey for 1/3 of site from rear boundary, located a min of 5m

## **SHADE STUDY**

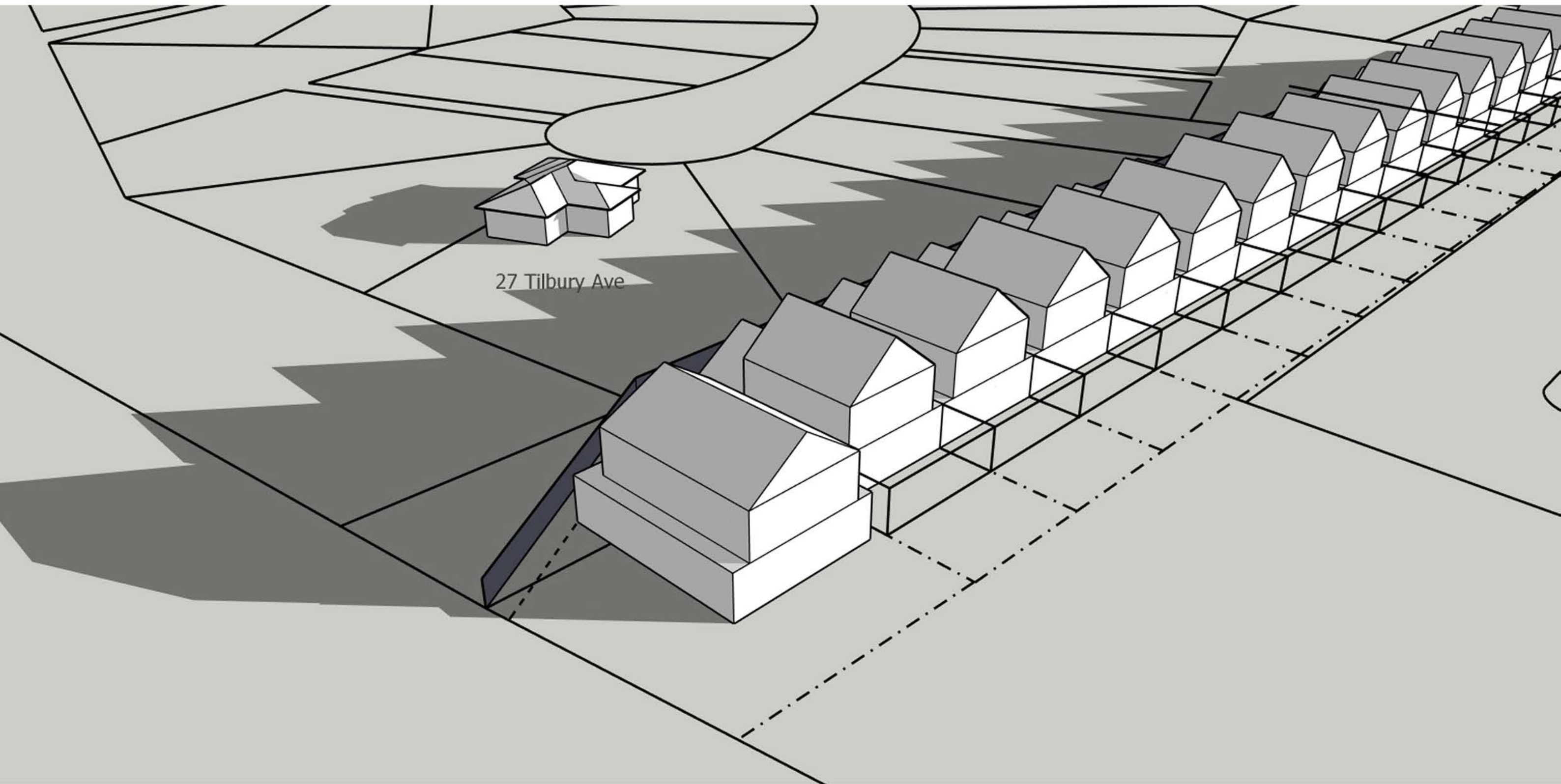
2.30pm

## **WINTER SOLSTICE - 21 JUNE**

Sunrise 7.40am, Sunset 4.57pm



<https://www.timeanddate.com/sun/@-40.36221,175.64531?month=6&year=2025>



# **SHADE STUDY - BUILDINGS ADJOINING A LOT ON TILBURY AVE**

a) 1.5m setback from rear boundary,

b) one storey for 1/3 of site from rear boundary, located a min of 5m

## **SHADE STUDY**

3.30pm

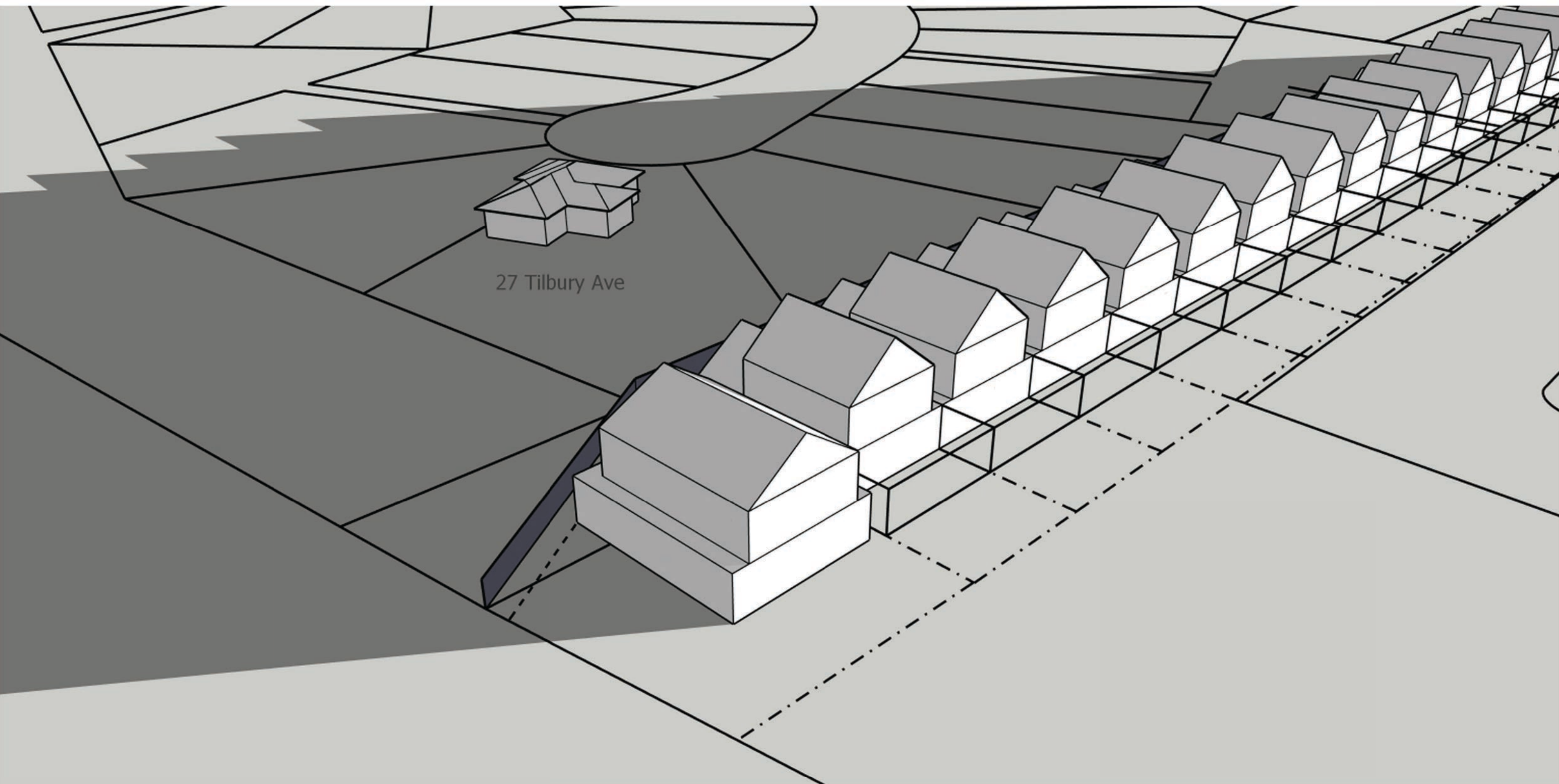
## **WINTER SOLSTICE - 21 JUNE**

Sunrise 7.40am, Sunset 4.57pm



<https://www.timeanddate.com/sun/@-40.36221,175.64531?month=6&year=2025>





## SHADE STUDY - BUILDINGS ADJOINING A LOT ON TILBURY AVE

a) 1.5m setback from rear boundary,

b) one storey for 1/3 of site from rear boundary, located a min of 5m

### SHADE STUDY

4.30pm

### WINTER SOLSTICE - 21 JUNE

Sunrise 7.40am, Sunset 4.57pm



<https://www.timeanddate.com/sun/@-40.36221,175.64531?month=6&year=2025>