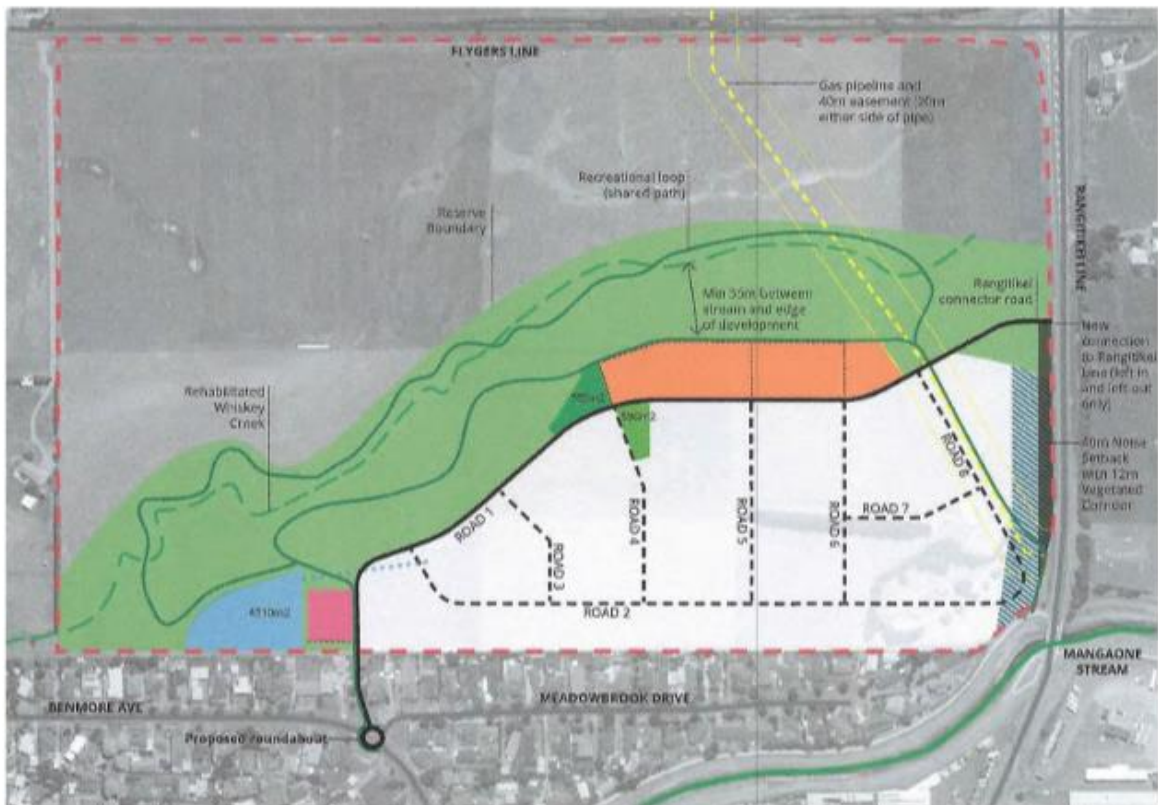


## Decision of Independent Hearing Panel

### PRIVATE PLAN CHANGE REQUEST WHISKEY CREEK RESIDENTIAL AREA

**609 AND 611 RANGITIKEI LINE, 165 TO 243 FLYGERS LANE AND 127  
BENMORE AVENUE, PALMERSTON NORTH:  
REZONING FROM RURAL ZONE TO RESIDENTIAL ZONE AND  
CONSERVATION AND AMENITY ZONE**



**Decision Report of the Independent Hearing Panel  
appointed by the Palmerston North City Council  
pursuant to section 34A of the Resource Management Act 1991**

**29 September 2022**

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## **SCHEDULE OF APPENDICES**

- **APPENDIX 1:** Panel decisions on relief sought by submissions and further submissions
- **APPENDIX 2:** Annotated version of Plan Change provisions

## INDEX OF ABBREVIATIONS

This report utilises several abbreviations and acronyms as set out in the glossary below:

Abbreviation	Means...
"the Act"	Resource Management Act 1991
"the Council"	Palmerston North City Council
"the District Plan"	Operative Palmerston North City District Plan 2019
"NES-CS"	National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
"NES-FW"	National Environmental Standards for Freshwater 2020
"NPS-FM"	National Policy Statement for Freshwater Management 2020
"NPS-HPL"	Proposed National Policy Statement for Highly Productive Land
"NPS-IB"	Proposed National Policy Statement for Indigenous Biodiversity
"NPS-UD"	National Policy Statement on Urban Development 2020
"NZCPS"	New Zealand Coastal Policy Statement 2010
"the One Plan"	Combined Regional Policy Statement, Regional Plan and Regional Coastal Plan for Manawatū-Whanganui
"the Plan Change"	Private Plan Change Request: Whiskey Creek Residential Area
"PNCC"	Palmerston North City Council
"the Regional Council"	Horizons Regional Council
"the Requestor"	Flygers Investment Group Ltd
"the RMA"	Resource Management Act 1991
"the RPS"	The Regional Policy Statement for the Manawatū-Whanganui Region
"s[#]"	Section Number of the RMA, for example s32 means section 32
"s42A report"	The report prepared by PNCC pursuant to s42A, RMA
"the site"	The land at 609 and 611 Rangitikei Line, 165 to 243 Flygers Lane and 127 Benmore Avenue, Palmerston North – subject to this Plan Change request



**Palmerston North City Council**  
**Private Plan Change Request**  
**609 and 611 Rangitikei Line, 165 to 243 Flyers Lane and 127**  
**Benmore Avenue, Palmerston North –**  
**Rezoning from Rural Zone to Residential Zone and Conservation**  
**and Amenity Zone**

**Decision of the Independent Hearing Panel**

**Proposal Description:**

Private Plan Change Request relating to the Palmerston North City Plan:  
609 and 611 Rangitikei Line, 165 to 243 Flyers Lane and 127 Benmore Avenue,  
Palmerston North – Rezoning from Rural Zone to Residential Zone and Conservation  
and Amenity Zone

**Hearing Panel:**

DJ McMahon – Independent RMA Hearing Commissioner, Chair  
Councillor A Rutherford – Sitting as an Independent Commissioner  
Councillor B Barrett – Sitting as an Independent Commissioner

**Date of Hearing:**

2 and 3 June 2022, 11 July 2022

**Hearing Officially closed:**

15 September 2022

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**1. INTRODUCTION**

**Report purpose**

- 1.1 This report sets out our decision on the Private Plan Change Request to the operative Palmerston North City District Plan 2019, relating to Whiskey Creek Residential Area.
- 1.2 We were appointed<sup>1</sup> by the Council to hear submissions made on the Plan Change and to consider and make a decision under delegated authority of the Council under section 34A of the Resource Management Act 1991 as to whether the Plan Change should be declined, approved or approved with amendments.
- 1.3 The Plan Change (as notified) seeks to:

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<sup>1</sup> Councillors Rutherford and Barrett are automatically decision makers for the Council. Commissioner DJ McMahon was appointed by the Council by letter dated 9 September 2021 as an independent commissioner to chair a series of District Plan Change Hearings on behalf of the Palmerston North City Council (the 'Council') as and when required, in relation to the District Plan Changes proposed by the Council over the 2022-24'.

- a. rezone land at 609 and 611 Rangitikei Line, 165 to 243 Flyers Lane and 127 Benmore Avenue, Palmerston North; namely approximately 12.9 hectares of Rural Zone land to Residential Zone, and 10 hectares of Rural Zone land to Conservation and Amenity Zone.
- 1.4 The Plan Change also seeks to facilitate the residential development of the rezoned land by changing the District Plan as follows:
- a. including a new definition relating to the 'Whiskey Creek Residential Area';
  - b. including the Whiskey Creek Residential Area within the definition for 'Greenfield Residential Area';
  - c. including the Whiskey Creek Residential Area with Section 7A of the District Plan relating to Greenfield Residential Areas;
  - d. applying the objectives, policies and rules that address resource management issues common to all Greenfield Residential Areas to the Whiskey Creek Residential Area;
  - e. introducing the Whiskey Creek Structure Plan (Map 7A.3) to guide future development in the Whiskey Creek Residential Area;
  - f. including specific provisions relating to the Whiskey Creek Residential Area into the objectives, policies and rules of Section 7A of the District Plan; and
  - g. including specific provisions relating to the Whiskey Creek Residential Area into the objectives, policies and rules of Section 10 of the District Plan relating to the Residential Zone.
- 1.5 At this point, we note that during the course of the hearing, the Requestor made us aware that further consultation with Rangitāne o Manawatū had led to the iwi gifting the name 'Matangi Residential Area' to replace references in the Plan Change to the 'Whiskey Creek Residential Area' (for further discussion on this matter refer to **Issue 9** in **Section 3** of this report. For the purposes of our discussion of the Plan Change in the body of our report we refer to the 'Whiskey Creek Plan Change' and 'Whiskey Creek Residential Area' as this is the name associated with the version of the Plan Change as notified. However, in the amended version of the Plan Change as attached as **Appendix 2** we have adopted the new name.
- 1.6 We will canvass the Plan Change's background in due course. It has been the subject of a section 32 report<sup>2</sup>, consultation with stakeholders, and, of course, the public notification and hearing process, culminating in our decision.
- 1.7 Before setting out the details of the Plan Change, the submissions to it and our substantive evaluation, there are some procedural matters that we will address, beginning with our role as an Independent Panel.

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<sup>2</sup> Section 32 of the RMA sets out the requirements for preparing and publishing reports that evaluate the appropriateness of a plan change.

### Role and report outline

- 1.8 As noted above, our role is to make a decision about the outcome of the Plan Change on the Council's behalf. The authority delegated in us by the Council includes all necessary powers under the RMA to hear and decide on the submissions received on the Plan Change.
- 1.9 The purpose of this report is to satisfy the Council's various decision-making obligations and associated reporting requirements under the RMA.
- 1.10 Having familiarised ourselves with the Plan Change and its associated background material, read all submissions, conducted the site/locality visits and hearing, we hereby record our decision.
- 1.11 In this respect, our report is broadly organised into the following two parts:
- a. Factual context for the Plan Change:

This non-evaluative section (comprising **Section 2** in this report) is largely factual and contains an overview of the land subject to the Plan Change and an outline of the background to the Plan Change and the relevant sequence of events. It also outlines the main components of the Plan Change as notified. This background section provides relevant context for considering the issues raised in submissions to the Plan Change. Here, we also briefly describe the submissions received to the Plan Change and provide a summary account of the hearing process itself and our subsequent deliberations. We also consider here various procedural matters about the submissions received.
  - b. Evaluation of key issues:

The second part of our report (comprising **Sections 3 to 5**) contains an assessment of the main issues raised in submissions to the Plan Change and, where relevant, amplification of the evidence/statements presented at the hearing (in **Section 3**). We conclude with our decision (in **Section 5**), having had regard to the necessary statutory considerations that underpin our considerations (in **Section 4**). All these parts of the report are evaluative, and collectively record the substantive results of our deliberations.

### Comments on the parties' assistance to us

- 1.12 In advance of setting out the Plan Change context, we would like to record our appreciation at the manner in which the hearing was conducted by all the parties taking part.
- 1.13 All those in attendance enabled a focused hearing process that greatly assisted us in assessing and determining the issues, and in delivering our decision.
- 1.14 These initial thoughts recorded, we now set out the factual background to the Plan Change.

## 2. PLAN CHANGE CONTEXT

### Site and local environment

- 2.1 The site is located at the northern urban edge of Palmerston North City, adjacent to Rangitikei Line. Totalling approximately 40.37 hectares in area, it comprises four separate properties as follows:
- a. A 19.2 hectare property at 611 Rangitikei Line owned by Flyers Investment Group Ltd (Lot 2 DP 389924);
  - b. A 20.23 property at 165 – 243 Flyers Lane also owned by Flyers Investment Group Ltd (Part Section 553 Town of Palmerston North);
  - c. A 0.86 hectare property at 609 Rangitikei Line owned by Bruce Robinson (Lot 1 DP 389924); and
  - d. A 759m<sup>2</sup> property at 127 Benmore Avenue also owned by Flyers Investment Group Ltd (Lot 14 DP 40933).
- 2.2 The site subject to the Plan Change is shown in **Figure 1**, outlined in brown. It is bounded by Rangitikei Line (State Highway 3) to the northeast, Flyers Line to the northwest, rural properties to the southwest and residential properties accessed from Meadowbrook Drive to the southeast.



**Figure 1:** Plan Change site and surrounding locality. Not to scale. (image source: PNCC Land and Property map)

- 2.3 The s32 evaluation report for the Plan Change provides the following description of the site:

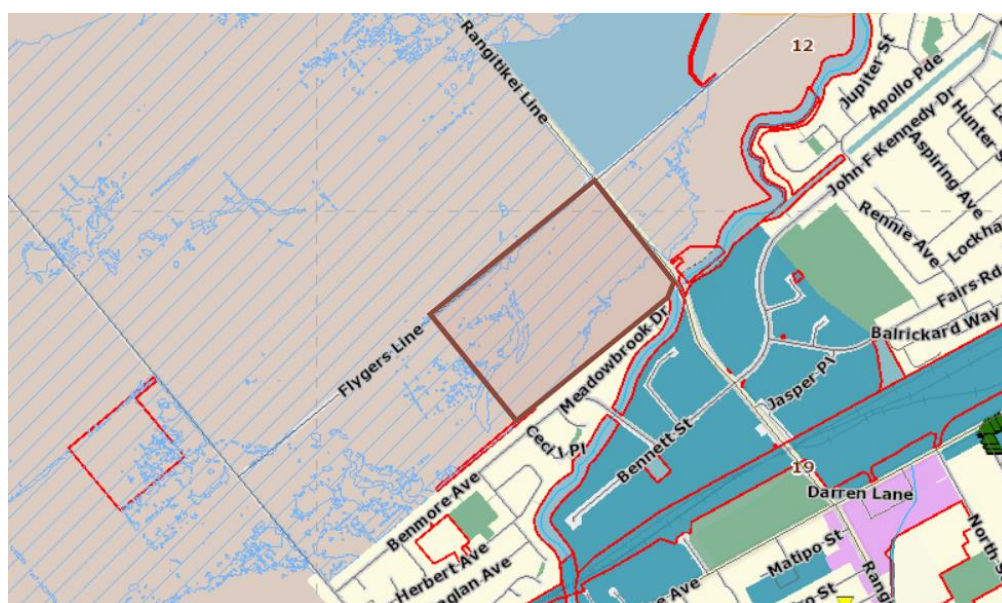
*Whiskey Creek previously flowed through the site but was diverted to a watercourse adjacent to the western side of Flyers Line as part of the Lower Manawatu Drainage Scheme. However, there remains a length of ephemeral stream within the site.*

*The land is currently used for cropping, generally for maize.<sup>3</sup>*

As noted above, the bulk of the property is currently farmed. Some farm buildings are located on the property at 611 Rangitikei Line, and single dwellings are located on the properties at 609 Rangitikei Line and 127 Benmore Avenue. The Mangaone Stream runs in a south-westerly direction across the eastern edge of the site.

### Operative District Plan

- 2.4 All of the land subject to the Plan Change with the exception of 127 Benmore Avenue is currently zoned Rural in the District Plan (127 Benmore Avenue has a Residential zoning). Much of the site is also subject to the Flood Prone Area Overlay in the District Plan. The zoning and overlay pattern is illustrated in **Figure 2**.
- 2.5 In **Figure 2** the site is bounded in brown. The Rural Zone is shown in pale brown and the Flood Prone Area Overlay in hatched blue. Areas to the southeast with a Residential zoning are shown in cream and those with an Industrial zoning are shown in mid-blue. The Mangaone Stream has a Flood Protection zoning and is shown in lighter blue.



**Figure 2:** District Plan zoning and overlay pattern relating to Plan Change site and surrounding locality. Not to scale. (image source: PNCC District Plan map)

<sup>3</sup> Part B: Plan Change Request Assessment and Evaluation – Whiskey Creek Residential Area, page 15

- 2.6 The following sections in the District Plan contain Zone and District-wide objectives, policies and rules that are relevant to the management of natural and physical resources on the site:
- a. Section 2: City View Objectives;
  - b. Section 3: Tangata Whenua and Resource Management;
  - c. Section 4: Definitions;
  - d. Section 6: General Rules;
  - e. Section 7: Subdivision;
  - f. Section 7A: Greenfield Residential Areas;
  - g. Section 10: Residential Zone;
  - h. Section 15: Recreation Zones;
  - i. Section 17: Natural and Cultural Heritage;
  - j. Section 20: Land Transport; and
  - k. Section 22: Natural Hazards.

### **Plan Change Request: Reasons, Purpose, Evaluations and Provisions**

- 2.7 Part 2 of the RMA's First Schedule sets out various requirements for private plan changes. Under clause 22, any private plan change request is to:
- a. explain in writing the purpose of, and reasons for, the proposed change;
  - b. contain the required evaluation under s32 of the Act; and
  - c. describe the anticipated environmental effects of the proposal in such detail that corresponds with the scale and significance of the effects.
- 2.8 Each of these are discussed further below, followed by a summary of the proposed Plan Change provisions.

#### *Purpose and Reasons for the Plan Change*

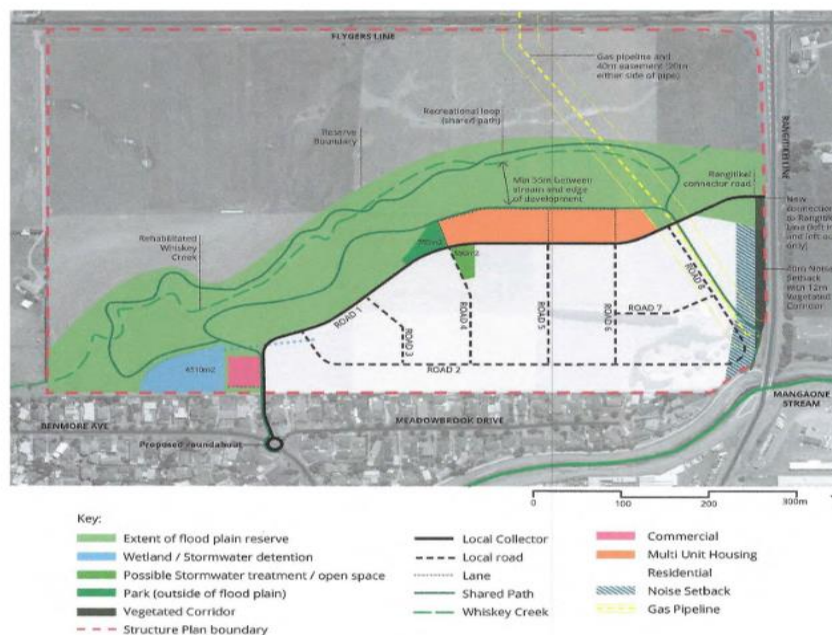
- 2.9 As notified, the Plan Change proposes to rezone the area to which it relates from Rural Zone to Residential Zone and Conservation and Amenity Zone, as broadly illustrated in **Figure 3**.





**Figure 3:** Proposed rezoning. Not to scale. (image source: Part A: Request for a Change to the Operative Palmerston North District Plan, Plan B, page 12)

2.10 The areas as proposed for rezoning correspond with the design and layout of the proposed development as illustrated in the Proposed Structure Plan for the Whiskey Creek Residential Area, which is reproduced as **Figure 4**. Broadly speaking, areas proposed to be rezoned Residential are shown in white, orange and pink, and areas proposed to be rezoned Conservation and Amenity Zone are shown in green and blue. The balance of the site (uncoloured in **Figure 4**) would retain a Rural zoning. The new development would be accessed via new connections from Rangitikei Line and the intersection of Benmore Avenue and Meadowbrook Drive (extending through the property at 127 Benmore Avenue).



**Figure 4:** Plan Change site as represented by the proposed Structure Plan. Not to scale. (image source: Part A: Request for a Change to the Operative Palmerston North District Plan, Map 7A.3, page 9)

- 2.11 The purpose of the Plan Change is described in the s32 evaluation report as follows:

*The purpose of the Plan Change Request is to enable residential development of the land to be rezoned residential in accordance with a structure plan that addresses the key opportunities and constraints. This includes development of a reserve along the western edge of the development.<sup>4</sup>*

- 2.12 Elsewhere in the Plan Change document the objectives of the proposal are described as achieving:

- *A feasible development with a mix of housing density, housing type and price point.*
- *A sustainable and liveable neighbourhood that provides a high level of amenity and connectivity and incorporates the revitalisation of Whiskey Creek.*
- *A maximised development area without adversely affecting the flood management function of the area.*
- *Appropriate management of environmental risks associated with liquefaction, stormwater discharges, environmental noise and existing infrastructure.<sup>5</sup>*

- 2.13 Further, the stated reasons for the Plan Change comprise the following:

*To assist in meeting future residential needs of Palmerston North in accordance with the City Development Strategy.*

*The site is well located for both town centre, employment and community facilities. Earthworks are proposed to reduce the extent of flood prone area[s] and increase the developable area whilst protecting the functioning of the Lower Manawatu Drainage Scheme.*

*In conjunction with the residential development the former Whisk[e]y Creek stream bed will be redeveloped as a green corridor and will form a public reserve.<sup>6</sup>*

- 2.14 We note that because neither the notified nor the subsequently modified version of the Plan Change proposes any changes to the objectives of the District Plan, than for the purpose of determining whether the objective of the (Plan Change) proposal is the most appropriate way to meet the purpose of the Act we must, under subsection (6) of s32, treat the purpose, objectives and reasons of the Plan Change as the relevant objective of the proposal. We return to this matter in **Sections 3 and 4** of this report.

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<sup>4</sup> Part A: Request for a Change to the Operative Palmerston North District Plan, page 12

<sup>5</sup> Part B: Plan Change Request Assessment and Evaluation – Whiskey Creek Residential Area, page 56

<sup>6</sup> Part A: Request for a Change to the Operative Palmerston North District Plan, page 12



*Section 32 Report*

- 2.15 The Requestor's s32 evaluation report is labelled as '*Part B: Plan Change Request Assessment and Evaluation: Whiskey Creek Residential Area*' in the Plan Change request bundle. The s32 reports on an evaluation of three alternatives<sup>7</sup> for the properties concerned:
- a. Option A: Do nothing i.e., retain the existing Rural zoning;
  - b. Option B: Applying the District Plan's Rural Residential Overlay, enabling development at a density of one dwelling per one to two hectares, in areas where there is no flood risk; or
  - c. Option C: Residential rezoning of land not subject to flood risk.
- 2.16 The s32 report concluded that Option C is the most appropriate way to achieve the purpose of the Act as, in comparison with the other options, it:
- a. best aligns with high-level PNCC strategies and plans;
  - b. is most likely to promote responsible growth;
  - c. would best contribute to a good city-wide network structure; and
  - d. best demonstrates good urban design at a macro-level.<sup>8</sup>
- 2.17 Having settled, to its satisfaction, the broader matter of the most appropriate zoning, the s32 report evaluated three design options, as follows:
- a. Option 1: "Business as Usual" – A 'hybrid' geometry to maximise the number of standard sized lots with uniform lot orientation/road connection to Flyers Line;
  - b. Option 2: "Landscape-led Approach" – A 'distorted grid' street pattern that provides views of the stream corridor at the end of each street and establishes clear sightlines with a continuous green amenity corridor along the boundary; a
  - c. Option 3: "Neighbourhood Network" – A formal grid structure providing different densities, lot orientations and bringing open spaces into the developed area.
- 2.18 In practice, the Proposed Structure Plan (refer **Figure 4**) and Illustrative Masterplan<sup>9</sup> (refer **Figure 5**) included in the Plan Change request bundle represent a combination of the elements of all three options outlined above.<sup>10</sup> As a consequence, the development of the site would be expected to add 150 to 160 dwellings to the City's residential land supply.<sup>11</sup>

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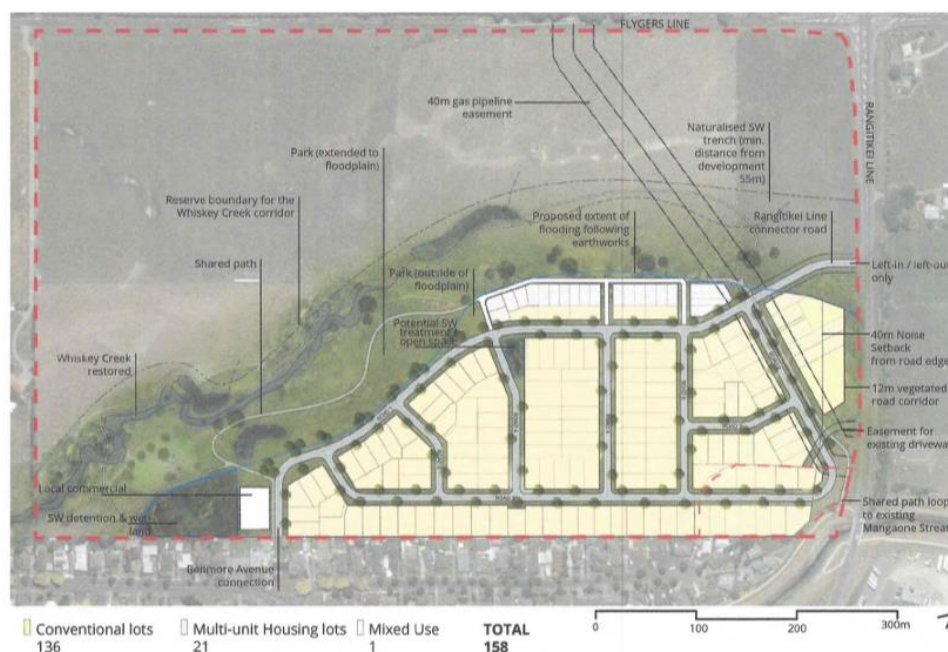
<sup>7</sup> *Private Plan Change Request, Part B: Section 32 Evaluation*, paras 138 – 142, pages 39 - 44

<sup>8</sup> *Part B: Plan Change Request Assessment and Evaluation – Whiskey Creek Residential Area*, pages 56 - 60

<sup>9</sup> Various referred to throughout the Plan Change documentation as the 'Illustrative' or 'Indicative' 'Masterplan'

<sup>10</sup> *Part B: Plan Change Request Assessment and Evaluation – Whiskey Creek Residential Area*, pages 61 - 70

<sup>11</sup> *Part B: Plan Change Request Assessment and Evaluation – Whiskey Creek Residential Area*, page 71



**Figure 5:** Illustrative Masterplan. Not to scale. (image source: Part B: Plan Change Request Assessment and Evaluation – Whiskey Creek Residential Area, Figure 11, page 43)

- 2.19 The s32 report did not include a discussion of the risk of acting or not acting, as it determined that there is sufficient information and certainty about the subject matter of the proposed provisions. Further, the s32 report considered that any remaining uncertainty can be addressed through the resource consent process that would apply where the development of the site for residential purposes is concerned.<sup>12</sup> Such an evaluation is only required under s32 of the Act where there is uncertain or insufficient information about the subject matter of the Plan Change provisions.

#### *Environmental effects assessment*

- 2.20 The Plan Change request included an assessment of environmental effects titled 'Principal Issues and Assessment of Environmental Effects'.<sup>13</sup> This assessment draws on a number of subject specific technical assessments appended to the Plan Change bundle, as follows:
- a. *Flygers Line Hydraulic Modelling*, memo prepared by DHI, dated 18 October 2019;
  - b. *Whiskey Creek Urban Design and Landscape Report*, prepared by Local Landscape Architecture Collective and McIndoe Urban, dated 21 April 2021;
  - c. *Flygers Line Plan Change Cultural Impact Assessment*, report prepared by the Te Ao Turoa Environmental Centre on behalf of Rangitāne o Manawatū, undated;

<sup>12</sup> Part B: Plan Change Request Assessment and Evaluation – Whiskey Creek Residential Area, page 70

<sup>13</sup> Part B: Plan Change Request Assessment and Evaluation – Whiskey Creek Residential Area, pages 24 to 44

- d. *Preliminary and Detailed Site Investigation Contaminated Land Rangitikei Line and Flyers Line Palmerston North*, report prepared by Riley Consultants Ltd, dated 22 February 2019;
- e. *Geotechnical Assessment Proposed Plan Change Rangitikei Line and Flyers Line Palmerston North*, report prepared by Riley Consultants Ltd, dated 22 February 2019;
- f. *Lateral Spreading Assessment Rangitikei Line & Flyers Line Palmerston North*, report prepared by Total Ground Engineering, dated 19 November 2020;
- g. Report on Soil Productivity 165 – 243 Flyers Line and 609 and 611 Rangitikei Line Palmerston North, prepared by Perrin Ag Consultants Ltd, dated August 2020;
- h. Noise Assessment, titled *Proposed Plan Change Flyers Line*, prepared for Acousafe Consulting & Engineering Ltd, dated 17 August 2020;
- i. *Whiskey Creek Proposed Private Plan Change Transportation Assessment*, prepared by Harriet Fraser Engineering & Transportation Planning, dated 7 April 2021;
- j. Services and Earthworks Assessment, prepared by Resonant, undated; and
- k. *Whiskey Creek Plan Change, Palmerston North Stormwater Management Plan*, prepared by Mitch Hydro, dated 15 April 2021.

2.21 The Requestor's effects assessment concluded that:

- a. the site is an appropriate location for greenfield growth at the scale proposed;<sup>14</sup>
- b. a low impact design option incorporating a series of swales, on-line ponds and retention ponds and associated diversions to improve flow connectivity will ensure less than minor effects on downstream properties and infrastructure as a result of the development of flood prone land;<sup>15</sup>
- c. the proposal has no fatal flaws from a cultural / whanau ora perspective and will support the restoration of the Whiskey Creek tributary, recreation access and housing, with further cultural engagement anticipated at detailed design/consenting stages;<sup>16</sup>
- d. contaminant levels in soils were found to be within applicable standards and guidelines and/or below detectable concentrations, and while consent under the NES-CS may be required, the suitability of the site for residential purposes in terms of land contamination risks is confirmed;<sup>17</sup>
- e. the proposed drainage channel has been positioned to address the potential for lateral spread displacement;<sup>18</sup>

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<sup>14</sup> Part B: Plan Change Request Assessment and Evaluation – Whiskey Creek Residential Area, pages 24 – 25

<sup>15</sup> Part B: Plan Change Request Assessment and Evaluation – Whiskey Creek Residential Area, pages 24 – 28

<sup>16</sup> Part B: Plan Change Request Assessment and Evaluation – Whiskey Creek Residential Area, pages 28 - 29

<sup>17</sup> Part B: Plan Change Request Assessment and Evaluation – Whiskey Creek Residential Area, pages 29 - 30

<sup>18</sup> Part B: Plan Change Request Assessment and Evaluation – Whiskey Creek Residential Area, pages 30 - 31

- f. soil capability is affected by drainage conditions and overall does not preclude the development of part of the site for urban land uses;<sup>19</sup>
- g. the inclusion of a service corridor and building setback within the proposal will mitigate risks to the safety of the gas transmission pipeline that traverses the site, residents and the wider community;<sup>20</sup>
- h. in terms of noise effects, the residential – rural interface would be appropriately controlled by way of the imposition of existing District Plan standards, and reverse sensitivity effects arising from vehicle noise on the Rangitikei Line (State Highway 3) can be addressed via the imposition of performance standards relating to building setback and habitable insulation and ventilation requirements;<sup>21</sup>
- i. the road network can readily accommodate the additional traffic generated by the proposed development;<sup>22</sup>
- j. proposed earthworks are limited in terms of volume and duration any effects on neighbours can be addressed by way of a construction management plan;<sup>23</sup>
- k. post-development on-site stormwater volumes can be managed by way of a stormwater detention pond, providing hydraulic neutrality, with additional detention and treatment options to be explored at the subdivision consent stage;<sup>24</sup>
- l. the proposed development can be served by a pressure sewer system and an extension to an existing water supply main;<sup>25</sup>
- m. the Proposed Structure Plan (refer **Figure 4**) and Illustrative Masterplan (**Figure 5**) have been developed in accordance with design principles relating to strategic alignment, connectivity, place-based identity, an 'absolute urban edge', neighbourliness, flexibility, diversity and choice, mixed use activation and environmental design;<sup>26</sup>
- n. the rural outlook experienced by existing residents on the site's boundary will be replaced by views of single storey dwellings;<sup>27</sup> and
- o. positive effects include wider community access to a newly created 10 hectare reserve and small neighbourhood centre.<sup>28</sup>

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<sup>19</sup> Part B: Plan Change Request Assessment and Evaluation – Whiskey Creek Residential Area, page 31

<sup>20</sup> Part B: Plan Change Request Assessment and Evaluation – Whiskey Creek Residential Area, pages 31 - 32

<sup>21</sup> Part B: Plan Change Request Assessment and Evaluation – Whiskey Creek Residential Area, page 32

<sup>22</sup> Part B: Plan Change Request Assessment and Evaluation – Whiskey Creek Residential Area, pages 32 - 34

<sup>23</sup> Part B: Plan Change Request Assessment and Evaluation – Whiskey Creek Residential Area, pages 34 - 36

<sup>24</sup> Part B: Plan Change Request Assessment and Evaluation – Whiskey Creek Residential Area, pages 36 - 37

<sup>25</sup> Part B: Plan Change Request Assessment and Evaluation – Whiskey Creek Residential Area, pages 38 - 39

<sup>26</sup> Part B: Plan Change Request Assessment and Evaluation – Whiskey Creek Residential Area, pages 39 - 43

<sup>27</sup> Part B: Plan Change Request Assessment and Evaluation – Whiskey Creek Residential Area, pages 43 - 44

<sup>28</sup> Part B: Plan Change Request Assessment and Evaluation – Whiskey Creek Residential Area, page 44

*Plan Change provisions*

- 2.22 As notified, the proposed Plan Change seeks to make the following changes to the operative District Plan:

**Changes to Section 4 Definitions:**

- a. Adding a new definition for the 'Whiskey Creek Residential Area';
- b. Amending the definition for 'Pressure Sewer Areas' to include reference to the 'Whiskey Creek Residential Area';

**Changes to Section 7A Greenfield Residential Areas:**

- c. Adding reference to the 'Whiskey Creek Residential Area' in the Introduction in 7A.1;
- d. Adding an additional Resource Management Issue to the list in 7A.2 referring to 'the effects of development on the Lower Manawatu Drainage Scheme';
- e. Adding a new Policy 2.8 under Objective 2 in 7A.3 as follows:  
*'To ensure that subdivision in the Whiskey Creek Residential Area:*
  - *Avoids, remedies or mitigates adverse effects on the Lower Manawatu Drainage Scheme.*
  - *Provides for restoration of the ephemeral tributary of Whiskey Creek as recreational reserve with quality recreational links.*
  - *Provides appropriate setbacks of buildings from the natural gas pipeline that traverses part of the area and locates the pipeline within a public service corridor.*
  - *Provides for vehicle access to both Benmore Avenue and Rangitikei Line.*
  - *Has regard for the existing residential subdivision boundaries where it abuts Meadowbrook Drive.'*
- f. Adding a reference to the 'Whiskey Creek Residential Area' in the list of Methods in 7A.4;

**Changes to Section 7A.5 Residential Zone:**

- g. Under Part (d) Lot Size in R7A.5.2.2 Performance Conditions for Restricted Discretionary Activities:
  - i. Adding the following text to subpart (i): '*, except for the Whiskey Creek Residential Area which must have an average lot size of 400m<sup>2</sup> – 500m<sup>2</sup>*'; and
  - ii. Amending subpart (iii) to read: '*No single lot shall exceed 1000m<sup>2</sup> (except neighbourhood centre lots and balance lots).*'
- h. Inserting (d) under R7A.5.2.3 Assessment Criteria for Restricted Discretionary Activity five new criteria relating to '*subdivision design and layout within the Whiskey Creek Residential Area*' and in that context traversing the same considerations as set out in new Policy 2.8 above;

- i. Inserting a new 'Map 7A.3' relating to the Whiskey Creek Structure Plan (refer **Figure 4**);

**Changes to Section 10 Residential Zone:**

- j. Adding a new Policy 9.7 in 10.3 Objectives and Policies which reads: *'To enable multi-unit housing development within the Whiskey Creek Residential Area in accordance with the Structure Plan (Map 7A.3)'*;
- k. Inserting performance standards in R10.6.1.5 Dwellings and Accessory Buildings in the Greenfield Residential Areas applying to the Whiskey Creek Residential Area and relating to:
  - i. the maximum building height of buildings on lots abutting existing residential boundaries on Meadowbrook Drive (5m);
  - ii. separation distances for all buildings other than accessory buildings from the gas pipeline (20m);
  - iii. permeable areas associated with the net site area for each dwelling (25% where between 171m<sup>2</sup> and 366m<sup>2</sup>, 30% where between 367m<sup>2</sup> and 449m<sup>2</sup>, 35% where between 450m<sup>2</sup> and 561m<sup>2</sup> and 40% where between 562m<sup>2</sup> and 1050m<sup>2</sup>); and
  - iv. acoustic insulation and setbacks
- l. Amending R10.6.3.3 as follows:
  - i. Adding a reference to 'Map 7A.3' to the effect that multi-unit residential development in the multi-unit housing area identified on that map assumes the status of a Restricted Discretionary Activity;
  - ii. Amending I b) so that the minimum notation site area of 150m<sup>2</sup> also applies within *'the multi-unit housing area shown on Map 7A.3'*;
  - iii. Amending ii b) so that the gross floor area requirement also applies within *'the multi-unit housing area shown on Map 7A.3'*;
  - iv. Amending (vi) so that in the multi-unit housing area referred to above a building height limit (11m), recession plane, front yard fence height limit (0.9m) and fence height limit directly adjoining public open space (0.9m) applies;
- m. Deleting the following text from R10.7.3.5 Commercial Activity: ~~*'and the application is included as part of the application for subdivision consent'*~~;

**Changes to the District Plan Maps:**

- n. Amending the District Plan Maps to zone the Whiskey Creek Residential Area part Residential Zone, part Conservation and Amenity Zone and part Rural Zone as shown in **Figure 6**; and
- o. Amending the Flood Prone Area Overlay boundary to align with the amended boundary of the Residential Zone (refer **Figure 6**) inclusive of the following annotation: *'The change to the Flood Prone Overlay*

shown here shall take effect once the earthworks authorised in Resource Consent XXXXXX have been fully implemented.<sup>29</sup>



**Figure 6:** Proposed rezoning. Not to scale. (image source: Part A: Request for a Change to the Operative Palmerston North District Plan, Plan A, page 6)

- 2.23 Following the Plan Change's notification, the Requestor made a submission<sup>30</sup> seeking a substantial revision of proposed Policy 2.8 to read as follows:

*'To ensure that subdivision in the Whiskey Creek Residential Area has regard for the following design principles which have been incorporated into the Structure Plan:*

**Stormwater and flooding**

- adverse effects on the Lower Manawatu Drainage Scheme are avoided, remedied or mitigated.
- sustainable urban drainage solutions either within the street network or within the reserve are provided.
- design of the stormwater detention pond shall have regard to visual amenity and ecological benefits whilst achieving hydraulic neutrality.
- the feasibility of supplementing flows within Whisk[e]y Creek with stormwater discharges is explored.

**Open space and Reserves**

- the design provides for:
  - ecological restoration of the ephemeral tributary of Whiskey Creek as recreational reserve.

<sup>29</sup> Part A: Request for a Change to the Operative Palmerston North District Plan, pages 6 - 12

<sup>30</sup> S04

- a dry formal equipped play area and a flat open space for informal recreation.

### **Gas pipeline**

- appropriate setbacks of buildings from the natural gas pipeline are provided and the pipeline is located within a public service corridor.

- 

### **Streets and linkages**

- vehicle access to Benmore Avenue and left in/left out access to Rangitikei Line.
- all streets shall interconnect with no cul-de-sacs.
- the cycle and pedestrian links shown on the Structure Plan are provided.
- street design and planting shall adopt the structure plan street cross sections for Local and Local Collector Roads.

### **Subdivision design and integration**

- for lots adjoining existing Meadowbrook Drive properties:
  - the subdivision design shall maximise alignment with existing lot boundaries for Nos. 7 to 31 Meadowbrook Drive.
  - a 1 storey height standard shall apply.
- a positive city edge is achieved by ensuring all lots adjoining the reserve enable dwellings fronting the reserve.
- the extent to which lots enabling dwellings fronting streets is maximised.
- the street and block layout provides for a fine grain walkable block structure as shown on the Structure Plan.

### **Typology and density**

- multi-Unit Housing is enabled in the location shown on the Structure Plan, allowing for development up to 11m in height while ensuring reasonable sunlight access to adjacent properties is maintained.
- commercial activities are enabled near the Benmore Ave connection that provide:
  - a positive relationship to the reserve and attenuation area
  - amenities and services for the local neighbourhood
  - an active frontage at the street edge.'

2.24 The Plan Change as amended by the above submission was not accompanied by a s32AA evaluation. A s32AA evaluation is required when changes have been made to a proposed Plan Change since the original evaluation report was completed, and where required, must be undertaken in accordance with s32(1) to (4) of the RMA.

2.25 We note here that further amendments to the Plan Change as notified were proposed during the course of the hearing and as a result of expert witnesses conferencing following the adjournment of the hearing (as summarised in the Requestor's right of reply), and that the accompanying s32AA evaluation was updated to address these further changes.

2.26 These amendments (as set out in **Appendix 2**) are considered in detail under the relevant issue in **Section 3** of our report.



### Notification and submissions

- 2.27 The Plan Change was publicly notified on 29 September 2021. The closing date for submissions was 9 November 2021.
- 2.28 A total of 26 submissions were lodged with the Council.
- 2.29 A summary of submissions was prepared and subsequently notified for further submissions on 6 December 2021 with the closing date for receiving further submissions being 17 December 2021. Two further submissions were received. **Table 1** provides a list of submitters/further submitters to the proposed Plan Change, together with their broad positions. A full summary of the submissions received is provided in **Appendix 1**, including our decisions on the relief sought by each submitter.

Submissions		
Sub number	Submitter	Position
SO1	Marion Anderson	Opposed
SO2	Edward Anderson	Opposed
SO3	Paula Eyres	Opposed
SO4	Flygers Investment Group	Support
SO5	Peter Jones	Opposed
SO6	Joshua Thompson	Support
SO7	Michelle Mitchell	Opposed
SO8	Palmerston North City Council	Conditional support
SO9	Barney and Rose Hyde	Opposed
SO10	Brian McPherson	Opposed
SO11	Michael McCavana	Opposed
SO12	Maureen Haddock	Opposed
SO13	Michael Hermansen	Opposed
SO14	Hayden Turo (Ngati Turanga)	Opposed
SO15	Anthony and Carlyne Cade	Opposed
SO16	David Setter	Opposed
SO17	Waka Kotahi	Conditional support
SO18	Horizons Regional Council	Conditional support
SO19	MidCentral DHB	Conditional support
SO20	John and Raewyn Anderson	Opposed
SO21	Judy Milne	Opposed
SO22	Sally Rasmussen	Opposed
SO23	Heritage Estates Ltd	Conditional support
SO24	First Gas Ltd	Conditional support
SO25	Brian Kouvelis	Conditional support
SO26	Irene Hamilton	Opposed
Further Submissions		
Submission number	Submitter	Position
SO1/FSO2	Marion and Edward Anderson	Opposed to Plan Change
SO22	Sally Rasmussen	Opposed to Plan Change

**Table 1:** List of submitters and further submitters to the Plan Change

- 2.30 Of the 26 submissions received, two are totally supportive of the Plan Change.<sup>31</sup> The Requestor's own submission additionally seeks to substantially alter the wording of proposed Policy 2.8 as included in the Plan Change as notified (for details refer to paragraph 2.23 in this report).
- 2.31 The two further submissions received are not 'tied' to any original submission; rather they reiterate the opposition of the authors, as expressed in their own original submissions, to the Plan Change.
- 2.32 Without taking away from the finer detail provided in the submissions, the matters raised in those submissions and further submissions opposed to the Plan Change or providing conditional support, fall into one of more of the following categories:
- a. risks associated with flooding and stormwater management;
  - b. urban design and amenity effects, including the interface with adjoining properties;
  - c. risks associated with liquefaction and geotechnical effects;
  - d. noise effects;
  - e. transport effects;
  - f. effects arising from the proposed commercial area;
  - g. effects arising from the capacity of infrastructure services (wastewater management and water supply);
  - h. cultural impacts;
  - i. loss of amenity and habitat arising from the proposed Conservation and Amenity zoning; and
  - j. other effects, inclusive of those relating to construction, versatile soils and water quality and those arising from the proposed stormwater detention pond.
- 2.33 We discuss these issues (and the submissions underpinning them) in greater detail under our key issue evaluation in **Section 3** of this report below.

### Pre-hearing directions and procedures

- 2.34 Prior to the commencement of the hearing, we issued two minutes to the parties to address various administrative and substantive matters. These minutes, and the others we issued through the course of the hearing and deliberations processes are available on Council file.
- 2.35 In summary, the pre-hearing minutes addressed the following:
- a. **Minute 1** (13.04.2022) – this confirmed the likely date of the hearing (2 – 3 June 2022), identified potentially relevant matters<sup>32</sup> for the purposes of pre-hearing discussions and meetings and expert conferencing

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<sup>31</sup> S04 and S06

<sup>32</sup> Namely natural hazard, urban design, ecological and transport matters, construction effects and the location and effects of commercial activity.

between the parties, set out dates for the circulation of evidence before the hearing, and provided a brief summary of the hearing process and our approach to further site visits.

- b. **Minute 2** (22.04.2022) – this acknowledged the responses of parties with respect to their willingness to engage in pre-hearing processes and indicated a likely date for a pre-hearing meeting (4 or 5 May).

2.36 In the lead up to the hearing, the following reports and evidence were received and made available to all parties in accordance with the proposed timetable:

- a. The s42A officer's report, prepared by Mr Marz Asgar, a planner, dated 11 May 2022, and incorporating:
  - i. Modifications to the Whiskey Creek Plan Change as recommended in the s42A Report;
  - ii. A summary of recommendations in relation to the Whiskey Creek Plan Change decisions requested by submitters;
  - iii. A brief of strategic planning evidence from Mr Michael Duindam, a principal planner, dated 11 May 2022;
  - iv. A brief of stormwater and flood evidence from Mr Tim Preston, a civil engineer, dated 11 May 2022;
  - v. A geotechnical review prepared by Ms Eleni Gkeli, a senior principal engineering geologist, and Mr Ioannis Antonopoulos, a technical director, dated 24 March 2022;
  - vi. A noise review prepared by Mr Bill Wood, an acoustic consultant, dated 5 May 2022;
  - vii. A transport engineering review prepared by Mr Chris Rossiter, a principal transportation engineer, dated 22 April 2022;
  - viii. An infrastructure services assessment prepared by Mr Jaques Mik, an activities manager (three waters), dated 4 May 2022; and
  - ix. A parks and recreation assessment prepared by Mr Aaron Phillips, an activities manager (parks), dated 24 March 2022.
- b. Statements of evidence on behalf of the Requestor, dated 18 May 2022:
  - i. Planning evidence from Mr Paul Thomas;
  - ii. Company evidence from Mr Grant Higgins;
  - iii. Flood issue evidence from Mr Philip Wallace;
  - iv. Noise evidence from Mr Nigel Lloyd;
  - v. Transportation evidence from Ms Harriet Fraser;
  - vi. Urban design evidence from Mr Andrew Burns;
  - vii. Landscape architecture evidence from Mr Daniel Males
  - viii. Services and earthworks evidence from Mr Kevin Judd; and
  - ix. Stormwater management evidence from Mr Paul Mitchell.

2.37 In the lead up to the hearing we received and made available to all parties the following:

- a. A letter from Ms Penelope Tucker, senior policy planner at Horizons Regional Council (25 May 2022).
  - b. A letter from Ms Natasha Reid, principal planner at Waka Kotahi, (31 May 2022).
  - c. A statement of evidence on flood risk and stormwater management matters from Mr Jonathon Bell, manager investigations and design at Horizons Regional Council, dated 25 May 2022.
  - d. A statement of evidence on planning matters from Ms Amanda Coats on behalf of submitter Heritage Estates Ltd.,<sup>33</sup> dated 25 May 2022.
- 2.38 No other expert evidence was received on behalf of submitters either during the lead up to or during the course of the hearing.

### **The Initial Hearing (2-3 June 2022)**

- 2.39 The hearing commenced at 9:00am on Thursday, 2 June 2022 in the Council Chambers at Palmerston North City Council.
- 2.40 The entire hearing was recorded and links to the videos for each day can be found [here](#). All the documents referred to in this section are available on the council file and [web page](#).
- 2.41 At the outset of proceedings, we outlined the manner in which we expected the hearing to be conducted and called for appearances and introductions from the attendees. We also set out a range of procedural matters and outlined our role and the relevant statutory matters framing our consideration of the proposal.
- 2.42 No procedural matters were raised during the course of the hearing that we were obliged to make a finding on.
- 2.43 Over the course of the initial hearing, we heard from the following people:

#### Requestor

- Mr Morgan Slyfield, counsel for the Requestor
- Mr Grant Higgins, director and representative of Flyers Investment Group Ltd
- Mr Andrew Burns, urban designer
- Mr Dan Males, landscape architect
- Mr Philip Wallace, engineer with experience in river engineering, river modelling and floodplain management
- Mr Paul Mitchell, hydrologist
- Mr Kevin Judd, surveyor with experience in subdivision servicing/earthworks
- Ms Harriet Fraser, traffic engineer and transportation planner
- Mr Nigel Lloyd , acoustic engineer
- Mr Paul Thomas, planner

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<sup>33</sup> S023

### Council s42A Advisors

- Mr Nic Jessen, legal counsel
- Mr Marz Asgar, planner
- Mr Michael Duindam, principal planner (policy)
- Mr Chris Rossiter, principal transportation engineer
- Mr Bill Wood, acoustic engineer
- Mr Tim Preston, civil engineer with experience in stormwater management

### Submitters

- Mr Edward and Mrs Marion Anderson, 23B Meadowbrook Drive
- Ms Sally Rasmussen, 39 Meadowbrook Drive
- Mr Barney Hyde, 247 Flygers Line
- Mr John and Mrs Raewyn Anderson, 25 Meadowbrook Drive
- Hayden Turoa, Ngāti Turanga Hapū<sup>34</sup>
- Mr Michael McCavana, 21 Meadowbrook Drive
- Mr Anthony and Mrs Carolyn Cade, 1 Meadowbrook Drive
- Mr Jonathon Bell, Horizons Regional Council
- Ms Judy Milne, 63 Sutherland Road
- Mr David Setter of Auckland
- Ms Amanda Coats for Heritage Estates Ltd

2.44 Mr Wiremu Te Awe Awe, Mr Todd Taiepa, and Mr Michael Duindam provided karakia.

2.45 During the course of the initial hearing, the following evidence was tabled:

### Requestor

- Legal submissions from Mr Morgan Slyfield
- A summary of planning evidence from Mr Paul Thomas
- A summary of urban design evidence and shading and rear boundary setback studies prepared by Mr Andrew Burns
- A summary of evidence of flood issues and mapped flood hazard information prepared by Mr Philip Wallace
- A summary of evidence on transportation from Ms Harriet Fraser
- A summary of evidence on landscape architecture from Mr Dan Males
- A summary of services and earthworks evidence from Mr Kevin Judd
- A summary of stormwater evidence from Mr Paul Mitchell
- A summary of noise evidence from Mr Nigel Lloyd

### Submitters

- Written and photographic evidence and materials presented by Mr Edward and Mrs Marion Anderson, Mr Barney and Mrs Rose Hyde, Ms Sally Rasmussen, Mr Michael McCavana, Mr Anthony Cade, Ms Judy Milne and Ms Amanda Coats

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<sup>34</sup> Mr Justin Turoa also attended on behalf of Ngāti Turanga Hapū

Council s42A Advisors/Applicant

- 2.46 During the course of the hearing we also directed live caucusing of experts with respect to the following matters:
- Mr Bill Woods and Mr Nigel Lloyd, with respect to noise matters; and
  - Ms Harriet Fraser and Mr Chris Rossiter, with respect to transportation matters.
- 2.47 A Joint Witness Statement regarding integration of flood risks prepared by Messrs Preston, Wallace and Mitchell was also tabled at the hearing with question posed by the Panel to all three expert witnesses.
- 2.48 All other submitters chose not to present at the hearing. However, the issues raised in those submissions remain 'live' for our consideration and we have done so, as we are required to do.
- 2.49 A number of observers and interested parties were also present at the hearing.

**Hearing adjournment and post-hearing**

- 2.50 We adjourned the hearing at 5pm on Friday, 3 June 2022, noting verbally at the time that we would be advising the parties subsequently of a date to reconvene proceedings.
- 2.51 On 18 June 2022 we issued **Minute 3**. This minute noted the adjournment of the hearing on 3 June, acknowledged the progress made in hearing from the parties concerned including expert witnesses, advised when site visits to submitters' properties would be undertaken (10 July) and also the date on which the hearing would be reconvened (11 July) and indicated our preferences with respect to the continuation of expert conferencing on specific topics,<sup>35</sup> the preparation of joint witness statements on the same, and planning commentaries / assessments,<sup>36</sup> for consideration at the reconvened hearing.
- 2.52 As signalled, we conducted our site visits of submitters' properties on 10 July, and thank the parties concerned<sup>37</sup> for the opportunity to do so.
- 2.53 A request from Mr Edward Anderson to make a second presentation to the Panel was received before the second reconvened hearing. After checking there was no objection from the Requestor or the Council, the Panel granted that request. Also, an invite was extended to Mr Michael Hermansen to present his submissions at the reconvened hearing given he was out of town on the days of the initial hearing. Mr Hermansen accepted that invitation.

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<sup>35</sup> Namely flooding/stormwater management, water supply capacity, treatment of the interface between the rear of the existing residential area along Meadowbrook Drive and the proposed residential development, and treatment of the intersection between 'proposed Road 1' and Benmore Avenue.

<sup>36</sup> Relating to NPS-UD objectives and policies to reduce in greenhouse gas emissions, provision for multi-unit housing within the proposed development and the implications of Medium Density Residential Standards for the Plan Change.

<sup>37</sup> Edward and Marion Anderson (S01 and S02/FS02), Rose and Barney Hyde (S09). Michael McCavana (S011), Michael Hermansen (S013) and John and Raewyn Anderson (S020)

2.54 Prior to the reconvened hearing the following evidence was tabled:

- A planners' Joint Witness Statement prepared by Messrs Duindam, Asgar and Thomas
- Supplementary evidence from Mr Paul Thomas, including amended versions of the Plan Change provisions
- Supplementary evidence from Mr Michael Duindam

### **Reconvened Hearing (11 July)**

2.55 Having conducted all site visits, we reconvened the hearing at 9:00am on Monday, 11 July 2022 at the same venue as previously.

2.56 During the course of the reconvened hearing, we heard from the following people:

#### Submitters

- Mr Michael Hermansen
- Mr Edward Anderson

#### Council s42A Advisors

- Ms Shannon Johnson<sup>38</sup>
- Mr David Miller
- Mr Bill Wood
- Mr Chris Rossiter
- Mr Marz Asgar
- Mr Michael Duindam

#### Requestor

- Mr Kevin Judd
- Mr Philip Wallace
- Mr Paul Thomas

2.57 We were also presented with legal submissions, on behalf of PNCC, by Ms Shannon Johnson, in Mr Nick Jessen's stead.

2.58 During the reconvened hearing, the following evidence was tabled:

#### Requestor

- A memorandum of counsel for the Requestor
- Supplementary planning evidence from Mr Paul Thomas, including amended versions of the Plan Change provisions

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<sup>38</sup> Mr Jessen was unavailable for the reconvened hearing and Ms Johnson deputised for him as legal counsel.

### Council s42A Advisors

- A presentation of his s42A report from Mr Marz Asgar, together with an update of his evidence
- Supplementary planning evidence and a planning summary statement from Mr Michael Duindam
- A summary statement from Mr Tim Preston, updating his previous evidence
- A verbal statement of evidence from Mr David Miller
- A summary of his transport review from Mr Chris Rossiter, together with an addendum
- Land use consent and building consent information relating to the site
- The agenda for the 30 June 2021 Council Planning & Strategy Committee meeting

### Submitters

- Additions to their submission from Mr Edward and Mrs Marion Anderson
- A written statement from Mr Michael Hermansen

2.59 The hearing was adjourned after Mr Morgan Slyfield gave some brief verbal legal commentary and the Panel outlined their expectations for final joint witness conferencing between the Planners for the Requestor and the Council (including fulfilment of a requirement for a Joint Witness Statement with amended provisions).

### **Post reconvened hearing and hearing closure**

2.60 Following the second adjournment of the hearing at 5.30pm on 11 July 2022, we issued **Minute 4** on 18 July. The purpose of this minute was to advise all parties of the next steps, including providing some further direction to both the Requestor and Council reporting officers regarding the information remaining to be supplied, prior to the Panel commencing deliberations on the proposal.

2.61 **Minute 4** put on a formal footing the verbal direction we provided at the hearing to the planning witnesses Messrs Asgar and Thomas to continue conferencing with a view to resolving any outstanding issues with respect to the potential wording of the Plan Change provisions and incorporating that wording into an up-to-date amended version of the Plan Change provisions. We also asked them to identify any remaining areas of disagreement.

2.62 For completeness we note that we had also received a written statement from Mr Tim Miller dated 14 July 2022 which formalised the verbal statement he gave by video link at the second reconvened hearing.

2.63 In response to our request as set out in **Minute 4**, we received a memorandum of counsel for the Requestor on 26 July 2022. The memorandum served to accompany the sets of proposed amended provisions that we received from Mr Marz Asgar, on his and Mr Paul Thomas's behalf, that same day. As summarised in the memorandum, the following further amendments were proposed:



- a. a rearranged policy framework for the Whiskey Creek development (comprising an amendment Policy 2.8 and new Policy 2.9);
  - b. amendments to Rule R7A.5.2.2(d) relating to the multi-unit housing area;
  - c. amendments to Rule 7A.5.2.3 to establish a mechanism for exempting development in the Whiskey Creek area from the Flood Prone Overlay and associated rules, once 'flood hazard avoidance' is achieved;
  - d. amendments to the notification rules in Rule R7A.5.4.1 to allow the notification of owners of properties affected by the new roading connection to Benmore Avenue to be notified; and
  - e. amendments to the boundaries and details shown on the Whiskey Creek Structure Plan.
- 2.64 The Panel undertook some preliminary deliberations on 26 July, based on the content of the memorandum and the amended provisions referred to above. This raised some questions for us and a desire for further clarification from the planning witnesses that we sought via the issuing of **Minute 5** that same day. Specifically, our queries and requests for clarification related to:
- a. The wording of provisions that enable multi-unit development in the specific area identified on the structure plan relating to the Proposed Plan Change.
  - b. The absence of any bespoke controls on fencing along the boundary between Meadowbrook Drive properties and the southern lots that form part of the proposed development.
- 2.65 On 29 July 2022 we received a joint statement of evidence from planning witnesses Messrs Asgar and Thomas, comprising a s32AA evaluation of the proposed amendments to the Plan Change. The proposed amendments that were the focus of this s32AA evaluation represented all those recommended to the Plan Change subsequent to the notified version, inclusive of amendments recommended in response to the queries we raised in **Minute 5**.
- 2.66 On 5 August 2022, we received the substantive legal submissions of the Requestor's counsel covering all matters evolving during the course of the hearing (bar issues arising in relation to the topic of housing mix).
- 2.67 As flagged in the 29 July joint statement from the planning witnesses, and in an interim memorandum from the Requestor's counsel dated 3 August, there remained some confined matters of disagreement remaining unresolved prior to the Requestor's planner, Mr Thomas, taking leave. The planners also acknowledged the presence of unintended 'mechanical' issues with the drafting of certain density-related provisions recommended in their response.
- 2.68 Accordingly, we issued **Minute 6** on 4 August 2022, setting out our directions with respect to the remaining unresolved matters in respect to multi-unit housing provision.
- 2.69 We also requested that, should the planners recommend further amendments to the Plan Change as a result of responding to our queries, that their response

be accompanied by a further assessment in s32AA evaluative terms. We requested a response to the above questions and the Requestor's final right of reply, by 3pm on 11 August 2022.

- 2.70 Subsequently, on that date as requested we received the Requestor's final legal submissions with respect to housing density and typology. These submissions were accompanied by a s32AA evaluation of further proposed amendments to the Plan Change with respect to that topic, jointly prepared by Messrs Asgar, Thomas and Duindam, and dated the same day.
- 2.71 Having that final information to hand, we were in a position to resume our deliberations, which we undertook on 12 August 2022.
- 2.72 As a final formality, we then issued **Minute 7** on 29 August 2022, confirming that having reviewed all the information provided by the Requestor, submitters and the Council, we were satisfied that there was no further information required to deliver our decision on the proposed Plan Change.
- 2.73 On that basis, we thanked all parties in attendance and advised that as we had completed our deliberations that the hearing was now closed. Our closing minute is available on Council file.

### 3. EVALUATION OF ISSUES

#### Overview

- 3.1 For the purposes of this evaluation, we have grouped our discussion of the submissions and the reasons for accepting, rejecting, or accepting them in part by the *matters*<sup>39</sup> to which they relate – rather than assessing each issue on a submitter-by-submitter basis.
- 3.2 This approach is not to downplay the importance of the input from submitters; to the contrary, their input has been invaluable in shaping the grouping of issues and for our consideration of those matters. However, we note that there was some commonality among the submissions on key issues and we consider it will be to everyone's benefit for our decision to be as tightly focused on the key issues as possible.
- 3.3 For those parties who are only interested in a particular matter as it pertains to their submission(s), reference can be made to the submitter-by-submitter summary of decisions requested in **Appendix 1**, which includes decision on each relief point sought. Those specific decisions have been derived from our issues assessment below.
- 3.4 To that end, we have organised our discussion of issues to distinguish between those matters that are contested and determinative to our consideration, and those which are relevant to our consideration, but not determinative.
- 3.5 In our view, determinative issues comprise the following:
- **ISSUE 1: Flooding risk / stormwater management.** This issue can be divided into three sub-issues that need to be addressed and resolved sequentially, and are therefore dealt with in that order:
    - **Sub-issue 1:** *Are there any fundamental impediments to the development of the Plan Change area from a flooding risk / stormwater management perspective?*
    - **Sub-issue 2:** *At what point it is appropriate to remove the Flood Prone Area Overlay?*
    - **Sub-issue 3:** *How should provisions intended to address flooding risk / stormwater management issues be expressed in the Plan Change?*
  - **ISSUE 2: Urban design elements / potential amenity effects / boundary treatment.** This issue can also be divided into three sub-issues, as follows:
    - **Sub-issue 1:** *To what extent and how should the amenity values enjoyed by residents of properties on Meadowbrook Drive bordering the Plan Change area be addressed through Plan Change provisions?*
    - **Sub-issue 2:** *What is the most appropriate means of addressing the concerns of submitters regarding the impacts of 'proposed road 1'?*

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<sup>39</sup> Clause 10(2)(a) of Schedule 1, RMA sets out that a plan change decision may address submissions by grouping them according to either the provisions of the plan change to which they relate, or to the matters to which they relate.

*serving the Plan Change area and its intersection with Benmore Drive?*

- **Sub-issue 3:** *To what extent and how should the Plan Change provisions encourage, provide for, or direct multi-unit development in the area subject to the Plan Change?*

3.6 Non-determinative issues were ably identified by Mr Asgar in his s42A report,<sup>40</sup> and comprise the following:

- **ISSUE 3: Liquefaction and geotechnical effects;**
- **ISSUE 4: Noise effects;**
- **ISSUE 5: Transport effects;**
- **ISSUE 6: Effects arising from the proposed commercial area;**
- **ISSUE 7: Effects arising from wastewater capacity;**
- **ISSUE 8: Effects arising from water supply capacity;**
- **ISSUE 9: Cultural impacts;**
- **ISSUE 10: Loss of amenity and habitat arising from the proposed Conservation and Amenity zoning;** and
- **ISSUE 11: Other effects,** inclusive of those relating to construction, versatile soils and water quality, and those arising from the proposed stormwater detention pond.

3.7 Additionally, during the course of hearing, we heard evidence and submissions on the spatial extent of the Plan Change. In our report we deal with this matter under the umbrella provided by **Issue 11** above.

3.8 All the above issues, be they determinative or non-determinative, are dealt with in turn in the following sub-sections.

3.9 Overall, we need to consider whether it is appropriate to rezone the area in question from Rural Zone to Residential Zone and Conservation and Amenity Zone. To reach a finding on the matter, we must settle the determinative issues first. We return to that seminal question towards the end of this section of our report (refer paragraphs 3.162 to 3.164).

3.10 Having arrived at a conclusion in that respect, we also need to decide what is the most appropriate District Plan provisions framework to avoid, remedy and/or mitigate adverse effects arising from the development of the area enabled by its rezoning. The appropriate place to do so is in the body of our discussion of the determinative and non-determinative issues set out above. For the purposes of completeness we also reach an overall conclusion in this respect (refer paragraphs 3.165 to 3.167).

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<sup>40</sup> Titled *Statement of Evidence by Marz Asgar*, dated 11 May 2022, paras 3.8 – 3.131

## Evaluation Preamble – Statutory Framework

3.11 Before formally recording our consideration of the above issues, we summarise here the relevant statutory matters that frame our evaluation. They have been derived from the Environment Court's *Colonial Vineyards* decision<sup>41</sup>, and include the following considerations:

### General Requirements

- a. *the District Plan should be designed in accordance with<sup>42</sup>, and assist the Council to carry out, its functions<sup>43</sup> so as to achieve the purpose of the Act;<sup>44</sup>*
- b. *when changing the District Plan, the Council must:*
  - i. *give effect to any NPS<sup>45</sup>, the NZCPS<sup>46</sup> or any RPS<sup>47,48</sup>*
  - ii. *have regard to any proposed RPS;<sup>49</sup>*
  - iii. *have regard to any management plans and strategies under any other Acts and to any relevant entry on the NZ Heritage List and to various fisheries regulations (to the extent relevant), and to consistency with plans and proposed plans of adjacent authorities;<sup>50</sup>*
  - iv. *take into account any relevant planning document recognised by an iwi authority;<sup>51</sup>*
  - v. *not have regard to trade competition;<sup>52</sup>*
  - vi. *be in accordance with any regulation;<sup>53</sup>*
- c. *in relation to regional plans:*
  - i. *the District Plan must not be inconsistent with an operative regional plan for any matter specified in s30(1) or any water conservation order;<sup>54</sup> and*
  - ii. *shall have regard to any proposed regional plan on any matter of regional significance;<sup>55</sup>*
- d. *the District Plan must also state its objectives, policies and the rules (if any) and may state other matters;<sup>56</sup>*
- e. *the Council has obligations to prepare an evaluation report in accordance with s32 and have particular regard to that report;<sup>57</sup>*

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<sup>41</sup> ENV-2012-CHC-108, [2014] NZEnvC 55

<sup>42</sup> s74(1), RMA

<sup>43</sup> s31, RMA.

<sup>44</sup> ss 72, 74(1), RMA.

<sup>45</sup> National Policy Statement

<sup>46</sup> New Zealand Coastal Policy Statement

<sup>47</sup> Regional Policy Statement for the Wellington Region

<sup>48</sup> s75(3)(a)-(c), RMA.

<sup>49</sup> s74(2), RMA.

<sup>50</sup> s74(2)(b)-(c), RMA.

<sup>51</sup> s74(2A), RMA.

<sup>52</sup> s74(3), RMA.

<sup>53</sup> s75(1)-(c), RMA.

<sup>54</sup> s75(4), RMA.

<sup>55</sup> s74(1)(f), RMA.

<sup>56</sup> s75(1)-(2), RMA.

<sup>57</sup> Schedule 1, Part 2, Clause 22, RMA.

- f. the Council also has obligations to prepare a further evaluation report under s32AA where changes are made to the proposal since the s32 report was completed;

**Objectives**

- g. the objectives of the Plan Change are to be evaluated to the extent which they are the most appropriate way to achieve the Act's purpose;<sup>58</sup>

**Provisions**

- p. the policies are to implement the objectives, and the rules (if any) are to implement the policies;<sup>59</sup>
- q. each provision is to be examined as to whether it is the most appropriate method for achieving the objectives of the District Plan, by:
- i. identifying other reasonably practicable options for achieving the objectives;<sup>60</sup>
  - ii. assessing the efficiency and effectiveness of the provisions in achieving the objectives<sup>61</sup>, including:
    - a) identifying and assessing the benefits and costs anticipated, including opportunities for economic growth and employment opportunities that may be provided or reduced;<sup>62</sup>
    - b) quantifying those benefits and costs where practicable;<sup>63</sup>
    - c) assessing the risk of acting or not acting if there is uncertainty or insufficient information about the subject matter of the provisions;<sup>64</sup>

**Rules**

- j. in making a rule, the Council shall have regard to the actual or potential effect on the environment of activities, including (in particular) any adverse effect;<sup>65</sup> and

**Other Statutes**

- k. the Council may be required to comply with other statutes

3.12 Our powers in relation to this proposal is set out in clause 29(4) of Schedule 1 of the Act. Under this clause, we may decide to decline the proposal, approve it, or approve it with modifications. We must give reasons for the decision that we reach. In arriving at our decision, we must undertake the further evaluation required under s32AA and have regard to that evaluation. As indicated above, the further evaluation under s32AA is required only in respect of any changes arising since the Plan Change was notified. This evaluation must:

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<sup>58</sup> s32(1)(a), RMA.

<sup>59</sup> s75(1), RMA.

<sup>60</sup> s32(1)(b)(i), RMA.

<sup>61</sup> s32(1)(b)(ii), RMA.

<sup>62</sup> s32(2)(a), RMA.

<sup>63</sup> s32(2)(b), RMA.

<sup>64</sup> s32(2)(c), RMA.

<sup>65</sup> S76(3), RMA.

- a. examine the extent to which the objectives of the Plan Change are the most appropriate way to achieve the purpose of the Act;
  - b. examine whether the policies, rules, standards, zoning and other methods of the Plan Change are the most appropriate way to achieve the existing Plan objectives and the Plan Change's objectives;
  - c. in relation to 'b.' above, to the extent relevant:
    - i. identify any other reasonably practicable options for achieving the existing and proposed objectives; and
    - ii. assess the efficiency and effectiveness of the provisions in achieving the objectives; and
  - d. contain a level of detail that corresponds to the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal.
- 3.13 Further, in relation to matter 'b' above, we note that the Plan Change contains no new objectives. In accordance with section 32(6), the purpose of the proposal stands in for objectives where these are not otherwise contained or stated by the proposal. In other words, the term 'objective' is synonymous with the Plan Change's purpose and not the technical meaning of the term otherwise used in the Plan.
- 3.14 That aside, and for our evaluation of the provisions of the Plan Change against the objectives (matter 'b' above), however, the term 'objective' assumes a dual meaning:
- a. those goals or aspirations set out in the Plan Change's purpose; and
  - b. the relevant (and settled) objectives of the operative Plan.
- 3.15 Accordingly, we have considered whether the proposed Plan Change:
- a. has been designed to accord with, and assist the Council to carry out its functions so as to achieve the purpose of the Act;
  - b. gives effect to any relevant NPS and the NZCPS;
  - c. gives effect to the regional policy statement ("RPS"); and
  - d. is consistent with any regional plans.
- 3.16 In considering all of the matters above, we record that our decision is based upon our consideration of the following documents:
- a. the notified Plan Change and s32 evaluation as notified and subsequently amended;
  - b. the submissions and further submissions received;
  - c. the Council's s42A report;
  - d. the s32AA evaluations provided by over the course of, and subsequent to, the hearing; and
  - e. the statements/presentations from all parties appearing before us.

- 3.17 As we emphasised at the hearing, it is important that all parties understand that it is not for us to introduce our own evidence on the eleven sets of issues listed above, and we have not done so – rather, our role has been to:
- a. establish that all relevant evidence is before us (or where it isn't, consider whether we should commission additional reports or information<sup>66</sup>); and
  - b. test the evidence of others, and to determine the most appropriate outcome based on the views we consider best achieve sustainable management.
- 3.18 It is that dual role to which the following evaluation addresses. Before doing so, and as a closing comment to this preamble, we observe that s32AA(1)(d)(ii) enables our further evaluation reporting to be incorporated into this report as part of the decision-making record. To this end, our evaluation of each issue has been structured to satisfy the evaluation report requirements of s32AA as outlined above. In other words, for each issue we have considered the merits of any proposed alterations to the notified provisions to assist in ascertaining the appropriateness of the provisions.

### **Issue 1: Flooding risk / stormwater management**

#### *Issue identification*

- 3.19 As noted in paragraph 3.5 above, our consideration of flooding risk and stormwater management issues can be divided into three sub-issues:
- a. **Sub-issue 1:** *Are there any fundamental impediments to the development of the Plan Change area from a flooding risk / stormwater management perspective?*
  - b. **Sub-issue 2:** *At what point it is appropriate to remove the Flood Prone Area Overlay?*
  - c. **Sub-issue 3:** *How should provisions intended to address flooding risk/stormwater management issues be expressed in the Plan Change?*
- 3.20 We deal with these sub-issues in turn in the following sub-sections. In each case we set out a summary of the evidence available to us, including the concerns expressed in relevant submissions, the recommendations of the s42A report, and the content of initial evidence presented or tabled at the hearing, before outlining how areas of contention between the parties were narrowed and, in some cases, resolved, as part of a discussion of the sub-issue and our findings.

#### *Sub-issue 1: Evidence*

- 3.21 To a significant degree, the opposition of residential submitters<sup>67</sup> and the conditional support of other submitters<sup>68</sup> to the Plan Change arises from their concerns regarding the flood prone nature of the subject site and the extent

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<sup>66</sup> Under s 41C(4) of the Act.

<sup>67</sup> For example, Marion Anderson (S01), Barney and Rose Hyde (S09), Michael McCavana (S011), Maureen Haddock (S012), Ngāti Turanga (S014)

<sup>68</sup> PNCC (S08), Waka Kotahi (S017), Horizons (S018)



to which its development would exacerbate flooding risk to the broader area through an inability to manage increased stormwater volumes.

- 3.22 Broadly speaking, residential submitters consider these issues to be a fundamental impediment to the development of the site. Whether that is indeed the case is the first, determinative issue that we as a Panel need to reach a finding on.
- 3.23 Mr Asgar's s42A report provides a useful summary<sup>69</sup> of the points on which the concerns of submitters rest:
- a. The cumulative effects of earthworks, climate change and intensification would exacerbate current flooding and stormwater risks.
  - b. Flooding risk would impose concerns for new owners in terms of insurance cover.
  - c. The Flood Prone Area Overlay should not be built on.
  - d. No additional adverse stormwater and flooding effects on the State Highway network or neighbouring properties should result.
  - e. A technical review of the Requestor's flooding assessment should be undertaken.
- 3.24 Towards the end of the hearing, Mr Slyfield, for the Requestor, neatly characterised the nature of these concerns as follows:
- a. that the potential for the site to flood had been under-estimated; and
  - b. the possibility that development of the site will increase the amounts of water received neighbouring or downstream sites.<sup>70</sup>
- 3.25 Mr Kouvelis, while not a neighbour to the site, is an engineer with a familiarity with local flooding and stormwater issues, and in his original submission<sup>71</sup> expressed a view that assessment of flooding risk and mitigation options accompanying the Plan Change was too provisional, general and insufficiently detailed. He suggested that Council seek a peer review of hydraulic and stormwater modelling and more details regarding potential impacts upstream, within and downstream of the development area, and proposed mitigation.
- 3.26 In evidence presented or tabled at the hearing, residential submitters illustrated their concerns in drawing our attention to observations of historical flooding on and in the vicinity of the site.
- 3.27 Ms Rasmussen,<sup>72</sup> for example, noted the height of the site relative to her property at 39 Meadowbrook Drive in expressing concern about the implications, in terms of stormwater runoff, for neighbouring properties of raising the site to address flooding risk. She shared photos of ponding on the site and historical information regarding 2015 flood damage to Flyers Line.

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<sup>69</sup> *Statement of Evidence by Marz Asgar*, dated 11 May 2022, para 3.10

<sup>70</sup> *Legal Submissions in Reply for Flyers Investment Group Limited*, 5 August 2022, para 30

<sup>71</sup> S025

<sup>72</sup> S022

- 3.28 Mr Hyde,<sup>73</sup> who considered his property at 247 Flyers Line to be at the 'receiving end' of the development site in terms of stormwater runoff, observed that the site is very wet in winter and shared photos of a local flood event in 2004. He expressed concern about the extent to which development of the site could increase flood depths and velocities through their property.
- 3.29 Ms Milne spoke to a written submission tabled at the hearing.<sup>74</sup> She also expressed concern about the potential flooding effects of further development on properties downstream, including hers at 63 Sutherland Road.
- 3.30 Mr Setter referred to his father's farm located on the north side of Rangitikei Line and west of Flyers Line in expressing concern about the potential for the proposed development to inhibit flood flows and cause their 'back up' into adjoining properties, thereby exacerbating flood risks for those properties.<sup>75</sup> (SO16) re upstream effects.
- 3.31 To address the concerns of submitters regarding flooding risks and stormwater management and the perceived gaps in information accompanying the Plan Change, the Council sought a peer review of the Requestor's flooding report<sup>76</sup> from Mr Preston. His review was presented in the form of a s42A report.<sup>77</sup>
- 3.32 As summarised in Mr Asgar's own overarching s42A report,<sup>78</sup> Mr Preston essentially ratified the concerns of submitters. In essence, Mr Preston wasn't satisfied with the proffered flooding and stormwater modelling and methodology, and the extent of earthworks proposed. Specifically, he raised the following concerns:
- a. whether the proposed earthworks (subject to a separate resource consent process) are appropriate;
  - b. whether the modelling of potential flooding and stormwater effects is adequate to fully understand the potential adverse effects of the proposal; and
  - c. whether the proposed Plan Change provisions to address these issues are sufficient.
- 3.33 Despite these concerns, Mr Preston was able to conclude that:
- a. it is 'more likely than not' that residential subdivision can occur on the site with acceptable flooding impacts; and
  - b. he had no objection to the proposal on the basis of stormwater quantity.
- 3.34 In response, Mr Asgar indicated that he supported most of Mr Preston's recommendations with respect to the addition of provisions to the Plan Change

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<sup>73</sup> SO9

<sup>74</sup> *Whiskey Creek Plan Change – Oral Submission in Support of Submission No 21*, undated

<sup>75</sup> David Setter (SO16)

<sup>76</sup> *Appendix 2: hydraulic modelling (flooding) of the Private Plan Change Request*

<sup>77</sup> *Statement of Evidence of Timothy Preston for the Palmerston North City Council s42A Report (Stormwater)*, dated 11 May 2022

<sup>78</sup> *Statement of Evidence by Marz Asgar*, dated 11 May 2022, para 3.12

to address issues of stormwater and flooding, including the setting of minimum floor levels via a new subdivision standard.<sup>79</sup>

- 3.35 However, Mr Asgar did recommend rejection of the Plan Change request to amend the Flood Prone Area Overlay to exclude the subject site. In his opinion, the Overlay notation and consequential regulation of development under Section 22 of the District Plan needed to be retained in acknowledgement of current uncertainties and limitations in the proffered assessments identified by Mr Preston and to ensure that hazard risks are addressed at the time of resource consent.<sup>80</sup> The position of planning witnesses on the role and place of the Overlay has remained unresolved throughout the course of and subsequent to the hearing, and constitutes **sub-issue 2**, as we address it in paragraphs 3.46 to 3.57 below.
- 3.36 During the course of the hearing, Mr Wallace and Mr Mitchell provided summaries of evidence<sup>81</sup> and spoke to these and their tabled evidence on flooding and stormwater issues, respectively, on behalf of the Requestor. Mr Wallace noted the refinements that had been made to the flood hazard model which allowed a design option to be found which would reduce off-site impacts to extent that, in his opinion, they would be less than minor. Mr Mitchell outlined recommended design options to achieve on-site hydraulic neutrality.
- 3.37 We note that the position of Horizons Regional Council<sup>82</sup> with respect to flooding and stormwater management was clarified following the circulation of Mr Asgar's s42A report. On behalf of Horizons, Ms Penelope Tucker confirmed that Mr Asgar's recommendations would give effect to the RPS and One Plan policies on development in flood prone areas.<sup>83</sup> We note that this position was conditional on the retention of the Flood Prone Area Overlay; again, this is a matter we address under **sub-issue 2**.
- 3.38 As signalled by Ms Tucker, Mr Jonathan Bell, Manager Investigations and Design at Horizons, presented a statement on flood risk and stormwater management at the hearing.<sup>84</sup> In doing so, Mr Bell focused on Horizons' Catchment Operation Group's desired outcomes and how the Plan Change could give effect to these. Mr Bell concluded that the Requestor had demonstrated that it was possible to develop subject to the Plan Change in such a way as not create or exacerbate flood risk to any properties, subject to the amendments to the provisions recommended by Mr Asgar, together with a number of additional or consequential amendments identified in Mr Bell's evidence.<sup>85</sup>
- 3.39 For completeness we note that Waka Kotahi<sup>86</sup> also sought to restate its position following a review of Mr Asgar's s42A report and, additionally, evidence tabled by Mr Mitchell on behalf of the Requestor. On behalf of Waka Kotahi, Ms

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<sup>79</sup> *Statement of Evidence by Marz Asgar*, dated 11 May 2022, para 3.13

<sup>80</sup> *Statement of Evidence by Marz Asgar*, dated 11 May 2022, paras 3.13 – 3.17

<sup>81</sup> *Summary of Evidence of Philip Lawrence Wallace - Flood Issues Evidence*, 1 June 2022 and *Summary of Evidence of Paul Michael Mitchell - Stormwater Evidence*, 31 May 2022, respectively

<sup>82</sup> Original submission: S018

<sup>83</sup> Letter titled *Proposed Private Plan Change - Whiskey Creek*, from Penelope Tucker, Senior Policy Planner, Horizons Regional Council, dated 25 May 2022

<sup>84</sup> *Statement of Evidence of Jonathon David Bell*, dated 25 May 2022

<sup>85</sup> *Statement of Evidence of Jonathon David Bell*, dated 25 May 2022, para 29

<sup>86</sup> S017

Natasha Reid confirmed that the agency's concerns regarding stormwater and hydraulic neutrality had been resolved.<sup>87</sup>

- 3.40 As a Panel, we saw merit in asking the experts in flooding risk and stormwater management to conference on these matters. This was undertaken during the course of the hearing and Messrs Preston, Wallace and Mitchell presented a Joint Witness Statement on the afternoon of the second day of the hearing.<sup>88</sup> Specifically, we asked the experts to confer as to whether further, more detailed consideration is needed due to the risks associated with major outflows from the proposed development site, coinciding with major flood conditions in the floodway. As the findings of the experts are key to our own discussion and findings, we summarise where they got to in the next sub-section.

*Sub-issue 1: Discussion and findings*

- 3.41 As reported in the Joint Witness Statement referred to above, the experts in flooding risk and stormwater management, concluded that further detailed consideration of flooding risks was neither necessary nor appropriate. In doing so, they indicated their acceptance of the stormwater plan originally prepared by Mr Mitchell<sup>89</sup> and comment on the rarity of such a scenario:
- a. *'the conditions to produce major flood conditions in the floodway are quite rare and require a rain event with a substantial duration (>24hrs) to fill storages and mobilise flood flows in this large catchment.*
  - b. *the conditions to produce major flood flow conditions (and fill the detention pond) in proposed development are also quite rare and generally shorter and more intense (different) to the above type of rain event.*
  - c. *if the rain was synchronized in both the major Taonui and minor local catchments, the local runoff would be generated much more quickly and discharged generally before the major system flows peaked.*
  - d. *there is a possibility of both systems being flooded at the same time, but this is an exceptionally low probability in relation to the risks from each of the separate types of flooding.'*
- 3.42 On this basis, the experts recommend that at the subdivision stage, the separate floodplain and stormwater models should be integrated as follows:
- a. *'[Mr] Wallace will provide water level timeseries at the detention pond outlet for [Mr] Mitchell to use in his model to understand the local system behaviour including its discharges to the floodway.*
  - b. *[Mr] Wallace will then insert this pond outflow into the floodway model to illustrate the impacts from the development of a worst case scenario*

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<sup>87</sup> Letter titled *Palmerston North City District Plan: Private Plan Change for Whiskey Creek Residential Area*, from Natasha Reid, Principal Planner – Environmental Planning, Waka Kotahi, dated 31 May 2022

<sup>88</sup> *Joint Witness Statement Regarding Integration of Flood Risks*, dated 3 June 2022

<sup>89</sup> *Whiskey Creek Plan Change, Palmerston North, Stormwater Management Plan for Flyers Investment Group Limited*, April 2021

where 200 year flooding occurred in both local and flood plain at the same time.

- c. Some iterations may be required to identify the worst case of timing coincidence.
- d. At this stage we anticipate this will show that the resulting impacts on the floodway will be trivial.

3.43 Mr Preston tabled a summary statement on 10 July 2022 ahead of the reconvened hearing, in which, with reference to his original position (refer paragraphs 3.32 to 3.33 above) and the concerns of the submitters, he sought to summarise the key stormwater and flooding issues as he now saw them.<sup>90</sup> In summary, Mr Preston was now of the opinion that:

- a. his original concerns regarding the proffered flood modelling were now largely resolved;
- b. any residual concerns regarded modelling inputs could be the subject of more detailed consideration at the subdivision stage, subject to the Plan Change provisions providing for that to occur;
- c. some submitters and the Panel had rightly noted that major flooding and local stormwater assessments had to that point been carried out separately and that the risks of both discharges occurring coincidentally had not been thoroughly evaluated;
- d. in that respect, however, he was in agreement with the process of integrating these assessments at the subdivision stage (refer paragraph 3.42 above); and
- e. the 'contribution' that the proposed development would make to downstream flood flows and levels would be 'trivial' and amount to a less than minor 'worsening' under such a scenario.

3.44 We agree with Mr Slyfield that we can, and should, rely on the work of the experts in this field in reaching our determination on this matter.<sup>91</sup> Accordingly, we adopt the consensus reached by the experts as reported above in reaching our finding that there are no fundamental impediments to the development of the Plan Change area from a flooding risk/stormwater management perspective.

3.45 In our view, submitters should feel assured that their concerns in this respect, as summarised in paragraphs 3.23 and 3.24, have been resolved through refinements to flood risk and stormwater modelling, changes to the design of the proposed development, and recommended (and adopted) amendments to the Plan Change provisions relating to this issue. In this latter respect we refer the reader to the adopted wording of performance standards relating to flood modelling in Rule R7A.5.2.2(a)(xiii) and (g) as set out in the amended Plan Change provisions in **Appendix 2**.

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<sup>90</sup> Summary Statement of Tim Preston, 10 July 2022

<sup>91</sup> Legal Submissions in Reply for Flyers Investment Group Limited, 5 August 2022, para 34

*Sub-issue 2: Evidence*

- 3.46 Having settled **sub-issue 1**, we can now turn our attention to **sub-issue 2** which, to remind readers, involves settling the question as to at what point it is appropriate to remove the Flood Prone Area Overlay from the District Plan as it relates to this site. This issue was in part the subject of a Joint Witness Statement that was prepared by planning witnesses Messrs Duindam, Asgar and Thomas in response to our **Minute 3** prompted request and tabled following the second day of the hearing.<sup>92</sup>
- 3.47 As recorded in that particular planning Joint Witness Statement, the planning witnesses were able to reach an agreement that once the subject site is not flood prone the District Plan Maps should be amended to reflect this.<sup>93</sup> However, the planners were not able to reach an agreement regarding the appropriate mechanism to reflect this. Messrs Duindam and Asgar were of the view that the uplift of the Flood Prone Area Overlay should be effected through a separate plan change, rather than via a procedure specified in the current Plan Change as preferred by Mr Thomas, given:
- a. the uncertainty surrounding who is responsible for determining that 'flood avoidance' has been achieved;
  - b. the lack of detail on the final design of the subdivision and associated earthworks, at this stage;
  - c. a preference that the final outcomes of the required earthworks consent are achieved prior to the Overlay's removal;
  - d. the confusing prospect of the Overlay remaining on the Plan Maps even if the subject site has been 'deemed' to no longer be flood prone;
  - e. the Council's commitment to progressing a plan change to remove the Overlay once flood avoidance and stormwater mitigation has been achieved; and
  - f. the role of the existing Section 22 rule framework in providing an appropriate and navigable pathway for resource consent.<sup>94</sup>
- 3.48 Mr Thomas's view, on the other hand, was that the in-built Plan Change mechanism that he proposed was preferable on the grounds of certainty, efficiency and least cost (in avoiding the need for a separate, subsequent plan change process).<sup>95</sup>
- 3.49 This matter remained live and unresolved at the reconvened hearing on 11 July 2022. At that time, Mr Asgar reiterated his opposition to any annotation clause relating to the uplift of the Overlay.<sup>96</sup> Following that hearing, however, and following our direction, the planning witnesses engaged in further conferencing on this matter. The outcomes of this joint effort are summarised in our discussion and findings sub-section below.

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<sup>92</sup> Joint Witness Statement of Planning Witnesses in Response to Minute 3 of Independent Hearing Panel, dated 4 July 2022

<sup>93</sup> Joint Witness Statement of Planning Witnesses in Response to Minute 3 of Independent Hearing Panel, dated 4 July 2022, para 6

<sup>94</sup> Joint Witness Statement of Planning Witnesses in Response to Minute 3 of Independent Hearing Panel, dated 4 July 2022, paras 10 - 16

<sup>95</sup> Joint Witness Statement of Planning Witnesses in Response to Minute 3 of Independent Hearing Panel, dated 4 July 2022, paras 7 - 9

<sup>96</sup> Update of Marz Asgar for the Palmerston North City Council - Planning, 11 July 2022, para 2.1

*Sub-issue 2: Discussion and findings*

- 3.50 As outlined by Mr Slyfield in a further memorandum,<sup>97</sup> the planners subsequently reached agreement over the inclusion of a mechanism in the Plan Change provisions to enable development on the site to be exempt from the Flood Prone Area Overlay and associated rules. This agreement followed further conferencing of the witnesses, also attended by the counsels for the Council and Requestor, held on 15 July 2022.
- 3.51 That mechanism was described in the s32AA evaluation prepared by Messrs Asgar and Thomas that they provided us on 29 July 2022.<sup>98</sup> It involves inserting a standalone Rule 'R7A.5.2.4' within Section 7A of the District Plan which dictates when the Flood Prone Area Overlay is no longer applicable to development within the development area. This rule applies once all earthworks and flood hazard avoidance has been achieved to Council's satisfaction and until such time Council initiates a Plan Change to remove the Flood Prone Area Overlay from the specified area of land and consequently the associated rules.
- 3.52 The proposed rule lays out the 'circumstances' in which the Overlay would no longer apply. We note that these are framed as a series of sequential steps involving:
- a. the completion of earthworks (step 'a');
  - b. the certification of those works in geotechnical terms by a suitably qualified and experienced engineer (step 'b');
  - c. the provision of 'as built' plans by a registered surveyor (step 'c'); and
  - d. the certification of the works in flood mitigation terms by a suitably qualified and experienced engineer (step 'd').
- 3.53 We note that, on the basis of the planners reaching agreement on this matter, the Requestor had indicated they were content with leaving the Overlay 'on the books' for the Council to then remove by way of a future plan change.<sup>99</sup>
- 3.54 Having reviewed the proposed rule, we consider that it achieves an appropriate balance between the certainty and 'safety' that Messrs Thomas and Asgar were looking for, respectively, and it is our finding that it is largely fit for purpose. Accordingly we adopt both the recommended amendments to the Plan Change and the associated s32AA evaluation provided by the planning witnesses<sup>100</sup> and thank them for their efforts in resolving this area of disagreement. We acknowledge that there does remain a residual risk in not specifying a definitive mechanism for removing or uplifting the Overlay, which must still be uplifted by way of a subsequent plan change; however, we consider the risk of re-litigation to be weak and minimal.

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<sup>97</sup> *Memorandum of Counsel for Flyers Investment Group Limited*, 26 July 2022, paras 8 – 9

<sup>98</sup> *Section 32AA Evaluation of Proposed Changes to the Plan Change - Joint Statement of Evidence by Marz Asgar and Paul Thomas*, dated 29 July 2022, para 7.1

<sup>99</sup> *Legal Submissions in Reply for Flyers Investment Group Limited*, 5 August 2022, para 16

<sup>100</sup> *Section 32AA Evaluation of Proposed Changes to the Plan Change - Joint Statement of Evidence by Marz Asgar and Paul Thomas*, dated 29 July 2022, paras 7.6 – 7.7

- 3.55 Having resolved this outstanding matter we note only one minor area of disagreement remained between Mr Asgar and Mr Thomas regarding the reference to ‘*subdivision development*’ in recommended Rule ‘R7A.5.2.4’.<sup>101</sup> Although on the face of it the issue may seem pedantic we acknowledge Mr Slyfield’s view that it is important to avoid an inadvertent loop in the provisions wherein purchasers who seek to develop their lots are not exempted from the application of the Overlay even when flooding issues have been resolved for the broader development in the way described above.<sup>102</sup> To frame the necessary exemption Mr Asgar prefers the term ‘*subdivision development*’ given that, in his view, the rule applies only to the activity of subdivision and the intended placement of the rule within Section 7A of the District Plan. Mr Thomas prefers ‘*subdivision and/or development*’ given his view that the rule potentially applies to both activities and that it cross-references Section 22, which does not control subdivision.
- 3.56 In his closing legal submissions, Mr Slyfield, for the Requestor, suggests a series of further alternatives (namely ‘*subdivision and/or land use*’ or ‘*development*’) and alerts us to the fact that whatever option we select, consequential amendments will need to be made to other references to ‘*subdivision*’ in the Plan Change provisions.<sup>103</sup>
- 3.57 In our view, the correct phrasing would appear to be ‘*subdivision and development*’ in the preface to the rule as this is a phrase used consistently across the District Plan (including in Sections 7, 7A, 10 and 22) and we also note that ‘*development*’ is a defined term in the District Plan. On the other hand, the phrase ‘*subdivision or development*’ is more appropriate in substitution to the word ‘*subdivision*’ where it appears in b. and d. of the body of the rule in question. We have therefore adopted both phrasings as appropriate in the adopted version of the Plan Change in **Appendix 2**. We do not consider that a s32AA evaluation is warranted given the minor nature of the amendment.

#### *Sub-issue 3: Evidence*

- 3.58 The remaining sub-issue for us to make a finding on relates to the precise wording of provisions intended to address flooding risk / stormwater management issues in the Plan Change (**Sub-issue 3**).
- 3.59 Again, the starting point for our consideration is the aforementioned Joint Witness Statement prepared by the planning witnesses dated 4 July 2022. As set out in that statement, Messrs Duindam, Asgar and Thomas were able to reach agreement of the following amendments to the Plan Change provisions:
- a. the inclusion of Rule R7A.5.2.3 assessment criteria relating to flood management as performance standards;
  - b. the inclusion of a flood level change standard;
  - c. the inclusion of a minimum floor level standard; and

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<sup>101</sup> Section 32AA Evaluation of Proposed Changes to the Plan Change - Joint Statement of Evidence by Marz Asgar and Paul Thomas, dated 29 July 2022, paras 7.2 – 7.5

<sup>102</sup> Legal Submissions in Reply for Flyers Investment Group Limited, 5 August 2022, paras 17 – 18

<sup>103</sup> Legal Submissions in Reply for Flyers Investment Group Limited, 5 August 2022, paras 17 - 22



- d. the location of the latter in Section 7A and its application via Section 10 through the addition of a cross-reference to the 'Whiskey Creek Residential Area' in the existing standard.<sup>104</sup>
- 3.60 However, at this point the planning witnesses were not able to reach agreement over the following proposals:
- a. the inclusion of flood methodology modelling requirements as a separate performance standard to be documented in a comprehensive flood management plan;
  - b. the provision of flood modelling information via an assessment criterion for flood management; and
  - c. the value in including the additional words '*and flood risk in the locality*' to those assessment criteria.<sup>105</sup>

*Sub-issue 3: Discussion and findings*

- 3.61 Mr Asgar reported progress on resolving these matters in his update tabled ahead of the reconvened hearing on 11 July 2022. At that point he was able to state that he agreed with Mr Thomas's approach to addressing the matter referred to in a. above and additionally recommended some further amendments to the assessment criteria.<sup>106</sup>
- 3.62 The remaining areas of contention were the focus of further expert conferencing and resolution on 15 July 2022, directed by the Panel. As can be discerned from a set of agreed, revised versions of Sections 7A and 10 of the District Plan supplied to us by Mr Asgar on 25 July 2022, the recommended amendments include the 'final' wording of:
- a. Policy 2.8 that sets out design principles and requires subdivision in the subject site to be in general accord with them;
  - b. Policy 2.9 that provides direction where subdivisions proposals are not in general accord with the principles set out in Policy 2.8;
  - c. an additional performance standard for restricted discretionary activities in Rule R7A.5.2.2 (a)(xiii) requiring the provision of a comprehensive flood management plan, inclusive of modelling assessment and reporting, demonstrating compliance with performance standard (g), as follows; and
  - d. an additional performance standard (g) in R7A.5.2.2 requiring any subdivision application to demonstrate through modelling reduced or unchanged flood levels in the Residential Zone, no more than a maximum increase in flood levels in the Rural Zone, and lot ground levels to facilitate floor levels achieving a reasonable freeboard (as determined by the Regional Council) above predicted flooding events.

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<sup>104</sup> Joint Witness Statement of Planning Witnesses in Response to Minute 3 of Independent Hearing Panel, dated 4 July 2022, paras 52 – 53

<sup>105</sup> Joint Witness Statement of Planning Witnesses in Response to Minute 3 of Independent Hearing Panel, dated 4 July 2022, paras 51, 54 – 55

<sup>106</sup> Update of Marz Asgar for the Palmerston North City Council - Planning, 11 July 2022, paras 7.1 – 7.4

- 3.63 We consider the recommended amendments to the Plan Change referred to in a. to c. above to be fit for purpose and accordingly we adopt them and the associated s32AA evaluation provided by the planning witnesses<sup>107</sup> and once again thank them for their efforts in resolving this remaining area of disagreement with respect to flooding risk and stormwater management issues.

## **Issue 2: Urban design elements/ potential amenity effects/ boundary treatment**

### *Issue identification*

- 3.64 As noted in paragraph 3.5 above, our consideration of urban design, potential amenity effects and boundary treatment issues can be divided into three sub-issues:
- a. **Sub-issue 1:** *To what extent and how should the amenity values enjoyed by residents of properties on Meadowbrook Drive bordering the Plan Change area be addressed through Plan Change provisions?*
  - b. **Sub-issue 2:** *What is the most appropriate means of addressing the concerns of submitters regarding the impacts of 'proposed road 1' serving the Plan Change area and its intersection with Benmore Drive?*
  - c. **Sub-issue 3:** *To what extent and how should the Plan Change provisions encourage, provide for, or direct multi-unit development in the area subject to the Plan Change?*

- 3.65 We deal with these sub-issues in turn in the following sub-sections. In each case we set out a summary of the evidence available to us, including the concerns expressed in relevant submissions, the recommendations of the s42A report, and the content of initial evidence presented or tabled at the hearing, before outlining how areas of contention between the parties were narrowed and, in some cases, resolved, as part of a discussion of the sub-issue and our findings.

### *Sub-issue 1: Evidence*

- 3.66 The other key area of opposition to the Plan Change from residential submitters,<sup>108</sup> aside from concerns regarding flooding risk and stormwater management, arises from their concerns regarding the potential loss of amenity they enjoy, where properties border the proposed development. Submitters are concerned that the development of the site will result in adverse effects on living courts, and a loss of privacy, sunlight and views out into the rural landscape.
- 3.67 Broadly speaking, residential submitters seek the declining of the Plan Change on these grounds or, as alternative, the treatment of the boundary by means of the placement of a road, reserve or substantial 'green belt' between their properties and built development on the site, and/or the imposition of restrictions on building and fence height along the boundary.

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<sup>107</sup> Section 32AA Evaluation of Proposed Changes to the Plan Change - Joint Statement of Evidence by Marz Asgar and Paul Thomas, dated 29 July 2022, paras 5.1 – 5.6

<sup>108</sup> For example, Marion Anderson (S01), Edward Anderson (S02), Michael McCavana (S011), Maureen Haddock (S012), John and Raewyn Anderson (S020)

- 3.68 Whether potential adverse effects on existing residential amenity as such that it should result in the Plan Change being declined is the second, determinative issue that we as a Panel need to reach a finding on. If we are able to conclude that this is not the case, then we then need to determine how the boundary should be treated in order to avoid, remedy or mitigate those adverse effects.
- 3.69 In evidence presented at the hearing Mr Edward and Mrs Marion Anderson drew our attention to the particular features of their rear boundary and outlook to the subject site, and in particular the close proximity of their house, separated from the boundary by a narrow path.<sup>109</sup> The Andersons' also provided us with a copy of a report from the Council dated 29 February 1988,<sup>110</sup> authorising a waiver under the then district scheme to enable the couple to construct their dwelling close to that boundary, partly on the grounds that *'it is not, due to the location of the property adjacent to rurally zoned land or [sic] which it is not possible to construct dwellings, reasonable to enforce the full living court and separation distance requirements.'*
- 3.70 The Andersons' broader concerns were reiterated by other residential submitters at the hearing. We also note that, in a verbal submission to us at the hearing, Hayden Turoa from Ngāti Turanga made a request that, should a buffer reserve be provided, that it be named in accordance with iwi advice. Given the limited scope of the hapu's original submission we are not able to act on this request but in any case, the matter is moot as we do not accept that the provision of a buffer reserve is warranted, for the reasons set out in paragraphs 3.82 to 3.91 below.
- 3.71 As Mr Asgar notes in his s42A report,<sup>111</sup> the critical technical information for this amenity/interface issue is:
- a. Mr Aaron Phillips' s42A report, comprising a parks and reserves servicing assessment;<sup>112</sup> and
  - b. Mr Andrew Burns' urban design and landscape report prepared for the Requestor,<sup>113</sup> together with his subsequent evidence<sup>114</sup> and the setback studies<sup>115</sup> that he tabled at the hearing.
- 3.72 Mr Phillips drew our attention to the substantial costs of maintaining a buffer reserve on an annual basis<sup>116</sup> and Mr Asgar referred to the broader concerns of Council officers regarding its potential to host pest plants over time.<sup>117</sup> In his s42A report, this led Mr Asgar to a conclusion that the provision of a buffer reserve as requested by submitters did not represent an effective use of space, would be

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<sup>109</sup> As ably illustrated in photos tabled on 2 June 2022

<sup>110</sup> Tabled 11 July 2022

<sup>111</sup> *Statement of Evidence by Marz Asgar*, dated 11 May 2022, para 3.35

<sup>112</sup> *Whiskey Creek Private Plan Change - Parks and Reserves Servicing Assessment 2022*, dated 24 March 2022

<sup>113</sup> *Whiskey Creek Urban Design and Landscape Report*, prepared by Local Landscape Architecture Collective and McIndoe Urban, dated 21 April 2021

<sup>114</sup> *Statement of Evidence of Andrew Burns in Support of Flyers Investment Group Limited (Urban Design)*, dated 18 May 2022 and *Summary of Evidence of Andrew Burns Urban Design Evidence*, dated 3 June 2022

<sup>115</sup> *Shading Study 04: Dwellings located with 3m setback from rear boundary and 5m rear boundary setback*, both dated 2 June 2022

<sup>116</sup> *Whiskey Creek Private Plan Change - Parks and Reserves Servicing Assessment 2022*, dated 24 March 2022, para 10.9

<sup>117</sup> *Statement of Evidence by Marz Asgar*, dated 11 May 2022, para 3.44

difficult to maintain on an on-going basis, and might create worse urban design outcomes.<sup>118</sup>

- 3.73 Mr Asgar also expressed his satisfaction with Mr Burns' urban design and landscape report,<sup>119</sup> wherein it was signalled that a requirement for aligned lot boundaries and a 5m building height limit adjoining existing Meadowbrook Drive lots would be imposed. In Mr Asgar's opinion, that height limit together with the requirement for new dwellings to comply with existing District Plan standards relating to recession planes, overlooking and minimum separation distances would be sufficient to mitigate potential loss of sunlight and visual amenity.<sup>120</sup>
- 3.74 In his evidence, Mr Burns recommended the addition of a 3m minimum building setback requirement for new lots adjoining Meadowbrook Drive properties which, together with the already proffered controls outlined above, would in his view further enhance sunlight amenity for submitters.<sup>121</sup> Through the use of shading diagrams, he illustrated the effect that such controls would have on shading in comparison with a planted shelterbelt (the latter permitted under current District Plan provisions).<sup>122</sup>
- 3.75 In response to queries from us on the second day of the hearing, Mr Burns did acknowledge that shading would be further reduced were a 5m setback to be imposed and was able to demonstrate this with reference to additional shading diagrams. It was his view that an increased setback would not unduly restrict the site's development, particularly if it were linked to a 45% building coverage control.
- 3.76 In evidence, he was also of the opinion that privacy would be preserved by the proposed 5m height limit in combination with boundary fencing.<sup>123</sup>
- 3.77 As a Panel, and having heard expert testimony, we saw merit in asking the planning witness to conference on appropriate provisions for treating the interface of the development area with Meadowbrook Drive. As the findings of the planning witnesses' Joint Witness Statement are key to our own discussion and findings, we summarise where they got to in the next sub-section.

#### *Sub-issue 1: Discussion and findings*

- 3.78 As a starting point, we find that the premise or expectation that the site would remain undeveloped is not a reasonable one. Unless sites hold values that are so significant in ecological, cultural or other terms that their development cannot be countenanced, then there is no presumption of 'no development' under New Zealand planning law. Planning is not static; it is as much about facilitating an orderly transition from less to more intensive forms of land use including urban development over time as anything. In this respect, we agree

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<sup>118</sup> *Statement of Evidence by Marz Asgar*, dated 11 May 2022, para 3.45

<sup>119</sup> *Statement of Evidence by Marz Asgar*, dated 11 May 2022, para 3.36

<sup>120</sup> *Statement of Evidence by Marz Asgar*, dated 11 May 2022, paras 3.47 – 3.48

<sup>121</sup> *Summary of Evidence of Andrew Burns Urban Design Evidence*, dated 3 June 2022, para 10

<sup>122</sup> *Summary of Evidence of Andrew Burns Urban Design Evidence*, dated 3 June 2022, para 12

<sup>123</sup> *Summary of Evidence of Andrew Burns Urban Design Evidence*, dated 3 June 2022, para 14

with Mr Burns that the rural outlook enjoyed by current residents is essentially 'borrowed' not 'owned'.<sup>124</sup>

- 3.79 Having said that, we have sympathy for the concerns of submitters where they relate to other amenity considerations and potentially adverse effects, such as shading and overlooking. These are certainly valid considerations under the RMA and the District Plan. With this in mind, and with respect to the above matters that we directed conferencing on, we note that Messrs Duindam, Asgar and Thomas were able to agree that:
- a. the provision of a buffer reserve to the rear of the Meadowbank Drive properties would not be appropriate;
  - b. a 3m building setback would strike an appropriate balance, in comparison with a 5m setback option;
  - c. if a 3m setback is imposed then a 5m building height restriction should also remain; or
  - d. if a 5m setback is selected then a 45% site coverage limit<sup>125</sup> should apply to enable greater development flexibility.<sup>126</sup>
- 3.80 While the Requestor indicated that they did not support a 5m setback, they would accept it if an increase in the site coverage allowance from 40% to 45% were made, to provide lot owners with commensurately more flexibility over building size at the front of their sections so as to offset the loss incurred at the rear (i.e., 'option d.' above).<sup>127</sup> In his update,<sup>128</sup> Mr Asgar further explained the relative merits of the options referred to in b. to d. above. However, it was apparent to us from our hearing of residential submitters<sup>129</sup> that they retained a preference for a buffer reserve ('option a.') and would only reluctantly accept a 5m building setback together with controls on the height of fencing to deal with privacy and visual concerns.
- 3.81 With respect to the mooted buffer reserve, we accept the opinions of the planning and urban design witnesses that its provision would not represent a good outcome, in design, maintenance and local amenity terms. We also agree that a requirement that lot boundaries be aligned and a 5m building height limit be imposed as part of the Plan Change provisions will provide suitable means for maintaining the amenity of existing properties. It remains for us to determine what other controls may be required to achieve that purpose.
- 3.82 In that respect, we find that the combination of a 5m building height limit, 5m building setback and 45% coverage limit applying to new lots adjoining the Meadowbrook Drive properties would best maintain the amenity of existing residents (and future owners and occupiers of those properties), while retaining

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<sup>124</sup> *Summary of Evidence of Andrew Burns - Urban Design Evidence*, dated 3 June 2022, para 15

<sup>125</sup> For comparative purposes, we note that a 40% site coverage limit on sites of less than 500m<sup>2</sup> applies to dwellings and accessory buildings in the Residential Zone, under the current District Plan

<sup>126</sup> *Joint Witness Statement of Planning Witnesses in Response to Minute 3 of Independent Hearing Panel*, dated 4 July 2022, paras 21 - 26

<sup>127</sup> *Legal Submissions in Reply for Flyers Investment Group Limited*, 5 August 2022, paras 41 - 42

<sup>128</sup> *Update of Marz Asgar for the Palmerston North City Council - Planning*, 11 July 2022, paras 9.1 - 9.2

<sup>129</sup> In particular, Mr Edward Anderson

for owners of the new lots some degree of development flexibility. In response to queries from us at the hearing, we note that Mr Burns concurred with this view. We accordingly adopt this option into Plan Change provisions we have adopted in **Appendix 2**.

- 3.83 With respect to fencing, we note that, appropriately, existing District Plan provisions relating to maximum height will apply to any greenfield development. However, from our questioning of submitters, and in particular Mr Edward Anderson of 23B Meadowbrook Drive, it is apparent to us that fencing – as a potential form of mitigation where the loss of privacy is concerned – presents something of a dilemma in particular circumstances. As Mr Anderson ably illustrated in his evidence (refer paragraph 3.73 above), in situations where houses are built close to the boundary, fencing, whether it is erected by the resident concerned, or by the new neighbour in order to protect privacy, could itself have very real adverse effects in terms of amenity and shading.
- 3.84 With this in mind, we asked Mr Anderson to indicate whether he had a preference as to the type of fencing that might be erected on his boundary. Mr Anderson replied<sup>130</sup> reiterating his essential opposition to the development and his request for a buffer reserve area, while signalling that he would not want a high, solid fence constructed on the boundary, due to the loss of sunlight, lack of air flow and potential for such a fence to make the path behind it slippery and dangerous. We appreciate Mr Anderson's careful consideration of the balance between maintaining privacy and views.
- 3.85 Consequently, in issuing **Minute 5**, we asked the Council's and Requestor's planning witnesses to indicate, either collectively or separately, whether there are fencing controls relating to rear boundaries in the District Plan; if not, rules to address fencing along the boundary are warranted; and, if so, how the said rules should be drafted. In sum, the planning witnesses responded collectively as follows:
- a. there are no fencing controls in the District Plan; rather, mechanisms for owners to reach individual agreements via the Fencing Act 1978 are relied upon;
  - b. the submitters have expressed a range of preferences which are best resolved on an individual basis with new neighbours via the abovementioned mechanism;
  - c. the risk of imposing additional fencing controls via the Plan Change is that this would not address individual preferences; and therefore
  - d. the risk of acting outweighs that of not acting (i.e. retaining the *status quo*).<sup>131</sup>
- 3.86 The Panel accepts the advice of the planning witnesses and has no desire to be prescriptive in this respect. We agree with the Requestor that this matter *“cannot be properly addressed through bespoke plan provisions, and [that] it would not be appropriate for a district plan to attempt to resolve such matters*

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<sup>130</sup> Tabled letter dated 3 June 2022

<sup>131</sup> Section 32AA Evaluation of Proposed Changes to the Plan Change - Joint Statement of Evidence by Marz Asgar and Paul Thomas, dated 29 July 2022, table under Section 8

of detail and personal history.”<sup>132</sup> Further, the Requestor has indicated that they consider the Andersons' circumstances to be a unique and special case, warranting specific mitigation. The Requestor proposes that this mitigation take the form of a private fencing agreement (solely for the benefit of the Andersons) that will include bespoke controls for height and/or permeability of fencing.<sup>133</sup> More specifically, the Requestor has committed to an agreement that incorporates the following terms that:

- a. will bind the requestor or anyone else who becomes the owner of the Whiskey Creek land adjoining the common boundary with 23B Meadowbrook Drive; [and]
- b. will preclude that party from erecting any fence on the boundary or within 1.5m of the boundary, that is more than 1m above ground level, unless the Andersons give written agreement in advance.<sup>134</sup>

3.87 We welcome and accept this outcome in concluding that no further amendments are required to the Plan Change provisions to address this particular matter.

#### *Sub-issue 2: Evidence*

3.88 Having settled **sub-issue 1**, we can now turn our attention to **sub-issue 2** which involves settling the question as to what is the most appropriate means of addressing the concerns of submitters regarding the impacts of 'proposed road 1' serving the Plan Change area and its intersection with Benmore Drive.

3.89 This sub-issue has its origin in submissions made by a couple of submitters as follows:

- a. concerns that the proposed road would create adverse effects on adjoining existing properties, particularly in relation to noise;<sup>135</sup> and
- b. concerns regarding the close proximity of the proposed 'roundabout' to residential driveways and nearby properties, increased traffic congestion and direct effects arising from that, and night-time road activity (including car lights and associated sleep disturbance).<sup>136</sup>

3.90 More general matters with respect to noise and transport network safety and efficiency are addressed under **Issues 4 and 5**, respectively. In the next sub-section we address the potential for specific noise and traffic effects to arise from the proposed design and location of the proposed road and associated intersection, and appropriate means for mitigating these.

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<sup>132</sup> *Legal Submissions in Reply for Flygers Investment Group Limited*, 5 August 2022, para 45

<sup>133</sup> *Section 32AA Evaluation of Proposed Changes to the Plan Change - Joint Statement of Evidence by Marz Asgar and Paul Thomas*, dated 29 July 2022, para 8.2

<sup>134</sup> *Legal Submissions in Reply for Flygers Investment Group Limited*, 5 August 2022, para 46

<sup>135</sup> Anthony and Carolyne Cade (S015)

<sup>136</sup> Peter Jones (S05), Michelle Mitchell (S07), Michael Hermansen (S013), Anthony and Carolyne Cade (S015), John and Raewyn Anderson (S020), Irene Hamilton (S026)

*Sub-issue 2: Discussion and findings*

- 3.91 Following a prompt from us (refer **Minute 3**), the planning witnesses reflected on these specific concerns in their Joint Witness Statement dated 4 July 2022, and again in their s32AA evaluation accompanying further recommendation for amendments to the Plan Change provisions, dated 29 July 2022.
- 3.92 As signalled in their initial response they were able to agree that:
- a. existing District Plan rules expressly include 'noise attenuation and management' and 'safe and efficient operation of the network' as matters remaining within the Council's discretion where subdivision proposals are concerned; and
  - b. concerns raised by submitters can be addressed at that point in the process.<sup>137</sup>
- 3.93 At the time they noted that a 'crossroads' design was being actively tested by traffic experts for the Requestor and the Council (Ms Fraser and Mr Rossiter) as a potential alternative to a roundabout option.<sup>138</sup> It is apparent that the preferred option remains unresolved,<sup>139</sup> but that does not inhibit our consideration of the underlying issue.
- 3.94 In response to a query from us on the matter as set out in **Minute 5**, the planning witnesses recommended an addition to Rule R7A.5.4.1 that would create an exception to the preclusion of limited notification of subdivision proposals, where the owners of the properties at 120 – 131 Benmore Avenue and 1 – 5 Meadowbrook Drive are concerned. Messrs Asgar and Thomas agree that this is an appropriate method of enabling limited notification for those neighbours likely to be affected by the intersection upgrade.<sup>140</sup> Mr Slyfield presented the view that concerns of the submitters with respect to intersection design, property access, and noise and light effects created by vehicle movements would therefore be elicited and addressed as part of that processes.<sup>141</sup>
- 3.95 As a Panel we find ourselves in agreement with the planning witnesses and the Requestor's counsel as to the merits of this recommendation and accordingly we adopt it together with the associated s32AA evaluation. The phrasing of the amendment may appear, on the face of it, to be weak, in that it only indicates that limited notification 'may be given' to the owners concerned. However, in our view this needs to be seen in the context of the relevant s95E RMA test that persons are 'affected persons' to whom notification must be given if the Council determines that the adverse effects of the activity concerned are 'minor or more than minor'. Without prejudicing the future determinations of the Council in this respect, we concur with the planning witnesses that the nominated owners are likely to be deemed affected by the upgrade.

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<sup>137</sup> Joint Witness Statement of Planning Witnesses in Response to Minute 3 of Independent Hearing Panel, dated 4 July 2022, paras 27 - 31

<sup>138</sup> Joint Witness Statement of Planning Witnesses in Response to Minute 3 of Independent Hearing Panel, dated 4 July 2022, para 32

<sup>139</sup> Section 32AA Evaluation of Proposed Changes to the Plan Change - Joint Statement of Evidence by Marz Asgar and Paul Thomas, dated 29 July 2022, para 4.2

<sup>140</sup> Section 32AA Evaluation of Proposed Changes to the Plan Change - Joint Statement of Evidence by Marz Asgar and Paul Thomas, dated 29 July 2022, paras 4.3 - 4.6

<sup>141</sup> Legal Submissions in Reply for Flyers Investment Group Limited, 5 August 2022, paras 35 - 36



*Sub-issue 3: Evidence*

- 3.96 We now turn our attention to **sub-issue 3** which involves settling the question as to what extent and how should the Plan Change provisions encourage, provide for, or direct multi-unit development in the area subject to the Plan Change.
- 3.97 Beyond the broad support that some submitters<sup>142</sup> offered with respect to the notified Plan Change's initial provision for multi-unit and mixed density housing typologies within the subject site, this was not an issue that further exercised the minds of submitters during the course of the hearing.
- 3.98 Rather, this issue was largely a matter of interest and concern to the planning witnesses for the Requestor and the Council. Over the course of proceedings, and under our direction, the planning witnesses have made significant efforts to reach an accommodation regarding the form and nature of Plan Change provisions relating to multi-unit development. It remains our role to ensure that the adopted outcome represents the most efficient and effective approach possible, within the scope for amendment that the original submissions provide. We turn our minds to the consideration of these matters in the next sub-section.

*Sub-issue 3: Discussion and findings*

- 3.99 In sum, Plan Change provisions relating to multi-unit development have evolved during the course of proceedings, as follows:
- a. In his s42A report,<sup>143</sup> Mr Asgar recommended:
    - i. modifications to Policy 2.8 to provide greater certainty as to the provision for multi-unit development within the area shown on the Structure Plan; and
    - ii. insertion into Rule R7A.5.2.2(d)(i) of an average for lot sizes of between 250 m<sup>2</sup> – 350 m<sup>2</sup> within that multi-unit housing area;
    - iii. both as a means of giving most appropriate effect to Objective 5 of the District Plan.<sup>144</sup>
  - b. In **Minute 3** we asked Messrs Duindam, Asgar and Thomas to confer and respond regarding the extent to which it was intended that the Plan Change provisions mandate or merely cater for multi-unit development in the area indicated, particularly given Mr Duindam's evidence<sup>145</sup> regarding the desirability of the Plan Change being as directive as possible in this regard in the context of the Council's obligations under the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act and NPS-UD.
  - c. The Joint Witness Statement that was tabled on 4 July following our request exposed the degree of disagreement between the Council's

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<sup>142</sup> Namely PNCC (S08), Waka Kotahi (S017) and Horizons (S018)

<sup>143</sup> *Statement of Evidence by Marz Asgar*, dated 11 May 2022, paras 3.39 – 3.40, 4.6

<sup>144</sup> District Plan Objective 5: *A variety of high-quality residential living environments are provided to satisfy the needs of all residents*

<sup>145</sup> *Planning Summary Statement - Michael Duindam*, dated 11 July 2022, para 10

and Requestor's planning witnesses with respect to this matter. Specifically, that:

- i. Mr Thomas was of the opinion that the Plan Change was not predicated on the multi-unit housing area occurring, which he saw as desirable but not essential and not material to the development's overall yield and Council's city-wide development capacity targets; while
  - ii. Messrs Asgar and Duindam were of the opinion that multi-unit housing in the location shown was critical and should be directed by the Plan Change provisions and that a more prescriptive approach to delivering medium density housing in the area identified was warranted.<sup>146</sup>
- d. That area of disagreement aside, the planning witnesses were able to agree that a 25 dwelling units per hectare density standard applying to the multi-unit area should be added under Rule R7A5.2.2(d), in response to a suggestion by Mr Burns.<sup>147</sup>
- e. In an update that he provided in advance of the reconvened hearing, Mr Asgar suggested that further changes to Section 7A and/or Section 10 of the District Plan might be warranted to provide a land use control directing the desired yield outcomes, although at that stage he did not arrive at the specific preference as to the form of that provision.<sup>148</sup>
- f. Upon our adjourning of the hearing on 11 July, we asked the planning witnesses to further confer with a view to resolving any outstanding issues and incorporating agreed wording into updated amended versions of the Plan Change provisions (as codified in **Minute 4**).
- g. In response, Messrs Asgar and Thomas supplied agreed, amended versions of Sections 7A and 10 of the District Plan on 25 July (via email). In part, the amendments reflected the agreement reached between the planning witnesses over the wording of provisions that enable multi-unit development in the specific area identified on the Structure Plan. As they were at that point, these additional amendments summarised by the Requestor's counsel<sup>149</sup> as follows:
- i. New Policy 9.7 was proposed to be amended to 'ensure' that multi-unit housing development is 'provided for' within the area identified;
  - ii. Rule R7A.5.2.2(d) now set a minimum, maximum and average lot size for multi-unit residential development in the identified multi-unit housing area; and
  - iii. Rule R7A.5.2.2(d)(iii) now established a new allowance for a single lot to exceed 1,000m<sup>2</sup> where that is to be developed for multi-unit housing, so as to enable the Requestor to undertake some 'first order' subdivision to separate the site into large lots (i.e., greater

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<sup>146</sup> Joint Witness Statement of Planning Witnesses in Response to Minute 3 of Independent Hearing Panel, dated 4 July 2022, paras 36 - 40

<sup>147</sup> Joint Witness Statement of Planning Witnesses in Response to Minute 3 of Independent Hearing Panel, dated 4 July 2022, para 41

<sup>148</sup> Update of Marz Asgar for the Palmerston North City Council - Planning, 11 July 2022, para 5.3

<sup>149</sup> Memorandum of Counsel for Flyers Investment Group Limited, dated 26 July 2022

than 1,000m<sup>2</sup>), which can be transferred by the Requestor to third party developer/contractors, to undertake multi-unit development.

- h. We noted that the amended Section 10 as supplied by Messrs Asgar and Thomas also included a new performance standard under Rule R10.6.3.3 to specify an average minimum number (or density) of 25 dwellings per hectare within the multi-unit housing area.
- i. At that point, the provisions relating to multi-unit development as they stood raised some additional questions for us as a Panel that we expressed in **Minute 5**:
  - i. Firstly, it was apparent to us that the underlying tension between the planning witnesses over the extent to which the Plan Change should 'enable' or 'mandate' multi-unit housing (including via Policy 9.7) remained unresolved.
  - ii. Secondly, we had some questions regarding the mechanics of the recommended provisions as they related to average lot sizes.
  - iii. Finally, across the recommended amendments we sought assurances regarding alignment between the relevant objective, policy and rule.
- j. In response to a request for either a collective or individual response(s) on these matters, we received an update on areas of agreement and disagreement and further agreed and recommended amendments to the Plan Change, together with an updated s32AA evaluation, from the planners, on 29 July, with reference to this issue.<sup>150</sup> We note that due to Mr Thomas's unavoidable absence, this s32AA evaluation solely represent the collective opinions of Messrs Asgar and Duindam. With respect to the multi-unit housing issue, the s32AA evaluation:
  - i. provided an explanation for the additional performance standard under Rule R10.6.3.3 (referred to in h. above);
  - ii. set out the authors' views on the phrasing of Policy 9.7;
  - iii. provided a perspective on the mechanics of the recommended provisions as they related to average lot sizes;
  - iv. alerted us to an unintended consequence with respect to those provisions and a recommended 'fix' in that respect; and
  - v. set out three options relating to the wording of Rule 7A.5.2.2(d) relating to lot size and the authors' preferences in that respect.
- k. To further elicit the views of the planning witnesses we sought, via **Minute 6**, their response to queries relating to:
  - i. the specific mechanics of proposed Rule R7A.5.2.2(d) relating to lot size; and
  - ii. whether the planners favoured provisions based around minimum residential density, lot size controls, or both.

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<sup>150</sup> Section 32AA Evaluation of Proposed Changes to the Plan Change - Joint Statement of Evidence by Marz Asgar and Paul Thomas, dated 29 July 2022, paras 6.1 – 6.18

- 3.100 It was evident to us, from the Requestor's final legal submissions that we subsequently received in relation to housing density and typology,<sup>151</sup> together with the accompanying s32AA evaluation prepared by Messrs Asgar, Thomas and Duindam,<sup>152</sup> that the planning witnesses remained at loggerheads over the fundamental question as to whether the Plan Change was intended to mandate or merely cater for multi-unit development. This was a source of disagreement that we originally flagged in b. above. Further, that this disagreement manifested itself in the multiple options put to us by the planners with respect to the framing of average lot size requirements in Rule 7A.5.2.2(d).
- 3.101 We now make a series of observations and findings in relation to these matters.
- 3.102 We find that the relevant 'objective' of the Plan Change, which is expressed in the original Plan Change request as "[a] feasible development with a mix of housing density, housing type and price point", is not clearly articulated. The word 'mix' is open to interpretation and like a 'piece of string' could represent either a broad or relatively narrow range anywhere along a spectrum of housing density and type.
- 3.103 The loose phrasing of the objective allows the reader to infer a meaning that accords with their views and preferences, which to our mind, explains the inability of the planners to reach an agreement over the provisions best suited to achieve it. As a Panel we similarly found it difficult to agree a common view as to its meaning and import during the course of our deliberations.
- 3.104 Nevertheless, poorly worded as it is, this is the objective that we have to work with as a Panel.
- 3.105 In our view, there are definite limits to the extent to which the objective can be said to mandate provision for multi-unit development. This is because, ultimately, the objective does not pin its intentions with respect to housing density or type to a defined point or range along the spectrum that we allude to in paragraph 3.106 above.
- 3.106 In this respect, we acknowledge Mr Slyfield's observation<sup>153</sup> that the Council's aspirations with respect to intensification will be more broadly and explicitly pursued through a prospective district-wide plan change.
- 3.107 Having said that, we consider that multi-unit development is clearly part of the 'mix' of densities and typologies offered by the Plan Change and we also consider that the Plan Change provisions, as adopted, need to represent the most efficient and effective means of ensuring that that mix is achieved. These considerations have guided our findings as to the mechanics of the provisions, that we now turn to.
- 3.108 The remaining area of disagreement between the planners centred around the articulation of average minimum lot sizes in Rule R7A.2.2.(d) relating to the multi-

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<sup>151</sup> *Legal Submissions in Reply for Flyers Investment Group Limited in Respect of Housing Density and Typology*, 11 August 2022

<sup>152</sup> *Section 32AA Evaluation of Proposed Changes to the Plan Change - Joint Statement of Evidence by Marz Asgar, Paul Thomas, Michael Duindam*, 11 August 2022

<sup>153</sup> *Legal Submissions in Reply for Flyers Investment Group Limited in Respect of Housing Density and Typology*, 11 August 2022, para 5

unit housing area. All up, we were presented with five options (latterly inclusive of three additional ones<sup>154</sup>). While we appreciate the efforts of the planners, we found none of the options to be ideal. Without going into the specifics of each option which are well canvassed in the s32AA evaluation, we make the following broad observations:

- a. We agree with Mr Thomas's view<sup>155</sup> that specification of a minimum lot size and minimum average lot size would be unhelpful as they would unnecessarily constrain potential housing and tenure typologies.
- b. We consider that the expression of average lot size as a range (e.g., 250m<sup>2</sup> – 350m<sup>2</sup>) is unhelpful as it is vacillatory. Averages, by definition, should be fixed figures and, in the end, compliance would be achieved by an average at the upper end of the range.
- c. We are of the view that an average lot size of 350m<sup>2</sup> would not meaningfully 'encourage' let alone 'ensure' a mix of typologies given that it there is little to distinguish it from the lower end (400m<sup>2</sup>) of the range of average lot sizes specified for the balance of the Whiskey Creek Residential Area.
- d. The term 'developed density' is not defined either in the Plan Change or in the operative District Plan but we have made an assumption that it is intended to separately dictate a required intensity of development in larger lots catering for multi-level apartments and the like.
- e. We note that if subdivision proposals in the multi-unit housing area do not comply with the restricted discretionary activity performance standards inclusive of those set out in Rule 7A.5.2.2.(d), they will default to discretionary activity status under Rule R7A.5.3.1. This would in turn enable Policy 2.8, as amended, and its considerations with respect to the mix of typologies envisaged and illustrated on the Structure Plan, to be brought to bear.

3.109 It is for the above reasons that we have adopted a 'hybrid' version of the wording of Rule R7A.5.2.2(d) for inclusion in the amended Plan Change provisions attached as **Appendix 2**, that is framed around a 400m<sup>2</sup> figure for 'developed density', a 300m<sup>2</sup> figure for 'average lot size' and an absence of any specified minimums, where they relate to the multi-unit housing area.

3.110 From our perspective, and in terms of a s32AA evaluation, this version of the provisions represents the most efficient and effective means of achieving the intent of the Plan Change objective, for all the latter's limitations. We consider we have scope to do so with reference to PNCC's general submission to the Plan Change<sup>156</sup> and given that we have selected a mid-point (300m<sup>2</sup>) in the range that was otherwise recommended by Mr Asgar.

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<sup>154</sup> Section 32AA Evaluation of Proposed Changes to the Plan Change - Joint Statement of Evidence by Marz Asgar, Paul Thomas, Michael Duindam, 11 August 2022

<sup>155</sup> Legal Submissions in Reply for Flyers Investment Group Limited in Respect of Housing Density and Typology, 11 August 2022, para 7

<sup>156</sup> S08

## Other Issues

### **Issue 3: Liquefaction and geotechnical effects**

3.111 We now turn to the first of the non-determinative issues; namely, potential liquefaction risks and geotechnical effects arising from the prospective development of the site.

#### *Issue identification and evidence*

3.112 Mr Asgar summarised the nature of this issue in his s42A report.<sup>157</sup> Essentially, some submitters<sup>158</sup> expressed concern regarding the safety of existing residents neighbouring the site based on their perception that it comprises unstable land that is unsuitable for the purposes of residential development. Other submitters were at least of the view that liquefaction risk and geotechnical matters required further consideration.<sup>159</sup>

3.113 Having considered these matters with reference to a Council peer review<sup>160</sup> of the original technical information supplied by the Requestor,<sup>161</sup> Mr Asgar was able to conclude that:

- a. the current District Plan subdivision provisions provide an adequate basis for controlling the effects of liquefaction and geotechnical hazards associated with the development of the site; and
- b. no further amendments to the District Plan are required to address these matters.<sup>162</sup>

#### *Discussion and findings*

3.114 Mr Asgar's conclusions remained uncontested during the course of the hearing and we were not presented with any further technical evidence to contradict Mr Asgar's conclusions or the technical information that he relied upon.

3.115 Accordingly we accept Mr Asgar's conclusions and consider the matter closed.

### **Issue 4: Noise effects**

#### *Issue identification and evidence*

3.116 We have addressed noise effects arising from the operation of 'proposed road 1' where it adjoins existing residential properties in **Issue 2 (sub-issue 2)** above. This leaves us to consider other noise effects. Again, Mr Asgar summarised the

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<sup>157</sup> *Statement of Evidence by Marz Asgar*, dated 11 May 2022, paras 3.1 – 3.8

<sup>158</sup> Edward Anderson (S02), Anthony and Carlyne Cade (S015), John and Raewyn Anderson (S020), Sally and Murray Rasmussen (S022)

<sup>159</sup> PNCC (S08), Horizons (S018)

<sup>160</sup> Untitled letter from Eleni Gkeli and Ioannis Antonopoulos, Stantec, dated 24 March 2022

<sup>161</sup> *Geotechnical Assessment Proposed Plan Change Rangitikei Line and Flyers Line Palmerston North*, Riley Consultants, dated 22 February 2019 and *Lateral Spreading Assessment Rangitikei Line & Flyers Line, Palmerston North*, Total Ground Engineering, 19 November 2020

<sup>162</sup> *Statement of Evidence by Marz Asgar*, dated 11 May 2022, paras 3.6 and 3.8

nature of this issue in his s42A report.<sup>163</sup> Some submitters were concerned about the impacts of noise during the construction phase.<sup>164</sup> Others expressed more general concern regarding noise effects generated from the proposed subdivision, once it is complete.<sup>165</sup> PNCC and Waka Kotahi lent support to the proposal, conditional on the retention of a 40m setback for new dwellings from State Highway 3 to the east of the site to mitigate noise effects.<sup>166</sup>

3.117 During the course of the hearing we heard evidence on behalf of the Requestor from Mr Nigel Lloyd on noise matters.<sup>167</sup> Mr Lloyd indicated that he substantially agreed with the matters raised in Council's peer review<sup>168</sup> of the original technical information supplied by the Requestor.<sup>169</sup>

3.118 Having considered these matters Mr Asgar was able to conclude that the current District Plan subdivision and land use provisions, together with a recommended change to Rule R10.6.1.5(e), which would specify insulation requirements for noise sensitive activities in proximity to State Highway 3, to make reference to the Whiskey Creek Residential Area, provided an adequate basis for controlling the effects of construction and traffic noise associated with the development and on-going use of the site.<sup>170</sup>

#### *Discussion and findings*

3.119 Mr Asgar's conclusions remained uncontested during the course of the hearing and we were not presented with any further technical evidence to contradict Mr Asgar's conclusions or the technical information that he relied upon. Accordingly we accept Mr Asgar's conclusions and adopt his recommendation with respect to amended Rule R10.6.1.5(e) and consider the matter closed.

#### **Issue 5: Transport effects**

##### *Issue identification and evidence*

3.120 We have addressed traffic effects arising from the operation of 'proposed road 1' where it adjoins existing residential properties and the associated intersection in **Issue 2 (sub-issue 2)** above. This leaves us to consider other traffic/transport effects. Again, Mr Asgar summarised the nature of these issues in his s42A report.<sup>171</sup> In summary, submitters were concerned about:

- a. increased traffic congestion on Rangitikei, Milson and Gillespie's Line arising from the site's development;<sup>172</sup>

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<sup>163</sup> *Statement of Evidence by Marz Asgar*, dated 11 May 2022, paras 3.21 – 3.32

<sup>164</sup> Michael McCavana (SO11), Maureen Haddock (SO12), Sally and Murray Rasmussen (SO22)

<sup>165</sup> Michael Hermansen (SO13), Anthony and Carolyne Cade (SO15), John and Raewyn Anderson (SO20)

<sup>166</sup> PNCC (SO8), Waka Kotahi (SO17)

<sup>167</sup> *Statement of Evidence of Nigel Robert Lloyd in Support of Flyers Investment Group Limited – Noise*, 18 May 2022

<sup>168</sup> Letter titled *Private Plan Change Request for Whiskey Creek Residential Area: Peer Review of Appendix 9 Acoustic Report*, Marshall Day Acoustics, dated 5 May 2022

<sup>169</sup> *Proposed Plan Change Flyers Line for Flyers Investment Group Limited*, Acousafe Consulting and Engineering, 17 August 2020

<sup>170</sup> *Statement of Evidence by Marz Asgar*, dated 11 May 2022, paras 3.29 – 3.32

<sup>171</sup> *Statement of Evidence by Marz Asgar*, dated 11 May 2022, paras 3.51 – 3.75

<sup>172</sup> Marion Anderson (SO1), Edward Anderson (SO2), Peter Jones (SO5), Michael McCavana (SO11), Maureen Haddock (SO12), Anthony and Carolyne Cade (SO15), John and Raewyn Anderson (SO20), Sally and Murray Rasmussen (SO22), Irene Hamilton (SO26)

- b. the poor condition of Flyers Line due to flood damage and its unsuitability to carrying increased traffic flows;<sup>173</sup> and
  - c. the potential removal of the bus route.<sup>174</sup>
- 3.121 Conditional support to the proposal was otherwise lent by submitters to aspects of the proposal (such as the left in/left out arrangement for State Highway 3 access and proposed shared use paths inclusive of connections to the wider network) subject to a peer review of the Requestor's technical analysis and further amendments to remove parking spaces from Benmore Avenue and provision for a cycle lane on that thoroughfare.<sup>175</sup>
- 3.122 Having considered the above matters with reference to a Council peer review by Mr Rossiter<sup>176</sup> of the original technical information supplied by the Requestor,<sup>177</sup> correspondence with Waka Kotahi, and Council information regarding programmed roading upgrades, concluded that:
- a. traffic generated by the future subdivision would not result in noticeable effects on existing road use and submissions seeking the declining of the Plan Change on the grounds of traffic congestion or poor road suitability can be rejected on that basis (thereby addressing matters a. and b. above);
  - b. there is no evidence to suggest that the bus route will be removed (addressing matter c. above);
  - c. an amendment to the Plan Change was necessary to reference the Council's engineering standards in Policy 2.8; and
  - d. that amendment plus the provision of Rule R7A.5.2.1 would afford a suitable level of development control without the need for the inclusion of additional performance standards in the District Plan.<sup>178</sup>

#### *Discussion and findings*

- 3.123 We acknowledged in **Minute 3** that traffic experts Ms Fraser (for the Requestor) and Mr Rossiter (for the Council) had taken the opportunity to co-present on traffic matters during the initial hearing. It is apparent to us that this exercise resulting in a narrowing of remaining issues in contention between the experts and/or traffic matters outstanding to the following:
- a. whether references to bespoke road cross-sections or Council's engineering standards<sup>179</sup> were more appropriate in Policy 2.8.4 relating to 'streets and linkages';

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<sup>173</sup> Marion Anderson (S01), Edward Anderson (S02), John and Raewyn Anderson (S020), Sally and Murray Rasmussen (S022)

<sup>174</sup> John and Raewyn Anderson (S020)

<sup>175</sup> PNCC (S08), Waka Kotahi (S017), Horizons (S018), Mid Central DHB (S019)

<sup>176</sup> Memo titled *Whiskey Creek Private Plan Change – Transport Engineering Review*, Chris Rossiter, Stantec, dated 22 April 2022

<sup>177</sup> Letter titled *Whiskey Creek Proposed Private Plan Change – Transportation Assessment*, Harriet Fraser Traffic Engineering & Transportation Planning, dated 7 April 2021

<sup>178</sup> *Statement of Evidence by Marz Asgar*, dated 11 May 2022, paras 3.58 – 3.74

<sup>179</sup> Ms Fraser's and Mr Rossiter's preferences, respectively (refer *Summary Statement of Evidence of Harriet Barbara Fraser in Support of Flyers Investment Group Limited - Transportation*, dated 2 June 2022, paras 7 – 11 and *Summary of Transport Review of Chris Rossiter (Section 42A Officer)*, dated 3 June 2022, paras 11 – 12, respectively)



- b. whether an off-road cycle path should be identified along the alignment of 'proposed road 1' on the Structure Plan.<sup>180</sup>

3.124 Mr Rossiter provided a further illustration of how the Structure Plan might be amended to identify the cycle path in an addendum to his evidence,<sup>181</sup> following a request from us at the hearing.

3.125 We note, with respect to matter a. above, that the amended version of the Plan Change provisions as more recently recommended by Mr Asgar and Mr Thomas<sup>182</sup> includes a reference in Policy 2.8.4 to Council's engineering standards. We further note, with respect to matter b. above, that the version of the Structure Plan as now recommended for inclusion in the Plan Change by the planning witnesses shows a shared path continuing and connecting via the southeast corner of the residential zone into the wider shared path network near the intersection of Road 2 & Road 8. We agree with Mr Rossiter that this is an important link. Accordingly, we conclude that these matters are resolved, we accept the s32AA evaluation accompanying these recommendations, and conclude we have no need to consider traffic matters further.

### **Issue 6: Effects arising from the proposed commercial area**

#### *Issue identification and evidence*

3.126 As Mr Asgar noted,<sup>183</sup> a couple of residential submitters<sup>184</sup> raised concerns about effects arising from the proposed commercial area identified within the Plan Change site. In total, these submitters were concerned about:

- a. crime occurring in the vicinity;
- b. loss of residential property values;
- c. delivery truck activity and early-hour noise; and
- d. the presence of rodents.

3.127 In his s42A report, Mr Asgar also dealt with that part of the Plan Change as notified, which requested the deletion of part of Rule R10.7.3.5 which classes any commercial activity shown in a Comprehensive Development Plan as a Restricted Discretionary Activity.<sup>185</sup> The Plan Change request would see commercial activities dealt with as part of a land use consent application separately, and subsequent to, an application for subdivision consent. Mr Asgar was opposed to the request as the rule in question applied to areas other than the Whiskey Creek Residential Area.

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<sup>180</sup> Mr Rossiter's recommendation (refer *Summary of Transport Review of Chris Rossiter (Section 42A Officer)*, 3 June 2022, para 8

<sup>181</sup> *Addendum to Summary of Transport Review of Chris Rossiter (Section 42A Officer)*, dated 7 July 2022

<sup>182</sup> *Section 32AA Evaluation of Proposed Changes to the Plan Change - Joint Statement of Evidence by Marz Asgar and Paul Thomas*, dated 29 July 2022

<sup>183</sup> *Statement of Evidence by Marz Asgar*, dated 11 May 2022, paras 3.77 – 3.81

<sup>184</sup> Michelle Mitchell (S07), Michael Hermansen (S013)

<sup>185</sup> *Statement of Evidence by Marz Asgar*, dated 11 May 2022, paras 3.82 – 3.83

*Discussion and findings*

- 3.128 With respect to matters a. to d. above, we accept Mr Asgar's conclusion that those matters are, variously, out of scope of the plan Change and/or eminently addressable at the time of resource consent in accordance with existing matters of discretion in Rule R10.7.3.5.
- 3.129 With respect to the request for amendment forming part of the Plan Change, we note that Mr Asgar later signalled that he and Mr Thomas had reached agreement over the recommended addition of wording to Rule R10.7.3.5 to address the issue.<sup>186</sup> As set out in Mr Thomas's evidence, this amendment would make the originally requested change specific to the Whiskey Creek Residential Area,<sup>187</sup> thereby resolving Mr Asgar's concerns. We adopt this amendment accordingly.

**Issue 7: Effects arising from wastewater capacity***Issue identification and evidence*

- 3.130 Two residential submitters were opposed to the Plan Change partly on the grounds that they considered the reticulated wastewater system to be overloaded.<sup>188</sup>
- 3.131 Mr Asgar relied on the evidence provided by Mr Mik for the Council,<sup>189</sup> in concluding that the existing District Plan requirement that greenfield subdivisions (with the recommended addition of a reference to the Whiskey Creek Residential Area) be provided with pressure sewer systems would ensure any potential funding, capacity and wet weather surcharge issues would be suitably addressed.<sup>190</sup>

*Discussion and findings*

- 3.132 We have not heard further technical or planning evidence to the contrary and therefore accept Mr Asgar's conclusion and adopt his recommendations in the above regard.

**Issue 8: Effects arising from water supply capacity***Issue identification and evidence*

- 3.133 One submitter was concerned that, were the site to be developed, new residents would not be provided with adequate water supplies.<sup>191</sup> To some extent, Mr Mik echoed these concerns in his original evidence on behalf of the Council.<sup>192</sup>

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<sup>186</sup> Update of Marz Asgar for the Palmerston North City Council - Planning, 11 July 2022, para 10.1

<sup>187</sup> Summary of Evidence of Paul Norman Thomas - Planning Evidence, dated 3 June 2022, para 12

<sup>188</sup> John and Raewyn Anderson (SO20), Sally and Murray Rasmussen (SO22)

<sup>189</sup> Whisky [sic] Creek Service Assessment, Jacques Mik, Activities Manager Three Waters, PNCC, 3 May 2022

<sup>190</sup> Statement of Evidence by Marz Asgar, dated 11 May 2022, paras 3.84 – 3.91

<sup>191</sup> Sally and Murray Rasmussen (SO22)

<sup>192</sup> Whisky [sic] Creek Service Assessment, Jacques Mik, Activities Manager Three Waters, PNCC, 3 May 2022

3.134 In his s42A report Mr Asgar relied on Mr Mik's technical assessment in arriving at his own recommendations, as follows:

- a. Mr Mik's confirmation that the broader area within which the development is located does not meet Council levels of service at present;
- b. Mr Mik's view that levels of service deficiency should be addressed first, before any subdivision of the site is consented, to ensure compliance with Council's current standards during summer peak demand periods (inclusive of fire-fighting requirements);
- c. that, consequentially, no development of the site should proceed until such time as appropriate infrastructure is in place to service the Whiskey Creek Residential Area; and
- d. that the Plan Change should be further modified by introducing a new policy (proposed Policy 1.8), performance standard and non-complying activity rule to ensure that subdivision of the Whiskey Creek Residential Area does not occur until adequate water supply is available to the site.<sup>193</sup>

3.135 In the context of issuing **Minute 3** we asked the planning witnesses to confer on a number of matters including water supply capacity. In particular, we asked Messrs Duindam, Asgar and Thomas to consider whether there was any specific limiting factor that might necessitate this aspect of development to require special attention through an elevated activity status as opposed to relying on the standards and matters of discretion associated with entry-level subdivisions for the site.

#### *Discussion and findings*

3.136 In their joint response to our request (dated 4 July 2022), the planning witnesses reported as follows:

- a. confirmation from the Council's Water Services Group that the broader area has low pressure issues but the effect of this arises only during annual peak times and not on a normal day-to-day basis;
- b. the evidence of Mr Judd<sup>194</sup> (for the Requestor) was that there are methods to address this issue in the short term and this may include staging of development or supplementary water storage;
- c. the Council planners now agreed with Mr Thomas that existing District Plan provisions to address this issue are fit for purpose and that a prospective plan change will likely include a generic 'greenfield area' policy addressing essential services; and
- d. on that basis, no changes to the Plan Change provisions are required.<sup>195</sup>

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<sup>193</sup> *Statement of Evidence by Marz Asgar*, dated 11 May 2022, paras 3.92 – 3.104

<sup>194</sup> *Summary of Evidence of Kevin Barry Judd - Services and Earthworks*, dated 1 June 2022

<sup>195</sup> *Joint Witness Statement of Planning Witnesses in Response to Minute 3 of Independent Hearing Panel*, dated 4 July 2022, paras 17 – 20

- 3.137 In his update that he provided at the reconvening hearing, Mr Asgar confirmed that he now recommended the deletion of proposed Policy 1.8 and related rules around potable water supply assessment, as these were no longer a requirement of the Water Services Group and that, more generally, essential services would be addressed as part of another Council-led plan change to be notified shortly.
- 3.138 We also had the benefit of hearing expert evidence from Mr Miller for the Council in relation to water supply matters on 14 July.<sup>196</sup> Mr Miller:
- a. indicated that he had endorsed Mr Mik's original water network modelling;
  - b. confirmed that it was not necessary to assess compliance with fire-fighting requirements using 'peak time on the peak day'; and
  - c. concluded that while it would be necessary for the Council to facilitate infrastructure improvements before full development of the site were achieved, in order to meet required levels of service all of the time, it could not be said that there were any water supply constraints that could reasonably stop the development from proceeding.
- 3.139 As Mr Slyfield subsequently attested, "*the water supply issue evaporated over the course of the hearing.*"<sup>197</sup>
- 3.140 On this basis, we are assured that appropriate provisions and processes are or will shortly be in place to ensure that demands on reticulated water supplies associated with the development of the site will be addressed, without requiring any amendments to the District Plan as part of the Plan Change before us.

### **Issue 9: Cultural impacts**

#### *Issue identification and evidence*

- 3.141 The original Plan Change request was accompanied by a cultural impact assessment undertaken on behalf of Rangitāne o Manawatū.<sup>198</sup> This assessment did not identify any particular issues with the proposed development that would be facilitated by the Plan Change, beyond seeking the incorporation of a Rangitāne *values management and monitoring plan* within the Plan Change. Mr Thomas provided us with a summary of on-going discussions with Rangitāne o Manawatū, which had resulted in a recommendation on his part to include reference in proposed Policy 2.9 to consultation with Rangitāne in relation to the design and preparation of a management plan for the reserve inclusive of whanau ora values.<sup>199</sup> While Rangitāne was not a submitter to the Plan Change, we accept Mr Thomas's view that Ngāti Turanga's submission on the Plan Change provides the necessary scope for this amendment.
- 3.142 Following the notification of the Plan Change and through discussions with iwi, Ngāti Turanga hapū were identified as having potential interest in the site and

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<sup>196</sup> *Statement of Evidence of David Rei Miller for Palmerston North City Council*, dated 14 July 2022

<sup>197</sup> *Legal Submissions in Reply for Flyers Investment Group Limited*, 5 August 2022, para 12

<sup>198</sup> *Flyers Line Plan Change Cultural Impact Assessment*, Te Ao Turoa Environmental Centre, undated

<sup>199</sup> *Supplementary Evidence of Paul Norman Thomas - Planning Evidence*, dated 8 July 2022, paras 23 – 25

proposal.<sup>200</sup> A submission was subsequently received from the hapū, broadly indicating support for the Plan Change if adverse effects could be avoided, or opposition, should adverse effects not be avoided.<sup>201</sup>

#### *Discussion and findings*

- 3.143 We heard evidence from Mr Hayden Turoa on behalf of Ngāti Turanga at the hearing. It appears to us that the key issue for Ngāti Turanga has been a perceived lack of engagement with the hapū during the development of the Plan Change. This perception has prompted Mr Turoa's request that the Plan Change be 'paused', to enable that engagement to occur. The Requestor acknowledges more can be done in this space with respect to detailed design of the development beyond and outside of the constraints of the Plan Change, and we welcome Mr Slyfield's comments in that respect.<sup>202</sup> We find no basis to 'pause' the Plan Change or further delay our consideration of it.
- 3.144 Mr Turoa also expressed a view that the name 'Te Puka' should be adopted to replace 'Whiskey Creek' although, as Mr Thomas noted,<sup>203</sup> that creek does not itself flow through the site and it is not possible to alter a place name through a plan change process.
- 3.145 The issue of the naming of the broader area to which the Plan Change relates was discussed during the hearing. Mr Thomas and Mr Slyfield reported<sup>204</sup> at the hearing that the Requestor, following a recommendation from Ms Siobhan Karaitiana made on behalf of Rangitāne o Manawatū, was amenable to:
- a. changing the name of the area to which the Plan Change relates to the 'Matangi Residential Area';
  - b. adopting the name 'Matangi' for the proposed reserve; and
  - c. adopting that name for proposed road 1 also.
- 3.146 Mr Asgar has indicated that he also supports this change.<sup>205</sup>
- 3.147 In adopting this recommendation, we have taken the opportunity to substitute references to the 'Whiskey Creek Residential Area' in favour of 'Matangi Residential Area' in the body of the Plan Change attached as **Appendix 2** to our report.

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<sup>200</sup> As noted in *Statement of Evidence by Marz Asgar*, dated 11 May 2022, para 3.105

<sup>201</sup> Submission SO14

<sup>202</sup> *Legal Submissions in Reply for Flyers Investment Group Limited*, 5 August 2022, paras 26 - 29

<sup>203</sup> *Supplementary Evidence of Paul Norman Thomas - Planning Evidence*, dated 8 July 2022, para 26

<sup>204</sup> *Supplementary Evidence of Paul Norman Thomas - Planning Evidence*, dated 8 July 2022, paras 27 - 29 and *Legal Submissions in Reply for Flyers Investment Group Limited*, 5 August 2022, para 24

<sup>205</sup> *Section 32AA Evaluation of Proposed Changes to the Plan Change - Joint Statement of Evidence by Marz Asgar and Paul Thomas*, dated 29 July 2022, paras 9.1 - 9.2

### **Issue 10: Loss of amenity/habitat from Conservation/Amenity Zoning**

#### *Issue identification and evidence*

- 3.148 Some submitters<sup>206</sup> expressed concern that the proposal to rezone the central portion of the site to a Conservation and Amenity zoning (refer **Figure 6**) for the purposes of creating a reserve would result in a loss of amenity and habitat for wildlife generally seen within the current rural environment.
- 3.149 In response to these concerns, Mr Asgar was of the opinion that the proposed rezoning would likely provide an enhanced environment for wildlife following the intended rehabilitation and development of the reserve and local access to it for the benefit of residents.<sup>207</sup>

#### *Discussion and findings*

- 3.150 Mr Asgar's opinion was not contested at the hearing and we agree with him that the submissions in this regard should be rejected.

### **Issue 11: Other issues**

#### *Issue identification and evidence*

- 3.151 As summarised by Mr Asgar,<sup>208</sup> other issues raised in submissions comprised the following:
- a. the disruptive effects of construction on adjoining residents;
  - b. the loss of productive farming land and/or versatile soils;
  - c. the cumulative effects of development on water quality;<sup>209</sup> and
  - d. pests and vermin being attracted by the proposed stormwater detention pond.<sup>210</sup>
- 3.152 We discuss and reach findings on these matters below. Additionally, during the course of the hearing, Ms Asgar and Mr Thomas indicated they had reached agreement on amendments to the Whiskey Creek Structure Plan.<sup>211</sup> Following on from this, the spatial extent of the Plan Change is also a matter that we discuss and reach a finding on below.

#### *Discussion and findings*

- 3.153 In his evidence to us at the hearing, Mr Hayden Turoa, representing Ngāti Turanga, alluded to the impact of upstream decisions on downstream users. We acknowledge Mr Turoa's observation. However, we have been presented

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<sup>206</sup> Marion Anderson (S01), Edward Anderson (S02), Paula Eyres (S03), Barney and Rose Hyde (S09), John and Raewyn Anderson (S020), Sally and Murray Rasmussen (S022), Irene Hamilton (S026)

<sup>207</sup> *Statement of Evidence by Marz Asgar*, dated 11 May 2022, para 3.117

<sup>208</sup> *Statement of Evidence by Marz Asgar*, dated 11 May 2022, paras 3.118 – 3.121

<sup>209</sup> Ngāti Turanga (S014)

<sup>210</sup> Barney and Rose Hyde (S09)

<sup>211</sup> *Section 32AA Evaluation of Proposed Changes to the Plan Change - Joint Statement of Evidence by Marz Asgar and Paul Thomas*, dated 29 July 2022, paras 3.1 – 3.5

with no technical evidence that would lead us to do anything other than accept Mr Asgar's conclusion that, in relation to issue c. above:

- a. the water quality effects of construction works can be adequately managed via earthworks consents before PNCC and Horizons;
- b. that there is no need to add further provisions to the Plan Change to address these effects; and
- c. that the Plan Change, inclusive of recommended modifications, has sufficient provisions to ensure that impacts on water quality are addressed (e.g., through the requirement for a stormwater management plan and the inclusion of stormwater control measures in the Structure Plan).<sup>212</sup>

3.154 With respect to remaining issues referred to in paragraph 3.155 above, we further agree with Mr Asgar that:

- a. wider effects of construction on adjoining residents (e.g., dust, noise) can be adequately addressed at the resource consent stage;<sup>213</sup>
- b. the versatility of soils underlying the site is limited by poor drainage and their loss to residential development is not of significance;<sup>214</sup> and
- c. there is no expert evidence to show that pest and vermin will be a problem; and
- d. stormwater detention devices of this nature are increasingly commonplace in urban settings.<sup>215</sup>

3.155 In summary, the amendments to the Structure Plan that the planners reached agreement on, related to the incorporation of the property at 127 Benmore Avenue into the Whiskey Creek Residential Area and changes to annotations with respect to paths, intersections, reserves and the general location of features. We adopt these amendments into the version of the Structure Plan attached to our report (**Appendix 2**) and in doing so accept the planners' conclusion that the amendments are an efficient and effective means of achieving the objectives of the Plan Change and the District Plan.

3.156 There is one exception to our finding in this respect. As Mr Slyfield reported,<sup>216</sup> the recommended adjustments also include shrinking the boundary of the area to which the Structure Plan applies to exclude all land to the north-west that is to retain a Rural zoning (refer **Figure 6** for an illustration of this area). In the Requestor's view this represents a rationalisation of the Plan Change boundary to reflect that there was never an intention to alter the zoning or provisions applying to that rural area, despite its inclusion in the Structure Plan area, as notified.

3.157 We disagree with this position and find that the boundaries of the Structure Plan do need to continue to incorporate the rurally zoned area in order to manage

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<sup>212</sup> *Statement of Evidence by Marz Asgar*, dated 11 May 2022, paras 3.126 – 3.129

<sup>213</sup> *Statement of Evidence by Marz Asgar*, dated 11 May 2022, paras 3.119 – 3.121

<sup>214</sup> *Statement of Evidence by Marz Asgar*, dated 11 May 2022, paras 3.122 – 3.125

<sup>215</sup> *Statement of Evidence by Marz Asgar*, dated 11 May 2022, paras 3.130 – 3.131

<sup>216</sup> *Legal Submissions in Reply for Flyers Investment Group Limited*, 5 August 2022, paras 6 - 7

stormwater volumes from the developed portion and flooding risk. The land to the north east of the boundary to which the structure plan applies to will perform those functions with its exclusion in the structure plan. For this reason, the version of the Structure Plan attached to our report (**Appendix 2**) includes that area within its boundaries.

### **Appropriateness of Rezoning**

- 3.158 At this point, having addressed and settled all potential effects arising from the Plan Change, and as we signalled we would (refer paragraph 3.9), we now turn our attention to the overall appropriateness of rezoning the area in question from Rural Zone to Residential Zone and Conservation and Amenity Zone.
- 3.159 From an effects perspective, and based on the foregoing assessment, none of the magnitude of the identified effects, including the two determinative issues relating to flooding risk/ stormwater management and urban design/ amenity/boundary treatment, are such as to lead us to consider that the rezoning of the site from Rural Zone to Residential Zone and Conservation and Amenity Zone would be inappropriate.
- 3.160 In other words, it is our finding that there is no fundamental impediment in terms of site constraints or values that would preclude development of the site for residential, conservation and amenity purpose. We concur with Mr Slyfield's submissions in this respect.<sup>217</sup>

### **Most appropriate District Plan provisions framework**

- 3.161 Have arrived at a conclusion as to the appropriateness of rezoning, we also need to decide what the most appropriate planning framework would be, as a basis for avoiding, remedying and/or mitigating adverse effects arising from the development of the area enabled by its rezoning (again, as we signalled we would need to do (refer paragraph 3.10).
- 3.162 Again, with reference to our discussion of determinative and non-determinative issues, and subject to the additional amendments to the provisions that we have identified in our report and that are incorporated into the version attached as **Appendix 2**, we agree with Mr Slyfield<sup>218</sup> that the Plan Change provisions will suitably manage all relevant effects and are the most appropriate way to achieve the objectives of the Plan Change, the existing objectives of the District Plan and the purpose of the RMA.
- 3.163 That being the case, we now move to assess our conclusions in light of the relevant policy framework at a national, regional and local level.

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<sup>217</sup> *Legal Submissions in Reply for Flyers Investment Group Limited*, 5 August 2022, para 51

<sup>218</sup> *Legal Submissions in Reply for Flyers Investment Group Limited*, 5 August 2022, paras 52 and 53



## Objective and Policy Framework

### Resource Management Act

3.164 We agree with the conclusion that Mr Asgar reached in his s42A report that, overall, the proposed Whiskey Creek Residential Area Plan Change is consistent with the purpose and principles of the RMA as set out in Part 2<sup>219</sup> and the Council's functions under s31 of the RMA,<sup>220</sup> particularly (in our view) where those functions relate to:

- a. an integrated approach to managing development and infrastructure;
- b. ensuring there is sufficient development capacity in respect of housing demand;
- c. avoiding or mitigating natural hazards; and
- d. mitigation of the effects of noise.

### National Policy Statements / National Environmental Standards

3.165 We agree with Mr Asgar's assessment that the proposed Plan Change aligns with the relevant objectives and policies of the NPS-UD.<sup>221</sup> Mr Duindam explored that level of alignment in his evidence. He concluded (and we agree) that:

- a. The Plan Change presents an opportunity to assist the City in meeting its short/medium-term housing needs by increasing greenfield capacity.<sup>222</sup>
- b. The Council's acknowledgement of Whiskey Creek as a potential future growth area in its infrastructure and financial strategies (refer 'Non-Statutory Strategies and Plans') below will assist in fulfilling NPS-UD requirements to align land-use planning and infrastructure delivery.<sup>223</sup>

3.166 We also agree with Mr Asgar's assessment that the proposal aligns with the relevant objectives and policies of the NPS-FM. With respect to both the NPS-FM and NES-FW we note that no wetlands are located in the area subject to the Plan Change and no loss of water course is proposed. As Mr Asgar observes, any direct impacts on the ephemeral stream running through the site will be addressed by the Regional Council as part of its own consenting role.<sup>224</sup>

3.167 We do not consider that any other NPS or NES are of particular relevance where the Plan Change is concerned. We have given no consideration to the provisions of the NPS-IB or NPS-HPL as they remain in draft form.

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<sup>219</sup> *Statement of Evidence by Marz Asgar*, dated 11 May 2022, paras 5.1 – 5.13

<sup>220</sup> *Statement of Evidence by Marz Asgar*, dated 11 May 2022, para 4.2

<sup>221</sup> *Statement of Evidence by Marz Asgar*, dated 11 May 2022, para 4.32

<sup>222</sup> *Statement of Evidence of Michael Duindam*, dated 11 May 2022, para 10

<sup>223</sup> *Statement of Evidence of Michael Duindam*, dated 11 May 2022, paras 15 and 25

<sup>224</sup> *Statement of Evidence by Marz Asgar*, dated 11 May 2022, para 4.33

### **Regional Policy Statement**

- 3.168 We find that Mr Asgar correctly identified the relevant objectives and policies of the RPS (which forms Part 1 of Horizons' One Plan), drawing particular attention, as he did, to those contained within Chapters 5 and 9 (Water and Natural Hazards, respectively), and notably:
- a. Policy 9-1 relating to Council's responsibilities with respect to controlling land use to avoid or mitigate natural hazards; and
  - b. Policy 9-2 requiring that councils must not allow the establishment of structures or activities in flood prone areas unless flood hazard avoidance is achieved.<sup>225</sup>
- 3.169 We agree with Mr Asgar that the Plan Change provisions, as modified, would give effect to these policies by avoiding flood hazard risk to the Whiskey Creek properties and achieving no more than minor impact on the existing flood risk to adjoining properties.<sup>226</sup> We also endorse Mr Asgar's conclusion that the Plan Change, as modified, gives effect to Objective 5-4 and Policy 5-24 relating to the management of activities in order to at least maintain the flood mitigation function of water bodies.<sup>227</sup> We further find that the proposed Plan Change is consistent with the relevant RPS objectives and policies.

### **Regional Plans**

- 3.170 We have not been presented with any evidence to suggest that the proposal is inconsistent with the provisions of the Horizons' One Plan. As we note in paragraph 3.37, by the time of the hearing, Horizons' officers were able to confirm that the Plan Change, as modified, would give effect to the RPS and One Plan policies on development in flood prone areas.<sup>228</sup>

#### **Palmerston North District Plan**

- 3.171 We find that Mr Asgar correctly identified the relevant objectives and policies of the District Plan and we agree with his assessment<sup>229</sup> that the proposed Plan Change is consistent with those objectives (and related policies) as follows:

#### Section 2 (City View Objectives)

- a. Objective 2 relating to the efficient, timely, environmentally sensitive and economically sustainable provision of infrastructure;
- b. Objective 4 relating to the emplacement of transparent and equitable finding mechanisms to support the provision of infrastructure;
- c. Objective 5 relating to provision of a variety of residential living environments;
- d. Objective 10 relating to the enhancement of the City's visual appeal;

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<sup>225</sup> *Statement of Evidence by Marz Asgar*, dated 11 May 2022, paras 4.34 – 4.42

<sup>226</sup> *Statement of Evidence by Marz Asgar*, dated 11 May 2022, para 4.39

<sup>227</sup> *Statement of Evidence by Marz Asgar*, dated 11 May 2022, paras 4.40 – 4.41

<sup>228</sup> Letter titled *Proposed Private Plan Change – Whiskey Creek*, from Penelope Tucker, Senior Policy Planner, Horizons Regional Council, dated 25 May 2022

<sup>229</sup> *Statement of Evidence by Marz Asgar*, dated 11 May 2022, paras 4.6 – 4.11

- e. Objective 15 relating to active engagement from tangata whenua within resource management decisions;
- f. Objective 19 relating to the avoidance or mitigation of the effects of natural hazards; and
- g. Objective 21 relating to the provisions of a broad range of recreation and leisure opportunities.

#### Section 7A (Greenfield Residential Areas Objectives)

- a. Objective 1 relating to subdivision and development occurring in a coordinated and integrated manner;
- b. Objective 2 relating to the creation of a high-quality and diverse living environment;
- c. Objective 3 relating to the recognition of the risk and effects of natural hazards; and
- d. Objective 4 relating to the carrying out of stormwater management in an integrated manner.

#### Section 10 (Residential Zone Objectives)

- a. Objective 1 relating to provision for the City's housing needs;
- b. Objective 2 relating to securing and enhancing residential amenity and character;
- c. Objective 3 relating to efficient, resilient and environmentally sustainable housing development;
- d. Objective 9 relating to the provision of a diverse range of residential housing types and densities;
- e. Objective 10 relating to the contribution of non-residential development with residential areas; and
- f. Objective 11 relating to the management of natural hazard risk.

### ***Non-Statutory Strategies and Plans***

3.172 We concur with Mr Duindam's assessment that the Plan Change is generally consistent with Council's strategic growth planning as encapsulated in its non-statutory strategies and plans, inclusive of its long term plans, city spatial plan, city growth plan, infrastructure strategy, innovative and growing city strategy, housing needs and business assessment and housing capacity assessment.<sup>230</sup>

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<sup>230</sup> *Statement of Evidence of Michael Duindam*, dated 11 May 2022, paras 2 and 25

#### 4. STATUTORY CONSIDERATIONS

- 4.1 Drawing on consideration of the Plan Change material, the submissions and further submissions, and the evidence presented, this part of our report addresses the statutory requirements outlined at the start of **Section 3** above.
- 4.2 We have adopted a thematic approach to presenting our findings in this respect, using relevant *Colonial Vineyards* criteria as a 'road map.' In particular, we rely on the detailed reasoning in **Section 3** and added to it where appropriate in the context of each thematic question we outline in turn below.

***Is the Plan Change designed to accord with, and assist the Council to carry out its functions so as to achieve the purpose of the Act?***

- 4.3 The Plan Change involves the inclusion of provisions into the operative District Plan to achieve integrated management of the effects of the use, development, and protection of land and associated natural and physical resources of Palmerston North City. Further, the Plan Change aims to control the actual or potential effects of the use, development and protection of land to which it relates, including for the purpose of the avoidance or mitigation of natural hazards, and in particular flooding.
- 4.4 Accordingly, we find that the Plan Change is designed to accord with and assist the Council in carrying out its s31 functions.

***Does the Plan Change give effect to any NPS or the NZCPS?***

- 4.5 We find that the Plan Change gives effect to the NPS-UD and is not inconsistent with the NPS-FM.
- 4.6 The NZCPS is not relevant to the Plan Change and we have not taken the draft NPS-IB and NPS-HPL into account.

***Does the Plan Change give effect to the Regional Policy Statement?***

- 4.7 As summarised in paragraphs 3.172 and 3.173, we find that Plan Change provisions give effect to, or at least are consistent with, the relevant RPS provisions.

***Is the Plan Change consistent with any regional plans or proposed regional plans?***

- 4.8 We were not presented with any evidence to suggest that the proposal is inconsistent with the One Plan.

***What (if any) regard should be given to relevant management plans and strategies under other Acts, including any relevant entry in the Historic Places Register?***

- 4.9 The site to which the Plan Change relates is not identified in any RMA policy statement or plan as having any special historical or cultural significance, and we have not been presented with any evidence to the contrary.

***To what extent does the District Plan need to be consistent with the plans or proposed plans of adjacent territorial authorities?***

- 4.9 We were not advised of any cross-boundary issues that require any particular measures to be adopted by the Plan Change. We are satisfied that the proposal has had sufficient regard to the extent to which it needs to be consistent with other plans of other territorial authorities.

***Are the provisions the most appropriate way to implement the “objectives,” having regard to their efficiency and effectiveness, actual and potential environmental effects and reasonable alternatives?***

- 4.10 As set out under our preamble in **Section 3** of this report, there are two suites of 'objectives' that we have considered, being:
- a. the goals set out in the Plan Change's purpose; and
  - b. the settled, relevant objectives of the operative District Plan.
- 4.11 Assessing the former first, we consider that the proposed provisions have been explicitly designed to be effective and efficient at implementing the plan change's stated purpose (as it is set out in paragraphs 2.11 to 2.13). Moreover, the amendments to the proposed Plan Change provisions arising since notification as set out in **Appendix 2** have been made for the purposes of improving clarity and/or effective implementation of the provisions. The appropriate analysis under s32AA has also been completed in that regard.
- 4.12 Turning to the settled, relevant objectives of the operative District Plan, we have previously agreed with Mr Asgar that these are to be found in the sections referred to in paragraph 3.175.
- 4.13 Of particular import given the issues we have traversed in **Section 3** are those District plan objectives (and associated policies) that address:
- a. risks from natural hazards (Section 2 – Objective 19, Section 10 – Objectives 3 and 11)
  - b. the City's housing needs (Section 2 – Objective 5, Section 7A – Objective 2, Section 10 – Objectives 1 and 9);
  - c. residential amenity (Section 2 – Objective 10, Section 10 – Objective 2); and
  - d. the co-ordination of development and infrastructure provision (Section 2 – Objectives 2 and 4, Section 7A – Objectives 1 and 4).
- 4.14 We agree with Mr Asgar<sup>231</sup> that amendments to the Plan Change (that we have adopted) to clarify the circumstances in which stormwater management and flood risk is assessed, addressed and resolved ahead of the site's development represent the most appropriate and effective way of achieving District Plan objectives with respect to natural hazards. We note that the technical experts reached a consensus on these matters during the course of the hearing.

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<sup>231</sup> Statement of Evidence by Marz Asgar, dated 11 May 2022, paras 4.6(j) and 4.9

- 4.15 We further agree with Messrs Asgar and Duindam that the development of the site for residential purposes will make a useful contribution to the City's housing needs.<sup>232</sup> We are less convinced that the site's development will lead to a diversity in terms of housing typology given the constraints imposed by a modestly expressed Plan Change 'objective'. However, in our view, the Plan Change provisions, as amended and adopted, present the best means of ensuring that the option of multi-unit housing on the site is at least preserved. We accept that the Council's aspirations in this respect will be more effectively served on a City-wide basis through a forthcoming plan change.
- 4.16 We agree with Mr Asgar<sup>233</sup> that the site's development, governed as it will be by the Structure Plan and the Plan Change provisions as amended, and inclusive of the proposed reserve and setbacks and other 'interface' controls, will give appropriate affected to District Plan objectives relating to residential amenity.
- 4.17 Finally, we concur with Mr Asgar<sup>234</sup> that the site's development will align with District Plan objectives with respect to the co-ordination of development and infrastructure, particularly now that the issue over water supply has been resolved through amendments to the Plan Change provision, that we have adopted.

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<sup>232</sup> *Statement of Evidence by Marz Asgar*, dated 11 May 2022, para 4.6(g)

<sup>233</sup> *Statement of Evidence by Marz Asgar*, dated 11 May 2022, paras 4.6(h), (k), 4.9 and 4.11

<sup>234</sup> *Statement of Evidence by Marz Asgar*, dated 11 May 2022, paras 4.6(e), (f), 4.9 and 4.11

## 5. OVERALL DECISION

- 5.1 Based on our consideration of all the material before us, including the section 42A report from the Council's advisors, submissions, further submissions, evidence presented at the hearing and following consideration of the requirements of section 32AA and other relevant statutory matters, and for the reasons we have set out above in **Sections 3 and 4**, we decided that:
- a. the Plan Change be **accepted** as notified, and as further amended prior to, during and subsequent to the hearing, as set out in **Appendix 2**;
  - b. that all submissions on the Plan Change be accepted or rejected to the extent that they correspond with that conclusion and the matters we have set out in the preceding report sections (and as summarised in **Appendix 1**); and
  - c. pursuant to Clause 10 of the First Schedule of the Resource Management Act 1991, Council give notice of our decision on submissions to the Whiskey Creek Plan Change.

**DATED AT WELLINGTON THIS 29<sup>th</sup> DAY OF SEPTEMBER 2022**



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DJ McMahon  
Independent RMA  
Commissioner  
Chair



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A Rutherford  
PNCC Councillor  
(Appointed as a  
Commissioner)



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B Barrett  
PNCC Councillor  
(Appointed as a  
Commissioner)

**APPENDIX 1**

Panel decisions on relief sought by submissions and further submissions



## Original Submissions

SO1 Marion J Anderson					
Sub. Ref.	Amendment & Provision	Support / Oppose	Reasons	Decision/Relief Sought	Decision
S1/1	All	Oppose	House is 1.1m from rear boundary and does not have a living court as there is a flood plain on other side of boundary, under the impression when the house was built that the site would remain empty.	Opposes plan change in total.	Accept in part
S1/2	All	Oppose	Fence and buildings close to the boundary causing shading onto back of property causing a loss of sunlight affecting health and wellbeing.	Opposes plan change in total.	Accept in part
S1/3	All	Oppose	Impacts of flooding and cumulative effects of climate change and intensification.	Opposes plan change in total.	Accept in part
S1/4	All	Oppose	Increased traffic congestion on Rangitikei Line, Milson Line and Gillespies Line associated with the proposal. Flyers Line in poor condition due to flooding which may not be suitable for increased flows.	Opposes plan change in total.	Reject
S1/5	All	Oppose	Concerns regarding noise, dust and vibrations during construction.	Opposes plan change in total.	Reject
S1/6	All	Oppose	Loss of privacy, views and bird watching.	Opposes plan change in total.	Reject

<b>SO2 Edward Anderson</b>					
<b>Sub. Ref.</b>	<b>Amendment &amp; Provision</b>	<b>Support / Oppose</b>	<b>Reason</b>	<b>Decision/Relief Sought</b>	<b>Decision</b>
S2/1	Thomas Planning report, pg. 26	Oppose	The proposed plan change is in the district plan flood prone overlay and should not be built on.	Opposes plan change in total.	Accept in part
S2/2	All	Oppose	Concerns new owners won't be able to get insurance for their house due to flooding.	Opposes plan change in total.	Accept in part
S2/3	All	Oppose	Increased traffic congestion towards the city along Rangitikei and Milson overbridges on a daily basis. Flyers line would not be sufficient for increased traffic flows due to flood damage and it down to one lane in some areas.	Opposes plan change in total.	Reject
S2/4	All	Oppose	Concerns with loss of wildlife if site is built on.	Opposes plan change in total.	Reject
S2/5	All	Oppose	Concerns that north westerly prevailing winds will blow dust towards houses on Meadowbrook Drive during construction/earthworks. This would make normal day to day life intolerable such as not being able to hang washing outside to dry.	Opposes plan change in total.	Reject
S2/6	All	Oppose	House is 1.1m from rear boundary and does not have a living court as there is a flood plain on other side of boundary, under the impression when the house was built that the site would remain empty. Building on the proposed plan change site will result in reduced sunlight leading to a less warm and dry home.	One or more of the following conditions be made if the plan change is approved: A road be created to the rear of houses along Meadowbrook Drive. A 15 to 20 metre green belt or buffer to the rear of houses along Meadowbrook Drive.	Accept in part

				That the section directly behind 23 Meadowbrook Drive be made a reserve or playground. No high fencing that will block sunlight. Height restrictions of any building that may block sunlight onto 23 Meadowbrook Drive.	
S2/8	All	Oppose	Concerned regarding the safety of existing residents as this is not a suitable site to build on.	Opposes plan change in total.	Reject

<b>SO3 Paula Eyres</b>					
<b>Sub. Ref.</b>	<b>Amendment &amp; Provision</b>	<b>Support/ Oppose</b>	<b>Reason</b>	<b>Decision/Relief Sought</b>	<b>Decision</b>
S3/1	All	Oppose	Concerned of the loss of light and sun will have on her property	Opposes plan change in total.	Accept in part/Reject
S3/2	All	Oppose	Concerned that flooding could occur if culvert running along boundary of 15a Meadowbrook Drive is covered when land is zoned to residential. The culvert is wet and running during rainfall. Has observed large pooling of surface water in the proposed plan change area.	Opposes plan change in total. If accepted that the culvert should be left open with planting around it to contain water flows and reduce flood risk.	Accept in part
S3/3	All	Oppose		That the following be made if the plan change is approved: <ul style="list-style-type: none"> <li>Removing the proposed sections along the property boundary of dwellings at Meadowbrook Drive with the houses starting after the proposed road.</li> </ul>	Accept in part

				<ul style="list-style-type: none"> <li>Enhance the natural swamp by planting</li> <li>Adding a walkway.</li> </ul> <p>Only one story houses in the area closest to Meadowbrook Drive to reduce loss of sunlight onto existing sections on Meadowbrook Drive.</p>	
S3/4	All	Oppose	Concerned regarding loss of view. Was assured by the Palmerston North City Council when purchased the property that the land would not be built on due to it being a flood plain. Property was brought under the assumption the view would be retained.	Opposes plan change in total.	Reject

<b>SO4 Flyers Investment Group Ltd</b>					
<b>Sub. Ref.</b>	<b>Amendment &amp; Provision</b>	<b>Support/ Oppose</b>	<b>Reason</b>	<b>Decision/Relief Sought</b>	<b>Decision</b>
S4/1	Policy 2.8	Support	Amend Policy 2.8 to better reflect urban design principals.	<p>The submitter has requested Changes to the proposed policy 2.8 be amended to include the following design principles:</p> <ul style="list-style-type: none"> <li>Stormwater and Flooding</li> <li>Open space and reserves</li> <li>Gas pipeline</li> <li>Streets and linkages</li> <li>Subdivision design and integration</li> <li>Typology and density</li> </ul>	Accept in-part

<b>SO5 Peter D Jones</b>					
<b>Sub. Ref.</b>	<b>Amendment &amp; Provision</b>	<b>Support/ Oppose</b>	<b>Reason</b>	<b>Decision/Relief Sought</b>	<b>Decision</b>
S5/1	Appendix 2: Hydraulic Modelling, Option 6, pg. 8 – 9.	Oppose	Prevent any flooding from occurring on existing properties along Benmore Avenue, especially the western end between number 25 – 45 Benmore Avenue. Rejects current design unless inundation of Benmore Avenue properties can be prevented. The existing drain located on the north side of Flyers Line should be upgraded/ strengthened to cater for spillway flooding.	Manage future effects of flooding to mitigate effects on residents.	Accept in-part
S5/2	All	Oppose	Proposed roundabout for Benmore Avenue and Meadowbrook Drive must be heavy duty. Consideration of heavy laden traffic/industrial road users along Benmore Avenue should be given as a by-pass. Additional measures or modifications must be in place at Bennet Street and Benmore Avenue intersection to accommodate increased traffic flows.	Traffic and road upgrades to cater for increased traffic.	Accept in-part

<b>SO6 Joshua Thompson</b>					
<b>Sub. Ref.</b>	<b>Amendment &amp; Provision</b>	<b>Support/ Oppose</b>	<b>Reason</b>	<b>Decision/Relief Sought</b>	<b>Decision</b>
S6/1	All	Support	Supports the proposal to increase housing supply in Palmerston North for the benefit of the whole community.	Approve plan change	Accept

<b>SO7 Michele D Mitchell</b>					
<b>Sub. Ref.</b>	<b>Amendment &amp; Provision</b>	<b>Support/ Oppose</b>	<b>Reason</b>	<b>Decision/Relief Sought</b>	<b>Decision</b>
S7/1	All	Oppose	Concerns that properties adjacent to the proposed plan change area will decrease in value.	Reject Plan Change Proposal	Reject
S7/2	All	Oppose	Many have brought properties along Meadowbrook Drive for the view of native wildlife and mountains.	Reject Plan Change Proposal	Reject
S7/3	All	Oppose	Safety of those living at number 1- 5 Meadowbrook Drive as they are closer to the proposed roundabout/intersection. Has concerns navigating coming off roundabout and children walking to and from school by themselves, especially with increased traffic flows.	Reject Plan Change Proposal	Reject
S7/4	All	Oppose	Loss of sunlight and views	Reject Plan Change Proposal	Reject
S7/5	All	Oppose	Concerns about increased flooding	Reject Plan Change Proposal	Accept in part
S7/6	All	Oppose	Concerns regarding crime occurring at the proposed location for a corner store (commercial area). Corner stores can be targets for theft and hold ups.	Reject Plan Change Proposal	Reject
S7/7	All	Oppose	Loss of productive farming land if housing is placed on the proposed plan change area.	Reject Plan Change Proposal	Reject

<b>SO8 Palmerston North City Council</b>					
<b>Sub. Ref.</b>	<b>Amendment &amp; Provision</b>	<b>Support/ Oppose</b>	<b>Reason</b>	<b>Decision/Relief Sought</b>	<b>Decision</b>
S8/1	All	Support in principle	<p>The specific issues of interest include:</p> <ul style="list-style-type: none"> <li>• Noise</li> <li>• Road connectivity/ layout</li> <li>• Liquefaction/Geotech</li> <li>• Rooding</li> <li>• Flooding</li> <li>• Cultural Impact Assessment</li> <li>• Urban Design</li> <li>• District Plan Provisions</li> <li>• Council Growth Strategies</li> <li>• Council Infrastructure Strategy</li> <li>• Council Financial Strategy</li> <li>• PNCC Asset Management Plans and 2021/Long Term Plan.</li> </ul>	That the private plan change request makes amendments to ensure the outcomes of the proposed plan change are realised by any subsequent development of land.	Accept in part

<b>SO9 Barney and Rose Hyde</b>					
<b>Sub. Ref.</b>	<b>Amendment &amp; Provision</b>	<b>Support/ Oppose</b>	<b>Reason</b>	<b>Decision/Relief Sought</b>	<b>Decision</b>
S9/1	Appendix 2 – flooding, pg8.	Neutral	Lives along Flyers line and has concerns regarding a heightened flood path on their property. Concerned regarding the preferred option 6 and how it works.	That concerns be addressed, and relevant amendments be made.	Accept in part
S9/2	Appendix 12 – Stormwater (detention and wetland area)	Neutral	Concerned about stagnant water close to property which could attract insects and rats. Would like this to be moved to different location.	That concerns be addressed, and relevant amendments be made	Reject

SO10 Brian S McPherson					
Sub. Ref.	Amendment & Provision	Support/ Oppose	Reason	Decision/Relief Sought	Decision
S10/1	All	Oppose	The proposed plan change area is not appropriate to be built on as it is prone to flooding from the Mangaone Stream on a 10-40-year cycle. Concerned that no stopbanks have been included in the proposal. Concerned regarding cumulative effects downstream due to the recontouring of the Whiskey Creek water course by reducing its width and what effects this will have on households.	Reject plan change request.	Reject

SO11 Michael McCavana					
Sub. Ref.	Amendment & Provision	Support Oppose	Reason	Decision/Relief Sought	Decision
S11/1	All	Oppose	Currently has views of Mount Ruapehu, rural outlook which provides a view of sun sets. Was told when purchasing the home in 2017 that the proposed plan change land would not be built on, due to flood hazards on the site. Loss of amenity values, sense of community and property value. Loss of sunlight on property and inside house, especially during winter months. Concerned regarding shadowing onto property from high fencing and buildings.	Reject plan change request but if accepted that amendments are made to incorporate a greenbelt to retain amenities, sun, privacy and views.	Accept in part
11/2	All	Oppose	Impacts of flooding upstream and downstream and flood risks from future development on the proposed plan change area.	Reject plan change request	Accept in part



11/3	All	Oppose	Increased traffic causing safety concerns, especially for children and wider community.	Reject plan change request	Reject
11/4	All	Oppose	The effects of dust and noise will have on them during construction and concerns about any future stages of development in the same proposed area.	Reject plan change request	Reject
11/5	All	Oppose	No community input in design and plan change process to protect existing residents from inappropriate development.	Reject plan change request	Reject
11/6	All	Oppose	The proposal is not in line with regional policy statements, plans and the district plan that relate to: a) Protection of high-quality rural land b) Avoidance of flood hazards associated with sensitive communities c) Protection of water quality and associated freshwater values d) Maintenance of city form e) Protection of community values within existing residential zones Protection of amenity values.	Reject plan change request	Reject
11/7	All	Oppose	Loss of amenity values, sense of community and property value.	Reject plan change request	Reject
11/8	All	Oppose	Loss of sunlight on property and inside house, especially during winter months. Concerned regarding shadowing onto property from high fencing and buildings.	Reject plan change request	accept in part / reject

<b>SO12 Maureen Haddock</b>					
<b>Sub. Ref.</b>	<b>Amendment &amp; Provision</b>	<b>Support/ Oppose</b>	<b>Reason</b>	<b>Decision/Relief Sought</b>	<b>Decision</b>
S12/1	All	Oppose	Would cause disruption to peace, quiet, rural views and views of Mt Ruapehu.	Reject plan change request	Reject
S12/2	All	Oppose	Concerned about increased flooding on her property and unsure what effects are as the technical documents do not give clear indication. Has observed significant flooding over a span of 46 years and worried about cumulative effects of climate change and proposed plan change. Concerned that the proposed development could increase insurance premiums. Would like clarification on how flood waters will be cleared via the stormwater network.	Reject plan change request	Accept in part / reject
S12/3	All	Oppose	Land is zoned rural, and it is not appropriate for residential development as stated in the One Plan and the District Plan.	Reject plan change request	Reject
S12/4	All	Oppose	Wants to know how construction effects will be managed i.e operation times, dust control measures, noise limits.	Reject plan change request	Accept in part / reject
S12/5	All	Oppose	Concerned with increased traffic congestion of Bennett Street, Rangitikei Line and Benmore Avenue.	Reject plan change request	Reject

SO13 Michael G Hermansen					
Sub. Ref.	Amendment & Provision	Support/ Oppose	Reason	Decision/Relief Sought	Decision
S13/1	All	Oppose	Lives adjacent to proposed road and roundabout and has concerns accessing his property due to the close proximity of the roundabout to the driveway. Concerned about increased traffic congestion and direct effects on his property being next to roundabout, new road and the proposed commercial area. Concerned about night time road activity and car lights shining into master bedroom at night.	Reject plan change request	Reject
S13/2	All	Oppose	Proposed commercial area is located behind his property. Has concerns regarding shadowing on his property and loss of sun and view. Has concerns regarding delivery truck activity in early hours of the morning and creating noise. Concerned about the presence of rodents in commercial area.	If the plan change is approved, suggests the proposed commercial area be moved further into the proposed plan change	Reject
S13/3	All	Oppose	Concerned with the cumulative effects of earthworks, runoff from the Mangone Stream and the proposed Kiwi rail Freight Hub will have on flooding and these effects on his property. The proposed plan change area is inappropriate for development due to flooding.	Reject plan change request	Accept in part

S13/4	All	Oppose	Concerned regarding loss of property values due to commercial area behind the property and a roundabout out the front.	Reject plan change request	Reject
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<b>SO14 Ngāti Turanga</b>					
<b>Sub. Ref.</b>	<b>Amendment &amp; Provision</b>	<b>Support/ Oppose</b>	<b>Reason</b>	<b>Decision/Relief Sought</b>	<b>Decision</b>
S14/1	All	Partial support / partial oppose	Cumulative adverse effects on water quality.	Avoid adverse effects	Accept in part
S14/2	All	Partial support / partial oppose	Inability to exercise Mahinga kai and Manakitanga obligations.	Avoid adverse effects	Accept in part
S14/3	All	Partial support / partial oppose	Loss of rural amenity values.	Avoid adverse effects	Reject
S14/4	All	Partial support / partial oppose	Intensification of land use in a way that does not appear to be consistent with the city's strategic growth priorities.	Avoid adverse effects	Reject
S14/5	All	Partial support / partial oppose	Cumulative impacts associated with intensive land use within an active, known flood zone.	Avoid adverse effects	Accept in part

<b>SO15 Anthony and Carlyne Cade</b>					
<b>Sub. Ref.</b>	<b>Amendment &amp; Provision</b>	<b>Support/ Oppose</b>	<b>Reason</b>	<b>Decision/Relief Sought</b>	<b>Decision</b>
S15/1	All	Oppose	There should be no development or building within the flood plain.	Reject the plan change	Accept in part
S15/2	All	Oppose	Property values will be negatively impacted by the loss of open space and views at the rear of existing residential properties.	Reject the plan change	Reject
S15/3	All	Oppose	Loss of sunlight will lead to shading, cooling of homes and soggy back yards.	Reject the plan change	Accept in part
S15/4	All	Oppose	Changes in ground level will impact on neighbouring properties by way of runoff.	Reject the plan change	Accept in part
S15/5	All	Oppose	Liquefaction and other ground conditions needs to be taken into account.	Reject the plan change	Accept in part
S15/6	All	Oppose	The Traffic Engineering and Transportation Planning report submitted with the plan change application is conservative and inaccurate with respect to the amount of traffic likely to be generated.	Reject the plan change	Reject
S15/7	All	Oppose	The proposed roundabout will create a hazard due to vehicles queueing back over the bridge over the Mangaone Stream. Access/egress to properties will be restricted by the roundabout.	Reject the plan change	Reject
S15/8	All	Oppose	Increased traffic flow, the new road and the roundabout will create an unsafe situation for children walking to kindergartens and schools.	Reject the plan change	Reject
S15/9	All	Oppose	The new road connection through 127 Benmore Avenue will create adverse effects	Reject the plan change	Reject

			on adjoining neighbours due to vehicular noise and headlight glare.		
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<b>SO16</b>	<b>David J Setter</b>
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<b>Sub. Ref.</b>	<b>Amendment &amp; Provision</b>	<b>Support/ Oppose</b>	<b>Reason</b>	<b>Decision/Relief Sought</b>	<b>Decision</b>
S16/1	Thomas planning report on Page 52, Objective 9-1.	Oppose	To ensure that the development does not block sheet flow flooding that is currently designed to cross SH3 from doing so. Otherwise, properties north of SH3 may be flooded.	Amend plan change	Accept in part

<b>SO17</b>	<b>Anthony and Carlyne Cade</b>
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<b>Sub Ref.</b>	<b>Amendment &amp; Provision</b>	<b>Support/ Oppose</b>	<b>Reason</b>	<b>Decision/Relief Sought</b>	<b>Decision</b>
S17/1	All	Supports in part.	Supports a left in, left out vehicle access to Rangitikei Line (SH 3), provided a physical layout that prevents right hand turns is constructed. The location of the access will also need to be located as far as possible from the Mangaone Stream bridge to maximise separation distance for sight lines. The layout and infrastructure will need to be approved by Waka Kotahi.	The provision of further information, analysis and requested conditions.	Accept in part
S17/2	All	Supports	That no additional stormwater discharge to the SH 3 stormwater network occurs as part of the development.	The provision of further information, analysis and requested conditions.	Accept in part
S17/3	All	Supports	That no increase in flooding risk to the state highway network occurs as a result of the development.	The provision of further information, analysis and requested conditions.	Accept in part

S17/4	All	Supports	Agrees with the Traffic Engineering and Transportation Planning report submitted with the plan change application that 4 or 5 car parking spaces are removed along Bennett Street, between the bus stop and Rangitikei Line.	The provision of further information, analysis and requested conditions.	Accept in part
S17/5	All	Supports	Supports the four-arm roundabout created at the intersection with Meadowbrook Drive.	The provision of further information, analysis and requested conditions.	Accept in part
S17/6	All	Supports	Supports the Acousafe noise report submitted with the application where it proposes to manage state highway noise with building setbacks.	The provision of further information, analysis and requested conditions.	Accept
S17/7	All	Supports	How does the proposed walking network maximise access for future residents to the existing bus stop on Benmore Avenue?	The provision of further information, analysis and requested conditions.	Accept in part
S17/8	All	Supports	Supports the proposed shared path and connections through to the existing shared path network along the Mangaone Stream. Would like to see the shared path extended to connect to the shared path on SH 3 at the cost of the applicant.	The provision of further information, analysis and requested conditions.	Accept in part
S17/9	All	Supports	Would like to see better information provided in relation to key public transport, walking and cycling links to the development.	The provision of further information, analysis and requested conditions.	Accept in part
S17/10	All	Supports	Supports the higher density housing along the northern edge of the development. Would like to see consideration of more higher density housing within the site.	The provision of further information, analysis and requested conditions.	Accept in part

<b>SO18 Horizons Regional Council</b>					
<b>Sub. Ref.</b>	<b>Amendment &amp; Provision</b>	<b>Support / Oppose</b>	<b>Reason</b>	<b>Decision/Relief Sought</b>	<b>Decision</b>
S18/1	All	Conditional support	Supports the development subject to obtaining resource consent approval for earthworks designed to avoid flood hazard and address potential liquefaction.	Conditional support subject to relief set out in submission	Accept in part
S18/2	All	Conditional support	That stormwater is managed to avoid adverse effects.	Conditional support subject to relief set out in submission	Accept in part
S18/3	All	Conditional support	That realignment of the Whiskey Creek stream and construction of the wetland require resource consent. Impacts on freshwater will need to address and consents approved by Horizons.	Conditional support subject to relief set out in submission	Accept in part
S18/4	All	Supports	Horizons supports a separation distance performance standard from the First Gas natural gas pipeline.	Conditional support subject to relief set out in submission	Accept
S18/5	All	Supports	Horizons supports a multi modal approach to traffic in relation to support for public transport, safe access to Rangitikei Line and Benmore Avenue and an approach that enables increases in active transport.	Conditional support subject to relief set out in submission	Accept in part
S18/6	All	Supports	Horizons supports that allotments should be shaped and designed to enable dwellings with good solar access and sufficient outdoor amenity.	Conditional support subject to relief set out in submission	Accept in part



S18/7	All	Supports	Horizons notes that the One Plan directs Territorial Authorities to consider the benefits of retaining Class 1 and 2 versatile soils.	Conditional support subject to relief set out in submission	Reject
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### SO19 Mid Central DHB

Sub. Ref.	Amendment & Provision	Support/ Oppose	Reason	Decision/Relief Sought	Decision
S19/1	All	Supports with condition.	That a cycle lane be installed on Benmore Avenue to provide for safe access to Cloverlea School with the costs to be shared by Council and the developer.	Approve with conditions	Accept in part
S19/2	All	Support with condition.	The installation of a roundabout on Benmore Avenue is supported along with designs to slow speeds of traffic and make the roundabout cyclist friendly.	Approve with conditions	Accept in part
S19/3	All	Support	Support improved access to the Mangaone Stream shared path.	Approve with conditions	Accept
S19/4	All	Support	Support further engagement with local iwi.	Approve with conditions	Accept in part

### SO20 John and Raewyn Anderson

Sub. Ref.	Amendment & Provision	Support/ Oppose	Reason	Decision/Relief Sought	Decision
S20/1	All	Oppose	The flood risk to houses built within the development.	Reject the plan change request	Reject
S20/2	All	Oppose	Increased flood risk on adjoining residential areas on Meadowbrook Drive, Benmore Avenue and Gillespies Line.	Reject the plan change request	Reject

S20/3	All	Oppose	Climate change effects have not been considered.	Reject the plan change request	Reject
S20/4	All	Oppose	Loss of residential amenity values and views from the existing residential area will down grade the value of properties.	Reject the plan change request	Reject
S20/5	All	Oppose	5 metre high buildings on Whiskey Creek area will result in loss of sun and shading in winter months around 2pm to most of the homes along Meadowbrook Drive and Benmore Avenue. The backyards will never dry out resulting in a bog.	Reject the plan change request	Reject
S20/6	All	Oppose	The loss of sun will increase energy use for heating, adding to climate change. It will also create health issues due to mould developing from dampness.	Reject the plan change request	Reject
S20/7	All	Oppose	1.8 metre high fencing is going to be installed resulting in extra shading of existing backyards.	Reject the plan change request	Reject
S20/8	All	Oppose	Wind gusts from 5 metre to 11 metre high buildings will increase from 60 kph to 120 kph.	Reject the plan change request	Reject
S20/9	All	Oppose	There will be increased traffic noise and light pollution due to an increase in vehicles and the removal of the small mound by the roundabout.	Reject the plan change request	Reject
S20/10	All	Oppose	The bus route may be taken away due to the roundabout.	Reject the plan change request	Reject
S20/11	All	Oppose	The roundabout will create problems and a hazard area for children walking or cycling to school.	Reject the plan change request	Reject
S20/12	All	Oppose	There will be a loss of habitat for Pukeko, hawks and spur-wing plover.	Reject the plan change request	Reject

S20/13	All	Oppose	Dust from construction works will be blown onto existing residential properties.	Reject the plan change request	Reject
S20/14	All	Oppose	Security lights from new dwellings/buildings will spread light onto existing residential properties which will affect sleep and quality of life.	Reject the plan change request	Reject
S20/15	All	Oppose	Tree plantings will restrict water flow and cause water to backup when flows are restricted. Rubbish will collect in water channels.	Reject the plan change request	Reject
S20/16	All	Oppose	The area to be rezoned has liquefaction, is good farmland and a flood way. We need to keep residential development off these areas.	Reject the plan change request	Reject
S20/17	All	Oppose	Flygers Line is a single lane, second tier road and will not take extra traffic flows.	Reject the plan change request	Reject
S20/18	All	Oppose	Traffic flows in the applicant's traffic assessment are wrong because most houses these days have at least two cars which will double the traffic flow. The roading structure won't cope with increased flows in Benmore Ave and beyond.	Reject the plan change request	Reject
S20/19	All	Oppose	There seems to be allowance for extra sewage requirements and the PNCC system is already overloaded.	Reject the plan change request	Reject
S20/20	All	Oppose	Extra stormwater is going to affect the whole area and properties downstream.	Reject the plan change request	Reject

<b>SO21 Anne Judith Milne</b>					
<b>Sub. Ref.</b>	<b>Amendment &amp; Provision</b>	<b>Support/ Oppose</b>	<b>Reason</b>	<b>Decision/Relief Sought</b>	<b>Decision</b>
S21/1	All	Oppose	The proposed National Policy Statement on Versatile Soils is ignored. Insufficient weight is given to objectives in the One Plan on versatile soils and flooding. The proposal goes against the PNCC District Plan Section 7 Objective 3 to retain Class 1 and 2 versatile soils for use as production land.	Reject the plan change request	Reject
21/2	All	Oppose	The proposal goes against the PNCC 10 year plan Goal 4 – planning to accommodate growth through intensification rather than urban sprawl.	Reject the plan change request	Reject
21/3	All	Oppose	The proposal goes against the PNCC District Plan Section 7 Objective 3 to retain Class 1 and 2 versatile soils for use as production land.	Reject the plan change request	Reject

<b>SO22 Sally and Murray Rasmussen</b>					
<b>Sub. Ref.</b>	<b>Amendment &amp; Provision</b>	<b>Support/ Oppose</b>	<b>Reason</b>	<b>Decision/Relief Sought</b>	<b>Decision</b>
S22/1	All	Oppose	The risk of liquefaction is not to be taken lightly as evidenced from the 2011 Christchurch earthquake.	Reject the plan change	Reject
S22/2	All	Oppose	The risk of flooding along the Mangaone Spillway flow path is substantial. The increasing number of	Reject the plan change	Reject

			extreme events accentuates the risk. The raising of the Flyers Line stopbank will not be enough to protect the current residential properties without the inclusion of any proposed residential properties. There have been at least two events when I have not been able to exit Meadowbrook Drive because the road has been flooded on the corner.		
S22/3	All	Oppose	The proposal will increase traffic flow on the corner of Benmore Avenue and Meadowbrook Drive to such an extent that major and continuous disruptions to the smooth flow of traffic will occur.	Reject the plan change request	Reject
S22/4	All	Oppose	The left-out traffic exit onto Rangitikei Line will result in more cars using Flyers Line. Flyers Line is in a state of disrepair due to flood damage and may be closed. This is a major concern due to increased traffic flow.	Reject the plan change request	Reject
S22/5	All	Oppose	Noise from construction works would bring severe interference to the existing residential area.	Reject the plan change request	Reject
S22/6	All	Oppose	Adverse visual effects including loss of sunlight is an enormous factor to those whose house, garden and fencing have been aligned to maximise views and sunlight. A 1.5 metre high solid boundary fence will result in the loss of 50% of the sunlight they currently receive. It will also seriously diminish the	Reject the plan change request or If not, then a 10 metre green corridor be created between the back boundary and the boundary of new residential sections	Reject / accept in part

			productivity of gardens growing vegetables and flowers.		
S22/7	All	Oppose	The natural wildlife habitat over the back fence for birds, hares, hedgehogs and skinks will be lost.	Reject the plan change request	Reject
S22/8	All	Oppose	There will be higher costs for insurance due to increased flooding potential risks and higher costs of building designs engineered to mitigate the risk of flooding and/or liquefaction.	Reject the plan change request	Reject
S22/9	All	Oppose	There will be a lack of facilities for new housing residents.	Reject the plan change request	Reject

### SO23 Heritage Estates 2000 Ltd

Sub. Ref.	Amendment & Provision	Support / Oppose	Reason	Decision/Relief Sought	Decision
S23/1	All	Conditional support.	The plan change is inconsistent with Council's residential growth and long-term infrastructure projects.	Supports with conditions	Accept in part
S23/3	All	Conditional support	Opposes the plan change where the effects of the plan change are greater than those demonstrated by the notified documents or where information is found to be incorrect.	Supports with conditions	Accept in part

### SO24 First Gas Ltd

Sub. Ref.	Amendment & Provision	Support/ Oppose	Reason	Decision/Relief Sought	Decision
S24/1	All	Support	Support the inclusion of the Whiskey Creek structure plan, subject to minor	Support with conditions.	Accept in part

			amendments for clarification purposes.		
S24/2	All	Support	Support the structure plan incorporating the Gas Transmission Pipeline within the proposed road corridor, and in particular under the grass berm and not beneath the paved road formation.	Supports with conditions	Accept in part
S24/3	All	Support	Support the incorporation of a minimum 20 metre setback of habitable buildings from the gas pipeline.	Supports with conditions	Accept

<b>SO25 Brian Kouvelis</b>					
<b>Sub. Ref.</b>	<b>Amendment &amp; Provision</b>	<b>Support/ Oppose</b>	<b>Reason</b>	<b>Decision/Relief Sought</b>	<b>Decision</b>
S25/1	Sections 7.2 and 7.11 and appendices 2 and 12 of the application.	Neutral	<p>The flooding reporting is too provisional in regard to the impact and mitigation of flood risk. Both internally for the proposed subdivision and externally in terms of impact on the state highway and downstream impacts on farmland along Flyers Line and Gillespies Line.</p> <p>The mitigation options discussed are far too general and more detail is required.</p> <p>The potential impacts are more frequent flooding of SH 3 through backwater effects without</p>	That the Council seek a peer review of the hydraulic and stormwater modelling, potential impacts of flooding and seek more detail on any proposed mitigation both upstream and downstream of the development as well as within the development area.	Accept in part

			<p>improvement of the floodwater hydraulics and culverts at and about the state highway. An increase of 40mm is indicated at and around Flygers Line may impact on the flood risk/passability of Flygers Line.</p> <p>The application needs to cover any potential upgrade of flood stopbanks along Benmore Avenue to maintain the existing level of service.</p> <p>The application is not clear on the operation of the flood detention pond under the Mangaone spillway operation and the flood gating of the development causing internal flooding in the proposed development area.</p>		
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<b>SO26 Irene Hamilton</b>					
<b>Sub. Ref.</b>	<b>Amendment &amp; Provision</b>	<b>Support/ Oppose</b>	<b>Reason</b>	<b>Decision/Relief Sought</b>	<b>Decision</b>
S26/1	All	Oppose	Flooding – during heavy or continuous rain, properties on Meadowbrook Drive and Benmore Avenue that adjoin the plan change area experience flooding. The plan change will create more risk of flooding.	Reject the plan change request	Reject
S26/2	All	Oppose	Traffic – the proposed roundabout is of extreme concern to residents who	Reject the plan change request	Reject



			will exit into the roundabout because it will be dangerous. Those properties at 1, 2 and 3 Meadowbrook Drive plus all others that will use the roundabout.		
S26/3	All	Oppose	The volume of traffic will increase considerably, particularly at peak times. Commercial and industrial business owners on Bennett Street will be greatly affected. The increase in traffic could affect city bus timetables. It will also affect school children attending Cloverlea School who will be more vulnerable to accidents.	Reject the plan change request	Reject
S26/4	All	Oppose	Housing – the development site is suitable for cropping or grazing of cattle and valuable for farming and other land should be found.	Reject the plan change request	Reject
S26/5	All	Oppose	It is unacceptable for new houses to be built 3 metres from the boundary of the Meadowbrook Drive and Benmore Avenue properties. There will be a lack of privacy and a lot less sunshine. The reduction of sunshine will mean the ground will take longer to dry out which will lead to homes gradually becoming damp and unhealthy. This will affect the physical and mental health of occupiers.	Reject the plan change request	Accept in part / Reject

S26/6	All	Oppose	Lifestyle – there will be a loss of views to birdlife and other creatures and to Mt Ruapehu.	Reject the plan change request	Reject
S26/7	All	Oppose	When they purchased the property they were assured that the plan change area would never be developed because of the flood plain.	Reject the plan change request	Reject
S26/8	All	Oppose	The loss of view will lead to property valuations reducing by \$20,000 to \$30,000.	Reject the plan change request	Reject

#### Further Submissions

<b>FS1 S Rasmussen</b>					
<b>Sub. Ref.</b>	<b>Amendment &amp; Provision</b>	<b>Support/ Oppose</b>	<b>Reason</b>	<b>Decision/Relief Sought</b>	<b>Decision</b>
FS1/1	All	Oppose	Support own original submission S22	Reject plan change request	Reject
<b>FS2 E and M Anderson</b>					
<b>Sub. Ref.</b>	<b>Amendment &amp; Provision</b>	<b>Support / Oppose</b>	<b>Reason</b>	<b>Decision/Relief Sought</b>	<b>Decision</b>
FS2/1	All	Oppose	Flooding	Reject plan change request	Reject

**APPENDIX 2**

Annotated version of Plan Change provisions

Palmerston North City Council District Plan

The various changes to the Plan Change as revised following the hearing are annotated as follows:

<p><u>Example 1</u> and <del>Example 1</del></p> <p><u>Example 2</u> and <del>Example 2</del></p>	<ol style="list-style-type: none"><li>1. The notified changes made to the District Plan are shown in red single underlined text for additions and red single strike through for deletions.</li><li>2. The changes made to the District Plan in relation to the Decision on the Plan Change are shown in red double underlined text for additions and red double strike through for deletions.</li></ol>
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# SECTION 4: DEFINITIONS

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# 4. DEFINITIONS

## NOTE TO PLAN USERS

A glossary of Maori words and terms is contained in Section 3 of this Plan.

In this District Plan, unless the context otherwise requires it:

<b>1% or 2% Annual Exceedance Probability Rainfall Event</b>	<p>means two rainfall events of different magnitudes which have a 1% or 2% chance of being equaled or exceeded in any given year. These rainfall events are equivalent to a 1 in 100 year event and a 1 in 50 year event.</p> <div style="border: 1px dashed black; padding: 5px;"> <p><b>NOTE TO PLAN USERS</b></p> <p>This does not mean that such events may occur once or twice in any given year, or once every 100 years or once every 50 years, it is possible they may occur more or less often in that year. The effect of any such rainfall on a stormwater drainage system will differ dependent upon the size and topography of the system's catchment.</p> </div>
<b>Access</b>	<p>means property access direct to a public road, or access to a public road from another road (i.e. intersection).</p>
<b>Access Management Structure Plan</b>	<p>A detailed plan and /or a legal access agreement authorised by Council that permits an allotment to have vehicle access onto a Major or Minor Arterial road. An Access Management Structure Plan (AMSP) details all the conditions which must be complied with, pertaining to the access crossing point(s), and any other particular arrangements and/or actions which are required to be implemented by a consent holder, to remedy or mitigate adverse effects on the efficient operation of a Major or Minor Arterial road and the surrounding road environment.</p>
<b>Access Leg</b>	<p>In relation to a rear site, means a strip of land which is included in the ownership of the site, and which provides the legal and physical access from legal road to the net area of the site.</p>
<b>Access Strip</b>	<p>means a lot (used for access), access leg or right of way providing access to a public road for one or more lots.</p>
<b>Accessible Route</b>	<p>Means a continuous route from accessible car parking spaces to a building entrance that is usable by people with disabilities, and can be negotiated unaided by a wheelchair user, walking device or by a person with a guide dog or service animal.</p>
<b>Accessory Building</b>	<p>means a building not being part of the principal building, the use of which is incidental to that of any other building or buildings on the site. In the case of a site on which no building has been erected, it is a building incidental to the use of the principal building permitted on the site. This includes a garage, carport, tool shed, playroom, recreation room, glasshouse, shipping container, swimming pool, spa pool and sleep-out.</p>
<b>Accommodation Motel</b>	<p>means land and/or buildings used for transient residential accommodation and includes the provision of playgrounds, spa pools and swimming pools. It does not include restaurants, bars or conference facilities.</p>
<b>Acoustical Consultant</b>	<p>means a person or persons normally engaged in the field of acoustical consultancy or noise control engineering and with a relevant tertiary qualification and with sufficient experience in the role.</p>

<b>Active Frontage</b>	means a façade of a building that includes windows and preferably an entrance to encourage activity and allow passive surveillance of the adjacent street, carpark, or area of public space.
<b>Advertising Device</b>	means any device, excluding those defined as an <b>Advertising Sign</b> , <b>Temporary Sign</b> or <b>Official Sign</b> used to advertise a product, service, event or location. This includes, but is not limited to, blimps, flags, laser light displays, searchlights, or supergraphics on buildings.
<b>Advertising Sign</b>	means any <b>sign</b> erected for the purposes of advertising a product, service, event or location. Advertising signs do not include footpath signs erected on the road reserve, which are controlled by the Palmerston North Signs and Use of Public Spaces By-Law 2015 (and subsequent amendments or updates). Advertising signs are permanent but can be fixed or portable in nature. Refer to <b>Temporary Signs</b> for advertising signs of a temporary nature.
<b>Aircraft Engine Testing</b>	means the testing of aircraft engines, whether in stationary aircraft or remotely mounted, for and related to the purposes of engine maintenance, and does not include normal aircraft operation engine run-ups such as aircraft warming up on the apron or the movement of aircraft to and from the engine testing location.
<b>Aircraft Operations</b>	(when used in relation to aircraft activity at Palmerston North Airport) means the operation of aircraft during, or immediately before or after flight.
<b>Airport Environs Precinct</b>	Means land within the Airport Zone on the southern side of Airport Drive. See Map 13.1: Airport Zone Precincts.
<b>Allotment</b>	means the same as the definition in the Resource Management Act 1991.
<b>Ambience</b>	means those characteristics which provide individuals and the community with positive feelings of the particular value and character of an environment which leads to an enjoyment of their environment through a sense of pleasantness and harmony.
<b>Ancillary Institutional Zone Activity</b>	means an activity which is incidental to and associated with the primary institutional activity which is undertaken on the site and which has the sole purpose of providing a service necessary to enhance the overall functioning of the institution. This includes offices staffed independently of institutions, but which are partnering with them or co-engaged in some aspect of their activity.
<b>Animal Boarding Establishment</b>	means any land or building where board and lodging is provided or intended to be provided for more than two animals, or where shelter is provided for stray or unwanted animals. This does not include dog kennels, calf rearing sheds, stables and similar shelter for private and farming uses.
<b>Animation</b>	(in the context of signs) means any method of a sign or other advertising device to generate a perception of movement or change. This includes, but is not limited to, rotating signs, flashing lights, changing displays and/or messages, laser light shows, or searchlights. It does not include the displays of digital clocks alternating with temperature with a time interval between each change of 10 seconds or more.
<b>Antenna</b>	means part of the radiocommunication facility or telecommunication facility used or intended for transmission or reception, including dishes, panels and aerials (i.e. an array of wires, rods or tubes). They include the antenna mounting and ancillary components such as radio frequency units, amplifiers, controller boxes, or similar devices, but not any supporting mast or similar structure.



<p><b>Attenuation</b></p>	<p>Within the North East Industrial Zone Extension Area, means a combination of retention and detention of stormwater.</p> <p><b>NOTE TO PLAN USERS</b></p> <p>It is expected that pond storage in Watercourse Reserve Areas is required for both detention and retention.</p>
<p><b>Available essential service</b></p>	<p>means in respect of any essential service, that the service is in a location, of a nature and capacity to supply the subdivision in accordance with the relevant policies.</p>
<p><b>Average Lot Size</b></p>	<p>for the purposes of any Greenfield Residential Area, this shall be calculated by taking the total site area included in the application for subdivision minus all land identified for roads and public open space and dividing the area by the number of residential lots to be created.</p>
<p><b>Automotive &amp; Marine Supplier</b></p>	<p>means a business primarily engaged in either the servicing and/or selling of automotive vehicles, marine craft, accessories to and parts for such vehicles and craft, and without limiting the generality of this term, includes suppliers of:</p> <ul style="list-style-type: none"> <li>• boats and boating accessories;</li> <li>• cars and motor cycles;</li> <li>• new auto parts and accessories;</li> <li>• trailers and caravans; and</li> <li>• tyres and batteries.</li> </ul>
<p><b>Blind Aisle (refer to Explanatory Diagram 4)</b></p>	<p>a parking aisle closed at one end.</p>
<p><b>Building</b></p>	<p>means any structure made by people and which is fixed to land but, for the purpose of this Plan, excludes:</p> <ol style="list-style-type: none"> <li>a. Any retaining wall not exceeding 1.5m in height measured from the lowest adjoining ground level.</li> <li>b. Any wall (other than a retaining wall) or fence of any height not exceeding 2m measured from the lowest adjoining ground level.</li> </ol>
<p><b>Building Supplier</b></p>	<p>means a business primarily engaged in selling goods for consumption or use in the construction, modification, cladding, decoration or outfitting of buildings (other than businesses where the processing and machining of timber and other construction materials and products is carried on) and without limiting the generality of this term, includes:</p> <ul style="list-style-type: none"> <li>• glaziers;</li> <li>• locksmiths; and</li> <li>• suppliers of: <ul style="list-style-type: none"> <li>- awnings and window coverings;</li> <li>- bathroom, toilet and sauna installations;</li> <li>- electrical and plumbing supplies;</li> <li>- heating, cooling and ventilation installations;</li> <li>- kitchen and laundry installations;</li> <li>- paint, varnish and wall coverings;</li> <li>- permanent floor coverings;</li> <li>- power tools and equipment;</li> <li>- safes and security installations; and</li> <li>- building materials.</li> </ul> </li> </ul>
<p><b>Circulation Route (refer to Explanatory</b></p>	<p>a route which is used solely for circulation, and to gain access to parking aisles and on which there is no parking.</p>

<b>Diagram 4)</b>	
<b>Commercial Activity</b>	for the purposes of any Greenfield Residential Area, this means the use of land and buildings for the display, offering, provision, sale or hire of goods, equipment or service including restaurants, and retail shops and outlets, but excludes service stations and supermarkets.
<b>Commercial Service Activity</b>	means a business providing personal, property, financial, household, private and business services to the general public from shop-front premises and includes, but is not limited to: <ul style="list-style-type: none"> <li>• airline and entertainment booking services;</li> <li>• copy and quick printing services;</li> <li>• customer banking facilities;</li> <li>• customer postal services;</li> <li>• counter insurance services;</li> <li>• credit unions, building societies and investment co-operatives;</li> <li>• dry-cleaning and launderette services;</li> <li>• electrical goods repair services;</li> <li>• footwear and leather goods repair services;</li> <li>• hairdressing and beauty salons and barbers;</li> <li>• key cutting services;</li> <li>• money lenders;</li> <li>• real estate agents and valuers; and</li> <li>• travel agency services.</li> </ul>
<b>Communal Activities</b>	for the purpose of applying R10.6.1.1 (h) Air Noise Controls, includes but is not limited to rooms used for education and child supervision purposes, assembly of persons for such purposes as worship, deliberation, entertainment, dining, research, education, recreation, or similar purposes and includes, but is not limited to restaurants, conference centres, churches, health centres, hospitals and residential centres.
<b>Community and Leisure Facilities</b>	means land and/or buildings used for public or private recreation, entertainment, meetings or social events.
<b>Community and Leisure Activities</b>	means activities associated with public or private recreation, entertainment, meetings or social events.
<b>Community House</b>	means land and/or buildings in which board and live-in health care or support is provided for more than five people. This includes homes for the elderly and halfway houses.
<b>Conservation</b>	means the protection or preservation of a heritage resource (building, site, vegetation or habitat) in order to maintain the natural or cultural heritage values associated with the resource, and to safeguard its potential for future generations.
<b>Core Airport Precinct</b>	means land within the Airport Zone encompassing the Palmerston North Airport's airfield, hangars, apron, terminal, public parking and other core airside activities. See Map 13.1: Airport Zone Precincts.
<b>Corner Site</b>	means a site within a general change of direction of the abutting street or streets, such change of direction being 45° or more.
<b>Council</b>	means the Palmerston North City Council or any committee, sub-committee or person to whom the Council's powers, duties and discretions under the Plan have lawfully been delegated pursuant to the provisions of any Act.
<b>Critical Infrastructure</b>	has the same meaning as defined by the Manawatu-Wanganui Regional Council One Plan Glossary.

<b>Crossing Place</b>	means that portion of the property boundary where there is safe vehicular access to a legal road.
<b>Cultural Heritage Value</b>	means possessing historical, archaeological, architectural, technological, aesthetic, scientific, spiritual, social, traditional or other special cultural significance, associated with human activity.
<b>Dairy Related Industrial Activity</b>	<p>Within the Braeburn Industrial Area, means:</p> <ul style="list-style-type: none"> <li>(a) The collection, processing, and storage of raw milk and the manufacturing and processing of dairy products and by-products.</li> <li>(b) The treatment and management of wastewater, by-products and dairy liquids.</li> <li>(c) Storage, transfer and distribution facilities primarily but not exclusively for dairy products and by-products.</li> <li>(d) Transport depots primarily but not exclusively for the transport of dairy products and by-products.</li> <li>(e) Infrastructure for the purpose of servicing activities within the Braeburn Industrial Area.</li> </ul>
<b>Demolition</b>	<p>means the complete or partial destruction of a scheduled building or object, but excludes the partial destruction of a scheduled building which is associated with an approved external alteration or addition.</p> <p>With respect to scheduled heritage buildings, partial demolition does not include internal demolition work, or minor invasive or destructive testing.</p>
<b>Dependent Dwelling Unit</b>	means any self-contained dwelling unit with a maximum gross floor area of 100m <sup>2</sup> on the same site and in the same ownership as the principal dwelling unit for the purposes of providing accommodation for family relatives, elderly or infirm people.
<b>Derelict Vehicle</b>	<p>Includes</p> <ul style="list-style-type: none"> <li>• any car or other vehicle which is not currently registered and licensed and warranted, and which for the time being is unable to be driven under its own power; and</li> <li>• any part of a vehicle.</li> </ul>
<b>Developable Land</b>	<p>means any land in Aokautere:</p> <ul style="list-style-type: none"> <li>a. that is identified as developable in Map 10.1; or</li> <li>b. for which any land instability, erosion or subsidence hazard associated with the land will be avoided or mitigated by specifically designed geotechnical engineering works for which a valid, restructured land resource consent exists. In relation to the establishment of buildings and structures, the works required by the restructured land resource consent must have been completed.</li> </ul>
<b>Development</b>	<p>means:</p> <ul style="list-style-type: none"> <li>a. Any erection, reconstruction, placement, alteration, extension, removal, or demolition of any structure in, on, under, or over the land; or</li> <li>b. Any excavation, drilling, tunneling, or other disturbance of the land; or</li> <li>c. Any destruction of, damage to, or disturbance of, the habitats of plants or animals in, on, or under the land; or</li> <li>d. Any deposit of substance in, on, or under the land;</li> </ul> <p>except where these activities are carried out as part of a subdivision which is subject to the rules of the District Plan and the provisions of the Resource Management Act 1991.</p>

<b>Digital Sign</b>	means a sign that has a pixelated image made from solid state lighting and has the ability to display animated and moving images.
<b>Display Window</b>	means windows which permit the public to view display space within a building.
<b>Domestic Pig Farming</b>	means the keeping of not more than 5 grower pigs or 2 breeding pigs provided the progeny are not retained beyond 25kg or 70 days of age.
<b>Domestic Wind Turbine</b>	means a wind turbine used for individual domestic use to derive energy from the wind, with the following characteristics: <ul style="list-style-type: none"> <li>• a blade length no greater than 9 metres; and</li> <li>• a nacelle height no greater than 20 metres from the ground.</li> </ul> and excluding any Micro Scale Wind Turbine
<b>Dripline (refer to Explanatory Diagram 1 at the end of this section)</b>	means the line formed when a vertical line from the outermost extent of a tree's branches or canopy meets the ground.
<b>Dwelling and Dwelling Unit</b>	means any self-contained building or structure, or part thereof, that is used (or intended to be used) for a single household, and which is generally not available for public use.
<b>Early Childhood Facilities</b>	means facilities providing for the care and/or education of children, which are licensed by the Ministry of Education.
<b>Earthworks</b>	means any movement of earth, including the excavation or deposition of earth or cleanfill that results in changes to the existing ground level. This includes, but is not limited to, earth movement associated with subdivision and siteworks as defined by the Building Act 2004. <div style="border: 1px dashed black; padding: 5px; margin-top: 10px;"> <p><b>NOTE TO PLAN USERS</b> The District Plan contains exclusions to the earthworks provisions of R6.3.6.1. Refer to Section 6 of the District Plan.</p> </div>
<b>Ecotoxicity</b>	means adverse toxic effects on ecosystems or other ecological communities.
<b>Education Facility</b>	means land and/or buildings used as a primary, intermediate or secondary school or tertiary institution.
<b>Emergency Plans</b>	means a document serving as an emergency response guide by identifying and cataloguing the elements required to respond to an emergency and defining responsibilities and specific tasks in an emergency.
<b>Environmental Design</b>	means the design and treatment of a site or part of a site, for the purposes of protecting the character and enhancing the amenities of the site and adjacent areas. Such works will include ground formation, earthworks and attendant drainage; the use of paving materials, planting of trees, shrubs, ground covers, grass or natural materials; and the use of walls, screens, fences and other amenity features.
<b>Essential Services</b>	means <ul style="list-style-type: none"> <li>• the Palmerston North City Council reticulated sewage and reticulated water supply systems</li> <li>• stormwater systems</li> <li>• electrical power and telecommunication networks.</li> </ul>
<b>Essential Unscheduled Engine Testing</b>	means engine testing undertaken whilst maintaining or repairing an aircraft other than as part of planned scheduled engine maintenance and where the postponement of the testing would delay any pre-arranged or scheduled, or emergency flight operations.

<p><b>External Sound Insulation Level</b> (<math>D_{nT,w} + C_{tr}</math>)</p>	<p>means the standardised level difference (outdoor to indoor) and is a measure of the airborne sound insulation provided by the external building envelope (including windows, walls, ceilings and floors where appropriate) described using <math>D_{nT,w} + C_{tr}</math> as defined in the following Standards: ISO 717-1:1996 Acoustics – Rating of Sound Insulation in Buildings &amp; Building Elements using spectrum No.2 (A-weighted traffic noise spectrum). ISO 140-5:1998 Acoustics – Measurement of Sound Insulation in Buildings and of Building Elements – Part 5: Field Measurements of Airborne Sound Insulation of Façade Elements and Facades.</p>
<p><b>Farming &amp; Agricultural Supplier</b></p>	<p>means a business primarily engaged in selling goods for consumption or use in the business operations of primary producers or in animal husbandry and without limiting the generality of this term, includes:</p> <ul style="list-style-type: none"> <li>• equestrian and veterinary suppliers;</li> <li>• farming and horticultural equipment suppliers;</li> <li>• seed and grain merchants; and</li> <li>• stock and station outlets.</li> </ul>
<p><b>Fitzherbert Science Centres</b></p>	<p>means the group of Institutional Zone activities located on the northern side of Tennent Drive, which gain access to Tennent Drive via Dairy Farm Road and Batchelar Road.</p>
<p><b>Fixed Plant</b></p>	<p>fixed plant includes plant that is permanently or temporarily located and operated at any location and includes all mechanical and building services equipment such as equipment that is:</p> <ul style="list-style-type: none"> <li>• Required for ventilating, extract, heating, cooling, conditioning, and exhaust either of buildings or commercial activities;</li> <li>• Associated with boilers or plant equipment, furnaces, incinerators or refuse equipment;</li> <li>• Electrical equipment, plumbing (including pumps), lift or escalator equipment; or</li> </ul> <p>Similar plant, equipment, items, rooms or services.</p>
<p><b>Flygers Line Floodway</b></p>	<p>Means the area spatially defined on Map 22.7 in Section 22 - Natural Hazards.</p>
<p><b>Flood Hazard Avoidance</b></p>	<p>Has the same meaning as defined by the Manawatu-Wanganui Regional Council One Plan Glossary.</p>
<p><b>Flood Prone Area</b></p>	<p>Areas that are mapped on the Planning Maps as being likely to be inundated by a 0.5% AEP flood event (1 in 200 year flood).</p>
<p><b>Foodcourt</b></p>	<p>means two or more restaurant businesses and/or businesses selling refreshments and meal components, sharing a common area or areas for the serving, seating and circulation of customers and for table clearing and cleaning stations. Foodcourts must be integrated or associated with other retail premises and do not include standalone foodcourts. For the purposes of calculating parking requirements, the foodcourt GFA must be measured so as to aggregate the leased GFA of kitchens, storage areas and serveries only i.e. excludes common seating and circulation areas.</p>
<p><b>Frontage Road</b></p>	<p>Means the road running along the frontage to a particular site. A site may have one road frontage, or in the case of corner sites one or more road frontages and these frontages may be in public or private ownership.</p>
<p><b>Front Site</b></p>	<p>means a site which directly abuts a street for the full length of one boundary.</p>



<p><b>Garden &amp; Patio Supplier</b></p>	<p>means a business primarily engaged in selling goods for permanent exterior installation or planting and without limiting the generality of this term, includes:</p> <ul style="list-style-type: none"> <li>• garden centres;</li> <li>• landscape suppliers; and</li> <li>• suppliers of: <ul style="list-style-type: none"> <li>- bark and compost;</li> <li>- clothes hoists and lines;</li> <li>- conservatories, sheds and other outbuildings;</li> <li>- fencing, gates and trellises;</li> <li>- outdoor recreational fixtures and installations;</li> <li>- patio furniture and appliances;</li> <li>- paving and paving aggregates;</li> <li>- statuary and ornamental garden features; and</li> <li>- swimming and spa pools.</li> </ul> </li> </ul>
<p><b>Greenfield Residential Area</b></p>	<p>Means any area shown in the following structure plans:</p> <ul style="list-style-type: none"> <li>• Whakarongo Structure Plan (Map 7A.1)</li> <li>• Kikiwhenua Structure Plan (Map 7A.2)</li> <li>• <del>Whisky Creek</del> <u>Matangi Structure Plan (Map 7A.3)</u></li> </ul>
<p><b>Gross Floor Area</b></p>	<p>is the sum of the gross area of all floors of all buildings on a site, measured from the exterior faces of the exterior walls, or from the centre lines of walls separating two buildings.</p> <p>In particular, gross floor area includes:</p> <ol style="list-style-type: none"> <li>a. Elevator shafts, stairwells, and lobbies at each floor;</li> <li>b. Floor space in interior balconies and mezzanines;</li> <li>c. All other floor space not specifically excluded.</li> </ol> <p>The gross floor area of a building shall not include:</p> <ol style="list-style-type: none"> <li>1. Uncovered stairways;</li> <li>2. Floor space in terraces (open or roofed), external balconies, breezeways, porches;</li> <li>3. Roof vehicle parking, lift towers and machinery rooms on the roof, having a floor area of not more than 200m<sup>2</sup>;</li> <li>4. Public thoroughfare areas in malls (this does not include foodcourt areas);</li> <li>5. Areas used exclusively for fire egress;</li> <li>6. Switchboard areas/Plant rooms;</li> <li>7. Public Toilets.</li> </ol> <p>For instructions on how to use gross floor area when calculating car park requirements for foodcourts, refer to the definition of 'Foodcourt' above.</p>
<p><b>Ground Level</b></p>	<p>In relation to earthworks means the original contour level of land prior to any modification, or</p> <p>Where a subdivision or land use consent for earthworks has been approved, the contour level following that development, as per the approved engineering plans.</p>
<p><b>Habitable Room</b></p>	<p>means any room in a dwelling which is used or which can be used as a sitting room, a living room, a bedroom, a dining room, or a family room.</p>
<p><b>Habitable Room</b></p>	<p>for the purposes of R10.6.1.1(h) Air Noise Controls, R11.6.6.1(a) and (b), R11.9.7.1(a) and(b) Noise Insulation, and R12.9.1(b) and R9.11.2 and R9.11.3, means a room used for activities normally associated with domestic living, but excludes any bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, hallway, lobby, clothes drying room or other space of a specialised</p>

	nature occupied neither frequently nor for extended periods.
<b>Habitats of Local Significance</b>	indigenous bush remnants and wetlands that have amenity, intrinsic and cultural values.
<b>Hapu</b>	Means sub-tribal units which were comprised of several Whanau or extended families which descended from an eponymous (common) ancestor; often formed a self-sufficient social and economic units based around marae.
<b>Hazardous Facility</b>	means any activity involving hazardous substances; any site where hazardous substances are used, stored or handled and installations containing hazardous substances including vehicles parked on site laden with hazardous substances. Hazardous facility does not include: <ul style="list-style-type: none"> <li>• the incidental use and storage of hazardous substances in minimal domestic scale quantities;</li> <li>• fuel in motor vehicles, boats and small engines;</li> <li>• retail outlets for domestic scale usage of hazardous substances (i.e. supermarkets, hardware shops, pharmacies, home garden centres);</li> <li>• Pipelines used for the transfer of hazardous substances including gas, oil, trade waste and sewage;</li> <li>• Pipelines used for the transfer of hazardous substances including gas, oil, trade waste and sewage;</li> <li>• The transport of hazardous substances (e.g. in trucks or trains);</li> <li>• Electrical equipment containing cooling oil up to 1,500 litres.</li> </ul>
<b>Hazardous Substance</b>	shall have the meaning within Section 344 of the Resource Management Act 1991 and shall also include any substance — <ol style="list-style-type: none"> <li>a. with one or more of the following intrinsic properties: <ol style="list-style-type: none"> <li>i. an explosive nature;</li> <li>ii. an oxidising nature;</li> <li>iii. a corrosive nature;</li> <li>iv. flammability;</li> <li>v. acute and chronic toxicity;</li> <li>vi. ecotoxicity with or without</li> <li>vii. bioaccumulation.</li> </ol> </li> <li>b. which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified in paragraph (a) of this definition.</li> </ol>
<b>Health Centre</b>	means premises used by those involved in health care and diagnosis which involves more than three health practitioners. In the Residential Zone this does not include veterinary clinics and gymnasiums.
<b>Health Facility</b>	means premises used by those involved in health care and diagnosis which involves three or less health practitioners. In the Residential Zone this does not include diagnostic laboratories, veterinary clinics, and gymnasiums.
<b>Height (refer to the Explanatory Diagram 2 at the end of this section)</b>	in relation to a building means the vertical distance between actual ground level and the highest part of the building above that point. For the purposes of calculating height: <ol style="list-style-type: none"> <li>a. Actual ground level will be the level of the ground after completion of all subdivision earthworks or where a land use consent has been approved for earthworks pursuant to R6.3.6.1, and before commencement of any subsequent earthworks for landscaping or erection of buildings on the site.</li> <li>b. For residential buildings the top portion of any gable or hip roof, measured from a position mid-way between a point 2.5 metres above</li> </ol>

	<p>the floor level of the highest habitable room and ridge line shall be excluded.</p> <p>c. Account shall be taken of signs, except signs affixed or incorporated on the walls of a building, lift tower, machinery room or water tower, where such signs do not extend beyond the walls to which they are attached, and would be contained within the silhouette of the building.</p> <p>d. Account shall be taken of parapets, but not of chimneys, aerials, antennas, architectural appurtenances (such as ornamental towers, turrets, finials, spires, flagpoles, gargoyles), lift towers, machinery rooms or water towers, solar hot water and photovoltaic panels, provided such structures:</p> <ol style="list-style-type: none"> <li>i. do not exceed a height of 5 metres above the height otherwise permitted on any part of a site;</li> <li>ii. and in the case of any rooms or towers do not exceed a floor area equal to 10% of the area of the roof of the storey immediately below,</li> <li>iii. and in the case of solar hot water and photovoltaic panels, such structure must not exceed 0.5 metres above the height otherwise permitted on any part of a site.</li> </ol>
<p><b>Heritage Area</b></p>	<p>means a defined area, referenced in a rule in the Plan as a heritage area, that is characterised by a concentration and continuity of sites, buildings, structures, objects and/or landscape characteristics that are united in their reflection of historic, cultural, social, architectural, and archaeological values that should be protected from inappropriate subdivision, use and development. A heritage area may include a mix of individually listed buildings and objects, as well as buildings and objects that have not been individually listed but have heritage values that contribute to the overall values of the area.</p> <div style="border: 1px dashed black; padding: 5px;"> <p><b>NOTE TO PLAN USERS</b></p> <p>Appendix I of the Inner Business Zone provides a description of the cultural and historical values associated with the North West Square Heritage Area and a map showing the physical extent of the area.</p> </div>
<p><b>High Amenity Area</b></p>	<p>means for the purposes of NZS 6808:2010, any area identified in the District Plan as a Rural Residential Area or within the Rural Residential Overlay (as shown on the Planning Maps).</p>
<p><b>Home Occupation</b></p>	<p>means an occupation, craft, profession or service for direct or indirect commercial gain and/or carried out on a repetitive basis in a dwelling unit or a building accessory thereto and ancillary to the use of that site for residential purposes. Such a use shall not include restaurants, service stations, the repair, painting, panelbeating or wrecking of motor vehicles and crematoria.</p>
<p><b>Horse Aquatic Facilities</b></p>	<p>means swimming pools and other water based facilities intended for training or therapeutic purposes, for horses. This includes businesses offering the service to others.</p>
<p><b>Horse Cartage Depot</b></p>	<p>means any buildings and/or land used for the parking, repair or maintenance of vehicles involved in the transport of horses and related equestrian equipment. This includes the short term accommodation of horses on the site.</p>
<p><b>Horse Walkways</b></p>	<p>means pathways provided specifically to allow the movement of horses to and from training facilities and the Racecourse Zone.</p>



<b>Illuminance</b>	means the luminous flux incident on a surface per unit area. The unit is the lux (lx) where 1 lux = 1 lumen per m <sup>2</sup> .
<b>Illuminated Sign</b>	Means the use of internal and external light sources or digital technology, coloured and non-coloured for advertising purposes.
<b>Individual Retail Activity</b>	means any retail activity carried on under a distinct, single store brand or trading logo.
<b>Industrial Activity</b>	means any activity which involves the manufacture, fabrication or processing of materials, or the servicing and repair of goods, vehicles or materials, but excludes any workrooms and/or storage areas in the Inner Business Zone where these are ancillary to a Permitted Activity in that Zone provided: <ol style="list-style-type: none"> <li>those workrooms and/or storage areas do not occupy an area greater than 35% of the gross floor area occupied by that activity.</li> <li>those workrooms and/or storage areas are not situated at the street frontage of any building or part of a building occupied by that activity.</li> </ol>
<b>Institutional Activity</b>	means any activity which has as its primary function the provision of education and health services and/or research and development, and also includes any activity which is ancillary to an education, health or research and development related activity. It also includes the New Zealand Fire Station activities on Lot 3 DP 35156, Lot 1 DP 60485 and Lot 13 DP 217, known as the Palmerston North Fire Station, the Ashhurst Fire Station and the Bunnythorpe Fire Station, and other emergency services including St John Ambulance.
<b>Institutional Campus</b>	means the grounds and buildings allied with an institutional activity.
<b>Institutional Zone Retail Activity</b>	means any activity which entails the use of a building or buildings for the direct sale of goods or services (other than food and beverage outlet services) to any person associated with the institution (but not the public in general), and which also meets the definition of an Ancillary Institutional Activity.
<b>Intensive Farming</b>	means the production of plant and animal produce, where the predominant productive processes are carried out within buildings. It includes, but is not limited to, poultry farming (where more than 50 poultry are farmed), intensive feedlot farming, fitch farming, rabbit farming, and mushroom production. It does not include Domestic Pig Farming, glasshouse horticulture or hydroponic growing of plants.
<b>Intensive Feedlot Farming</b>	means the breeding or rearing of livestock where the predominant productive processes are carried out within buildings or closely fenced outdoor runs where the stocking intensity precludes the maintenance of pasture or ground cover and where the primary purpose of the activity is the commercial production of livestock for sale or slaughter. Intensive Feedlot Farming does not include Intensive Pig Farming or Domestic Pig Farming.
<b>Intensive Pig Farming</b>	means the keeping of pigs mainly within buildings, or outdoors without groundcover being maintained, but does not include Domestic Pig Farming.
<b>Interpretive Structures</b>	means structures used for informal recreation. Includes boardwalks, shelters, viewing platforms, information kiosks, information/notice boards, etc.
<b>Iwi</b>	Is a blanket and general term used to describe the people of a locality, district or region and to denote that they generally come from a common source. Iwi refers to the connected hapu of a district but was also used to describe a combination of related and/or unrelated hapu which gathered

	for a particular war, expedition or venture .
<b>Kaitiakitanga</b>	Means 'the exercise of guardianship; and in relation to a resource, includes the ethic of stewardship based on the nature of the resource itself'. Source: Resource Management Act 1991, Section 2: Interpretation. This may involve activities such as: <ul style="list-style-type: none"> <li>• The maintenance of sites of importance such as wahi tapu, wahi Tupuna and wahi taonga.</li> <li>• The maintenance of sites of cultural, historical and spiritual importance to iwi.</li> <li>• The responsible management of natural resource</li> <li>• Designing environmental management systems and monitoring plans</li> </ul>
<b>Kikiwhenua Residential Area</b>	Means the Greenfield Residential Area shown in the Kikiwhenua Structure Plan (Map 7A.2)
<b>Kohanga Reo</b>	Means any pre-school where pre-school children are taught te reo Maori and cared for in accordance with tikanga Maori.
<b>Kura Kaupapa</b>	Means any primary school where children are taught te reo Maori and cared for in accordance with tikanga Maori.
<b>Large Neighbourhood Centre</b>	for the purpose of the Local Business Zone are limited to the following centres: <ul style="list-style-type: none"> <li>• any Greenfield development containing more than 10 tenancies, or a large anchor tenant with associated tenancies</li> <li>• Hokowhitu Shopping Centre (corner of Te Awe Awe Street and Albert Street)</li> <li>• Milson Shopping Centre (corner of Milson Line and McGregor Street)</li> <li>• Kelvin Grove Shopping Centre (corner of Fernlea Avenue and Roberts Line)</li> <li>• Summerhill Shopping Centre (corner of Ruapehu Drive and Aokautere Drive)</li> <li>• Riverdale Shopping Centre (corner of College Street and Pitama Road)</li> <li>• Ashhurst Shopping Centre (the extent of Local Business Zone land in Ashhurst)</li> <li>• Terrace End Centre (corners of Broadway Avenue and Ruahine Street)</li> <li>• Highbury Shopping Centre (corner of Highbury Avenue and Pembroke Street)</li> </ul>
<b>Licensed Premises</b>	<ul style="list-style-type: none"> <li>• any premises, or any part of any premises, on which liquor may be sold pursuant to a licence; and includes any conveyance, or any part of any conveyance, in which liquor may be sold pursuant, to a licence.</li> </ul>
<b>Limited Development Land</b>	means any land in Aokautere which is not identified as developable land on Map 10.1.
<b>Line</b>	Has the same meaning as defined in Section 5 of the Telecommunications Act 2001 or the definition of 'line' in section 2 of the Electricity Act 1992.
<b>Livestock</b>	Includes cattle, sheep, goats, emus, ostriches and other animals or birds (excluding poultry) kept for agricultural purposes.
<b>Living Court</b>	means an area which is required by this Plan to be unoccupied and unobstructed from the ground upwards and for the exclusive use of the dwelling unit provided that such structures as will enhance the use and enjoyment of the court will be permitted For the purposes of this definition, eaves and overhanging upper storey projections not exceeding 0.6m are permitted.

<b>Local Catchment</b>	for the purposes of the Local Business Zone, includes the extent of properties located within a 900m radius of a Local Business centre (this includes Local Stores and Small and Large Neighbourhood Centres).
<b>Local Stores</b>	for the purposes of the Local Business Zone, means one or more commercial premises predominantly located where two roads meet, address one or both streets and are built to the street frontage. The number of premises shall not exceed 4 separate tenancies.
<b>Locality (refer to the explanatory diagram 3 at the end of this section)</b>	means, in relation to the Local Business Zone, two or more sites in immediate proximity to each other and which meet any of the following conditions: a. are contiguous; or b. are contiguous but dissected by a roadway or roadways.
<b>Mahinga Kai</b>	Means garden of cultivation site used for traditional food-gathering purposes.
<b>Main Living Area</b>	means a living room, dining room or family room.
<b>Major Hazardous Facility</b>	<p>means any Hazardous Facility which involves one or more of the following activities:</p> <ul style="list-style-type: none"> <li>• Manufacturing and associated storage of hazardous substances (including the manufacture of agrichemicals, fertilisers, acids/alkalis or paints)</li> <li>• Oil and gas exploration and extraction</li> <li>• Purpose built bulk storage facilities for the storage of hazardous substances (other than petrol, diesel or LPG) for wholesale or restricted commercial supply</li> <li>• The storage of more than 100,000L of petrol</li> <li>• The storage of more than 50,000L of diesel</li> <li>• The storage of more than 6 tonnes of LPG</li> <li>• Galvanising plants</li> <li>• Electroplating and metal treatment</li> <li>• Tanneries</li> <li>• Timber treatment</li> <li>• Freezing works and rendering plants</li> <li>• Metal smelting and refining (including battery refining or recycling)</li> <li>• Polymer foam manufacturing</li> <li>• Landfills.</li> </ul> <p>The following activities are not major hazardous facilities:</p> <ul style="list-style-type: none"> <li>• Agrichemical use, storage and transportation where these activities are carried out in compliance with NZS8409:2004 Management of Agrichemicals</li> <li>• Retail service stations and truck stops storing less than the identified threshold of petrol, diesel and/or LPG</li> <li>• Military training activities</li> <li>• The transport of hazardous substances (e.g. in trucks or trains)</li> <li>• Laboratories falling under the Exempt Laboratory Code of Practice and as provided for under section 33 of the HSNO Act. For the purposes of this Plan, 'laboratory' shall have the same meaning as in section 2 of the HSNO Act 1996.</li> </ul> <p>Any milk processing and treatment plant which is designed so that any reasonably potential spillage of milk is contained within the site of the plant until it can be disposed of to an approved wastewater system.</p>

<b>Mana Whenua</b>	Means “customary authority exercised by an Iwi or Hapu in an identified area”. Source: Resource Management Act, 1991, Section 2: Interpretation.
<b>Marae</b>	Currently means the complex which is centred on a main building, usually a meeting house, and an open piece of ground or courtyard in front of the main building. Prior to Maori/European contact, only the open space or courtyard in front of the main building was called a marae or marae atea. The concentrated villages which were often termed pa are now frequently called marae, even though the houses around the central building have disappeared.
<b>Marae Tourism</b>	means land and/or buildings in which Maori education or entertainment is provided, and from which souvenirs may be sold, to tourists, by prior arrangement, as an ancillary activity to a Marae.
<b>Mass Assembly of People</b>	A group of people gathered together in one place for a common purpose. Mass Assembly of People includes but is not limited to gatherings associated with recreation activities, public entertainment events, or fairs. Golf course recreation and domestic gatherings do not amount to Mass Assembly of People.  <div style="border: 1px dashed black; padding: 5px; margin-left: 20px;"> <p><b>NOTE</b></p> <p>This definition only applies to the Runway End Protection Areas</p> </div>
<b>Mast</b>	means any mast, pole, tower or similar structure designed to carry antennae to facilitate radiocommunication, telecommunication and wind resource investigation and meteorological monitoring.
<b><u>Matangi Residential Area</u></b>	<u>means the Greenfield Residential Area shown in the Matangi Structure Plan (Map 7A.3).</u>
<b>Mauri</b>	Refers to the essential essence of all being; the life principle.
<b>Merchandising Area</b>	means that part of the Gross Floor Area of a premise devoted to display sales and/or consumption of goods, commodities and related services and used by the customers, including in the case of a trader using yard/external space such additional area is also devoted to display or consumption of goods and commodities (whether or not the activity qualifies as a yard- based supplier).
<b>Meteorological Activities</b>	means the establishment and operation of facilities, installations or equipment to measure, collect and distribute meteorological information. This includes telecommunication, radio and satellite links and wind resource investigation and monitoring.
<b>Micro Scale Wind Turbine</b>	means small scale wind turbines less than 10 metres high (including blades) that are capable of generating up to 5kW of electricity.
<b>Mid-Block Pedestrian Link</b>	an area of land or building, set aside as a passage way for pedestrian access between a road, service lane, reserve, or public place; and another road, service lane, reserve, or public place.
<b>Minimum Lot Area</b>	means the total area of the lot less the area used for access where the lot concerned is linked to a public road via a single or shared access strip.
<b>Minor Dwelling Unit</b>	means any self-contained dwelling unit with a gross floor area no greater than 80m <sup>2</sup> on the same site and in the same ownership as the principal dwelling unit for the purposes of providing accommodation.
<b>Minor Trimming or Maintenance of a Scheduled Tree</b>	means work undertaken by hand-operated secateurs or pruning shears.

<p><b>Minor Upgrading (for the purposes of Section 23 – Network Utilities)</b></p>	<p>Means, in respect of network utilities, an increase in the carrying capacity, efficiency or security of the network utility, utilising the existing network utility support structures or structures of a similar scale, intensity and character, and includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>(i) the addition of circuits and conductors;</li> <li>(ii) the reconductoring of the line with higher capacity conductors;</li> <li>(iii) the resagging of conductors;</li> <li>(iv) the addition of longer or more efficient insulators;</li> <li>(v) the addition of earthwires which may contain telecommunication lines, earthpeaks and lightning rods;</li> <li>(vi) the bonding of conductors;</li> <li>(vii) the addition of electrical fittings;</li> <li>(viii) support structure replacement within the same location or within the existing alignment of an electricity line;</li> <li>(ix) the replacement of existing cross-arms with cross-arms of an alternative design;</li> <li>(x) An increase in support structure height required to comply with NZECP34:2001 by not more than 15% of the base height of the support structure, and where the base height is defined as the height of the structure at date of public notification of the Plan;</li> <li>(xi) The realignment, reconfiguration or relocation of an existing gas distribution, water, wastewater or stormwater pipe or structure or ancillary structures within 2m of the existing alignment or location;</li> <li>(xii) The replacement of any panel antenna on an existing mast or support structure with a new one in all zones except the Residential Zone, provided the replacement panel does not exceed 1.5m<sup>2</sup> in area and the overall height of the facility to which the antenna is attached does not increase;</li> <li>(xiii) An increase in the height of replacement poles in road reserve by a maximum of 1m for the purpose of achieving road controlling authority clearance requirements provided that the permitted zone height is not exceeded; and/or the replacement of an existing pole in road reserve within 2m horizontal distance of the existing alignment or location.</li> </ul> <p>Minor upgrading shall not include: an increase in the voltage of the line unless the line was originally constructed to operate at the higher voltage but has been operating at a reduced voltage.</p>
<p><b>Motel Conference Centre</b></p>	<p>means land and/or buildings used to provide transient residential accommodation while associated with conference/training facilities and dining and drinking facilities.</p>
<p><b>Multiple Retail Development</b></p>	<p>means more than one retail tenancy sharing vehicle access and/or parking. Tenancy, for the purpose of this rule, means one retail trading activity occupying building space by way of freehold, leasehold, licence or any other arrangement to occupy, irrespective of whether or not the activity is bounded by walls or partitions.</p>
<p><b>Multi-Unit Residential Development</b></p>	<p>means three or more self-contained dwelling units that are located on one site. A multi-unit residential development includes but is not limited to apartment buildings, and terrace housing.</p>
<p><b>Napier Road Residential Extension Area</b></p>	<p>Means the area shown in Map 7.9</p>



<b>National Grid</b>	the assets used or owned by Transpower NZ Limited as defined in the National Policy Statement on Electricity Transmission 2008.
<b>National Grid Yard</b>	<p>means:</p> <ul style="list-style-type: none"> <li>the area located 12 metres in any direction from the outer edge of a National Grid support structure; and</li> <li>the area located 10 metres either side of the centerline of an overhead 110kV National Grid line on single poles; or</li> <li>the area located 12 metres either side of the centerline of any overhead National Grid line on pi poles or towers</li> </ul> <p>See Explanatory Diagram 5: National Grid Yard</p> <div style="border: 1px dashed black; padding: 5px;"> <p><b>NOTE</b></p> <p>The National Grid Yard does not apply to underground cables or to any transmission lines (or sections of line) that are designated</p> </div>
<b>National Grid Subdivision Corridor</b>	<p>means the area measured either side of the centerline of above ground National Grid line as follows:</p> <ul style="list-style-type: none"> <li>14m for the 110kV lines on single poles</li> <li>32m for 110kV lines on towers</li> <li>37m for the 220kV transmission lines</li> </ul> <div style="border: 1px dashed black; padding: 5px;"> <p><b>NOTE TO PLAN USERS</b></p> <p>The National Grid Subdivision Corridor does not apply to underground cables or to any transmission lines (or sections of line) that are designated</p> </div>
<b>Natural Heritage Value</b>	means possessing historical, ecological, aesthetic, scientific, spiritual, social, intrinsic or other special significance; and includes, but is not limited to, landscapes, habitats, sites, individual trees, groups of trees, and other vegetation.
<b>Net Floor Area</b>	<p>means the sum of the floor areas of a building, each measured to the inside of the exterior walls, but excluding any floor areas used for:</p> <ul style="list-style-type: none"> <li>lift wells, including the assembly area immediately outside of the lift doors for a maximum depth of 2m;</li> <li>stairwells (including landing areas), tank rooms, boiler and heating rooms, machine rooms;</li> <li>those parts of any basement not used for retail, office, residential or industrial activity;</li> <li>toilets and bathrooms, provided that in the case of any hotel, accommodation motel or motel conference centre the maximum area permitted to be excluded for each unit shall be 3m<sup>2</sup>. 50% of any pedestrian arcade or ground floor foyer which is available for public thoroughfare;</li> </ul> <p>internal parking areas provided to comply with the requirements of the District Plan.</p>
<b>Net Site Area</b>	means the total area of the site less the area used for access via a single or shared access strip.
<b>Network Utilities</b>	means those works undertaken by network utility operators as defined in Section 166 of the Resource Management Act 1991 and for the purpose of the District Plan also includes navigation and survey aids, beacons and meteorological activities, and services reticulation networks of local authorities.
<b>Noise Sensitive Activity</b>	<p>means any:</p> <ul style="list-style-type: none"> <li>residential activity</li> <li>accommodation motel</li> </ul>

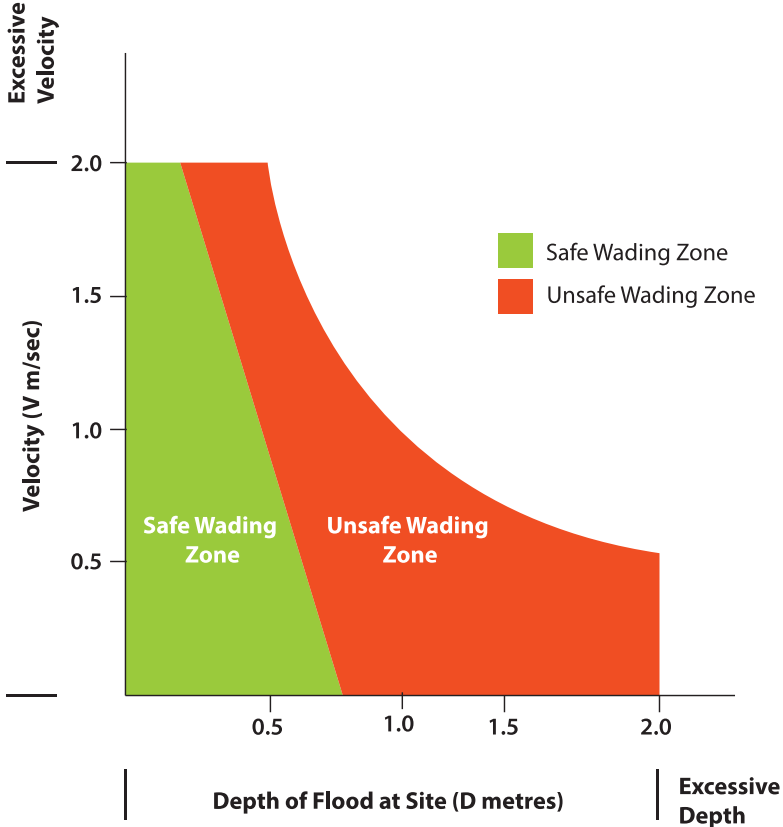
	<ul style="list-style-type: none"> <li>• motel conference centre</li> <li>• community house</li> <li>• dwelling and dwelling unit</li> <li>• early childhood facility</li> <li>• multi-unit residential development</li> <li>• residential care</li> <li>• retirement village.</li> </ul>
<b>Non-habitable Structures</b>	for the purpose of, R22.5.1.1, R22.5.2.1, R22.6.1.1 and R22.6.2.1 in Section 22 - Natural Hazards, means an unoccupied building or structure or a building or structure where people will not sleep.
<b>Notional Site</b>	with respect to earthworks provisions in the North East Industrial Zone, means the extent of land within which the development is contained, as identified on the site development plans required for any resource consent or building consent.
<b>Offensive Activities</b>	<p>means any activity which is predominantly concerned with any of the activities below, and which, by reason of the manufacturing method or the nature of materials used or produced, adversely affects the amenities of the surrounding environment. These activities are limited to:</p> <ul style="list-style-type: none"> <li>a. blood or offal treating;</li> <li>b. one boiling or crushing;</li> <li>c. dag crushing;</li> <li>d. fellmongering;</li> <li>e. fish cleaning and curing;</li> <li>f. flax pulping;</li> <li>g. flock manufacturing or teasing of textile materials for any purpose;</li> <li>h. gut scraping and treating;</li> <li>i. refuse collection and disposal (excluding the day-to-day removal of refuse, by Council or an authorised contracting agency);</li> <li>j. storage, drying or preserving of bones, hides, hoofs or skins;</li> <li>k. tallow melting;</li> <li>l. tanning;</li> <li>m. wood pulping;</li> <li>n. wool scouring;</li> <li>o. slaughtering of animals (excluding the on-farm slaughtering of animals for personal use, to feed the stock owner's animals and/or for animal welfare reasons).</li> </ul>
<b>Office Activity</b>	means an activity which involves the use of land or buildings or part of a building for an administrative or professional activity.
<b>Office Product Supplier</b>	<p>means a business primarily engaged in selling goods for office use or consumption (in which context the term "office" is not confined to the definition in this Plan) and without limiting the generality of this term, includes suppliers of:</p> <ul style="list-style-type: none"> <li>• computers and related equipment;</li> <li>• copiers, printers and facsimile machines;</li> <li>• integrated telephone systems and equipment;</li> <li>• office furniture, equipment and utensils; and</li> <li>• office stationery and software applications.</li> </ul>
<b>Official Sign</b>	means any <b>sign</b> for public safety erected in fulfilment of legislative or

	regulatory responsibilities to provide advice, warnings or education for the purpose of people's wellbeing and safety.
<b>Official Transport Sign</b>	Means any <b>sign</b> erected or approved by a road controlling authority for the purposes of regulating, warning, or informing road users (including pedestrians) of road conditions, locations, activities, traffic control, or other such information relative to the use of the road, including tourist and essential service facilities. This definition includes other road controlling devices, such as traffic lights, railway crossing lights and barrier arms.
<b>Open Construction</b>	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.
<b>Papa Kainga</b>	Papa kainga is a form of housing development which occurs on multiply-owned Maori or ancestral land. Traditionally, the literal meaning of papa kainga housing is, 'a nurturing place to return to'.
<b>Parking Aisle (refer to Explanatory Diagram 4)</b>	means an area of pavement used by vehicles to gain access to, and to manoeuvre into and out of parking spaces.
<b>Pedestrian Street</b>	means those streets identified as Pedestrian Streets in Map 20A.4, Roding Hierarchy – Palmerston North Central Area, in Section 20: Land Transport of the District Plan.
<b>Permeable Surface</b>	Means any part of a site which is grassed or planted in trees or shrubs and/or is capable of absorbing water or is covered by decks which allow water to drain through to a permeable surface. It does not include any area which; <ol style="list-style-type: none"> <li>1. Falls within the definition of site coverage except for decks above;</li> <li>2. Is occupied by swimming pools; or</li> <li>3. Is paved with a continuous surface.</li> </ol>
<b>Places of Worship</b>	means land and/or buildings used for religious meetings, gatherings and worship. It also includes office, counselling or community facilities associated with but ancillary to the place of worship.
<b>Portable Sawmill</b>	means a small scale sawmill not permanently established on a site and which is capable of being removed from the site, on wheels or via a trailer unit.
<b>Prepared Food &amp; Beverage Outlet</b>	means a business primarily engaged in the preparation and serving of food and beverages for immediate consumption and without limiting the generality of this term includes: <ul style="list-style-type: none"> <li>• restaurants; and</li> <li>• takeaway food outlets.</li> </ul>
<b>Pressure Sewer Areas</b>	Means the following areas where pressure sewer systems must be utilised: <ul style="list-style-type: none"> <li>• The North East Industrial Zone Extension Area as shown in Map 7.2</li> <li>• The City West Area as shown in Map 9.2</li> <li>• The area of land bound by Napier Road, Roberts Line, the remnant river terrace and MacPherson Grove (PT LOTS 2 3 SEC 418 TOWN OF PALMERSTON NORTH, LOT 10 DP 499783, LOT 1 DP 41671, PT LOT 1 DP 25691, LOT 1 DP 16031 BLK XI KAIRANGA SD, LOT 1 DP 456688 and LOT 5 DP 72405 LOT 2 DP 456688)</li> <li>• Refer to map 7.8 – Map of Pressure Sewer System Areas</li> <li>• <del>Whisky Creek Matangi Residential Area (Map 7A.3)</del></li> </ul>



<b>Pressure Sewer System</b>	Means a sewer system where sewage is conveyed under pressure generated by multiple pump units, each located on an identified private property, to a shared pressure main.
<b>Production Land</b>	means the same as the definition within Section 2 of the Resource Management Act 1991.
<b>Production Forestry</b>	means the planting, replanting, cultivation, management and extraction of exotic trees in forests or tree plantations and indigenous forestry specifically planted and grown for harvest. This includes the processing of the timber on the site by use of a portable sawmill provided this does not occur for a period exceeding 6 months in any calendar year. This does not include shelter belt planting.
<b>Public Service Corridors</b>	means land vested or proposed to be vested in the Council, servicing or capable of servicing, public purposes such as roads, Council drains, recreation areas and walkways.
<b>Public Open Space</b>	means any Council owned park or recreation land including City reserves, local reserves, walkways and amenity reserves.
<b>Public Space</b>	means those places in public or private ownership which are available for public access or leisure and that are characterised by their public patterns of use. Public spaces include, but are not limited to, streets, accessways, squares, plazas, urban parks and reserves, open space and all open and covered spaces within buildings or structures that are generally available for use by the public, notwithstanding that access may be denied at certain times.
<b>Quarrying</b>	means the excavation of any kind of material from earth, and includes any works, machinery and plant used in connection with quarrying operations and the storage and processing of materials quarried on site.
<b>Radiocommunication</b>	means any transmission, emission or reception of signs, signals, writing, images, sounds or intelligence of any nature by electromagnetic waves of frequencies between 9 kilohertz (kHz) and 3,000 gigahertz (GHz), propagated in space without artificial guide.
<b>Radiocommunication Facility</b>	means any mast, aerial, antenna dish or other structure, facility or apparatus used or intended for the purpose of facilitating radiocommunication.
<b>Radiofrequency Transmitting Equipment</b>	means equipment which is capable of transmitting or emitting electromagnetic energy for communication purposes with frequencies in the range of 3KHz to 300GHz but excluding (1) common residential based radiofrequency devices such as baby monitors, radio controlled toys, electronic door openers, cell phones, and mobile phones; and (2) hand held amateur radio transceivers operating on the amateur UHF and VHF bands.
<b>Rangitanenuiarawa</b>	Refers to Rangitane o Manawatu protocols.
<b>Recreation Retail Activity</b>	For the purposes of the Recreation Zone means facilities catering for the refreshment needs and convenience of park users.
<b>Renewable Electricity Generation Activities/Facilities</b>	has the same meaning as defined by the National Policy Statement for Renewable Electricity Generation 2011.

<p><b>Renewable Energy Resources</b></p>	<p>is a collective term given to energy resources that have the potential to:</p> <ul style="list-style-type: none"> <li>• maintain or enhance renewable electricity generation capacity; maintain or enhance the security of electricity supply;</li> <li>• assist in meeting international climate change obligations and avoid or reduce reliance on fossils fuels for the purposes of generating electricity.</li> </ul> <p><b>NOTE TO PLAN USERS</b> For example, wind, solar, hydro, geothermal, biomass, tidal, wave and ocean current energy sources are Renewable Energy Resources</p>
<p><b>Restaurant</b></p>	<p>means a business primarily engaged in the preparation and serving of food and beverages for consumption on the premises and without limiting the generality of this term includes:</p> <ul style="list-style-type: none"> <li>• catering establishments;</li> <li>• coffee bars and tearooms;</li> <li>• food courts; and</li> <li>• fully licensed, BYO licensed and unlicensed restaurants and/or cafés.</li> </ul>
<p><b>Residential Centre</b></p>	<p>means land and/or buildings where long term accommodation is provided for more than five people. This includes hostels associated with tertiary and secondary educational institutions.</p>
<p><b>Restructuring of Land</b></p>	<p>means the reshaping or remodelling of the existing land but excludes siteworks associated with building on an existing site.</p>
<p><b>Retail Activity</b></p>	<p>means a business primarily engaged in selling or hiring displayed or offered goods to the general public and unless provided otherwise in this Plan, does <b>not</b> include:</p> <ul style="list-style-type: none"> <li>• commercial service activities;</li> <li>• prepared food &amp; beverage outlets; or</li> <li>• trade suppliers.</li> </ul> <p><b>NOTE TO PLAN USERS</b> This definition is only applicable to the assessment of activities within the Fringe Business Zone.</p>
<p><b>Retirement Village</b></p>	<p>means a comprehensive development which may include housing, recreational, welfare, and medical facilities which is intended principally or solely for retired persons or people with disabilities.</p>
<p><b>Risk</b></p>	<p>means within the hazardous substances section of the Plan, the likelihood of occurrence of an adverse effect from a substance combined with the magnitude of the consequence of that adverse effect.</p>
<p><b>Roadside Stalls</b></p>	<p>means the use of a site, building or part of a building for the purposes of selling direct to the public, farm produce (including that associated with nurseries), provided that all goods for sale are produced on the site. This shall include rural packing sheds from which sales are made direct to the public.</p>
<p><b>Routine Maintenance</b></p>	<p>means the minor repair of buildings where minor repair means the repair of materials by patching, piecing-in, splicing, and consolidating existing materials and including minor replacement of minor components such as individual bricks, cut-stone, timber sections, tiles and slates where these have been damaged beyond reasonable repair or are missing. The replacement should be of the original or similar material, colour, texture, form and design as the original it replaces and the number of components replaced should be substantially less than existing.</p>
<p><b>Runway End Protection Area</b></p>	<p>means the area identified in Map 13.2: Runway End Protection Areas.</p>
<p><b>Rural Areas</b></p>	<p>means any land zoned rural or race training.</p>

<b>Rural Fence</b>	means those fences described under “Rural” in the Second Schedule (Specimen Types Of Fence) of the Fencing Act 1978.
<b>Rural Industry</b>	means land and/or buildings used for industry which involves the processing of primary products and/or is better located in the rural area because of the need to achieve a separation from other activities; an land/or buildings used by rural contracting businesses to provide services related to the primary production sector, including but not limited to agriculture, aerial topdressing, forestry, earthmoving and construction, and transport.
<b>Safe Wading Zone</b>	<p>the water velocity and depth combinations which are identified as Safe Wading Zone as shown on the following diagram</p> 
<b>Sand/Sawdust Roll</b>	means land or structures intended to provide an area for horses to roll.
<b>Scheduled Building or Object</b>	means any building or object included on the Schedule of Buildings and Objects of Cultural Heritage Value identified in Appendix 17A.
<b>Scheduled North East Industrial Zone Site (SNEIZ)</b>	<p>means the following sites which are Zoned North East Industrial and are subject to additional development and subdivision requirements:</p> <ul style="list-style-type: none"> <li>• Lot 1 DP 81319.</li> </ul>
<b>Scheduled Site or Object</b>	means any site or object included on the Schedule of Objects and Sites or of Cultural Heritage Value to Tangata Whenua as identified in Appendix 17B.
<b>Scheduled Tree</b>	means any tree or group of trees included on the Schedule of Notable Trees and areas of significant vegetation identified in Appendix 17C.
<b>Self-contained</b>	means having a separate entrance, kitchen facilities, living facilities, and toilet/bathroom facilities.
<b>Sensitive Activities (National Grid)</b>	for the purposes of R23.8.2 and R23.10.2 means the following activities around the National Grid: community houses, dwellings and dwelling units, early childhood facilities, residential centres, retirement villages, schools and

	hospitals.
<b>Separation Distance</b>	<p>means the distance from the outer wall of a building to:</p> <ol style="list-style-type: none"> <li>the outer wall of another building;</li> <li>the boundary of a site.</li> </ol> <p>Separation Distance excludes decks that are no greater than 0.5 metres above ground level.</p> <p>In the case of hazardous facilities and hazardous sub-facilities, Separation Distance means:</p> <ol style="list-style-type: none"> <li>the distance from the edge of a hazardous facility to the boundary of the site on which that activity occurs;</li> <li>within the Institutional Zone:           <ul style="list-style-type: none"> <li>the distance from the edge of a hazardous facility to the boundary of the site on which the activity occurs and;</li> <li>the distance from the edge of a hazardous facility to the boundary of the Institutional Zone and;</li> <li>the distance from the edge of a hazardous sub-facility to the edge of another hazardous sub-facility where more than one institution occupy the same legal site(s) or one institution occupies one or more legal site(s) and contains more than one sub-facility.</li> </ul> </li> </ol>
<b>Service Rooms</b>	means those rooms such as the bathroom, laundry and the kitchen.
<b>Service Station</b>	means a business primarily engaged in the fuelling of motor vehicles. This may also include mechanical repairs and servicing of motor vehicles. Retail sales for the convenience of the travelling public may also be included, provided such sales remain incidental and ancillary to the principal use of fuelling motor vehicles.
<b>Shelter Belt</b>	means trees planted to provide shelter for stock and/or crops and which are not primarily intended for the production of timber.
<b>Sign</b>	means any text, graphics or lighting effect designed or intended to attract attention. This includes any materials used on the sign, as well as any additional structure, support, frame, or anchorage.
<b>Site</b>	means an area of land capable of being disposed of separately.
<b>Site Coverage</b>	means that portion of the net site area, expressed as a percentage, which may be covered by all buildings and storage space, including eaves, balconies and verandas in excess of 0.6 of a metre in width, but excluding uncovered swimming pools, decks of 0.5 of a metre in height or less, and ramps of 0.5 of a metre in height or less with handrails of an additional 0.9 of a metre in height or less.
<b>Sitework</b>	means work on a building site, including earthworks, preparatory to or associated with the construction, alteration, demolition, or removal of a building as defined within Section 7 of the Building Act 2004.
<b>Sleep-out</b>	means an external bedroom, incidental and physically separated from the primary dwelling, with a maximum gross floor area no greater than 36m <sup>2</sup> , which may have an en-suite, but which is not self-contained.
<b>Small Neighbourhood Centre</b>	for the purposes of the Local Business Zone, means a centre that contains between 5 and 10 commercial tenancies.
<b>Sound Transmission Path</b>	means any possible sound path from outside the building to inside the room of interest but where the building construction option is both part of the outside envelope of the building and also part of the room itself.

<p><b>Special Entertainment Event</b></p>	<p>means any sporting, entertainment or performance event or series of events occurring on any one day. If events have a duration of more than one day then each additional day shall be treated as a separate event.</p>
<p><b>Specified Sporting Facilities</b></p>	<p>for the purposes of signage, means Fitzherbert Park, Vautier Park, Memorial Park, Ongley Park, Skoglund Park, Monrad Park, Manawaroa Park, Coronation Park, Colquhoun Park, Bill Brown Park and Ashhurst Domain</p>

<b>Spill Containment System</b>	means a permanent structure which will contain liquids or solids in the event of a spill and prevent them from entering the stormwater system or a natural water body.
<b>Storage</b>	means, in terms of the hazardous substances section, the containment of a substance or mixture of substances, either above ground or underground, which is not being used for manufacturing or for the alteration of substances to another substance but does not include substances used as a cooling or heating medium. Storage does include the filling or emptying of the container.
<b>Stormwater Detention</b>	in the North East Industrial Zone Extension Area, means the temporary comparatively short term holding back of runoff generated from a rainfall event. The emphasis is on peak flow management normally with the aim of meeting downstream peak capacity limitations.
<b>Stormwater Retention</b>	in the North East Industrial Zone Extension Area, means the retaining of runoff generated by a rainfall event on a site or in a Watercourse Reserve Area within the confines of the site or the Watercourse Reserve Area to ensure volume derived downstream effects are properly managed. The length of time water is stored is subject to natural infiltration and evapotranspiration rates.
<b>Street Character Building</b>	means a building identified in Figure 11.4, Street Character Buildings within the North West Square Heritage Area Subject to R11.6.2.6 of the Inner Business Zone.
<b>Street Furniture</b>	means sculptures, works of art, road signage, bus shelters, parking meters, seating and other such amenity enhancement works.
<b>Structure Plan Map North East Industrial Zone</b>	means Structure Plan Map: North East Industrial Zone (Map 7.2) and associated Structure Plan Cross Section Road Layouts 1, 2, 3 and 4.
<b>Structural Maintenance of Flood Protection Works or Structures</b>	means the structural repair, upkeep, or repainting of an existing flood protection structure or work, including stopbanks, guide banks, groynes, linear bank protections (including live bank protection works), and other associated flood protection structures. Maintenance does not include additions to or alteration or redevelopment of an existing flood protection work or structure beyond its original size, form, or design.
<b>Substation</b>	means any building, structure, enclosure, either above or below ground, confined to a given area, incorporating electrical equipment operating at a voltage greater than 11KV, which may include electrical switch gear, control gear, transformers or protection devices, but excludes those installations which contain only isolation equipment or fuses or relays and where such electrical equipment is not contained in a building, structure or enclosure and the electrical equipment itself is in the substation.
<b>Supergraphics</b>	means any large-scale application of colour, texture, words or designs to a building to the extent that the building itself becomes a sign. The use of supergraphics, in applying the rules of this Plan, are considered as an advertising device.
<b>Supermarket</b>	Means self-service shop primarily selling a wide range of fresh produce, meat, packaged food and other foodstuffs and a comprehensive range of domestic supplies, household goods and convenience goods, and may include Lotto services and a pharmacy, and has a minimum gross floor area of 400m <sup>2</sup> .



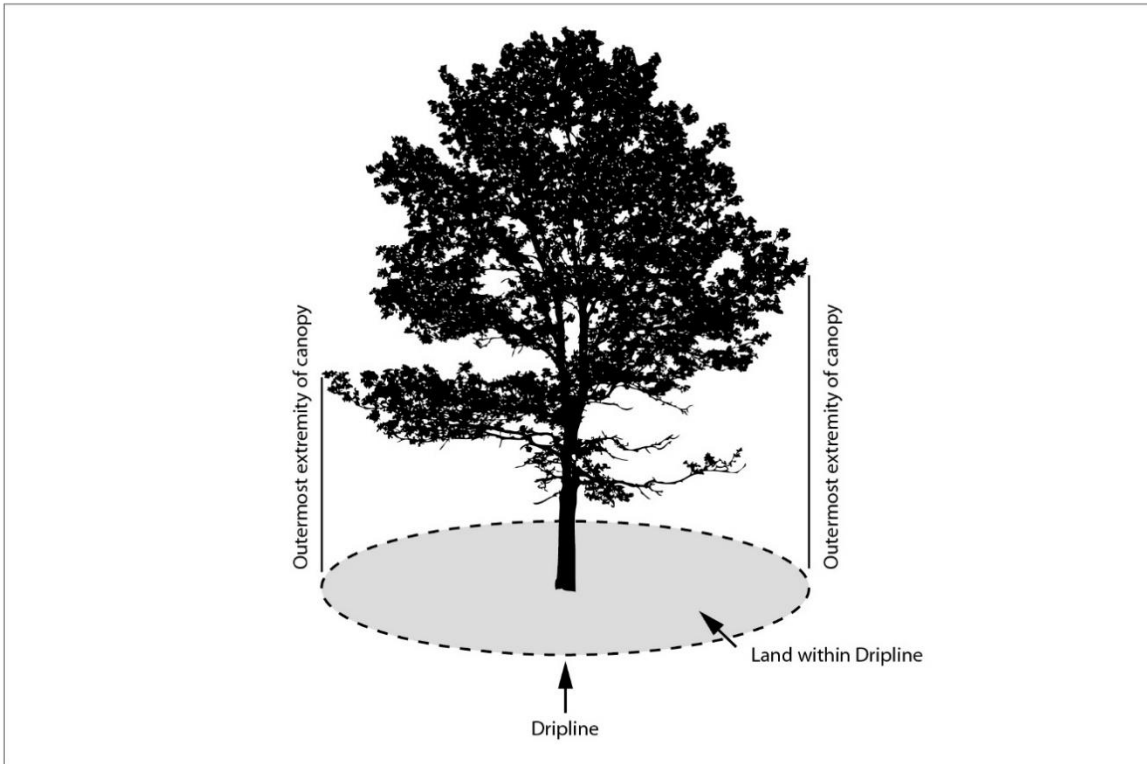
<b>Tangata Whenua</b>	Refers to the Iwi, Hapu or Whanau holding mana in a particular locality, “in relation to a particular area and means the Iwi, Hapu, which holds mana whenua over that area”. Source: Resource Management Act 1991, Section 2: Interpretation.
<b>Taonga</b>	Means all things prized or treasured; both tangible and the intangible treasures. Source: Resource management Act 1991, Section 6(e).
<b>Tararua Ranges Landscape Protection Area</b>	means the area spatially defined on Map 9.1 and shown on the planning maps.
<b>Telecommunication</b>	means the conveyance from one device to another of any sign, signal, impulse, writing, image, sound, instruction, information, or intelligence of any nature.
<b>Telecommunication Cabinet</b>	means a casing around equipment that is necessary to operate a telecommunications network.
<b>Telecommunication Facility</b>	means any mast, aerial, antenna dish, line, or other structure, facility or apparatus intended for the purpose of facilitating telecommunication.
<b>Telecommunications Link</b>	means any line, radio frequency, or other medium used for telecommunication, and for the purposes of the Plan includes satellite dishes.
<b>Telecommunications Works</b>	includes: a. line and any instrument, furniture, plant, office, building, machinery, engine, excavation, or work, of whatever description, used in relation to, or in any way connected with a line; b. a fixed radio station.
<b>Temporary Military Training Activity</b>	Means all temporary training activities conducted for defence purposes. Defence purposes are set out in Section 5 of the Defence Act 1990
<b>Temporary Sign</b>	means any <b>sign</b> erected for the purposes of advertising a product, service, person, event or location. Temporary Signs cannot be permanent but can be fixed or portable in nature. Temporary signs do not include footpath signs erected on the road reserve or election signs, both of which are controlled by the Palmerston North Signs and Use of Public By-Law 2015 (and subsequent amendments or updates).
<b>Theatre</b>	means a building, or part of a building, with seating facing a stage, and used principally for entertainment purposes.
<b>Tikanga Maori</b>	Means customary values and practices. Source: Resource Management Act 1991, Section 2 Tikanga is derived from “tika”, or that which is right or just. “Tikanga” may be looked upon as Maori principles for determining justice. “Tikanga” is also used for ritual, but in the sense that ritual is also “tika”, customary or correct. Ritual and ceremony themselves are described by “kawa”. “Kawa” refers also to process and procedure of which “karakia” (rites of incantation), forms a part.
<b>Tourist Facility</b>	means land and/or buildings in which activities oriented to transient, domestic or international visitors are undertaken to provide education or entertainment.
<b>Trade Supplier</b>	means a business substantially engaged in sales to businesses and institutional customers as well as to the general public and without limiting the generality of this term, includes: • automotive & marine suppliers;

	<ul style="list-style-type: none"> <li>• building suppliers;</li> <li>• farming &amp; agricultural suppliers;</li> <li>• garden &amp; patio suppliers; and</li> <li>• office product suppliers.</li> </ul>
<b>Training Facilities</b>	means land and/or buildings used for educational and/or vocational training of a post-secondary nature.
<b>Training Tracks</b>	means land developed as a private training track to exercise and/or educate race horses. This includes tracks for training horses for hurdling and steeple chasing.
<b>Transmission Line Support Structure</b>	In respect of the National Grid means tower or pole.
<b>Undevelopable Land</b>	means any land in Aokautere which is not identified as developable land on Map 10.1
<b>Urban Areas</b>	means any land zoned Residential, Business, Industrial, Institutional, North East Industrial, Recreation, Caccia Birch.
<b>Use</b>	means, in respect of Hazardous Facilities, the manufacturing, processing or handling of a substance or mixture of substances for a particular activity, without necessarily changing the physical state, or chemical mixing, blending and packaging operations.
<b>Utility Structure</b>	for the purposes of Section 23 Utilities, means any structure associated with a network utility and includes, but is not limited to, pipes, valves, meters, regulator stations, transformers (other than a pole mounted transformer), substations (other than an overhead substation), compressor stations, pumping stations, navigational aids, meteorological installations, telephone booths, containers, cabinets and similar structures, whether for private or public purposes. It does not include lines, antennas or masts.
<b>Variant Business Centre</b>	for the purposes of the Local Business Zone, means a grouping of businesses that do not fulfil a convenience role to a local catchment (see definition of Local Catchment). Those provisions that specifically relate to Variant Business Centres will cease to have legal effect on 1 June 2014, unless, before then, a new definition of Variant Business Centre is proposed through a variation or plan change.
<b>Wahi Tapu</b>	Refers to sites, areas or localities associated with tapu. May include urupa, places where baptismal rites are performed, historic battlegrounds, etc. Only Tangata Whenua can identify their wahi tapu.
<b>Wahi Taonga</b>	Refers to sites, areas or localities of significance to Maori.
<b>Wahi Tupuna</b>	Refers to sites, areas or localities of historical, cultural and spiritual significance to Whanau, Hapu or Iwi but not necessarily tapu sites. Important pathways, village sites, boundary indicators, etc are included as wahi tupuna
<b>Warehouse</b>	means any building or part of a building used for the receipt, dispatch, breaking down or consolidation of goods owned or held on consignment by the occupier of the building pending sale or distribution.
<b>Water Attenuation Activities</b>	<p>means any physical works carried out for the purposes of providing attenuation of stormwater within Watercourse Reserve Areas in the North East Industrial Zone Extension Area.</p> <p><b>NOTE TO PLAN USERS</b></p> <p>The location of Watercourse Reserve Areas are shown on Structure Plan Map: North East Industrial Zone (Map 7.2 within the Subdivision Section of the Plan)</p>

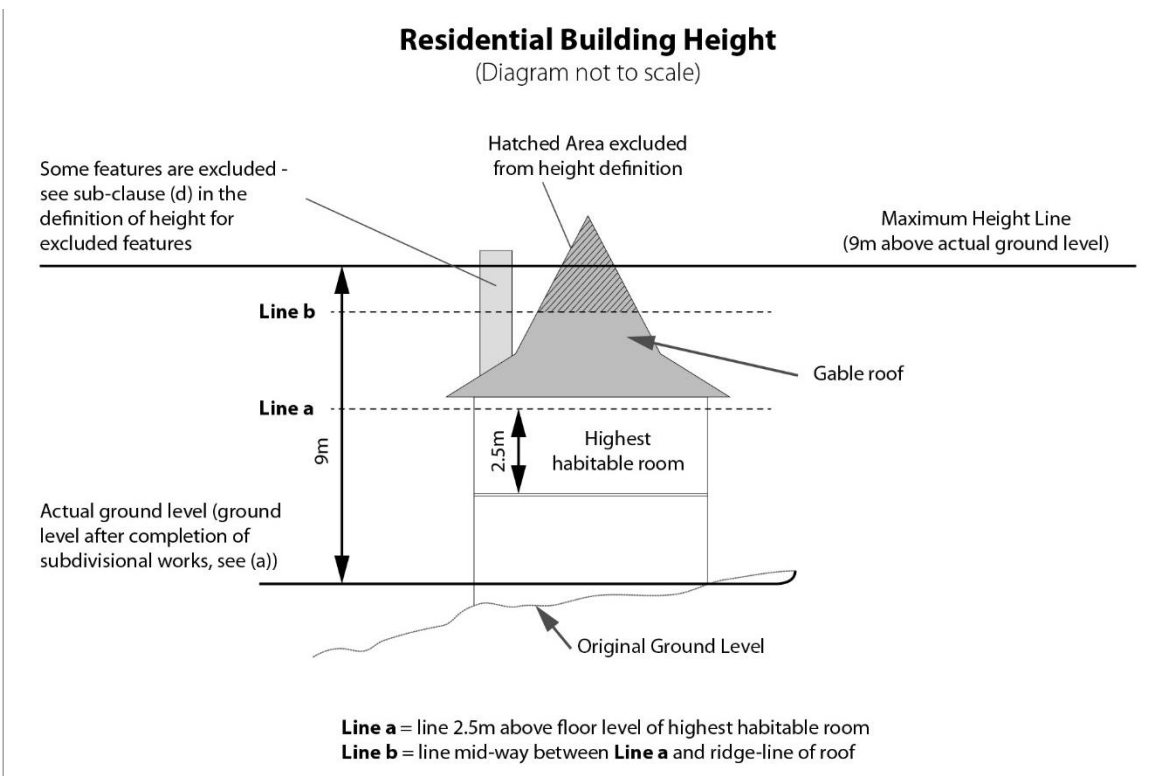


<p><b>Water Sensitive Design</b></p>	<p>means an approach that aims to limit changes to the hydrologic cycle caused by development, specifically by minimising post development increases of stormwater runoff, whether in frequency or volume. This includes design measures to manage hydrology on-site, before stormwater runoff is concentrated to become a significant point source discharge. Water Sensitive Design encompasses approaches such as Low Impact Design. Water Sensitive Design (WSD) seeks to protect or enhance the environmental, social and economic values of downstream environments. It also seeks to reduce the frequency, duration and volume of stormwater runoff to mitigate the risks of nuisance flooding and moderate post-development flows to waterways. A reduction in demand on potable water supply and improved amenity in the urban environment are key matters that WSD seeks to achieve.</p>
<p><b>Whakarongo Residential Area</b></p>	<p>means the Greenfield Residential Area shown in the Whakarongo Structure Plan (Map 7A.1).</p>
<p><del><b>Whisky Creek Residential Area</b></del></p>	<p><del>means the Greenfield Residential Area shown in the Whisky Creek Structure Plan (Map 7A.3).</del></p>
<p><b>Wind Farm</b></p>	<p>means wind turbines (other than a Domestic Wind Turbine and Microscale wind turbine) used to generate energy from the wind, and includes:</p> <ul style="list-style-type: none"> <li>• turbines, including support pylons or towers</li> <li>• ancillary buildings and structures including substations, maintenance building and communications equipment</li> </ul> <p>A Wind Farm excludes transmission lines and infrastructure associated with transmission lines.</p>
<p><b>Yard-based Supplier</b></p>	<p>means a retail activity or trade supplier where more than 50% of the area devoted to display of goods and commodities is located within any or all of the following types of business environment:</p> <ol style="list-style-type: none"> <li>1. an open or partially covered but not enclosed yard, accessible to shoppers for inspection and selection and to vehicles for the direct loading of stored and displayed product;</li> <li>2. an open or partially covered but not enclosed yard, accessible only to pedestrian shoppers for inspection and selection of stored and displayed product; and/or</li> <li>3. separately partitioned space within an enclosed structure, used for the storage, display and selection of product for direct internal loading onto vehicles entering and exiting the space via drive-through lanes.</li> </ol> <div style="border: 1px dashed black; padding: 5px; margin-top: 10px;"> <p><b>NOTE TO PLAN USERS</b></p> <p>Parking generation in relation to yard space is not pro-rata to enclosed retail or trade supply space and in the case of 1 and 3 above, is provided (for customers) within the yard.</p> </div>

### EXPLANATORY DIAGRAM 1 DRIPLINE



### Residential Building Height (Diagram not to scale)

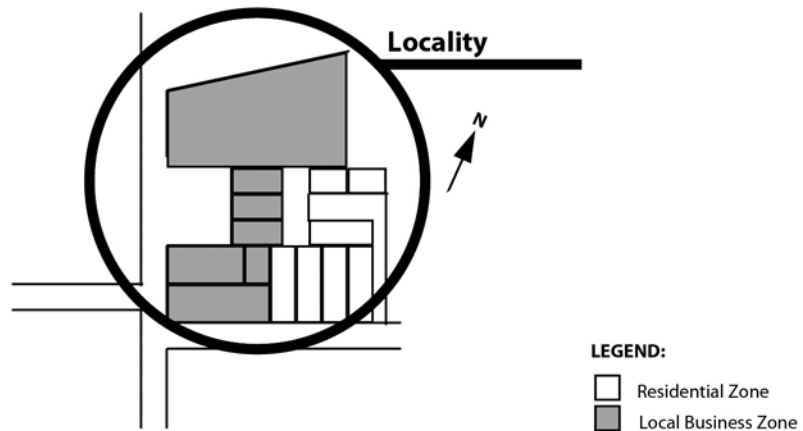


#### NOTE TO PLAN USERS

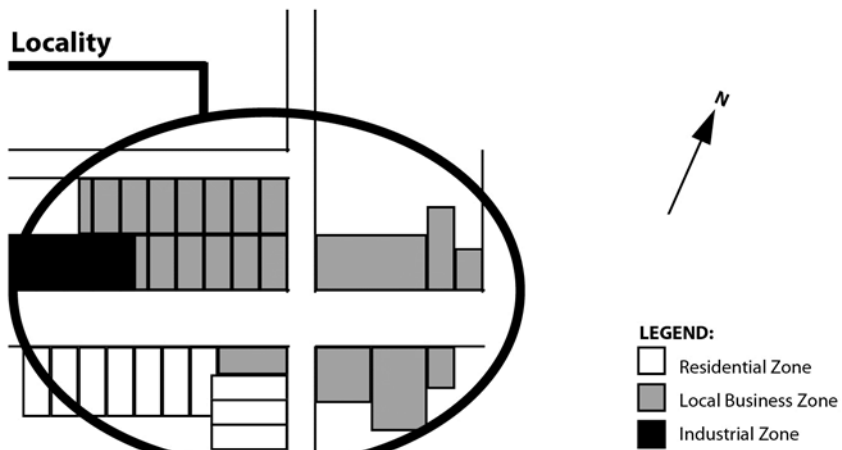
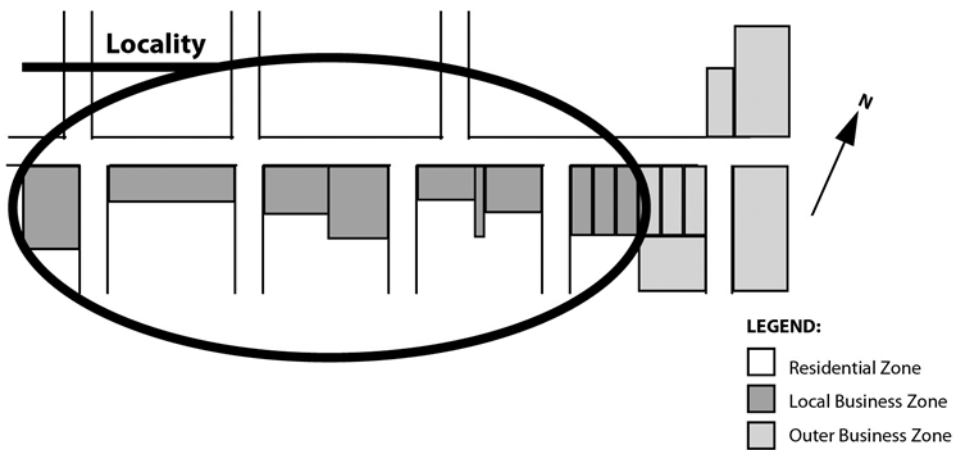
This diagram must be read in conjunction with the definition of 'height'. This diagram relates only to the definition of height, it does not provide any exclusion from any height recession line or other District Plan requirement.

### EXPLANATORY DIAGRAM 3 LOCALITY

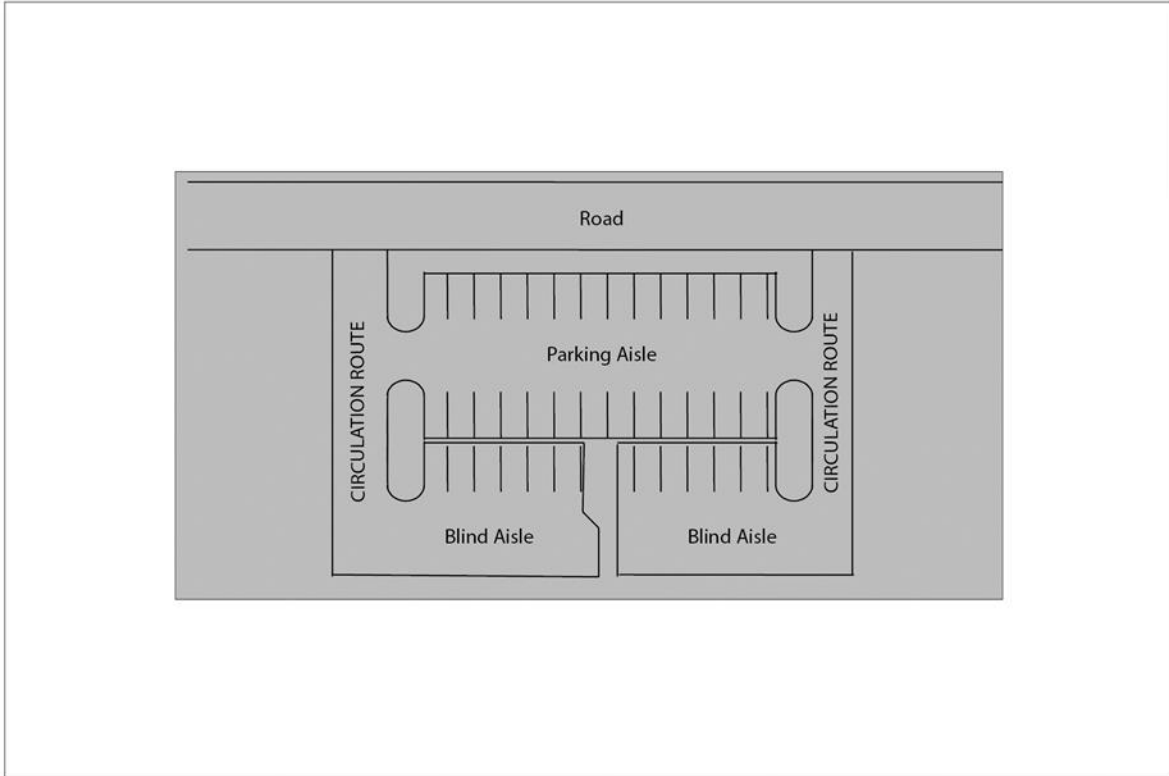
**Figure Locality Def. (i): Contiguous Local Business Zone**



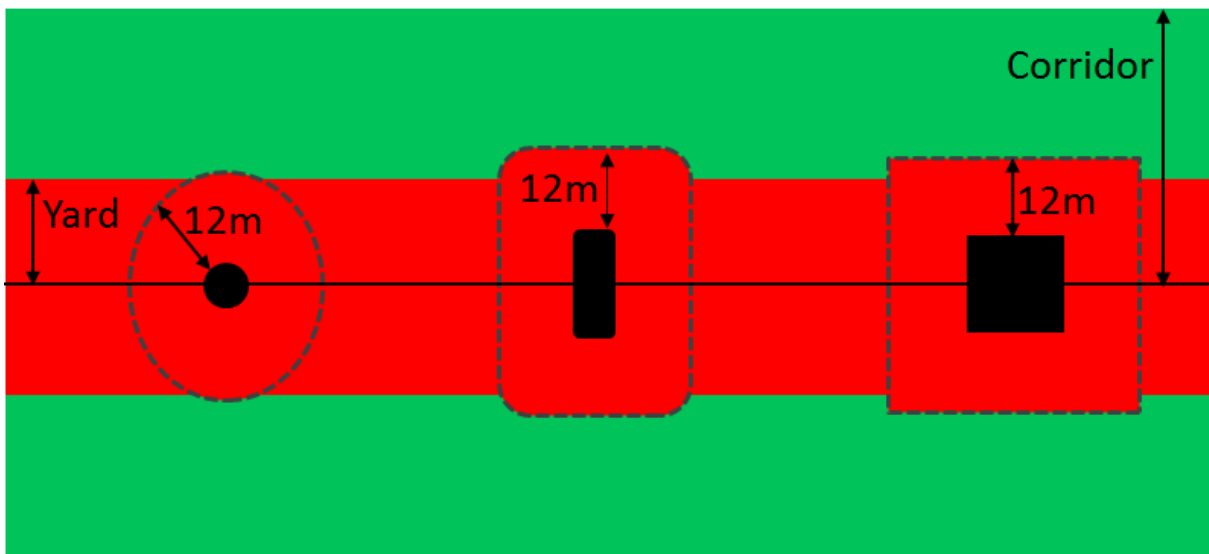
**Figure Locality Def. (ii): Contiguous Local Business Zone  
but dissected by roadway or roadways**



**EXPLANATORY DIAGRAM 4:  
CIRCULATION ROUTES, PARKING AISLES AND BLIND AISLES**



**EXPLANATORY DIAGRAM 5  
NATIONAL GRID YARD**



**LEGEND**

Not to scale

- 30 D — Centreline
- Single Pole
- ▬ Pi Pole
- Tower

# SECTION 7A:

# GREENFIELD

# RESIDENTIAL AREAS

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# 7A. GREENFIELD RESIDENTIAL AREAS

## 7A.1 Introduction

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

This section enables greenfield development within:

- The Whakarongo Residential Area (Map 7A.1)
- The Kikiwhenua Residential Area (Map 7A.2)
- ~~The Whiskey Creek~~ Matangi Residential Area (Map 7A.3)

These areas were identified for residential growth in the Palmerston North City Development Strategy 2017.

The provisions within this section require well designed, attractive and functional communities within the Greenfield Residential Areas. The Structure Plans for each Greenfield Residential Area will direct subdivision and provides for neighbourhood centres and public open spaces. A mix of activities and densities are provided for which will assist with achieving a variety of living choices and diverse communities.

## 7A.2 Resource Management Issues

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

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

## 7A.3 Objectives and Policies

### Introduction

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

### OBJECTIVE 1

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

---

### POLICIES

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

#### **Explanation**

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

### OBJECTIVE 2

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

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### POLICIES

- 2.1 To ensure subdivision and development meets the reasonable needs of future users whilst achieving the following design principles:
  - Street design contributes to attractive and safe neighbourhoods
  - Housing diversity and variety is achieved
  - Visual dominance is avoided

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- Allotments are shaped and designed to enable dwellings with good solar access and sufficient outdoor amenity and sunny private outdoor space
- Convenient and safe access for residents is provided to nearby public open spaces, neighbourhood centre and public transportation routes
- Intended building scale and form contributes to a distinctive sense of place that complements other subdivisions or developments
- Takes advantage of connections and significant views to the wider landscape
- The natural characteristics and contours of the site are worked with
- Safe walking and cycling is facilitated
- A high degree of connectivity within the local roading network is provided, and
- Crime Prevention Through Environmental Design (CPTED) ensures all streets and public spaces are overlooked or visible from adjacent activities.

- 2.2 To enhance and restore the natural features of the site, through sensitive integration of stormwater design.
- 2.3 To enhance the amenities of the natural and built environment following earthworks by requiring that road berms, new allotments, and public open spaces are formed, landscaped and planted to a level commensurate with the intended use and consistent with delivering a coordinated and coherent streetscape.
- 2.4 To ensure public open spaces meet the needs of the community by ensuring that these areas:
- are of a high quality
  - have sufficient road frontage so that users are visible to the general public for safety reasons
  - are located so that they are easily accessible to the general public, and
  - have a terrain and are of a type and size that is useable for a number of active and passive recreation activities.
- 2.5 To ensure neighbourhood centres meet the needs of the community by ensuring it:
- has sufficient road frontage so that users are visible to the public
  - is located to ensure ready access by all users, and
  - is designed to create a high-quality environment and community focal point.
- 2.6 To control the development of land near roads and the railway line to ensure noise from transport infrastructure does not cause adverse effects on the amenity of noise sensitive activities, and that subdivision design prevents adverse impacts on the efficient use of roads and railway lines.
- 2.7 To ensure that subdivision in the Kikiwhenua Residential Area:
- Responds positively to and minimizes adverse effects on identified waahi tapu sites
  - Facilitates pedestrian and cycle connections to the Longburn Shared Pathway and Manawatu Bridle Track
  - Ensures any significant areas, such as Kikiwhenua, urupa, and current Rangitāne owned land are protected and safe public access to those areas are facilitated
  - Creates a high amenity interface between the Kikiwhenua Residential Area, Pioneer Highway, Mangaone Stream, and Te Wanaka Road



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- Public open space design is site specific, responding to vegetation and cultural significance.

### ~~2.8 To ensure that subdivision and development in the Whiskey Creek Residential Area:~~

- ~~• Avoids, remedies or mitigates adverse effects on the Manawatu Drainage Scheme and minimizes any increased flood risk to adjoining properties.~~
- ~~• Provides for restoration of the ephemeral tributary of Whiskey Creek as recreational reserve with quality recreational links.~~
- ~~• Provides appropriate setbacks of buildings from the natural gas pipeline that traverses part of the area and locates the pipeline within a public service corridor.~~
- ~~• Provides for vehicle access to both Benmore Avenue and Rangitikei Line.~~
- ~~• Has regard for the existing residential subdivision boundaries where it abuts Meadowbrook Drive.~~

### 2.89 In addition to Policy 1.2, subdivision in the ~~Whiskey Creek~~ Matangi Residential Area shall be in general accordance with the following Structure Plan design principles:

#### 1. Stormwater and Flooding

- Avoid any more than minor adverse effects on the Manawatu Drainage Scheme.
- Flooding risk on adjoining residential properties shall not be exacerbated.
- Water Sensitive Design either within the street network or within the reserve are provided.
- Design of the stormwater detention pond positively contributes to visual amenity and ecological values whilst achieving hydraulic neutrality.
- Supplementing flows within Whiskey Creek with stormwater or groundwater discharges.

#### 2. Open Space and Reserves

- The design provides for:
  - Ecological restoration of the ephemeral tributary of Whiskey Creek.
  - A dry formal equipped play area and a flat open space for informal recreation.
  - Consultation outcomes with Rangitāne o Manawatū in relation to the design and preparation of a Management Plan for the reserve regarding whanau ora values.

#### 3. Gas Pipeline

- Appropriate setbacks of buildings from the natural gas pipeline are provided and the pipeline is located within a public service corridor.

#### 4. Streets and Linkages

- To provide safe transport access to Benmore Avenue/ Meadowbrook Drive intersection and a left in/left out access to Rangitikei Line.
- All streets shall interconnect with no cul-de-sacs.
- The cycle and pedestrian links shown on the Structure Plan are provided.

- (iv) Street design and planting shall be in accordance with the Council Engineering standards for appropriate road hierarchy.

## 5. Subdivision Design and Integration

- (i) For lots adjoining existing Meadowbrook Drive properties:
- The subdivision design shall maximise alignment with existing lot boundaries for Nos. 7 to 31 Meadowbrook Drive.
  - A 1 storey height standard shall apply.
- (ii) A positive city edge is achieved by ensuring all lots adjoining the reserve enable dwellings fronting the reserve.
- (iii) Layout of the multi-unit housing area will achieve active frontages to road 1 and the flood plain reserve.
- (iv) Lots enabling dwellings fronting streets.
- (v) The street and block layout provides for a fine grain walkable block structure and a predominant generally orthogonal street alignment as shown on the Structure Plan (Map7A.3).
- (vi) The location, dimensions, and size of lots shall provide for a mix of conventional suburban lots, multi-unit residential development, open space, recreation, and commercial activities that is generally consistent with mix of housing density and uses shown on the Structure Plan (Map 7A.3).

## 6. Typology and Density

- (i) Medium Density Housing is provided for in the location shown on the Structure Plan, allowing for development up to 11m in height while ensuring reasonable sunlight access to adjacent properties is maintained.
- (ii) Commercial activities are provided for in accordance with the Structure Plan (Map 7A.3) that provide:
- A positive relationship to the reserve and attenuation area
  - Amenities and services for the local neighbourhood
  - An active frontage at the street edge.

## 2.9 Subdivision and land development in the ~~Whiskey Creek~~ Matangi Residential Area that is not generally in accordance with the Structure Plan design principles identified in Policy 2.8 shall achieve the following:

- (i) The same or similar level of connectivity into, out of and within the ~~Whiskey Creek~~ Matangi Residential Area.
- (ii) The same or similar street hierarchy and layout.
- (iii) The opportunity for commercial activities is maintained.
- (iv) Stormwater detention, which does not compromise the delivery of other Structure Plan features.
- (v) A positive active edge to the Conservation and Amenity Area and vegetated edge to Rangitikei Line / State Highway 3.
- (vi) A mix of housing types and densities.

## OBJECTIVE 3

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

### POLICIES

- 3.1 To control the subdivision of land that is affected by natural hazards and to ensure that any necessary mitigation measures are in place prior to development.
- 3.2 To improve land utilization to safeguard people, property and the environment from the adverse effects of unstable land by ensuring that:
- Disturbance to the natural land form, existing vegetation and habitats, natural drainage and significant natural features is minimised.
  - Each lot is designed in a manner that ensures:
    - (i) technically appropriate building platforms exist
    - (ii) foundations are designed and implemented to mitigate risk associated with subsurface conditions
    - (iii) sites are identified where roading and access is suitable for its intended use/activities.
  - Earthworks are to be designed and constructed to:
    - (i) provide safe and adequate building platforms and foundation for roads and services
    - (ii) provide for the adequate control of stormwater
    - (iii) prevent erosion and instability
    - (iv) remain safe and stable for the duration of the intended land use
    - (v) not necessarily rely on artificial or human-built structures for stability; and where such structures are employed these shall remain safe and stable for the duration of the intended land use
    - (vi) avoid contamination of groundwater and surface water, and
    - (vii) avoid or mitigate the diversion of ground water flows.
  - Earthworks and the re-contouring of land are to be the subject of specific design by a chartered professional engineer experienced in soil mechanics or geotechnical matters and shall take into account the predicted improvements to soil slope and stability which will be achieved and the impact on existing vegetation and landscape values.
- 3.3 To restrict development or require additional geotechnical investigations prior to the future use of land where appropriate.

## OBJECTIVE 4

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

### POLICIES

- 4.1 To have stormwater management measures in place in advance of residential

- 4.2 To demonstrate an integrated approach to the provision of stormwater management that recognises the capacity of existing systems and natural drainage patterns.
- 4.3 To encourage the use of Water Sensitive Design wherever appropriate.
- 4.4 To ensure stormwater management contributes to the recreational and visual amenity of the development.
- 4.5 To ensure the design of stormwater infrastructure and management of stormwater runoff from the Kikiwhenua Residential Area avoids or substantially mitigates adverse effects on people, property (including the development potential of surrounding land for future urban growth), infrastructure and the natural environment, and utilises where reasonably practicable the Mangaone Stream Catchment for discharge of runoff.

## 7A.4 Methods

### General

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

- The Whakarongo Structure Plan (Map 7A.1)
- The Kikiwhenua Structure Plan (Map 7A.2)
- [The ~~Whiskey Creek~~ Matangi Residential Area \(Map 7A.3\)](#)

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

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

## 7A.5 Residential Zone

### Introduction

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

### 7A.5.1 RULES: CONTROLLED ACTIVITIES

#### R7A.5.1.1 Controlled Activities

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

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

- (a) Lot Size

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

### (b) Balance lot size

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

### (c) Access

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

### (d) Servicing

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

## 7A.5.2 RULES: RESTRICTED DISCRETIONARY ACTIVITIES

### R7A.5.2.1 Restricted Discretionary Activities

1. Any subdivision in a Greenfield Residential Area which is not a Controlled Activity, and any cross lease, company lease or unit title subdivision creating allotments requiring vehicular or foot access to a road listed in 20.6.1.6 of the Land Transport Section as a State Highway or a Limited Access Road is a Restricted Discretionary Activity with regard to:
  - a. The size, shape and arrangement of roads, public open spaces, lots, cross lease and company lease areas, units and access
  - b. Those matters described in Sections 108 and 220 of the Resource Management Act 1991
  - c. Subdivision design and layout, provision for local services and public open space in general accordance with the relevant Structure Plan for the area
  - d. Urban design
  - e. Landscaping
  - f. Noise attenuation and management
  - g. Enhancement and management of surface water flows and overland flow paths
  - h. Integration of essential services
  - i. Natural hazards
  - j. Future development opportunities
  - k. Visual amenity
  - l. Effects on the capacity of Council infrastructure
  - m. Safe and efficient operation of the roading network
  - n. Connectivity
  - o. Outdoor/on-site amenity
  - p. Infrastructure and physical resources of regional or national importance
  - q. Hydraulic Neutrality with regards to stormwater runoff.

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

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

## R7A.5.2.2 Performance Standards for Restricted Discretionary Activity

### (a) Comprehensive Development Plan

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

- (i) total area of the development
- (ii) total number of allotments to be developed
- (iii) programme and time frame from development, including the staging of development in the Residential Area
- (iv) the proposed mix of residential, commercial and recreational activities
- (v) primary and secondary road layouts and pavement widths, including details of how these are in general accordance with the relevant Greenfield Structure Plan
- (vi) streetscape including the location and type of street trees and other proposed planting
- (vii) design, shape and location of public open space within the development, including how these are to be managed in the future, including any landscaping or planting corridors
- (viii) location of natural watercourses, how these will be incorporated into the subdivision design and managed in the future, and their potential to be integrated into an innovative and/or low-impact stormwater design
- (ix) proposed walkways and cycleways
- (x) facilities for people with disabilities or special needs, such as shared walkways and disabled parking
- (xi) infrastructural network servicing requirements, including how the proposed infrastructure will provide for future staged development of the Residential Area
- (xii) a report from one or more chartered professional engineers, or other suitably qualified persons, experienced in soil mechanics, geotechnical engineering or land contamination, as determined relevant by Council, identifying geo-physical features and characteristics of the land, including potential erosion, falling debris, subsidence, slippage, alluvium or likely presence of hazardous contaminants, and the likely risks that those features or characteristics present for the land, adjoining land, or any structure likely to be constructed on the land. This report must also contain or be accompanied by:
  - any recommendations as to the design and construction of foundations that are appropriate to mitigate any characteristic or feature identified;
  - an assessment on how fill should be placed onto the land based on sub-surface conditions;
  - recommendations of the setback for buildings from areas of high natural hazard risk;
  - any recommendations as to the necessary remediation of contaminated land;
  - a copy of any site investigations including bore logs; and

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- a certificate from the engineer or other qualified person confirming that the analysis undertaken is in accordance with professional standards, appropriate to the risks identified and of sufficient quality in order to be relied upon as a comprehensive hazard assessment.
- (xiii) a report from a hydraulic engineer identifying the characteristics of the land including potential avulsion or inundation and the likely risks that those features or characteristics present for the land and its future use. This report must also contain any recommendation as to the location, design and construction of foundations that are appropriate to mitigate any characteristic or feature identified. A copy of any site investigations including bore logs must accompany the report. The report must also demonstrate how the proposed Water Sensitive Design measures will ensure hydraulic neutrality is achieved and ensure that there is no increase in stormwater effects on surrounding areas.

In the ~~Whiskey Creek~~ Matangi Residential Area, in addition to the above report, the application shall also provide a Comprehensive Flood Management Plan that demonstrates the cumulative flood effects of all stages of the development of the ~~Whiskey Creek~~ Matangi Residential Area and shall assess compliance with Performance Standard R7A.5.2.2(g) and shall include:

- i. A modelling assessment using the latest base version of the Taonui Basin Model in accordance with its historic conventions and methodology except where extended or improved on.
  - ii. Validation of the base model for the flood analysis to ensure that it reasonably matches results from the Taonui model.
  - iii. Confirmation that the most up to date LiDAR input data was used within the model.
  - iv. A modelling assessment of the performance of the Benmore Avenue stopbank system which reflects the current top levels.
  - v. A modelling assessment of the flood conditions associated with the 50 year ad 200 year ARI events.
  - vi. Comprehensive reporting on all flood modelling work relating to the subdivision area including supply of digital and model geometries, results and differencing data;
  - vii. Confirmation that all necessary approvals have been obtained from the Regional Council.
- (xiv) an urban design statement from a registered architect, landscape architect, or qualified urban designer to explain how the proposed subdivision design relates to the site, its surroundings, and how it creates a high amenity living environment, sense of place, and contributes positively to the local neighbourhood. The urban design statement shall include:
- a context analysis describing how the planning anticipates staged development and/or future growth, including how the development relates to neighbouring sites and areas;
  - the rationale for site planning and design decisions; and
  - how the planning and design of the proposed subdivision relates to the relevant objectives and policies of the District Plan.
- (xv) how the proposed road layout and design ensures connectivity to property and roads that have been developed or have the potential to be developed in the future. Design matters must explain how the proposal provides for network connectivity to achieve:



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- increased number and choice of travel routes for all types of users; and
  - improved access to public transport, cycling and walking networks and access to existing roading networks.
- (xvi) Whether approval is required from external agencies, including the New Zealand Transport Agency, Horizons Regional Council, and the Department of Conservation, and what progress has been made in securing the approvals, where relevant.

#### **Explanation**

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

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

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

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

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

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

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

#### **Explanation**

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



**(c) Existing Buildings**

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

**(d) Lot Size**

- (i) Unless otherwise specified below, Any subdivision within a Greenfield Residential Area must have an average lot size of 500m<sup>2</sup> - 550m<sup>2</sup>.
- (ii) No single lot shall be less than 350m<sup>2</sup>.
- (iii) No single lot shall exceed 1000m<sup>2</sup> (except ~~neighbourhood centre lots and~~ balance lots)
- (iv) Any subdivision in the ~~Whiskey Creek~~Matangi Residential Area must have an average lot size of 400m<sup>2</sup> – 500 m<sup>2</sup>, other than subdivision in the identified multi-unit housing area (Map 7A.3) where the developed density shall be lots of no more than 400m<sup>2</sup>, with the average lot size being no more than 300m<sup>2</sup>.
- (v) In calculating the lot sizes in (i) to (iv) above the following exceptions apply:
  - No balance lot, public open space lot, neighbourhood centre, or road parcel shall be included; and
  - The lot sizes shall be exclusive of the acoustic setbacks required by the provisions of R10.6.1.5(e) (i) and (ii); and
  - in the Matangi Residential Area, the maximum lot size specified in (iii) does not apply to neighbourhood centre lots and lots to be developed for multi-unit housing development.

**Explanation**

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

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

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

**Explanation**

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

**(f) Water Sensitive Design in the Kikiwhenua Residential Area and Whiskey Creek Matangi Residential Area**

- (i) A Stormwater Management Plan must be prepared by a suitably qualified stormwater design consultant with experience in Water Sensitive Design concepts and elements. The Stormwater Management Plan must address the following:

#### Palmerston North City Council District Plan

- a site-specific assessment of the likely changes in stormwater quantities created by the development for the 2-year, 5-year, 10-year, 20 year, 50-year and 100 year ARI events with storm durations appropriate for the relevant receiving system using the HIRDS database, taking into account climate change effects;
- assessment of all internal stormwater infrastructure and how it will interact with the existing drainage system;
- how the development will hydraulically relate to its surrounding environs, including assessment of overland flow paths and potential flood impacts;
- how the stormwater management system will ensure that any changes in runoff from the site will be addressed;
- Reduction in peak flow discharges by flow attenuation;
- Reduction in discharge volumes by infiltration, soakage or other means appropriate for the site (i.e., the first 5 or 10mm of daily rainfall runoff from impervious areas may need to be retained on site in certain circumstances);
- The ability to use Water Sensitive Design to address stormwater runoff quality aspects; and
- assessment on the impact of development (including new infrastructure) on the existing stopbanks and what mitigation may be required so as to not exacerbate the risk of piping failure

#### **(g) Flood Management in the Matangi Residential Area**

- (i) Any subdivision consent application within the Matangi Residential Area (Map 7A.3) shall show through modelling that following the development of all stages of the Matangi Residential Area:
  - a. flood levels within the nearby Residential Zone will be reduced or remain unchanged.
  - b. flood levels within Rural Zone, will not increase by more than 50mm.
- (ii) All lots, excluding balance lots, within the Matangi Residential Area shall have ground levels to suit construction of conventional modern 'on grade' dwellings that have floor levels achieving a reasonable freeboard, above the 0.5% AEP (1 in 200 years) flood level (with flood levels and reasonable freeboard as determined by Horizons Regional Council).

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

*Plan users are advised to check the Engineering Standards for Land Development to ensure the current model for taking into account climate change effects is used when preparing a Stormwater Management Plan.*

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

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

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

- (i) The extent to which the design and layout of the subdivision is in general accordance with the area's relevant Structure Plan, including how the proposal contributes to the overall design principles for the area.
- (ii) The extent to which a range of lot sizes has been provided that enable the provision of a diverse range (or variety) of housing development options.

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- (iii) How the proposed subdivision relates to adjoining sites and areas and whether it enables future subdivision of adjoining lots by providing for the necessary street connections.
- (iv) The extent to which houses front toward major roads and entrances to the city.
- (v) The extent to which the proposed subdivision ensures that sufficient connection and connectivity is achieved that provides for a range of transport means and minimises the need for cul-de-sacs and rights of way.
- (vi) The extent to which the orientation of lots in the subdivision ensures sufficient solar access is available to the outdoor living area of future dwellings.
- (vii) How integrated public open space has been provided in the design of the subdivision.
- (viii) The continuity and coherence of street trees, public open space landscaping, and the extent to which they have been integrated into the design and layout of the subdivision and the wider neighbourhood environment.
- (ix) The extent to which street trees have been provided at an appropriate scale in relation to the size and significance of the related street and contributes to a distinctive sense of place within the streetscape.
- (x) The extent to which Water Sensitive Design is integrated where appropriate and geo-technically possible and is designed in a way that contributes to the recreational and visual amenity of the development.
- (xi) The extent to which proposed stormwater detention measures ensure hydraulic neutrality is achieved and that there is no increase in stormwater effects on surrounding areas.
- (xii) The degree to which the subdivision provides for the integration of essential services into the existing city network in a manner which is orderly and efficient and that facilitates future development and capacity requirements.
- (xiii) The extent to which Council has the ability to maintain and access infrastructure and services in the future.
- (xiv) The extent to which natural hazard risks are identified and the effects are avoided or mitigated.
- (xv) The extent to which subdivision considers and implements the findings of the geotechnical reports to address land stability issues and recommended mitigation measures.
- (xvi) The effect any earthworks will have on natural hazard risk and/or land stability, including effects on overland flow paths, and sedimentation..
- (xvii) The extent to which landscape planting along road corridors shown on the area's relevant Structure Plan is provided for in a way that delivers a coordinated and coherent streetscape.
- (xviii) The extent to which the design of the proposed subdivision facilitates the creation of high quality attractive public open spaces, including streetscapes.
- (xix) The extent to which earthworks will affect adjoining properties and result in adverse visual amenity and how these effects are managed.
- (xx) Whether any adverse effects of the subdivision on the safe and efficient operation of the roading network can be effectively managed.
- (xxi) The degree to which the location and design of access onto the State Highway

network, Limited Access Road or Restricted Access Road adversely affects the safe and efficient operation of the roading network, taking into account the long term operation of the adjacent road.

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

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

- (i) The extent to which the subdivision and proposed street layout integrates with Whakarongo School.
- (ii) The extent to which the proposal provides for the establishment and maintenance of landscape setbacks adjacent to Napier Road and Stoney Creek Road, as outlined on the Whakarongo Structure Plan (Map 7A.1).
- (iii) The degree to which landscape planting along road corridors shown on the Whakarongo Structure Plan (Map 7A.1) is provided for in a way that delivers a coordinated and coherent streetscape.
- (iv) The extent to which flood hazard avoidance or mitigation is provided to ensure the protection of residential development in a 0.2% Annual Exceedance Probability stormwater event and to ensure the hydraulic neutrality of the residential area.

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

- (i) Whether an archaeological assessment of the site has been undertaken by a suitably qualified archaeologist.
- (ii) Whether archaeological discovery protocol have been prepared and approved by a suitable authority representing Rangitāne o Manawatū.
- (iii) Whether a cultural monitoring plan has been prepared and approved by a suitable authority representing Rangitāne o Manawatū.
- (iv) The extent to which subdivision layout and design recognises and represents the connection that Rangitāne o Manawatū have with their rohe.
- (v) The extent to which physical and visual connections are created between the following sites:
  - The subdivision
  - Kikiwhenua
  - Urupa
  - Awapuni Lagoon
  - Mangaone Stream
  - Rangitāne-o Manawatū owned land in the area
- (vi) The extent to which Kikiwhenua, Awapuni Pa, and associated urupa are retained and recognised within the subdivision.
- (vii) The extent to which subdivision layout enable the retention of mature tree stock and shelterbelts as established street trees.
- (viii) The extent to which a clear hierarchy of primary, secondary, and tertiary roads provides legible way-finding throughout the site and encourages walking and cycling along key cultural connections.
- (ix) The extent to which the subdivision positively fronts onto Pioneer Highway, Te Wanaka Road and the Awapuni Lagoon area.
- (x) The extent to which the site connects to the Longburn Shared Pathway, Mangaone Stream Shared Pathway, and the Manawatu River Bridle Track.

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- (xi) The extent to which road corridors are designed to provide areas for pervious pavements and swales to reduce total runoff and peak flows.
- (xii) Whether on site detention ponds are designed such that the outlet reduces the peak flow to pre-development flow rates for return events up to the 50 year ARI rainfall event, and the spillway passes the 100 year ARI rainfall event at pre-development flow rates.
- (xiii) Whether stormwater detention areas utilise gravity flow paths and avoid the need for pumping stations.
- (xiv) Whether properties fronting onto Pioneer Highway are serviced by a laneway.
- (xv) The extent to which noise setback areas identified in the Kikiwhenua Structure Plan (Map 7A.2) incorporate high quality landscaping and Water Sensitive Design.
- (xvi) The availability of a suitable consent notice for allotments within the Kikiwhenua Residential Area to identify the requirement and management of on-property equipment for the area's Pressure Sewer System.
- (xvii) The extent to which the development of a community facility and small park, and a play area for young children are provided for.
- (xviii) Whether safe and appropriate treatments are in place that have been certified by the relevant road controlling authorities at the intersection of Te Wanaka Road and State Highway 56 prior to any subdivision within the Kikiwhenua Residential Area.
- (xix) The extent to which a traffic impact assessment for the Kikiwhenua Residential Area has been undertaken by a suitably qualified traffic engineer as determined by the relevant road controlling authorities. Without limiting other matters, the traffic impact assessment shall include:
  - An assessment of whether and when a full upgrade of the intersection of Te Wanaka Road and State Highway 56 should be provided to meet the needs of current and further land use; and
  - An assessment of what construction traffic mitigations are required.
- (xx) Whether the proposed stormwater approach will achieve hydraulic neutrality up to the 1% Annual Exceedance Probability (AEP) rainfall event, in comparison to the predevelopment land use, in accordance with the methods and requirements of the Engineering Standards for Land Development.

#### **(d) Subdivision design and layout within the ~~Whiskey Creek~~ Matangi Residential Area**

- (i) The extent to which the design and layout avoids adverse effects on the Manawatu Drainage Scheme and flood risk in the locality.
- (ii) The extent to which the design and layout provides for restoration of the ephemeral tributary of Whiskey Creek as recreational reserve with quality recreational links.
- (iii) The extent to which the design and layout provides appropriate setbacks of buildings from the natural gas pipeline that traverses part of the area and locates the pipeline within a public service corridor.
- (iv) The extent to which the design and layout provides for vehicle access to both Benmore Avenue and Rangitikei Line.
- (v) The extent to which lot boundaries are consistent with the existing residential lots in Meadowbrook Drive where the lots abut those properties.

### **Explanation**

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

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

1. All subdivisions must supply a Comprehensive Development Plan as required by R7A.5.2.2 of the District Plan.
2. Any subdivision and development that is located on any object or site of Cultural Heritage Value, as listed in Section 17 of the District Plan, must also comply with R17.8.1.
3. Additional consents may be required from Horizons Regional Council for activities including land disturbance and vegetation clearance. Plan users are encouraged to contact Horizons directly for information about the Horizons One Plan requirements.
4. All subdivisions must comply with the National Environmental Standard for Assessing and Managing Contaminants in Soil.
5. Council requires, where appropriate, the approval of the relevant road controlling authority (New Zealand Transport Agency or Palmerston North City Council) before approving a subdivision consent application.
6. It is advised that the applicant contact the appropriate power, telecommunications and gas companies to determine the feasibility of connecting to their services.
7. Plan users are advised to check the Engineering Standards for Land Development to ensure the current model for taking into account climate change effects is used when preparing a Stormwater Management Plan.

### **R7A.5.2.4 Flood Prone Overlay in the Matangi Residential Area**

- (i) Despite anything to the contrary in this District Plan, the Flood Prone Overlay shown on the Planning Maps (and associated rules in Chapter 22 of the District Plan) do not apply to subdivision and development within the Matangi Residential Area in the following circumstances:
  - a. Earthworks are completed for the purpose of achieving flood hazard avoidance in respect of the entire Matangi Residential Area shown in Map 7A.3 and in accordance with the Resource Management Act 1991, including any applicable conditions of consent, rules, or regulations; and
  - b. A suitably qualified and experienced engineer with skills in geotechnical assessment acceptable to council provides a certification in accordance with the following: that earthworks within the Matangi Residential Area and in respect of the site of the proposed subdivision have been soundly designed and constructed to completion such that there is a minimal risk of their failure; and
  - c. A registered surveyor provides correct and true 'as built' plans in respect of the earthworks completed for the purpose of achieving flood hazard avoidance and to inform certification of the works; and
  - d. A suitably qualified and experienced stormwater engineer skilled in flood management and mitigation acceptable to council provides a certification



in accordance with the following: that earthworks within the Matangi Residential Area and in respect of the site of the proposed subdivision have been completed and as a consequence of their completion, flood control measures are in place that provide protection from the current 0.5% annual exceedance probability (1 in 200 year) flood event such that:

- (i) a provision of freeboard over predicted flood levels is provided;
- (ii) final ground levels are suitable for development and no further earthworks are required for the subdivision in relation to flood risk;
- (iii) final ground levels do not impede current drainage from neighbouring existing properties;
- (iv) the earthworks do not worsen or exacerbate flooding on adjacent properties; and
- (v) flood modelling has been completed to demonstrate the above conditions have been met.

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

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

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

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

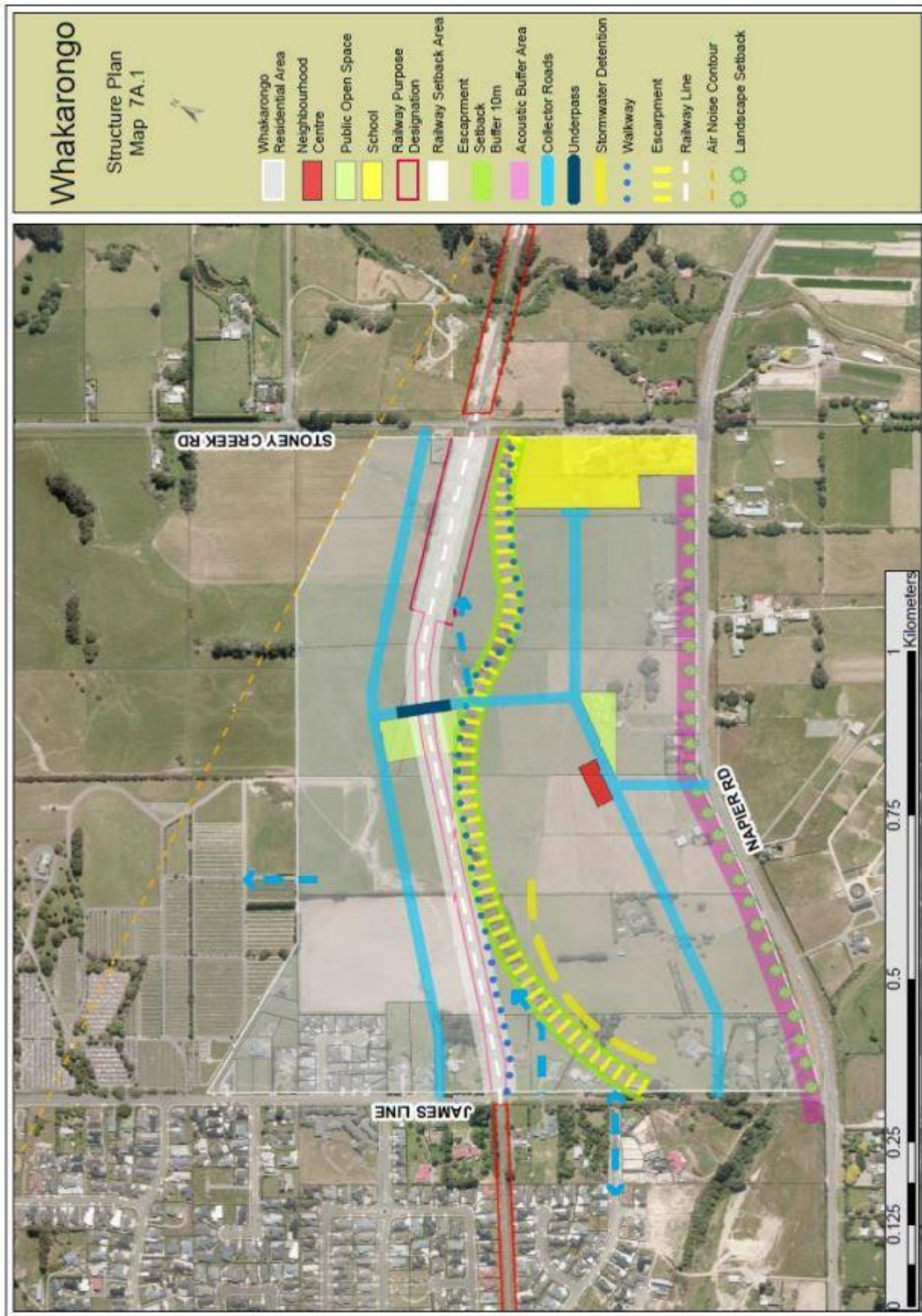
#### **R7A.5.4.1 Notification**

- (i) Public notification is precluded for applications under R7A.5.2.1.
- (ii) Subject to the exception in (iii) and (iv), limited notification is precluded for applications under R7A.5.2.1.
- (iii) Waka Kotahi New Zealand Transport Agency must be given limited notification of an application under R7A.5.2.1.
- (iv) The owners of 120 – 131 Benmore Avenue and 1 – 5 Meadowbrook Drive may be given limited notification of an application under R7A.5.2.1.

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

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

## Map 7A.1 Whakarongo Structure Plan



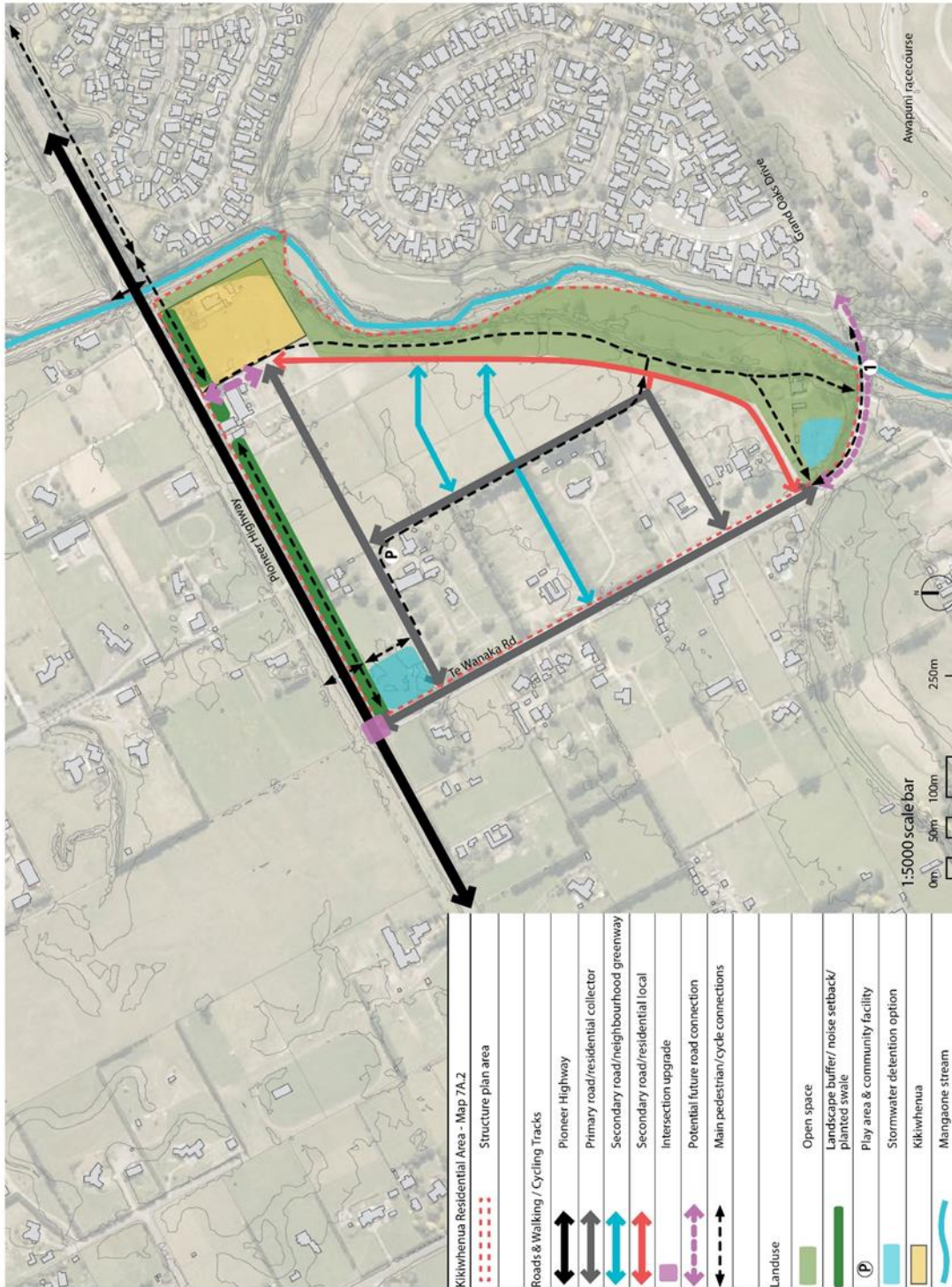


# Map 7A.2 Kikiwhenua Residential Area Structure Plan

## Kikiwhenua Residential Area

### Structure Plan

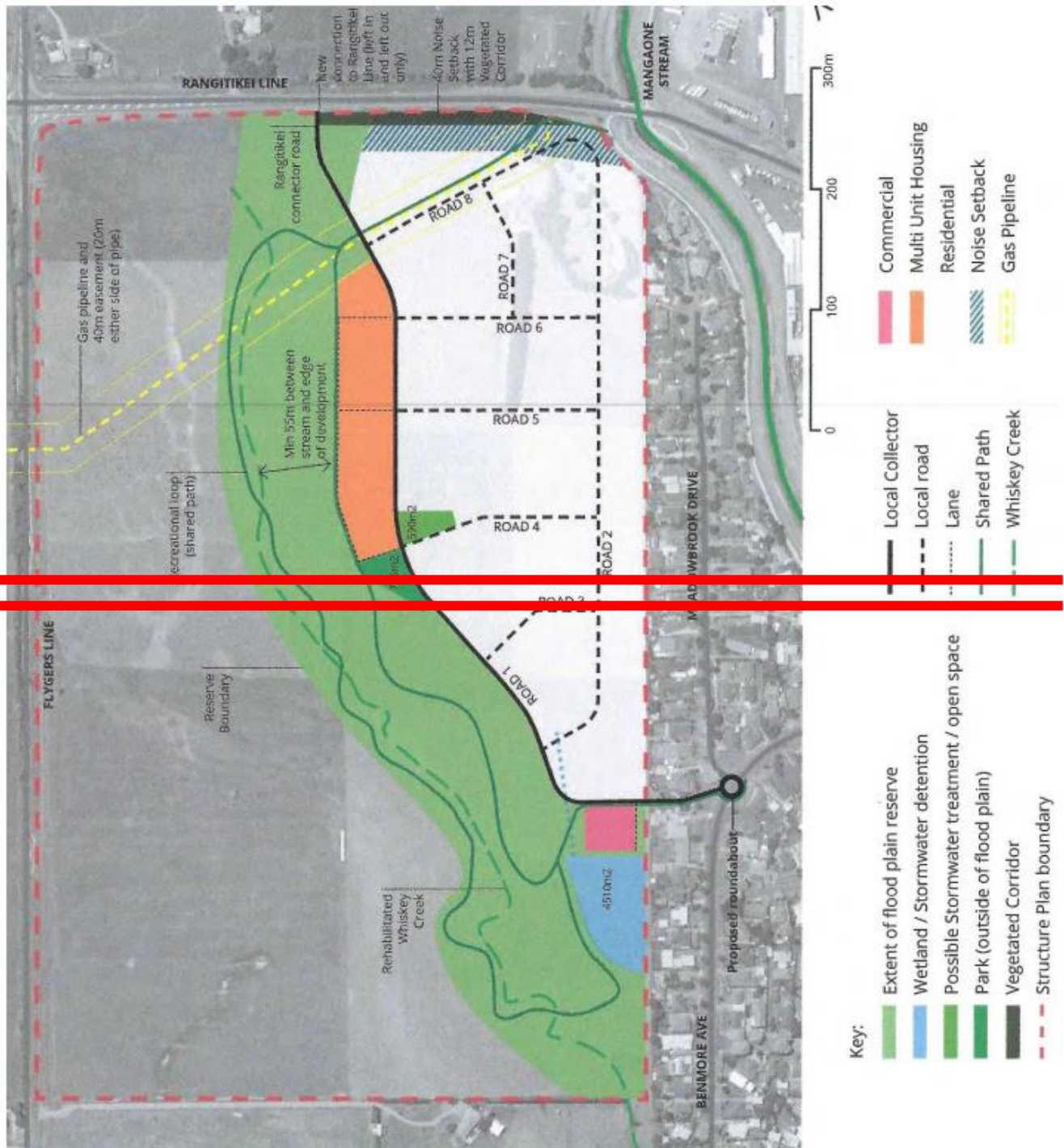
#### Map 7A.2



	Kikiwhenua Residential Area - Map 7A.2 Structure plan area
	Roads & Walking / Cycling Tracks
	Pioneer Highway
	Primary road/residential collector
	Secondary road/neighbourhood greenway
	Secondary road/residential local
	Intersection upgrade
	Potential future road connection
	Main pedestrian/cycle connections
	Landuse
	Open space
	Landscape buffer/ noise setback/ planted swale
	Play area & community facility
	Stormwater detention option
	Kikiwhenua
	Mangaone stream

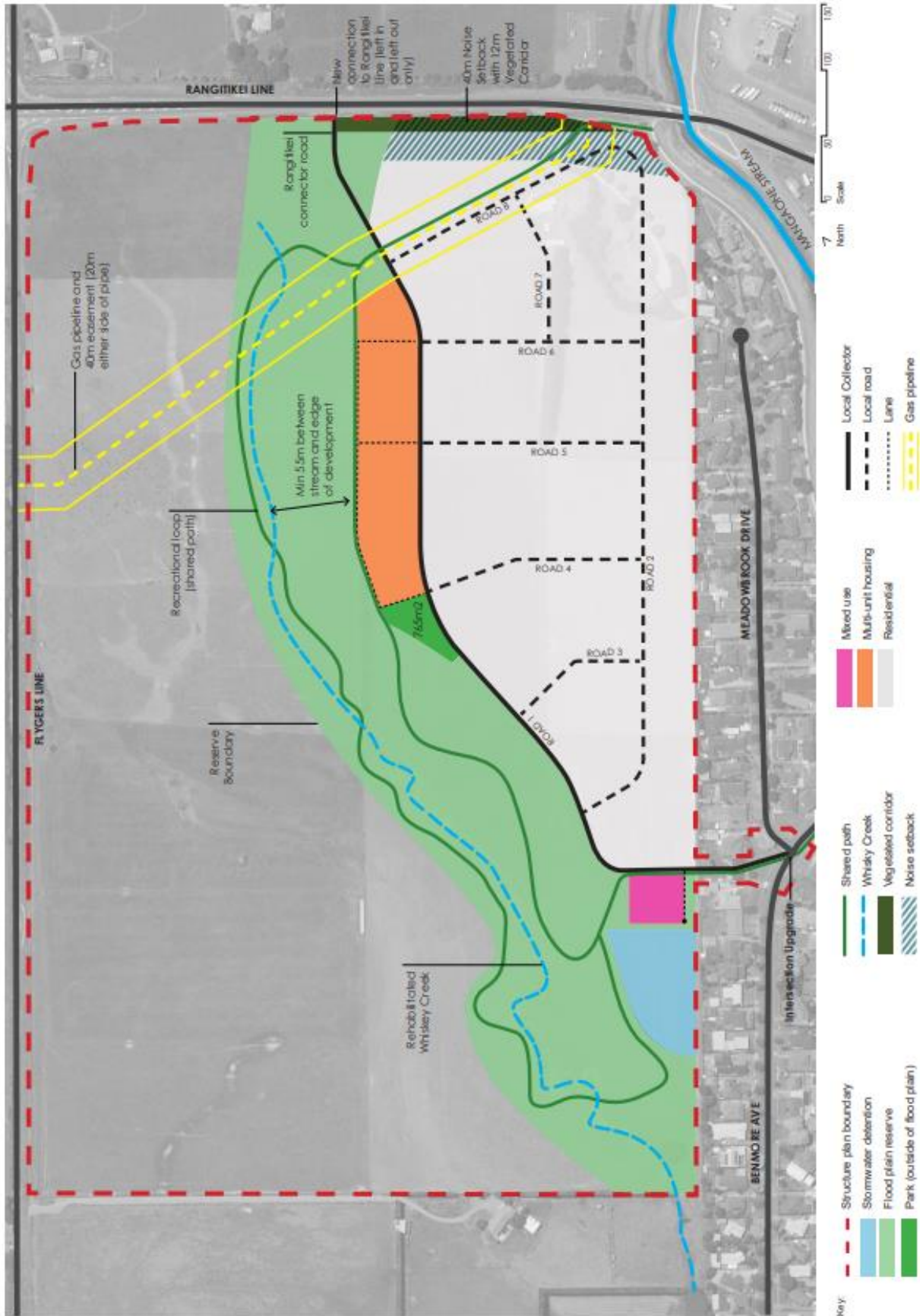
1 Potential future road connection subject to assessment via a Designation or PNCC Resource Consent and Horizons Regional Council Resource Consent.

## Map 7A.3 Whiskey Creek Residential Area Structure Plan





## Map 7A.3 Matangi Residential Area Structure Plan



# SECTION 10:

# RESIDENTIAL ZONE

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# 10. RESIDENTIAL ZONE

## 10.1 Introduction

The primary function of the Residential Zone is to provide the City's residents with a place to live. In turn, it is this function which demands the highest standards of amenity. This includes both on-site amenity and the character of streets and neighbourhoods.

The issue of on-site amenity is important, given the amount of time that people spend in their homes. Achieving a pleasant environment within a site inevitably requires consideration of adjoining sites, particularly with regard to issues such as privacy, shadowing, etc. Thus, there are clear effects both within and between sites, arising from residential development which needs to be mitigated in some way to ensure overall residential amenity is maintained.

Impacts on public space of the street and the character of existing areas must be considered to maintain a healthy, safe and attractive residential environment. A substantial part of the residential area is already developed and reflects the amenity concerns and standards of other generations and previous District Plans.

Amenity and character varies across the residential environment, whether within the main urban area of Palmerston North, Aokautere, and the village communities of Ashhurst, Bunnythorpe and Longburn.

Previous planning policies have produced a compact city in the main urban area. If development of the City is to be managed in a sustainable manner it is important that this compactness is maintained and that excessive sprawl on the fringe of urban areas is avoided. For this reason, redevelopment and the intensification of residential areas is important as it makes good use of existing infrastructure.

Infill and multi-unit housing development often results in closer buildings and living, increased fencing and loss of visual connection, a reduction in permeable surfaces, and the removal of established vegetation. As such, the design of housing development needs to limit these adverse effects, to ensure it does not impact on the amenity standards or privacy of residents and fits within the character of existing neighbourhoods.

In the village areas of Ashhurst, Bunnythorpe, and Longburn it is important to ensure that residents can enjoy the same amenity standards as those living in the main urban area. It is also important that development standards do not diminish the specific local character of these areas. In the Aokautere area, care needs to be taken in developing land to ensure that residential development does not lead to any land instability, and that the nature of housing development makes use of the character of the landform. For this reason, the ULUC system will continue to be used to guide development in Aokautere to areas of greatest stability.

The Residential Zone in Palmerston North also contains a variety of non-residential activities. While the general approach is for these activities to locate within the commercial zones, residents also recognise that there are a number of other non-residential activities which could and should be allowed to establish in the zone because of the convenience that they offer. Activities which fall into this category range from doctors' surgeries to Kohanga Reo and childcare centres. There is, in addition, another group of activities which would logically seek to establish in the residential area, because the effects of the activities are not substantially different to the primary function of the Zone - being a place to live. Motels providing only accommodation and Retirement Villages, for example, fall into this category.

The most important issue is to ensure that where other activities establish in the Residential Zone, that any adverse effects are identified, so mitigation measures can be put in place to ensure that the community's expectation about residential amenity standards can still be met. Overall, the effects of non-residential activities must, as far as possible, be made compatible with those of residential activities.

Also, within the Residential Zone is the Savage Crescent Conservation Area. Savage Crescent was one of the first experimental housing estates initiated by the 1935 Labour Government to facilitate the planned provision of an "ideal social and physical environment", and the first comprehensively designed housing estate developed within Palmerston North.

As a result of careful analysis of both documentary and physical information relating to the area, Savage Crescent has been identified as being of national heritage significance. The importance of this area is exemplified by such attributes as:

- Its association with the first Labour Government and its development by them as a national model state housing project reflecting their ideals, philosophies and policies on state rental worker housing.
- Its association with nationally significant Labour Party politicians and with prominent New Zealand architects.
- Its comprehensive demonstration of both architectural and design ideals and philosophies for domestic housing which emerged during the late 1930's and early 1940's, and of innovative use of construction techniques and materials.
- The high level of intactness of the area relative to other areas in the country and its consequent rarity value.

In light of this, Council considers that the significant qualities or characteristics which contribute to the cultural heritage value associated with Savage Crescent should be appropriately conserved.

## 10.2 Resource Management Issues

The following resource management issues have been identified in the Residential Zone:

1. Ensuring the diverse housing needs of people within the City are met.
2. Ensuring that development improves the health, safety and resilience of residential areas.
3. Housing intensification and how it can be best integrated into the character of existing residential neighbourhoods.
4. The integration of land use and infrastructure planning and the effects of unsustainable greenfield expansion.
5. The effects of activities and buildings on one site, on another, in amenity terms, particularly with regard to noise, overshadowing and privacy issues.
6. The design of housing and the need to secure good on-site amenity and effective private open space.
7. The value of vegetation in the residential areas and the contribution made by open space, permeable surfaces, trees and vegetation to residential amenity values.
8. The scale and character of non-residential buildings and activities operating in the residential area and the compatibility, in terms of the effects generated by such activities, with residential activities.
9. The conservation of precincts within the residential area of special historical character.

10. The need to recognise and maintain the unique character of village residential environments.
11. The need to protect noise sensitive activities within the vicinity of the Palmerston North Airport so as to avoid, remedy or mitigate adverse effects associated with airport noise and to sustain the potential capacity of the Airport to meet reasonably foreseeable air transport needs and to ensure the efficient operation of the Airport can continue.
12. The effects of residential development on the rural character and amenity of the Turitea Valley.

### **Explanation**

*The resource management issues identified above largely emerged from the process of public consultation, Council strategy, and historical development patterns within the City. The resource management issues relate to the overarching character and amenity within the Residential Zone, the effects of redevelopment, and location specific issues.*

*The issue of intensification and redevelopment, that is, the creation of new and generally smaller sites within established residential areas, has been a significant issue given that such sites and their subsequent development are often regarded as not always blending harmoniously with the existing character of established residential areas. Recent District Plans and District Schemes have focused on the design of detached housing and not provided direction on appropriate design standards for the alternative housing types.*

*Potential adverse effects, such as overshadowing or loss of privacy, are often associated with infill sites and smaller multi-unit developments. However, intensification makes very good use of existing urban services and infrastructure and is a development option that provides for housing choices and needs.*

*Equally, there are a number of issues, which arise out of the effects generated when a house is established on a site. There is considerable community concern that any such dwelling should be both pleasant to live in and should have minimal adverse effects on surrounding properties, and the wider neighbourhood.*

*Finally, there is also acceptance of the need to provide for a range of non-residential activities such as motels and medical facilities within residential areas, provided that the effects of these activities can be minimised and the activities and buildings blend in with the surrounding residential environment.*

*The Turitea Valley is valued for its rural character and the visual amenity that such character provides. The growing residential area of Pacific Drive adjoins and overlooks the Turitea Valley, and without careful management of the interface between the two areas, can adversely affect the amenity of the Valley below.*

## **10.3 Objectives and Policies**

Within the broad framework of the City View objectives in Section 2, the following specific objectives and policies apply to the Residential Zone:

### **OBJECTIVE 1**

**To enable the sustainable use and development of the Residential Zone to provide for the City's current and future housing needs.**

### **POLICIES**

- 1.1 To ensure that the diverse accommodation needs of the community are recognised and provided for by a variety of housing types and densities.
- 1.2 To enable multi-unit housing development where this is located in close proximity to the central city, and large neighbourhood centres.
- 1.3 To promote the efficient use of the urban infrastructure and other physical resources.

- 1.4 To ensure network infrastructure and services are available to support residential development and intensification.
- 1.5 To ensure that residential development in the Pacific Drive Extension area does not proceed in the absence of a water supply with sufficient capacity and pressure to meet the need of all development in the Pacific Drive and Pacific Drive Extension areas.
- 1.6 To minimise the use of the residential environment for commercial activities

### **Explanation**

*The primary objective for the Residential Zone is to enable the sustainable use and development of residential land to provide for the housing needs of the community. Policies 1.1 to 1.6 reflect the role of the District Plan to achieve the objective.*

*While the predominant form of housing in the city is detached single storey houses, other housing options include multi-unit developments, sleep-outs, apartments, community housing, residential centres, hostels, and retirement villages. The District Plan establishes standards for a variety of housing types and densities, recognising that different housing choices and needs exist.*

*Much of the Residential Zone is already developed in housing, and it is therefore necessary to establish policies to guide development and intensification. In the case of multi-unit housing, it is important this is located in areas well served by public transport and within convenient walking and cycling distance of key destinations; for Palmerston North this means being in close proximity to the central city and large neighbourhood centres. Enabling multi-unit housing and recognising the efficient use of urban infrastructure reduces the strain on greenfield expansion and maintains a compact urban environment.*

*Finally, to ensure that residential land is available for housing it is necessary to limit the use of the Residential Zone for commercial activities. This approach also aligns with the centres-based approach to retail and ensures integration with other District Plan zones.*

## **OBJECTIVE 2**

**To secure and enhance the amenity and character of the Residential Zone as a safe, attractive, social and healthy environment in which to live.**

### **POLICIES**

- 2.1 To ensure that the design of housing development is complementary to neighbourhood and street character by:
  - Controlling the bulk and density of buildings;
  - Establishing minimum section sizes;
  - Encouraging buildings to be orientated to the street;
  - Establishing building setback standards;
  - Restricting the placement of accessory buildings and garages that dominate the streetscape.
- 2.2 To ensure that the design of housing development does not result in adverse effects on adjacent property by:
  - Managing the intrusion of privacy on adjoining dwellings;
  - Managing the degree of overshadowing or obstruction of the daylight and sunlight penetration to any adjoining site or dwelling.
- 2.3 To ensure that the design of housing development results in a high quality of on-site amenity by:
  - Adopting standards for private on-site open space,
  - Ensuring main living areas are orientated to the sun, and good daylight and sunlight access is provided to the dwelling.

- 2.4 To encourage the retention of significant vegetation and trees.
- 2.5 To protect the ambient acoustic standards of the residential environment.

### **Explanation**

*Achieving a pleasant living environment in the Residential Zone is dependent on the nature and style of the development of individual sites. The policies above establish a baseline standard on which the subsequent Performance Standards and rules are based. They also assist in providing direction when Council is required to exercise its discretion over a specific development. Additionally, they highlight the issues which the community has indicated are important in achieving a pleasant living environment with high overall amenity standards*

## **OBJECTIVE 3**

### **Housing development is energy efficient, resilient and environmentally sustainable.**

#### **POLICIES**

- 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.

### **Explanation**

*While the New Zealand Building Code sets out a series of minimum standards for housing construction, opportunities exist to construct housing developments that are healthy and affordable and contribute to a resilient and sustainable community. This includes:*

- *Increased insulation standards, passive solar design, and the use of renewable electricity generation, to reduce dependence on reticulated energy and uncertainty around future price fluctuations.*
- *The use of water-sensitive design principles, including rainwater conservation, low-flow water-efficient design, and grey-water recycling.*

*Increasing the density of housing and development often leads to increases in impermeable surfaces. In turn this can lead to increasing run-off and localised ponding. The design of housing development needs to recognise these impacts and mitigate their effects.*

*Some locations are not appropriate for residential development or residential intensification due to the risks of natural hazards.*

## **OBJECTIVE 4**

### **The predominant character of the Residential Zone is not compromised by incompatible land use and development.**

#### **POLICIES**

- 4.1 To recognise the range of activities which are complementary to and compatible with residential use and development.
- 4.2 To control the effects of the scale and character of non-residential activities and buildings within the Residential Zone.
- 4.3 To control the location of non-residential activities within the residential Zone.
- 4.4 To avoid the establishment of activities which create adverse effects on, the overall amenity and ambience of the residential environment.

### **Explanation**

The primary function of the Residential Zone is a place for people to live. Much of the pleasantness and character of the Residential Zone stems from the dominance of dwellings. Nevertheless, there are a range of activities which are complementary to and compatible with that function. This compatibility is largely achieved through policies and associated rules intended to control the adverse effects of non-residential buildings and activities on people's living environment. While some non-residential activities offer residential dwellers convenient services which can be designed to be compatible with that residential environment, others cannot. Such non-compatible activities must be actively discouraged, particularly where establishment of more than one could lead to cumulative adverse effects on the residential environment.

## **OBJECTIVE 5**

**The significant cultural heritage values associated with the Savage Crescent Conservation Area are conserved.**

### **POLICY**

- 5.1 To avoid, remedy or mitigate the effects of activities which could impair or destroy the cultural heritage values associated with the Savage Crescent Conservation Area.

### **Explanation**

The Savage Crescent Conservation Area has been identified as being of significant cultural heritage value both locally and nationally. In recognition of this, Council considers that this area should be protected from inappropriate activities such as the further subdivision of land, the demolition or removal of existing dwellings, and the construction of additional dwellings on sites located within the area.

## **OBJECTIVE 6**

**To avoid, remedy or mitigate the adverse effects of aircraft noise on noise sensitive activities in the vicinity of the Palmerston North Airport, while protecting the Palmerston North Airport from the potential adverse effects of noise sensitive activities on efficient airport operations.**

### **POLICIES**

- 6.1 To prohibit any new dwelling, school, or other building to be used for regular living accommodation in the Contour.
- 6.2 To mitigate the adverse effects of aircraft noise on any new dwelling, school, hospital or other building to be used for regular living accommodation or the regular assembly of people in the Inner and Outer Control Contours by specifying by specifying appropriate insulation standards.

### **Explanation**

The operations of a modern airport give rise to a range of sound emissions relating mainly to aircraft operations. These sound emissions may adversely affect surrounding noise sensitive activities such the inhabitants of dwellings.

In order to protect potential occupiers of land situated within the vicinity of the airport from levels of noise that may be incompatible with normal standards of residential amenity, Council has introduced controls to avoid or mitigate the adverse effects of operational aircraft noise on noise sensitive residential activities. These controls also have the effect of protecting the operation of the Airport from noise sensitive activities to allow it to function efficiently, effectively and safely.

To ensure that responsibility for mitigation of operational aircraft noise is not borne solely by affected residential property owners, Council has also introduced specific noise mitigation measures to control operational activities within the Airport Zone. Please refer to R13.4.6 Sound Emissions in the Airport Zone.

## **OBJECTIVE 7**



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## **To avoid, remedy or mitigate the adverse visual effects of residential activities in the Aokautere residential area on the character and amenity of the Turitea Valley.**

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### **POLICIES**

- 7.1 To require buildings and structures be set back from the edge of the escarpment above the Turitea Valley so as to reduce their visual intrusion into the valley.
- 7.2 To restrict the height of buildings adjacent to the escarpment edge of the Turitea Valley so as to limit the impact on the skyline, as seen from the floor of the Turitea Valley.

#### **Explanation**

*The Aokautere residential area extends along a ridge overlooking the Turitea Valley. Housing on the edge of the escarpment of the ridge can be visually intrusive when seen from the floor of the Turitea Valley, particularly when silhouetted against the skyline.*

*The visual prominence and impact of housing and other structures on the Turitea Valley can be greatly reduced by setbacks from the escarpment edge, and height limits. Over time these controls can be complemented by non-regulatory measures, such as street tree planting, further reducing the impact of development.*

### **OBJECTIVE 8**

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#### **To ensure development within the Napier Road Residential Area and the Napier Road Residential Extension Area:**

- **Protects and provides for sustainable and efficient land transport connectivity.**
  - **Avoids, remedies or mitigates reverse sensitivity on SH 3, the railway line, and surrounding rural land.**
  - **Provides for a visual connectivity between the Residential Zone and the adjoining conservation and amenity zone.**
  - **Does not lead to buildings which are visually intrusive on the landscape.**
  - **Does not lead to land use which adversely affects flood control measures.**
  - **Protects development from natural hazards.**
  - **Creates a high quality and diverse living environment**
- 

### **POLICIES**

- 8.1 For the Napier Road Residential Area, to prevent development until a road is constructed and vested with Council that links the Napier Road Residential Area to James Line.
- 8.2 To ensure that development is undertaken in accordance with the Napier Road Residential Area Structure Plan (Map 7.5) and the Napier Road Residential Extension Area (Map 7.9).
- 8.3 To control ground level heights and earthworks to ensure the integrity of the Noise Bund (within the Napier Road Residential Area) and avoid flooding risks.
- 8.4 To mitigate the effects of reverse sensitivity from residential development on SH 3, the railway line and adjoining farmland through the location and design of new buildings and noise sensitive activities.
- 8.5 For the Napier Road Residential Area, to control the height of buildings to minimise

adverse visual effects on the surrounding rural environment and ensure the noise bund integrity as a noise mitigating measure.

- 8.6 To control the height and scale of fencing on properties directly adjoining the Conservation and Amenity Zone to ensure visual connectivity and social surveillance of the Zone.
- 8.7 To control the location of buildings in relation to the escarpment and oxbow to protect against the risk of natural hazard.
- 8.8 For the Napier Road Residential Extension Area.
  - a. To manage development by requiring additional geotechnical investigations prior to the future use and development of land.
  - b. To require development in general accordance with the Napier Road Residential Extension Area Structure Plan (Map 7.9)
  - c. To encourage active street frontages for new dwellings, garaging and fencing.
  - d. To manage the risk of stormwater flooding by encouraging low impact stormwater design, requiring minimum floor levels and by ensuring all lots have adequate pervious surfaces.

#### **Explanation**

*The Napier Road Residential Area lies to the north of a high-speed rural state highway. Noise mitigation measures are important to protect the operation of SH 3 and the amenity of those living within the NRRRA. The development of the site is not considered appropriate until a key roading connection is established with James Line via Rosalie Terrace to ensure efficient and sustainable land transport connections. The Plan has controls in place to ensure that building development and earthworks do not compromise noise mitigation and flooding effects or increase visual effects to the surrounding environment. Fencing on properties directly adjoining the conservation and amenity zone will be managed so that there is good visual connectivity and social surveillance with the Conservation and Amenity Zone. Buildings have a special setback to protect against the risk of escarpment failure and a wave surge into buildings adjacent to the oxbow lake and escarpment.*

## **OBJECTIVE 9**

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

### **POLICIES**

- 9.1 To control the height and scale of buildings to minimize adverse visual effects on adjoining residential properties and the scale and intensity of the surrounding residential environment.
- 9.2 To control the height and visual permeability of fencing on properties, particularly those directly adjoining streets and public open space, to ensure visual connectivity and social surveillance of the area.
- 9.3 To avoid garages that dominate the streetscape.
- 9.4 To encourage the design of building frontages that relate to the street and enhance perceptions of safety.
- 9.5 To encourage development that results in a distinctive, memorable and valued sense of place.
- 9.6 To encourage a mix of lot sizes, dwelling sizes, heights and types.
- 9.7 To enable ensure that multi-unit housing development is provided for within the Whiskey Creek/Matangi Residential Area in accordance with the Structure Plan (Map 7A.3).



### **Explanation**

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

## **OBJECTIVE 10**

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

### **POLICIES**

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

## **OBJECTIVE 11**

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

### **POLICIES**

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

## **OBJECTIVE 12**

**To recognise the suitability of existing resources of the Hokowhitu Campus for continued Institutional Activities and to provide for the continuation of that use as the site transitions into the Hokowhitu Lagoon Residential Area.**

### **POLICIES**

- 12.1 To enable the ongoing use of the Hokowhitu Campus for institutional activities that utilise existing physical resources.
- 12.2 To manage the actual and potential adverse effects of Institutional Activities on new residential activities.

## **OBJECTIVE 13**

**To recognize the suitability of existing physical resources of the Hokowhitu Campus for continued Institutional Activities and to provide for the continuation of that use as the site transitions into the Hokowhitu Lagoon Residential Area.**

### **POLICIES**

- 13.1 To enable the ongoing use of the Hokowhitu Campus for institutional activities that

utilize existing physical resources.

13.2 To manage the actual and potential adverse effects of Institutional Activities on new residential activities.

## OBJECTIVE 14

**To enable a high quality, integrated, safe and mixed-use built form environment in the Hokowhitu Lagoon Residential Area that complements and is compatible with the surrounding environment**

### POLICIES

- 14.1 To provide for limited reuse of existing physical resources for office activities that are compatible with Institutional and Residential activities provided they do not undermine the City's Centres-based retail and office strategy.
- 14.2 To encourage active street frontages through design controls for new dwellings, garaging, fencing and non-residential activities.
- 14.3 To discourage carparking at the frontage that results in vehicles obstructing footpaths.
- 14.4 To manage the interface between Institutional and Residential Activities by ensuring that the scale and character of non-Residential Activities are compatible with residential development.
- 14.5 To encourage multi-unit development in the Hokowhitu Lagoon Residential Area that contributes to high quality-built form.
- 14.6 The risk to personal safety and property damage from stray golf balls are minimised by:
- Requiring compliance with toughened glass or specific building design along the property boundary interface with the Manawatu Golf Course; and
  - Ensuring the design and/or location of buildings and private outdoor amenity areas in the Golf Ball Hazard Area on Map 7.7.2.7 to minimize exposure to people from stray golf balls.
- 14.7 To ensure residential development along the Manawatu Golf Course property boundary interface incorporate noise insulation into the design and construction of buildings.

## 10.4 Methods

- District Plan Rules (Palmerston North City Council)
- Public Education
- Designation.

The community's desire for a high level of amenity within the Residential Zone means that a regulatory approach through the rules in this and other sections will be the most cost efficient and effective means of achieving the objectives and policies.

However, public education in the form of landscape and building design guides may also assist in achieving some of the amenity and design concerns of the objectives and policies, thereby achieving effective compliance at little cost to the community.

In respect of any land severely affected by airport noise, one of the options available is for the Requiring Authority to designate land for airport purposes (and subsequently purchase it) or to simply purchase land without designation. Palmerston North Airport Limited was granted requiring authority status in July 1995 however; to date the Company has not exercised its designating powers for this purpose.

## 10.5 Activities in the Residential Zone

Of all the Zones which make up the City, the Residential Zone is the only one where a single activity, dwellings, so totally dominates. Although there are a range of other activities in the Residential Zone, it is very much a place where people live and where they expect a certain standard of development, providing good amenity values which makes living in their home and their neighbourhood a pleasant experience.

Consequently, the performance standards and various categories of activities are divided into two parts. The first part deals solely with single dwellings and sets out the performance standards which these must meet. The second part deals with all of the other activities which occur in the Residential Zone.

## 10.6 Dwellings and Accessory Buildings

### Introduction

It is important that the environment in which people live is as pleasant as possible and that a particular ambience is created. This ambience and amenity comes from the style of development which occurs on the site itself and the way in which each site's development impacts on adjoining sites and on the neighbourhood as a whole.

While ideally dwellings should be designed specifically for their site, this is not always possible due to time and economic constraints. However, it is important to give designers the opportunity to develop unique design solutions which may enrich the quality of development in the Residential Zone.

For these reasons a series of performance policies have been developed which reflect the matters which are regarded as important in terms of on-site amenity and the relationship of building on one site, to those on adjoining sites. In turn a series of performance standards have been developed which achieve these performance policies. Where a dwelling complies with these performance standards then it is a Permitted Activity. However, where there is a desire to undertake a specific design which may not meet all the performance standards, there is the opportunity to do so through a Restricted Discretionary Activity consent application. Again, the main issue for consideration is that the design can demonstrate that it meets the stated assessment policies.

### 10.6.1 RULES: PERMITTED ACTIVITIES

#### R10.6.1.1 Dwellings and Accessory Buildings

Any dwelling or accessory building is a Permitted Activity provided it complies with the Performance Standards detailed in Clauses(a) to (j)

#### **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;  |
| R10.6.1.6                   | Continuation of Institutional Activities at the Hokowhitu Lagoon Residential Area;              |
| R6.3.6                      | Earthworks;   |
| R17.5.1-17.8.1              | Cultural and Natural Heritage;  |
| R23.6.4, 23.8.2 and 23.10.2 | Utilities   |

Non-regulatory Design Guidelines have been prepared for Elmira Avenue and Manapouri Crescent. Although these Design Guidelines have no legal effect under the District Plan, they are intended to offer practical advice for developing and maintaining properties in a way that enhances the unique neighbourhood.

## Performance Standards

### (a) Height - including Maximum Height and Height Recession Planes.

#### Maximum Height

- i. No building may exceed a maximum height of 9m; and
- ii. Any buildings or structures must comply, in terms of maximum height, with R13.4.7.1.
- iii. No fence within the 10 or 15 metre offset boundary, as shown on Map 10.6.1. "Landscape Provisions – Pacific Drive Extension", shall exceed a maximum of 1 metre above the existing ground level, and any solid fence shall be of neutral or recessive colour.

#### NOTES

- a. The elevation shown on the coordinate schedule on Map 10.6.1. shall be used as a benchmark of existing ground level.
- b. Acceptable colours include those from the following colour range from British Standard 5252 (as at 1 January 2010):
  - 00 A (01, 03, 05, 07, 09, 11, 13)
  - 02 A (03, 07, 11), 02 C (39 & 40)
  - 04 B (15, 17, 19, 21, 23, 25, 27, 29), 04 C (39 & 40)
  - 06 A (03, 07, 11), 06 C (37, 39 & 40), 6D (44, 45)
  - 08 A 14, 06 B (15, 17, 19, 21, 23, 25, 27, 29), 8C (37, 39, 40), 08 D (44 & 45)
  - 10 A (01, 03, 05, 07, 09, 11), 10 B (15, 17, 19, 21, 23, 25, 27, 29), 10 C (37, 39), 10 D (44, 45)
  - 12 B (15, 19, 21, 23, 25, 27, 29), 12 C (37, 39 & 40), 12 D (44, 45)
  - 14 C (37, 39 & 40), 14 D (44, 45)
  - 16 A (03, 07, 11), 16 C (37, 39 & 40), 16 D (44, 45)
  - 18 A 14, 18 B (15, 17, 19, 21, 23, 25, 27, 29), 18 C (39 & 40)
  - 20 C 39, 40
  - 22 C 39, 40
  - 24 C 39, 40
- iv. No building or permanent structure (other than a fence which is covered by (iii)) within the 10 or 15 metre offset boundary as shown on Map 10.6.1. "Landscape Provisions – Pacific Drive Extension" shall exceed a maximum height of 0.6 metres above the existing ground level. Note: The elevation shown on the coordinate schedule on Map 10.6.1. shall be used as a benchmark of existing ground level.
- v. On any allotment containing all or part of the 10 or 15 metre offset boundary, no building on any part of the allotment beyond the 10 or 15 metre offset boundary, shall exceed a maximum height of 7 metres above the existing ground level shown on the coordinate schedule on Map 10.6.1 "Landscape Provisions – Pacific Drive Extension".

#### Height Recession Planes

- i. All buildings shall comply with the following recession planes:
  - a. All parts of a building shall be contained within a 45° plane commencing

at 2.8 metres above ground level inclined inwards at right angles in plan. See Figure 10.1.

- ii. Where a boundary adjoins an access strip the measurement will apply at the furthestmost boundary of the access strip.
- iii. These height recession planes and absolute height control shall not apply to:
  - a. antennas, aerials, chimneys and architectural appurtenances (such as ornamental towers, turrets, finials, spires, flagpoles and gargoyles) provided these do not exceed the recession plane or absolute height control by more than 5 metres vertical distance.
  - b. solar photovoltaic panels, and solar water heaters provided these do not exceed the recession plane or absolute height control by more than 0.5 metre vertical distance.
  - c. any boundary common with a reserve or street.
- iv. Gable roof ends, including the sloping edge of mono-pitch roofs, may penetrate the height recession plane by no more than one third (1/3) of the gable end height.
- v. In applying the height recession plane to properties on Pacific Drive adjoining the offset boundaries, as shown on Map 10.6.1 "Landscape Provisions – Pacific Drive Extension", the plane shall commence from the 10 or 15 metre offset boundary (whichever applies).

#### (b) Overlooking

Any part of a building that is outside the building envelope formed by the height recession planes and the maximum height limit shall not contain a window. Skylights shall be excluded from this provision.

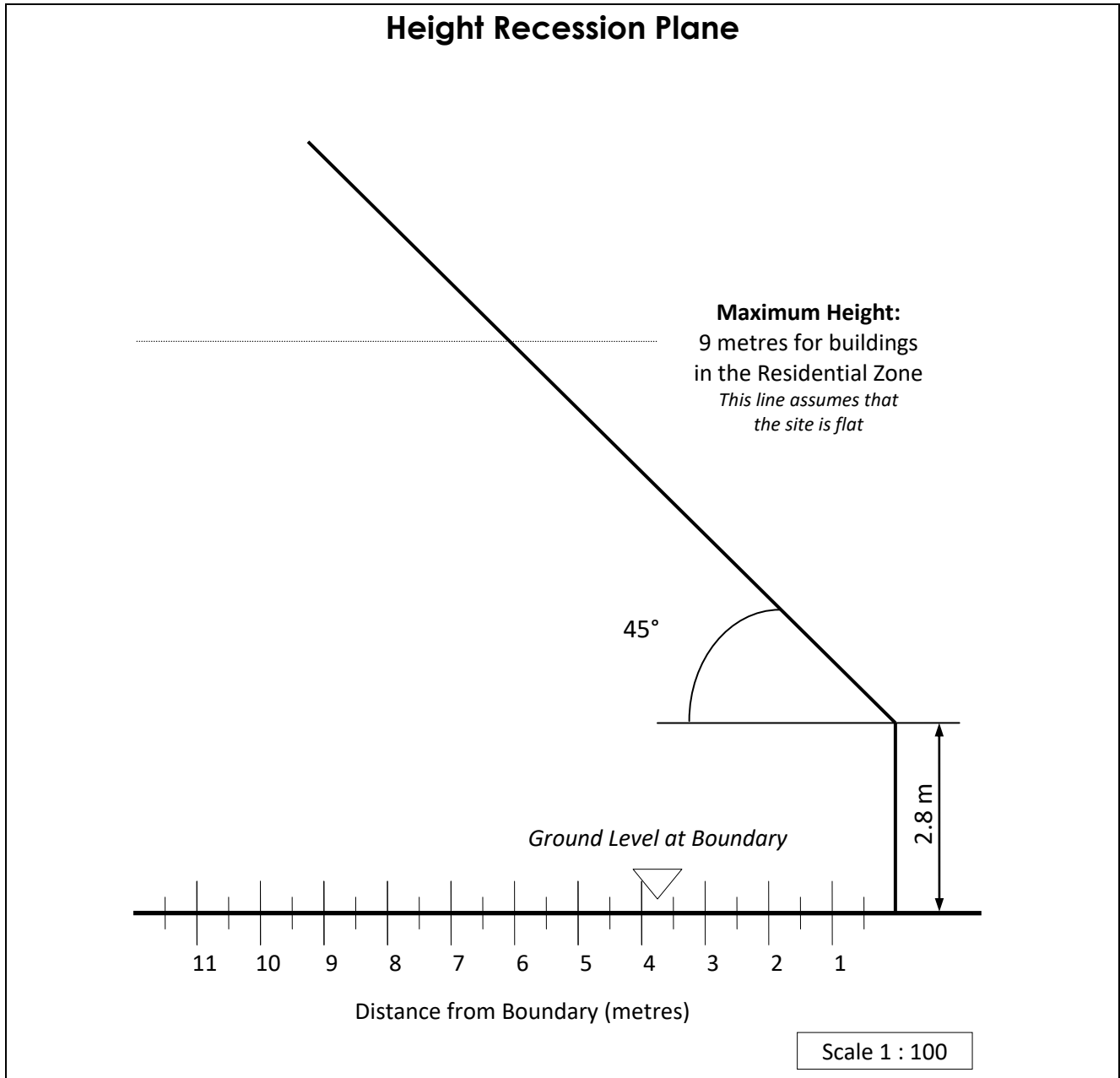
#### **Explanation**

*In dealing with the issue of the height of buildings in the Residential Zone, it is clear that there are a number of associated effects. Most of these effects impact on adjacent sites and dwellings and it is therefore important that any control, as far as possible, attempts to control these effects without becoming unnecessarily complex or restrictive in terms of the design of any dwelling. The major effects which arise from the height of buildings are:*

- i. *Effects on the penetration of sunlight and daylight to adjacent sites and buildings.*
- ii. *Effects associated with overlooking which may lead to actual or perceived loss of privacy for outdoor areas or dwellings on adjacent sites.*
- iii. *Effects arising from the physical bulk of the building which may lead to a feeling of loss of privacy due to the perception that the building on the adjacent site is oppressive.*

*While some of these effects can be dealt with by a recession plane approach, it is also necessary to control the location of windows to address the privacy issues. Equally it is also important that any recession plane is related to the orientation of the building in relation to the sun. For instance, a building close to a southern boundary is likely to have the greatest effect on neighbouring properties. However, this is also an approach which needs to be modified if there is no adjacent residential neighbour or where for instance it is a boundary to a road, school or right of way.*

Figure 10.1



**(c) Separation Distances**

- i. Any dwelling on a lot with frontage to a public road shall be located a minimum of:
  - a. 3 metres from the boundary with any road unless it contains a garage or carport facing the road and having direct access from the road, in which case the minimum separation distance for that part of the dwelling containing the garage or carport shall be 6 metres.
  - b. 1.5 metres from any other boundary.
- ii. Any dwelling without frontage to a public road shall be located a minimum of 1.5 metres from any boundary.
- iii. Where two dwellings (or one dwelling and one minor dwelling) are built on the same site;
  - a. Any part of the façade of a dwelling shall be located at least 3 metres from any other dwelling on the same site.

- b. Where two dwellings are joined by their respective garages, the separation distance provisions of (a) shall not apply.
- c. Any part of a dwelling shall be located at least 1.5 metres from the edge of any driveway or right-of-way serving another dwelling on the same site.
- iv. Accessory Buildings shall be located a minimum of:
  - a. 3 metres from the boundary with any road unless it is a garage or carport facing the road and having direct access from the road, in which case the minimum separation distance shall be 6 metres.
  - b. 1.0 metre from any other boundary.
- v. For corner sites the requirements of (i) (a) and (iv) (a) shall only apply to one road frontage. Where only one frontage is used as vehicular access that will be the

#### **Explanation**

*An important aspect of residential amenity is the physical distance between dwellings within the same site or adjoining sites. Where two dwellings are built on adjoining sites, such that each is only the minimum distance from the boundary, they often appear to intrude on each other's living space and privacy. Where residential buildings are in close proximity there may also be adverse effects in terms of daylight and sunlight penetration.*

*Likewise, the physical distance between dwellings and the street-front contribute to the character and amenity values of individual streets. The placement of buildings in close proximity to the street front boundary can result in effects on surrounding property and street character.*

*The approach establishes more specific requirements for the street frontage or property; however, this is balanced with less fixed regulation for the remainder of the site.*

*The overall effects of the separation distances should be to reduce the effects of one dwelling on another or on an adjacent site. Where a variation to these separation distances is considered appropriate as part of the overall design of the dwelling, this can be dealt with by way of a Restricted Discretionary Activity consent.*

frontage to which the separation distance applies.

#### **(d) Site Area, Site Coverage and Number of Buildings**

- i. Site Area
  - a. A minimum net site area of 350m<sup>2</sup> for each dwelling unit unless subject to the standards of (b)-(d) below.
  - b. A minimum net site area of 1300m<sup>2</sup> of contiguous developable land in the Aokautere Parklands Area.
  - c. A minimum net site area of 400m<sup>2</sup> of contiguous developable land in the Aokautere Development Area (refer Map 10.1).
  - d. A minimum net site area of 500m<sup>2</sup> for each dwelling unit in the Napier Road Residential Extension Area, Ashhurst, Bunnythorpe and Longburn village residential areas.

#### **Explanation**

*The site area control provides a standard for densities on sites to avoid the creation of developments which appear overcrowded and have negative effects on adjoining properties or create poor on-site amenity. The site area control ensures sites are of a sufficient size to accommodate necessary buildings and sufficient on-site private open space.*

*Variations in the minimum site are a product of existing development constraints, but also recognising the unique character of both urban and village residential environments.*

*For example, given the particular topographic and geological characteristics of the Aokautere area, the intent of this rule, as it relates to the Aokautere Development and Parklands Areas, is to ensure that there is an alignment between minimum lot size and the minimum area of developable land necessary to accommodate a residential building platform.*



Additionally, when subdivided for the purposes of residential development the Parklands Area is intended to act as a transition area between close urban development in the Aokautere Development Area and rural- residential development in, for example, the Moonshine Valley and Polson Hill areas. The provision of larger residential building platforms in this area therefore will provide a clear gradation of development in the Aokautere area.

Within the Aokautere Development Area (refer Map 10.1) it is essential that there is sufficient useable or restructured land to ensure that there is a stable building platform on which to safely establish a dwelling and associated facilities such as garaging and open space.

## ii. Site Coverage

The maximum amount of site which may be covered by buildings shall be:

- a. 40% on sites of less than 500m<sup>2</sup>
- b. 200 m<sup>2</sup> on sites of 500m<sup>2</sup> to 572m<sup>2</sup>
- c. 35% on sites over 572m<sup>2</sup>
- d. 30% for sites within the Napier Road Residential Extension Area

### **Explanation**

When a dwelling is placed on its site much of the effect of the building on the overall amenity of the neighbourhood arises from the perceived bulk of the building. This in turn relates to the height of the building and the proportion of the site which is covered by buildings. This can lead to a feeling that neighbouring properties are being overlooked or are physically "oppressed" by the building. This effect is magnified where the building is double storied and is at maximum site coverage.

The site coverage control is intended to deal with both the "bulk" effect and the physical coverage of the site while still allowing for adequate development potential particularly on small sites.

## iii. Number of buildings used for residential living per site

The number of buildings per lot shall be no more than:

- a. Two dwelling units; or
- b. One dwelling and one minor dwelling unit; or
- c. One dwelling unit and one sleep-out.

Except for the Napier Road Residential Extension Area where only one dwelling per lot shall be permitted.

### **Explanation**

In most cases each lot contains one dwelling, although this is not always the case. The above standard incorporates flexibility to construct minor dwellings and sleep-out accommodation in most areas. However, in order to provide certainty to adjacent properties and maintain residential amenity standards, it is necessary to limit the number of buildings and intensity of accommodation units.

## (e) **On-site Amenity**

Every dwelling shall be provided with an outdoor amenity area which can meet the following requirements: Refer to Figure 10.5

- i. A minimum open area of 36m<sup>2</sup> free of driveways, parking spaces, buildings and manoeuvring area.
- ii. Is able to accommodate a circle of 4.5 metres in diameter.
- iii. The area has a gradient no greater than 1 in 20.
- iv. Has direct contact with a main living area for a length of not less than 2 metres.
- v. Is orientated to the east, west or north of the dwelling.



**Explanation**

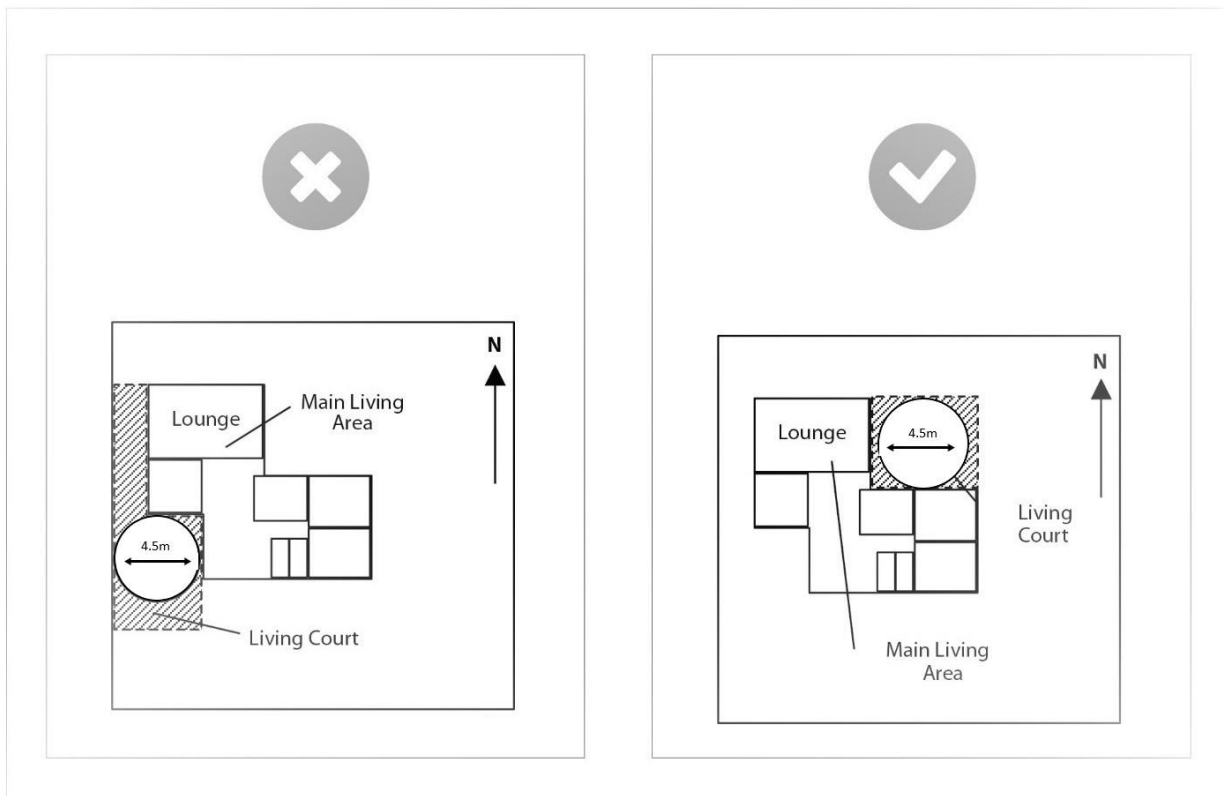
Much of the enjoyment of a site comes from the availability and useability of open space within the site. To be effective the open space must allow good daylight and sunlight penetration and be readily accessible from the main living areas of the dwelling.

The rules are intended to ensure that through good design that any site has effective open space available which adds positively to on-site amenity values.

**NOTE TO PLAN USERS**

Applications for the construction of a second dwelling or a minor dwelling unit will incur the payment of a Development Contribution. Refer to the Development Contributions Policy for further information.

**Figure 10.5**



**Explanation**

This diagram is to read in accordance with performance condition 10.6.1.1(e), as it provides a visual representation of what is required by the Performance Standards. The diagram complements the conditions which are intended to ensure that through appropriately designed sites, effective open space will be achieved, adding positively to on-site amenity values.

The diagram clearly shows that the preferred location (the tick) for amenity areas is to the east, west or north of the dwelling, with the 4.5 metre diameter within a length of no less than two metres from the main living area. The undesired location of the main amenity area is shown by the cross on the diagram, as the 4.5 metre diameter is not directly located off the living area.

**(f) Aokautere Development Area**

Within the Aokautere Development Area (Map 10.1) all dwellings and accessory buildings shall be located on developable land.

**Explanation**

Development within the Aokautere Development Area is constrained by the terrain. Areas are identified as either Developable or Limited Development Land. The primary purpose of these divisions is to establish stability controls for housing development. The limitations have however also shaped the nature of housing development and the character of the Aokautere area.

### (g) Access and Parking

Compliance with the following performance standards of R20.4.2:

20.4.2(a) Vehicle Access;

20.4.2(g)(i) Cycle Parking Provision and Design

#### **Explanation**

*The performance standards attempt to mitigate the effects created by the movement of vehicles in residential areas.*

### (h) Air Noise Control

i. In the Outer Control Contour identified on Map 10.6.6.1, all buildings must be constructed in compliance with:

- Any bedroom in a building used by a noise sensitive activity must achieve the following minimum standard of external sound insulation:

$$DnT,w + Ctr > 25 \text{ dB.}$$

- Any habitable room, other than a bedroom, in a building used by a noise sensitive activity must achieve the following minimum standard of external sound insulation:

$$DnT,w + Ctr > 20 \text{ dB}$$

- Any used for communal activities must achieve the following minimum standard of external sound insulation:

$$DnT,w + Ctr > 20 \text{ dB}$$

ii. In the Inner Control Contour identified on Map 10.6.6.1, all buildings must be constructed so that:

- Any bedroom in a building used by a noise sensitive activity must achieve the following minimum standard of external sound insulation:

$$DnT,w + Ctr > 30 \text{ dB}$$

- Any habitable room, except for a bedroom, in a building used by a noise sensitive activity must achieve the following minimum standard of external sound insulation:

$$DnT,w + Ctr > 25 \text{ dB}$$

- Any room used for communal activities must achieve the following minimum standard of external sound insulation:

$$DnT,w + Ctr > 25 \text{ dB}$$

iii. All habitable rooms must be designed, constructed and maintained in accordance with a design report prepared by a suitably qualified and experienced member of the Acoustical Society of New Zealand stating that the proposed design will achieve compliance with the requirements of performance standards (h)(i) – (ii), including a 5dBA safety margin.

iv. Ventilation - Where bedrooms with openable windows are proposed, a positive supplementary source of fresh air ducted from outside is required at the time of fit-out. For the purposes of this requirement, a bedroom is any room intended to be used for sleeping. The supplementary source of air is to achieve a minimum of 7.5 litres per second per person.

### **NOTE TO PLAN USERS**

Proposed activities that do not meet the performance standards in (h) are Non-Complying Activities under R10.7.5.2.

The following deeming provisions apply in circumstances where a proposed dwelling/ building straddles the boundary of noise contours shown on Map 10.6.6.1:

1. Where a dwelling/building is proposed on the 55 Ldn noise contour line, the dwelling/ building is deemed to be outside of the Outer Control Contour.
2. Where a dwelling/building is proposed on the 60 Ldn noise contour line shown on Map 10.6.6.1, the dwelling/building is deemed to be within the Outer Control Contour.
3. Where a dwelling/ building is proposed on the 65 Ldn noise contour line, the dwelling/ building is deemed to be within the Air Noise Contour.

### **Explanation**

*As a consequence of air noise projection work and other investigative work undertaken by Palmerston North Airport Limited, and the Palmerston North City Council respectively, a large area of land surrounding the Palmerston North Airport has been identified as being subject to varying levels of noise exposure associated with aircraft operations.*

*The noise emission levels resulting from these operations have been predicted using methods recommended by New Zealand Standard 6805:1992 - Airport Noise Management and Land Use Planning. Noise emission levels are identified as equal loudness contours around the airport. Map 10.6.6.1 - Air Noise Control included in this Plan defines these contours and identifies those areas around the airport, expressed as discrete noise zones, within which specific noise attenuation measures apply.*

*For the purposes of this Plan, three distinct noise contours have been developed as follows:*

- a. *Air Noise Contour - the Air Noise boundary is generally the 65 Ldn noise contour. Due to the high level of aircraft operational noise predicted within this contour the establishment of any new noise sensitive activities, such as dwellings, are prohibited.*
- b. *Inner Control Contour - the Inner Control Contour incorporates the land between the 60 Ldn and 65 Ldn predicted noise contours. The objective of this Contour is to provide for a level of sound insulation in the design of dwellings and other buildings used for regular accommodation which adequately reduces the level of noise exposure experienced.*
- c. *Outer Control Contour - the Outer Control Contour incorporates the land between the 55 Ldn and 60 Ldn predicted noise contours. The objective of this Contour is to provide for a level of sound insulation in the design of dwellings and other buildings used for regular accommodation which reflects the reduced level of aircraft noise exposure experienced within this area. As the maximum aircraft noise level in this Contour is five decibels less than in the Inner Control Contour, sound insulation requirements are also correspondingly reduced by five decibels.*

### **(i) Turitea/Aokautere Residential Zone Setback**

No development, fencing, structures, buildings or earthworks except those within the maximum height permitted in R10.6.1.1(a) shall be located within the 10 or 15 metre setback line as shown on Map 10.6.1 "Landscape Provisions – Pacific Drive Extension".

### **Explanation**

*Structures on ridgelines tend to be prominent in the landscape when viewed from the floor of the adjoining valley. Height controls and development setbacks from the escarpment can greatly reduce visual impact of development.*

*The escarpment top which marks the boundary of the Turitea Valley with the Aokautere residential area of Pacific Drive is rounded in nature. The previous practice of building, developing, or carrying out earthworks over the rounded lip of the escarpment top, tended to create adverse effects on the visual amenity of the Turitea Valley below. A setback from the escarpment edge, applicable to almost all man-made modifications, can help maintain the rural character of the Turitea Valley and the escarpment by hiding modifications, when viewed from the valley floor.*

## (j) Pacific Drive Extension Area Water Supply Requirements

New dwellings within the Pacific Drive Extension Area (Map 10.6.1) shall be provided with connections to a water system which is able to supply a flow and pressure able to meet the required peak hourly flow for domestic consumption for the area served: and

- i. Be able to supply a flow not less than that required for firefighting in a residential area;
- and
- ii. Be capable of receiving and maintaining a supply that meets the needs of the Drinking Water Standard for New Zealand, Department of Health (2000).

### R10.6.1.2 Minor Dwelling Units

Any Minor Dwelling Unit is a Permitted Activity provided it complies with the following Performance Standards:

#### **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;
R10.6.1.1	Air Noise Control;
R10.6.3.5	Awatea Stream and Jensen Street Ponding Areas;
R10.7.1.6	Limited Development land in Aokautere;
R17.5.1-17.8.1	Cultural and Natural Heritage Rules;
R23.6.2(i)	Radiofrequency Field Exposure.
R23.6.4, 23.8.2 and 23.10.2	Utilities

### Performance Standards

#### (a) Building Size`

Each unit must have a gross floor area no greater than 80m<sup>2</sup>.

#### (b) Height and Overlooking

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

#### (c) Separation Distances

Compliance with R10.6.1.1(c).

#### (d) Site Coverage and Number of Buildings

Compliance with R10.6.1.1(d)(ii) and (iii).

#### (e) On-site Amenity

The minor dwelling unit shall be provided with a private outdoor amenity area which can meet the following requirements:

- i. A minimum open flat area of 30m<sup>2</sup> free of driveways, parking spaces, buildings and manoeuvring area.
- ii. Is able to accommodate a circle of 4 metres in diameter.
- iii. Has direct contact with a main living area.
- iv. Is orientated to the east, west or north of the unit.

**(f) Air Noise Control**

Compliance with R10.6.1.1 (h).

**(g) Turitea/Aokautere Residential Zone Setback**

Compliance with R10.6.1.1 (i).

**(h) Pacific Drive Extension Area Water Supply Requirements**

Compliance with R10.6.1.1 (j).

**(i) Aokautere Development Area**

In the Aokautere Development Area (Map 10.1), any minor dwelling unit shall be located on Developable Land.

**NOTE TO PLAN USERS**

Also refer to R23.6.2(i) – Radiofrequency Field Exposure.

### **R10.6.1.3 Amberley Avenue, Escort Grove, Rangitane Park, Awapuni Racecourse, Napier Road Residential Area and Napier Road Residential Extension Area Minimum Floor Level Areas**

- i. Within the area shown as **Area A** on Map 10.6.1.3 The Amberley Avenue Minimum Floor Levels Area, any residential building erected must have a habitable floor level above 23.45m in terms of the Palmerston North City Council datum of levels.
- ii. Within the area shown as **Area B** on Map 10.6.1.3 The Amberley Avenue Minimum Floor Levels Area, any residential building erected must have a habitable floor level above 23.31m in terms of the Palmerston North City Council datum of levels.
- iii. Within the area shown as **Area C** on Map 10.6.1.3 The Rangitane Park Ponding Area, any residential building erected must have a habitable floor level above 22.63m in terms of the Palmerston North City Council datum of levels.
- iv. Within the area shown as **Area D** on Map 10.6.1.3 The Escort Grove Minimum Floor Levels Area, any residential building erected must have a habitable floor level above 23.20m in terms of the Palmerston North City Council datum of levels.
- v. Within the area shown as **Area E** on Map 10.6.1.3 The Awapuni Racecourse Minimum Floor Level Area, any residential building erected must have a ground floor level above 24 metres, with the ground level for residential allotments and any other building or accessory building above 23.80 metres, and all roads above 23.60 metres (measured at the invert of the channel level) being in terms of the Palmerston North City Council datum of levels.
- vi. Within the land zoned residential in the Napier Road Residential Area (Map 7.5), any residential building, any other building or accessory building erected must have a ground floor above the 0.2% AEP flood event plus 500mm freeboard. Access to occupied structures shall be above the 0.2% AEP flood event.
- vii. Within the land zoned residential in the Napier Road Residential Extension Area (Map 7.9), any residential building, any other building or accessory building erected must have a minimum floor height as follows:
  - a. Within the stopbank area (Area A) floor levels designed for the 2% AEP rainfall event plus freeboard.
  - b. Within the area outside of the stopbank (Area B) floor levels for the 0.5% AEP river flood event plus 500 millimetres freeboard.
  - c. Throughout the Napier Road Residential Extension Area overland flow paths are identified and designed to ensure that no upstream of downstream properties

are impacted in a 1% AEP rainfall event.

Access to habitable structures shall also be above the 0.5% AEP flood event.

**Guidance Note:** Compliance with this standard does not mean that land is not identified as being subject to a natural hazard under the Building Act.

### **Explanation**

The area enclosed by Monrad Street, Pioneer Highway and the Mangaone Stream in the Amberley area drains to the Mangaone Stream by way of piped outlets to the Kawau Stream and Pioneer Highway Drain. Generally, the residential area lies below the level to which water rises within the of these watercourses. At times of high flow, automatic gates close and flood water is prevented from entering the area from the watercourses. Some water will continue to drain to Rangitane Park, but in extreme circumstances, ponding will occur within the streets and then on property. Consequently, the area of potential surface flooding on a 100-year return period, has been identified as the Amberley Avenue Minimum Floor Levels Area.

Escort Grove follows a remnant of one of many watercourses which traversed the area. Stormwater is drained from the area by way of a pipeline access from Totara Road into the watercourse within Rangitane Park. When rainfall exceeds the capacity of the piped system to remove it, initially ponding will occur in the street. With continuing rainfall, this ponding will extend into property until overland flow across Totara Road commences. The area subject to ponding on a 100-year flood return period has been identified as the Escort Grove Minimum Floor Levels Area.

The stream within Rangitane Park is the lower reach of the stormwater system draining a catchment bounded by Pioneer Highway, Botanical Road, College Street and the Mangaone Stream. It enters the Mangaone Stream by way of a floodgated structure, which automatically prevents further outflow when water levels within the Mangaone rise above those in the Park. As water continues to flow from the catchment, it is stored within the ponding area until falling levels in the Mangaone Stream permit the outflow to resume. This potential ponding area, based on a 100-year flood return period, has been identified as the Rangitane Park Minimum Floor Levels Area.

The Awapuni Racecourse Minimum Floor Level Area has been identified in order to ensure that dwelling/ other buildings will not be adversely affected by flooding and ponding and to ensure there will not be an adverse effect on the ponding areas in the vicinity. The flood levels for the area have been determined as being between 23.32 metres and 23.39 metres on low-lying areas of the site. Low lying areas need to be raised to a ground level of 23.80 metres. In addition, floor levels for residential buildings will be above 24.00 metres providing a 600mm freeboard above flood level, which means the area has the same level of protection as the stopbank. For other buildings and accessory buildings, the ground level will be above 23.80 metres and roads will be above 23.60 metres so there will be no overland flow path from the Mangaone into the City.

The Napier Road Residential Area represents an extension to the urban boundary of Palmerston North City. Minimum floor levels above the 0.2% AEP flood event plus 500mm freeboard are required to avoid or mitigate the effects of inundation from the Manawatu River.

In each case a minimum floor area has been established for each area to ensure that any dwelling is not inundated with water when the area functions as a ponding area.

### **R10.6.1.4 Dwellings in the Napier Road Residential Area and the Napier Road Residential Extension Area**

Any dwelling, which is not a Restricted Discretionary Activity or a Non-Complying Activity, is a Permitted Activity provided it complies with the Performance Standards detailed in Clauses(a) – (j).

#### **NOTE TO PLAN USERS**

Notwithstanding the activity status set out in R10.6.1.4, all development that occurs prior to the provision of a road constructed that links the Napier Road Residential Area site to James Line via Rosalie Terrace shall be a non-complying activity and subject to R10.6.5.4. Once the requirements of R10.6.5.4 have been met, development within the Napier Road Residential Area will be a Permitted Activity and R10.6.1.4 will apply.



## Performance Standards

### a) **Height Recessions Planes, Overlooking, Site Area and Coverage, On-site Amenity, Access and Parking**

Compliance with R10.6.1.1(a) (Height Recession Planes), R10.6.1.1(b) (Overlooking), R10.6.1.1(d) (Site Area, Site Coverage and Number of Buildings), R10.6.1.1(e) (On-site Amenity), R10.6.1.1(g) (Access and Parking).

### b) **Maximum Building Height**

No building should exceed a maximum height of 7 metres from the minimum floor levels set in R10.6.1.3(vi) or (vii).

### c) **Acoustic Insulation and Setbacks**

For the Napier Road Residential Area:

- i. All buildings constructed within 80 metres of the carriageway edge of State Highway No.3 shall be in compliance with a noise insulation from outside to inside any habitable space of  $DnT,W+Ctr > 30dB$ . Compliance with this standard shall be achieved by ensuring that habitable rooms are designed, constructed and maintained in a manner that:
  - accords with the schedule of typical building construction set out in Appendix 1; or
  - accords with an acoustic design report signed by a suitably qualified and experienced acoustic engineer stating that the design as proposed will achieve compliance with the performance standard. If assumptions are made regarding the performance of an acoustic bund then any assumptions shall be justified in the report and the overall design shall demonstrate compliance with an internal noise level of 35dB LAeq(24hr) in living rooms and 30dB LAeq(24hr) in bedrooms.

Provided that:

1. No residential building is constructed within 30 metres of the carriageway edge of State Highway No.3.
  2. Any external mitigation measures used in assumptions about the internal noise levels, such as noise reducing bunds, are also properly maintained to a standard that is equal or better than the assumptions made in the report.
  3. For bedrooms a positive supplementary source of fresh air is ducted from outside to achieve a minimum of 7.5 litres per second per person.
- ii. No residential building is constructed within 30 metres of the carriageway edge of State Highway 3.

For the Napier Road Residential Extension Area:

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

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

### **Explanation**

*The intention of this rule is to provide for a reduction of approximately 30dB for road traffic noise for dwellings constructed further than 30 metres from the road and closer than 80 metres to the road.*

#### **d) Fencing**

- i. If a fence is erected on those properties along the property boundary directly adjoining the Conservation and Amenity Zone, then either one or the other provision below shall apply:
  - maximum height of 0.5 metre; or
  - is not erected over more than half of the property boundary.
- ii. Within the Napier Road Residential Extension Area, the maximum height of fencing adjoining a public road or public open space is 1.8 metres except as provided below:
  1. Where a fence is erected along a property boundary directly adjoining public open space:
    - The fence must not exceed 1.1 metres in height for more than half the property boundary length; or
    - If the fence is of open construction, the fence must not exceed 1.8 metres in height.
  2. Where a fence is erected along a property boundary directly adjoining a road frontage;
    - A maximum height of 1.1 metres applies except that solid fencing may be erected to 1.8 metres over not more than 1/3 of the frontage width, and
    - No part of a solid fence above 1.1 metres in height shall be located within 1.8 metres of a driveway, except for gate posts relating to a fence of open construction;
    - If the fence is of open construction, the fence must not exceed 1.8 metres in height.
  3. Where a side fence is within the front yard or next to a driveway, and within 3 metres of the street edge, a maximum height of 1.1 metres applies. Should a side fence connect to that part of any front fence on the same lot which is permitted by (f) below to rise to 1.8 metres, it may also rise to the same level.
  4. Where a fence is erected on the road frontage of a corner site, the requirements of 1-3 shall only apply to one road frontage.

#### **d) Separation Distances**

Compliance with R10.6.1.1(c) except

- i. those dwellings on properties directly adjoining the escarpment and oxbow lake, any dwelling shall be located at least 10m back from the bottom of the escarpment or boundary of the Conservation and Amenity Zone.
- ii. Within the Napier Road Residential Extension Area:
  1. No building shall be located within 20 metres of the edge of the oxbow lake.
  2. No building containing a noise sensitive activity shall be located within 20 metres of the nearest carriageway edge line of Napier Road/
  3. No buildings or structures shall be located within 3 metres of the toe of the stopbank.

**Guidance Note:** Resource consent is required from Manawatu-Whanganui Regional



Council for work within 8 metres of the toe of the stopbank.

**e) Flood Hazards**

Compliance with R10.6.1.3

**f) Permeable Surface**

For the Napier Road Residential Extension Area:

- i. A minimum of 30% of the net site area shall, excluding the road, be of permeable surface. This includes decks provided the surface material of the deck allows for water to drain through to a permeable surface.
- ii. Each lot must incorporate rain gardens or other biofiltration device to treat road and hard stand runoff prior to discharge to the Council's stormwater network.

**g) Active Frontage**

Within the Napier Road Residential Extension Area, any houses on lots sharing a boundary with a road must exhibit the following design requirement;

- i. Any side or rear garage wall that is within 3 metres and fronting the street edge must be screened by landscaping along 70% of the frontage with vegetation capable of growing to a minimum of 1 metre tall. Glazing shall be provided for at least 10% of the surface area of these street fronting walls.
- ii. Windows from a main living area facing the street.
- iii. Where the site is on a road corner, the requirements of I and ii shall only apply to one road frontage.

**h) Oxbow Lagoon Landscaping**

Within the Napier Road Residential Extension Area, all lots adjoining the oxbow lagoon shall provide a minimum 3 metre buffer of low level native wetland landscaping at the landward side of the oxbow edge.

**Guidance Note:** Earthworks are provided for under Rule R6.3.6.1(b) of the District Plan. Plan Users must also comply with requirement of the Heritage New Zealand Pouhere Taonga Act.

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

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

**Performance Standards**

**a) Access and Parking**

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

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

- i. Compliance with R10.6.1.1(a) and (b).
- ii. No building within the Kikiwhenua Residential Area fronting Te Wanaka Road opposite the following lots may exceed a maximum height of 4m.
  - LOT DP 477332
  - LOT 2 DP 477332
  - LOT 1 DP 27043 BLK XIV KAIRANGA SD
  - PT LOT 12 8486 BLK XIV KAIRANGA SD
  - LOT 1 DP 90735

- iii. No building within the ~~Whiskey Creek~~Matangi Residential Area on lots that abut existing residential boundaries on Meadowbrook Drive shall exceed a maximum height of 5 m.

**c) Separation Distances**

- i. Compliance with R10.6.1.1(c).
- ii. Any accessory buildings in a Greenfield Residential Area shall be located a minimum of:
- 4m from the road boundary;
  - 1 m from all other boundaries.
- iii. In the ~~Whiskey Creek~~Matangi Residential Area (Map 7A.3):
- Any building other than an accessory building shall be located a minimum of 20m from the Gas Pipeline shown on Map 7A.3. and
  - Any buildings, including accessory buildings, on lots abutting existing properties on Meadowbrook Drive shall be setback at least 5m from the Meadowbrook Drive boundary.

**(d) Site Area and Coverage**

- i. Site Area
- a) A maximum net site area of 1000m<sup>2</sup> for each dwelling unit, provided that the areas shall be exclusive of the acoustic setbacks required by the provisions of R10.6.1.5(e), (i) and (ii).
- b) Compliance with R10.6.1.1 (d)(i) in the Kikiwhenua Residential Area.
- ii. Site Coverage
- a) Compliance with R10.6.1.1 (d)(ii).
- b) At least 30% of the net site area for each dwelling unit in the Kikiwhenua Residential Area shall be permeable.
- c) Dwelling units in the ~~Whiskey Creek~~Matangi Residential Area (Map 7A.3) shall have the following permeable areas:
- 25% of the net site area for each dwelling where this is between 171m<sup>2</sup> and 366m<sup>2</sup>
  - 30% of the net site area for each dwelling where this is between 367m<sup>2</sup> and 449m<sup>2</sup>
  - 35% of the net site area for each dwelling where this between 450m<sup>2</sup> and 561m<sup>2</sup>
  - 405% of the net site area for each dwelling where this between 562m<sup>2</sup> and 1050m<sup>2</sup> and for any sites adjoining lots on Meadowbrook Drive

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

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

Provided that no such building is to be located within 40 metres of the nearest carriageway edge of State Highway 3.

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

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

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

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

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

**(g) On-site Amenity**

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

**(h) Fencing**

- i. Where a fence is erected along a property boundary directly adjoining public open space it shall not exceed a maximum height of 1.8 metres for half of the property boundary; any remainder is permitted to a maximum height of 0.9m.  
This standard does not apply to any fence within any setback area required under performance standard (e) above.
- ii. Where a fence is erected on the road frontage, a maximum height of 0.9m applies.

**(i) Flood hazards**

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

- i. Occupied structures are to have a finished floor or ground level, which includes reasonable freeboard, above the 0.5% AEP (1 in 200 years) flood level for the

Whakarongo ~~and Whiskey Creek Matangi~~ Residential Areas.

- ii. The access between occupied structures and an identified safe area, where safe evacuation may be carried out must not be inundated greater than 0.5m above finished ground level with a maximum velocity of 1.0 m/s, in the following:
  - A 0.5% AEP (1 in 200 years) flood for the Whakarongo ~~and Whiskey Creek Matangi~~ Residential Areas.
  - A 1% AEP (1 in every 100 years) for all other Greenfield Residential Areas.

#### NOTES TO PLAN USERS

1. Any subdivision and development that is located on any object or site of Cultural Heritage Value, as listed in Section 17 of the District Plan, must also comply with R17.8.1.
2. Any development within a Greenfield Residential Area must supply a geotechnical report as part of the subdivision process. This report should be checked to confirm any mitigation measures required to be carried out on site prior to building a dwelling.
3. Any development must comply with the National Environmental Standard for Assessing and Managing Contaminants in Soil.
4. Any new occupied structure under performance standard (h) above will be referred to Horizons Regional Council for further clarification on 'reasonable freeboard' and safe areas for 'safe evacuation'

#### R10.6.1.6 Continuation of Institutional Activities at the Hokowhitu Lagoon Residential Area

Institutional Activities are permitted within the Hokowhitu Lagoon Residential Area within buildings existing in the Hokowhitu Lagoon Residential Area at 3 September 2018, subject to compliance with the performance standards in R19.4.1.

#### R10.6.1.7 Dwellings within the Hokowhitu Lagoon Residential Area

Dwellings are a Permitted Activity in the Hokowhitu Lagoon Residential Area, subject to the following Performance Standards:

##### Performance Standards

- (a) Compliance with Permitted Performance Standards of R10.6.1.1(a),(b),(c),(d),(e) and (g).
- (b) Floor Levels
  - (i) Floor levels of habitable buildings and garages will be constructed to a minimum of RL 29.3

##### Explanation

*Parts of the Hokowhitu Lagoon Residential Area are low lying in nature. Minimum floor levels of RL 29.3 for dwellings and garages are required to avoid potential adverse effects of surface water ponding on dwellings and garages in low lying areas in significant rainfall events where temporary ponding may occur, especially where the Manawatu River may also be flood and water from the Hokowhitu lagoon is unable to discharge into it.*

- (c) Fencing on boundaries adjoining Centennial Drive.
  - (i) The maximum height of fencing fronting Centennial Drive is 1.1 metres.
  - (ii) Fences along Centennial Drive must be set back 1 metre from the property boundary and the 1 metre gap between the road reserve boundary and the fence shall be planted with groundcovers, shrubs or a hedge, excluding gaps for pedestrian or cycle access.

##### Explanation

*The requirement to setback fencing 1 metre from the road reserve boundary is to allow for low*

*level landscaping to be planted at the frontage. This is intended to soften the effect of fencing and to contribute to maintaining a high amenity outcome along Centennial Drive.*

- (d) Other Fencing within the Hokowhitu Lagoon Residential Area
- (i) The maximum height of fencing adjoining a public road or public open space is 1.8 metres except as provided below.
  - (ii) Where a fence is erected along a property boundary directly adjoining public open space (reserve, walkway or park):
    - The fence must not exceed 1.1 metres in height for more than half of the property boundary length; or
    - If the fence is of Open Construction, the fence must not exceed 1.8 metres in height.
  - (iii) Where a fence is erected along a property boundary directly adjoining a road frontage:
    - A maximum height of 1.1 metres applies except that solid fencing may be erected to 1.8 metres over not more than 1/3 of the frontage width, and
    - No part of a solid fence above 1.1 metres in height shall be located within 1.8 metres of a driveway, except for gate posts relating to a fence of Open Construction.
    - If the fence is of Open Construction, the fence must not exceed 1.8 metres in height.
  - (iv) Where a side fence is within the front yard or next to a driveway, and within 3 metres of the street edge, a maximum height of 1.1 metres applies. Should a side fence connect to that part of any front fence on the same lot which is permitted by (b) above to rise to 1.8 metres, it may also rise to the same level.
  - (v) Where a fence is erected on the road frontage of a corner site, the requirements of (i) – (iii) shall only apply to one road frontage.

#### **Explanation**

*Fencing plays an important role securing private property, however extensive high fencing can shut-off private space from the public realm. Low front fences are one of the factors that contribute to greater safety of both public and private realms. Low front fencing in the front yard adjacent to driveways ensures that drivers exiting the lot are able to view the footpath, which minimises potential conflict with pedestrians.*

*Fencing requirements ensure that the visual connection between private property and the public space is not completely lost, but allows for differing orientations of frontages, where for example the street is on the north side of the lot. In that circumstance, a resident might reasonably wish to achieve some private open space on the sunny side of the house, close to the street edge and that should be accommodated.*

*The extent of high fencing (that is 1/3 of the whole street frontage, along a street) still allows informal surveillance of the street from dwellings and avoids monotony along the street edge.*

- (e) Setbacks
- (i) Compliance with R10.6.1.1(c).
  - (ii) The frontage of a garage can be placed up to edge of lanes identified in the Hokowhitu Lagoon Residential Area (Map 7.7.2.7).
  - (iii) Any side or rear garage wall that is within 3m and fronting to the street edge must be screened by landscaping along 70% of the frontage with vegetation capable of growing to a minimum of 1 metre tall. Glazing shall be provided for at least 10% of the surface area of these street-fronting walls.

- (iv) Any lot that shares a boundary with Centennial Drive shall have a minimum building setback of 6 metres from the Centennial Drive boundary.

#### Explanation

*Side entry garages have the potential to adversely affect streetscape amenity because they can create dominate blank facades close to the front boundary and along boundaries for corner sites. Landscaping at all street frontages of side entry garages is required to soften the street edge and contribute to positive amenity outcomes for the wider streetscape.*

*The 6 metre building setback along Centennial Drive will contribute to maintaining a high amenity environment along Centennial Drive.*

- (f) Glazing for properties adjoining the Manawatu Golf Club

Toughened (heat-tempered) safety glass, with thickness and glazing system as appropriate to application, is required for all rooflights and exposed window glazing on all buildings on lots adjoining the Manawatu Golf Club boundary. Exposed windows include rooflights, and all windows in the north and east facing facades of buildings adjoining the northern and eastern boundaries of the site. This requirement does not apply to:

- (i) Any window identified above which:

- Is shielded directly under a 2m roof or veranda overhang or pergola, and is not to the side of forward of and with 50 metres of a tee or not within 50 metres and to the side of or directly behind a green; or
- Is protected by permanent screening, window grills or shutters on the dwelling or associated with the dwelling;

**and**

- (ii) The glazing of any domestic greenhouse or planting frame on the identified lots. (Polycarbonate glazing is also acceptable for this particular application.)

#### Explanation

*Toughened (heat-tempered) glazing is required along the interface of the Manawatu Golf Club to minimize the potential risk of damage to windows and rooflights caused by stray golf balls. This requirement can be waived if glazing is shielded or appropriately located.*

- (g) Noise insulation requirements for properties adjoining the Manawatu Golf Club

Any bedroom or sleeping area in a dwelling located within 50 metres of the Manawatu Golf Club course boundary in the Hokowhitu Lagoon Residential Zone must be protected from noise arising from ground preparation activities at the Golf Course by ensuring the external sound insulation level achieves  $D_{nT,w} + C_{tr} > 30$  dB. Where bedrooms and sleeping areas with openable windows are proposed, a positive supplementary source of fresh air ducted from outside is required at the time of fit-out. For the purposes of this requirement, a bedroom is any room intended to be used for sleeping. The supplementary source of air is to achieve a minimum of 7.5 litres per second per person.

#### Explanation

*Properties adjoining the Manawatu Golf Club have an increased risk of exposure to noise from golf course maintenance equipment, such as mowers. Insulation and mechanical ventilation are required for bedrooms or sleeping areas to avoid unreasonable exposure of noise to occupants.*

- (h) Outdoor amenity in the Golf Ball Hazard Area

- (i) For any rear yards adjoining the Manawatu Golf Club within the Golf Ball Hazard Area (Identified as L(1) and L(2) on Map 7.7.2.7), decks, outdoor dining areas, courtyards, patios, fixed play equipment or any other permanent features



(excluding gardens) that are intended to be used for private outdoor amenity must be covered (but not enclosed) to reduce risk of injury to people from stray golf balls.

- (ii) Coverings must be constructed of durable materials that can withstand golf balls impact. This may include, but is not limited to:
  - Strengthened glass;
  - Trellis and/or pergolas with openings that preclude golf ball penetration;
  - Roofing materials including steel, iron, polycarbonate; and
  - Shade sails.
- (iii) Any coverings that are intended to be made of glass must comply with the glazing requirements in R10.6.1.7(f).
- (iv) This performance standard ceases to apply in the following circumstances and to the extent specified below:
  - This performance standard will cease to apply to rear yards within area L(1) in the event that the tee area of the 12<sup>th</sup> hole of the Manawatu Golf Course is redirected to increase the existing angle between the direction of the tee and the boundary of the Hokowhitu Lagoon Residential Area identified as N(1).
  - This performance standard will cease to apply to rear yards within area L(2) in the event that the tee area of the 15<sup>th</sup> hole of the Manawatu Golf Course is redirected to increase the existing angle between the direction of the tee and the boundary of Hokowhitu Lagoon Residential Area identified as N(2).

#### Explanation

*Properties within the Golf Ball Hazard Area have a high probability of receiving stray golf balls from the Manawatu Golf Course. To reduce the risk of reverse-sensitivity and to ensure that future landowners have a reduced risk of being directly hit stray golf balls, permanent outdoor amenity within the Golf Ball Hazard Area (see Map 7.7.2.7) where people are most likely to congregate shall be covered.*

*The Golf Ball Hazard Area is based on a line extending 260m from the back of the rear of the tee and an angle extending 15 degrees from the centerline of the fairway.*

*It is possible that after this rule comes into effect the tee areas for the 12<sup>th</sup> and 15<sup>th</sup> holes may be realigned or redirected so as to increase the angle between the tee direction and the boundary of the Hokowhitu Lagoon Residential Area. The purpose of this realignment or redirection will be to reduce the risk of stray golf balls. It is expected that redirection or realignment will be solely for this purpose, in which case the mitigation required by this performance standard will no longer be necessary.*

- (i) High Velocity Golf Ball Barrier
  - (i) Prior to the occupation of any dwelling on any lot adjoining the Manawatu Golf Club boundary, in the area identified as "N" on Map 7.7.2.7, a physical barrier, such as a fence or other structure, is required along the Manawatu Golf Club boundary.
  - (ii) The physical barrier must have a minimum height of 2 metres.
  - (iii) The physical barrier must be designed and constructed of materials able to resist the impact of a golf ball.
  - (iv) This performance standard ceases to apply in the following circumstances and to the extent specified below:
    - This performance standard will cease to apply to rear yards within the area N(1) in the event that:

- The tee area of the 12<sup>th</sup> hole of the Manawatu Golf Course is redirected to increase the existing angle between the direction of the tee and the boundary of the Hokowhitu Lagoon Residential Area identified as N(1); or
- A physical barrier is constructed on Manawatu Golf Club property between the area identified as N(1) and the 12<sup>th</sup> tee, provided that the physical barrier complies with the requirements of (ii) and (iii) above.
- This performance standard will cease to apply to rear yards within the area N(2) in the event that:
  - The tee area of the 15<sup>th</sup> hole of the Manawatu Golf Course is redirected to increase the existing angle between the direction of the tee and the boundary of the Hokowhitu Lagoon Residential Area identified as N(2); or
  - A physical barrier is constructed on Manawatu Golf Club property between the area identified as N(2) and the 15<sup>th</sup> tee, provided that the physical barrier complies with the requirements of (ii) and (iii) above.

#### Explanation

*On rare occasions, a golfer can strike a ball in such a way as to cause it to leave the club face at an angle of 45 degrees or greater. Although this event is rare, such a ball often carries a large amount of energy that can cause considerable damage to persons or property. Although the probability is low the severity of potential damage warrants mitigation by some form of shielding barrier. The intent of the barrier is to safely deflect or absorb the energy, of the golf ball to prevent injury or damage.*

*It is possible that after this rule comes into effect the tee areas of the 12<sup>th</sup> and 15<sup>th</sup> holes may be realigned or redirected so as to increase the angle between the tee direction and the boundary of the Hokowhitu Lagoon Residential Area. The purpose of this realignment or redirection will be to reduce the risk of stray golf balls. It is expected that redirection or realignment will be solely for this purpose, in which case the mitigation required by this performance standard will no longer be necessary. Further, it is possible that physical barriers may be constructed adjacent to the tee areas on Manawatu Golf Course. Barriers closer to the tee areas on the Golf Course will be the most effective barriers to reduce the risk of damage caused by stray tee shots. Accordingly, if barriers are constructed or the tees are redirected the performance standard will no longer be necessary.*

- (j) Lots adjoining Centennial Drive
- (i) Any lots sharing a boundary with Centennial Drive have an outdoor living area such as a patio or second level balcony.
  - (ii) Any houses on lots sharing a boundary with Centennial Drive must exhibit the following design requirements:
    - Open gable rooflines facing the street; and
    - Windows from a main living area facing the street.

#### Explanation

*The requirement for housing to be designed to have open and active frontages will assist in maintaining a high amenity environment along Centennial Drive as the former Hokowhitu Campus transitions to a residential development.*

## 10.6.2 RULES: CONTROLLED ACTIVITIES

### R10.6.2.1 Relocated Houses

Relocated Houses, which comply with the following Performance Standards, are Controlled



Activities in Respect of:

- External Appearance.

### Performance Standards

- a) Compliance with R10.6.1.1(a) to (j).

In determining 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 further assessment criteria:

### Assessment Criteria

- i. The extent to which the external appearance and structural soundness of the building is compatible with the existing amenity values and ambience of the surrounding area.

#### NOTE TO PLAN USERS

1. Also refer to the following rule:

R10.6.1.3 Amberley Avenue, Escort Grove, Rangitane Park and Awapuni Racecourse Minimum Floor Level Areas.

2. Refer to Section 5.4(f) – Special Requirements Relating to Applications for relocated houses for additional information to be provided when lodging an application for a resource consent in respect of relocated houses.

#### Reinstatement Report +

Applicants are required to submit a report identifying all reinstatement work required to the exterior of the dwelling.

#### Bonds

Applicants for resource consent may have a condition of consent imposed pertaining to a financial contribution or bond to, for example, ensure that any exterior works are completed to an appropriate standard. This condition for a financial contribution or bond may be imposed in accordance with Section 108(1)(a) and 108(1)(b) of the Resource Management Act 1991.

#### Completion of Works

Applicants will be required to complete permanent foundations and reinstatement works, in a timely manner.

#### Explanation

*Relocated houses are an alternative housing option consistent with a sustainable management approach. It is important that the design, appearance and structural soundness of relocated dwellings is addressed at the outset. This avoids any adverse effects on the amenity of the surrounding neighbourhood and ensures that applicants for such consents are aware of the standard required and their long-term obligations.*

### R10.6.2.2 Non-notification of Controlled Activities

Applications for Controlled Activities (R10.6.2.1) must not be publicly notified and there must be no limited notification.

## 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:

- Height, including Maximum Height and Height Recession Planes
- Overlooking
- 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**

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 Roading 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.

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.

#### **Explanation**

*Sometimes it is not possible for a dwelling to meet all the performance standards which are required for it to be treated as a permitted activity. In such situations the proposal must be assessed on a case by case basis to determine if some circumstance exists which makes it unreasonable to meet performance standards or if it is possible to achieve the desired outcome or avoid, remedy or mitigate the identified environmental effect, through another means.*

*Some land in the Aokautere area is vulnerable to slope instability, erosion and subsidence and therefore buildings and structures should only be established on such land where the natural hazard has been avoided or mitigated. In most cases, residential allotments will have been created with*

*sufficient developable land to enable dwellings and accessory buildings to be safely established. In circumstances where buildings or structures are proposed on land that is subject to slope instability, erosion or subsidence hazard, they should only be allowed where the hazard is avoided or mitigated.*

*The assessment policies provide applicants with a vehicle by which wider design flexibility can be sought as well as a guide to how such applications will be assessed.*

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

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

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

Are Restricted Discretionary Activities with regard to:

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

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

#### **Assessment Criteria**

- (a) The extent to which the design, scale and appearance of any building or structure compliments the ambience and amenity values of the surrounding residential area as a whole.
- (b) The extent to which the building relates to the character of its setting, contributes to the quality of adjoining public open space, streetscapes and residential properties, and avoids visual dominance.

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

**R10.6.3.3 Multi-unit residential development in the multi-unit housing areas identified on Maps 10.6.3.3(a)-(gh) ~~and Map 7.A.3~~ is a Restricted Discretionary Activity with regard to:**

- Effects on the surrounding residential environment and streetscape
- Design, scale and appearance
- Site 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.

**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 the multi-unit housing area shown on Map 7A.3 H.
- 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;
- 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.

iii. Site Coverage

A maximum site coverage of 40% applies to the development site.

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> is area,
- Is orientated to the north, west or east.

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
- how low impact development principles are applied
- identify a secondary flow path.

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 ~~Whisky Creek~~ Matangi Residential Area multi-unit housing area identified on Map 7A.310.6.3.3(h) the following applies:
- (i) No building may exceed a height of 11 m
  - (ii) 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.
  - (iii) Front yard fences shall not exceed a height of 0.9 metres.
  - (iv) Where a fence is erected along a property boundary directly adjoining public open space it shall not exceed 0.9 m.
- 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.

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.

#### 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 within dwellings and well-located, good quality open spaces, 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.
- (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.

### **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.
- A plan must be submitted to identify appropriate stormwater design for the development, and:
  - demonstrate how peak run-off volume is to be mitigated
  - how low impact development principles are applied
  - identify a secondary flow path.

### **R10.6.3.4 Non-Notification of Multi –Unit Residential Development Activities in the Hokowhitu Lagoon Residential Area**

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

### **R10.6.3.5 Awatea Stream and Jensen Street Ponding Areas.**

Within the shaded areas shown on Map 10.6.3.5a the Awatea Stream Ponding area and Map 10.6.3.5b the Jensen Street Ponding area:

- (a) the filling or raising of the level of any part of the land, or depositing of materials on any part of the land, unless provided for by (b)-(d);
- (b) the cultivation and use of the land for gardens or planting of trees; or
- (c) the erection of fences which are less than 2 metres in height outside of the Watercourse Channels; or
- (d) siteworks associated with the construction of any building;

is a Restricted Discretionary Activity with regard to:

- Flooding
- Effects on adjoining properties

### **NOTE TO PLAN USERS**

- The erection, addition to, alteration or reconstruction of any building, as defined under the Building Act 2004, which occurs within the shaded areas identified on Maps 10.6.3.5(a) and 10.6.3.5(b) is subject to the provisions of Sections 71-74 of the Building Act 2004. These sections specify limitations and restrictions that shall apply to the issue of building consents for buildings on land subject to inundation.
- Minimum Floor Levels apply to housing development within the shaded areas. Contact the City

Council for information on such levels.

- It shall also be noted that the erection, alteration or reconstruction of any fence or wall within the Awatea Stream or Jensen Street watercourse channels shall be regulated by Section 511 of the Local Government Act 1974. Under Section 511 of the Local Government Act 1974, the Council can require the removal of any obstruction to the free flow of water within a watercourse.
- Refer also to the Earthworks provision contained in Section 6: General of this Plan.

### **Explanation**

*The Awatea Stream links a series of meanders, now cut off, from the Manawatu River. The gradient of the stream bed is relatively flat, limiting its water carrying capacity, and consequently a marked rise in water surface level accompanies even moderate rainfalls.*

*Discharge is eventually to the Manawatu River. Accordingly, flood levels in the river can rise above the Awatea bank level. On such occasions outflow ceases and all inflow must be stored within the catchment. An overflow pipeline now links the Awatea to the storage afforded by Hokowhitu Lagoon, however a prolonged rainfall at this time will result in water levels rising in the valley until flow from the catchment overland commences. Such a flood caused by this coincidence of events, last occurred in January 1953.*

*The Jensen Street Ponding Area is a part of the system draining Churchill Avenue and the surrounding catchment. The primary inflow is by the way of a pipeline within a series of meanders, now cut off from the Manawatu River. All of these meanders are now filled except for the one which is contained within this ponding area. The gradients of the most recent natural outlet into the Awatea Stream, and that of its present piped outlet to the Hokowhitu Lagoon limits the rate of outflow and consequently the pond level fluctuates, dependent upon inflow and the surrounding ground water table level. Consequently, in both cases it is important that the flood waters expected can move across the land affected without being obstructed and that any dwelling is built above the potential flood levels. Hence the rules above.*

### **R10.6.3.6 Office activities in buildings existing in the Hokowhitu Lagoon Residential Area.**

Office activities up to a cumulative maximum of 5,000m<sup>2</sup> in gross floor area across the entire Hokowhitu Lagoon Residential Area, within buildings existing in the Hokowhitu Lagoon Residential Area at 3 September 2018, are a Restricted Discretionary Activity with regards to:

- Effects on the City Centre
- The safe and efficient operation of the roading network, including the provision of onsite parking
- Effects on other Institutional or Residential Activities

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

#### **Assessment Criteria**

- (a) The extent to which the proposed office activity will contribute to the effective and efficient operation and use of the physical resources of the Hokowhitu Lagoon Residential Area.
- (b) Whether there are particular reasons, for example relating to the strategic benefits to the City, why the office activity is better located in the Hokowhitu Lagoon Residential Area rather than in a Business Zone.
- (c) Whether the establishment of the proposed office activity will undermine the viability and vitality of the City Centre.

- (d) Whether the proposed office activity would result in an economic benefit to the City by locating in the Hokowhitu Lagoon Residential Area rather than in a Business Zone.
- (e) The availability of onsite car parking to accommodate the proposed office activity.
- (f) Whether any proposed ancillary signage integrates into the architectural form of the building.
- (g) The extent to which the adverse visual effects of ancillary signage on neighbouring Institutional or Residential activities are adequately minimized.

#### **10.6.4 RULES: DISCRETIONARY ACTIVITIES**

##### **R10.6.4.1 Dwellings in the Savage Crescent Conservation Area**

- a. **The partial or total demolition or removal of any dwelling constructed prior to 1945 in the Savage Crescent Conservation Area.**
- b. **Construction of an additional dwelling on a site located within the Savage Crescent Conservation Area**

shall be 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 Residential Zone objectives and policies, assess any application in terms of the following assessment criteria:

##### **Assessment Criteria**

- a. To assess the need for the full or partial demolition of the building and the impact of that demolition on the historic values of the Savage Crescent Conservation Area.
- b. To ensure that any additional dwelling is designed and built in such a manner that it is in keeping with or complements the historic character of the Savage Crescent Conservation Area.

##### **R10.6.4.2 Alterations and Additions to Existing Buildings in the Air Noise Contour identified on Map 10.6.6.1**

**Alterations and additions to and/or replacement of any of the following buildings or activities on sites within the Air Noise Contour identified on Map 10.6.6.1, provided that the building or activity was lawfully established prior to 2 September 1998, are Discretionary Activities:**

- **Dwellings;**
- **Minor Dwelling Units;**
- **Education and Early Childhood Facilities;**
- **Community Homes;**
- **Accommodation Motels;**
- **Motel Conference Centres;**
- **Training Facilities;**
- **Hospitals;**
- **Retirement Villages;**
- **Residential Centres;**
- **Tourist Facilities; and**
- **Any Other Existing Buildings used for Regular Accommodation and Communal Activities.**

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 in terms of the following assessment criteria:

### Assessment Criteria

- i. The objectives and policies relating to noise sensitive activities in the vicinity of Palmerston North Airport set out in Section 13.
- ii. Alterations and additions to existing dwellings or other noise sensitive activities shall only be permitted if fitted with appropriate acoustic insulation to achieve a satisfactory internal noise environment.

#### NOTE TO PLAN USERS

Refer to section 5.4(i) – Special Requirements Relating to Applications for Building construction where Noise Attenuation Standards Apply for additional information to be provided when lodging an application for a resource consent in respect of noise attenuation.

### **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.

### **R10.6.4.4 Domestic Wind Turbines**

#### **The construction and operation of Domestic Wind Turbines are Discretionary Activities**

In determining whether to grant consent and what conditions if any 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 further matters:

- a. The extent to which the ambience and amenity values of adjacent properties and residences will be adversely affected by the domestic wind turbine, in terms of any visual domination, loss of access to sunlight and daylight, and the extent to which these effects can be avoided, remedied or mitigated.
- b. The extent to which the landscape and visual effects of the domestic wind turbine can be mitigated by landscaping, planting or other forms of amenity treatments.
- c. The extent of compliance with the District Plan Noise Standard (R9.11.1 Noise); or in the circumstance where the set noise levels are not able to be met, the extent of compliance with the noise limits in the New Zealand Standards for Environmental Noise (NZS 6801:1991, 'Measurement of Sound' and NZS 6802:1991 'Assessment of Environmental Sound').
- d. The extent to which shadow flicker effects, earthworks and other environmental disturbance on the amenity of adjacent properties and residences and the surrounding environment, can be avoided, remedied or mitigated.
- e. The outcomes of any consultation with affected neighbours.
- f. The extent to which any effects on the safe and the efficient functioning of the road network, from blade glint and shadow flicker, can be avoided, remedied or mitigated.

- g. To recognise the positive benefits of the domestic renewable energy generation activities in contributing to national renewable energy targets and mitigating the impacts of climate change.

#### **Explanation**

*Domestic wind turbines have the potential to produce a range of adverse effects depending on the number and type of turbines proposed, the site context and activities in the surrounding environment. It is therefore necessary to assess each application carefully to ensure effects can be avoided, remedied or mitigated. A discretionary consent process gives the Council the opportunity to assess specific matters and impose conditions to avoid, remedy or mitigate effects. Mitigation measures for domestic wind turbines may include consideration of alternative siting, design or colour of a wind turbine(s).*

*This rule gives effect to section 7(j) of the RMA which requires Council to have particular regard to the benefits derived from the use and development of renewable energy and the National Policy Statement for Renewable Electricity Generation which directs that District Plans promote and enable the development and operation of domestic-scale wind turbines.*

*In respect of these activities, it is noted that sound generated by the domestic wind turbine/s must comply with the District Plan noise standards (R 10.8.1) at the boundary of the property. Where this standard is not able to be met wind turbine noise will be measured in accordance with NZS 6801: 1991, 'Measurement of Sound' and NZS 6802:1991 'Assessment of Environmental Sound'.*

## **10.6.5 RULES: NON-COMPLYING ACTIVITIES**

### **R10.6.5.1 Non-Complying Activities**

Any Dwelling or Accessory Building which does not comply with the Performance Standards for a Permitted or Controlled Activity and which is not provided for by R10.6.1.1, R10.6.1.2, R10.6.1.3, R10.6.1.4, R10.6.1.5 R10.6.2.1, R10.6.3.1, R10.6.3.2, R10.6.3.3, R10.6.3.4, R10.6.4.1, R10.6.4.2, R10.6.4.3, R10.6.4.4, R10.6.5.2, or R10.6.6.1, shall be a Non-Complying Activity.

### **R10.6.5.2 Dwellings in the Inner and Outer Control Contours that do not comply with R10.6.1.1(h)**

Any new dwelling, or any alterations to an existing dwelling sited in the Inner Control Contour or Outer Control Contour that do not comply with R10.6.1.1(h) shall be a Non-Complying Activity.

When considering whether to grant the application and what conditions, if any, to impose Council shall take into account the objectives and policies of the Residential Zone, and the following further policies:

- a. To take into account any circumstances that would make compliance with the noise reduction standards in R10.6.1.1(h) inappropriate or unreasonable.
- b. To demonstrate that the level of noise reduction by the proposed development can be less than the level required by R10.6.1.1(h) without compromising the overall health and amenity of the occupants within the respective building.

### **R10.6.5.3 Buildings in the Pacific Drive Extension Area which do not comply with R10.6.1.1(j) or R10.6.2.1**

Any new dwelling, minor dwelling, re-located house or accessory building located in the Pacific Drive Extension Area that does not comply with R10.6.1.1(j) or R10.6.2.2 shall be a Non-Complying Activity.

#### **NOTE TO PLAN USERS**

Refer to Section 5.4(i) – Special Requirements Relating to Applications for Building Construction where Noise Attenuation Standards Apply for additional information to be provided when lodging an application for a resource consent in respect of noise attenuation.

### **R10.6.5.4 Roading Infrastructure (Napier Road Residential Area)**

Notwithstanding the activity status set out in R10.6.1.4 **all** development that occurs **before** the installation and completion of a constructed road link to James Line from Rosalie Terrace shall be a Non-Complying Activity.

#### **Explanation**

*The Napier Road Residential Area has only one direct access point via Rosalie Terrace. It is desirable that the site have greater connectivity to the wider roading network to ensure a better connected and efficient development for all modes of transport from the site. Subdivision shall be avoided until a connection from Rosalie Terrace to James Line is constructed.*

### **R10.6.5.5 External Storage of Derelict Vehicles**

No activity shall involve the external storage of more than one derelict vehicle or any parts of vehicles within view of neighbouring properties or a public place.

## **10.6.6 RULES: PROHIBITED ACTIVITIES**

### **R10.6.6.1 Prohibited Activities in the Air Noise Zone identified on Map 10.6.6.1**

All new dwellings, new sleep-outs, new relocated houses, new minor dwelling units, and new multi-unit residential development, are Prohibited Activities in the Air Noise Zone identified on Map 10.6.6.1.

These activities are expressly prohibited and no resource consent shall be granted.

#### **Explanation**

*The above-mentioned activities have been identified as being highly sensitive to the effects of excessive noise exposure associated with aircraft operations.*

*The impact of aircraft noise has been assessed by New Zealand Standard 6805:1992 - Airport Noise Management and Land Use Planning, which recommends as one of the criteria for land use planning within any defined air noise boundary that noise sensitive activities, such as dwellings and schools be prohibited. The purpose of this rule is to give effect to this recommended standard.*

## **10.7 Non-Residential Activities**

### **Introduction**

There is a range of activities which need to be provided for in the Residential Zone because they are compatible with dwellings or because of the opportunity they offer to people to gain convenient access to a service or to work from home.

A number of these activities are variants on single dwellings such as community houses or are community facilities such as pre-schools. In all cases, the important issue is the effect of the activity, it is those effects which have determined how the activity will be treated. As far as possible, activities have been made Permitted Activities. However, where the nature or extent of effects are uncertain, the activity has become a Controlled or Discretionary activity.

A limited set of non-residential activities are provided for to ensure the Residential Zone provisions support the centres based approach for commercial activities in the City and the associated hierarchy of business zones.

### **10.7.1 RULES: PERMITTED ACTIVITIES**

#### **R10.7.1.1 Community Houses**

Community Houses are Permitted Activities provided they comply with the specified Performance Standards below.

#### **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;
R10.6.1.1(h)	Air Noise Control;
R10.6.3.5	Awatea Stream and Jensen Street Ponding Areas;
R10.7.1.6	Limited Development Land in Aokautere;
R17.5.1-R17.8.1	Cultural and Natural Heritage Rules.

## Performance Standards

### (a) Site Coverage

Not more than 35% of the site shall be covered by buildings.

### (b) Height

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

### (c) Separation Distances

Compliance with R10.6.1.1(c).

### (d) Landscape Amenity

- i. an area of not less than 10m<sup>2</sup> per person intended to be accommodated must be provided on the site, and must be kept free of all parking and manoeuvring areas;
- ii. an area of open space capable of accommodating a circle of 10m in diameter must be provided adjacent to and accessible from the main living area.
- iii. On any boundary, except boundaries to a street, a landscape strip with a minimum width of 1 metre shall be provided.
- iv. On a boundary adjoining a street, a landscape strip with a minimum width of 1.5 metres shall be provided.
- v. All landscaping areas must be well maintained at all times.

### (e) Parking and Access

Compliance with the following performance standards of R20.4.2:

- |                   |  |
|-------------------|--|
| 20.4.2(a)         | Vehicle Access;                              |
| 20.4.2(b)(i)      | Parking Spaces for People with Disabilities; |
| 20.4.2(c)         | Car Park Landscape Design;                   |
| 20.4.2(d)         | Formation of Parking Spaces;                 |
| 20.4.2(e) and (f) | Loading Space Provision and Design;          |

#### **NOTE TO PLAN USERS**

R20.4.2(c) apply to non-residential activities within the Residential Zone

### (f) Air Noise Control

Compliance with R10.6.1.1(h).

**NOTE TO PLAN USERS**

Proposed activities that do not meet the performance standards in R10.6.1.1(h) are Non-Complying Activities under R10.7.5.2.

The following deeming provisions apply in circumstances where a proposed dwelling/ building straddles the boundary of air noise contours shown on Map 10.6.6.1:

1. Where a dwelling/ building is proposed on the 55 Ldn noise contour line, the dwelling/ building is deemed to be outside of the Outer Control Contour.
2. Where a dwelling/building is proposed on the 60 Ldn Noise Contour line shown on Map 10.6.6.1, the dwelling/ building is deemed to be within the Outer Control Contour.
3. Where a dwelling/ building is proposed on the 65 Ldn noise contour line, the dwelling/ building is deemed to be within the Air Noise Contour.

**(g) Noise**

Compliance with R10.8.1.

**(h) Signs**

Compliance with R6.1.5.

**(i) Turitea/Aokautere Residential Zone Setback**

Compliance with R10.6.1.1(i).

**Explanation**

*Community homes are intended to provide accommodation for groups in the community such as the elderly who require both accommodation and ongoing health care. Such facilities tend to generate few effects which are different from those of a standard dwelling. Provided care is taken with regard to matters such as parking and the size of the activity, community homes generally remain compatible with the residential environment and benefit from the quietness and amenity values of the Residential Zone.*

**R10.7.1.2 Accommodation Motels**

Accommodation Motels are Permitted Activities provided they comply with the specified Performance Standards below.

**Performance Standards****(a) Location**

Accommodation motels may only be located on properties having frontage and the main entryway from a street listed as a Major Arterial or Minor Arterial road in 20.6.1.1 and 20.6.1.2 in the Land Transport Section.

**(b) Separation Distances**

Compliance with R10.6.1.1(c).

**(c) Height**

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

**(d) Site Coverage**

Not more than 35% of the site shall be covered by buildings.

**(e) Signs**

Compliance with R6.1.5.

**(f) Parking and Access**

Compliance with the following performance standards of R20.4.2:

20.4.2(a) Vehicle Access;



- 20.4.2(b)(i) Parking Spaces for People with Disabilities;;
- 20.4.2(c) Car Park Landscape Design;
- 20.4.2(d) Formation of Parking Spaces;
- 20.4.2(g) Cycle Parking Provision and Design
- 20.4.2(h) Cycle Parking End-of-Trip Facilities.

### (g) Landscape Amenity

- i. A solid fence of not less than 1.8m in height shall be erected on any boundary with a residentially zoned property.
- ii. On any boundary, except boundaries to a street, a landscape strip with a minimum width of 2 metres shall be provided and planted with dense vegetation capable of growing to 3m in height.
- iii. On any boundary adjoining a street, a landscape strip with a minimum width of 1.5 metres shall be provided and at least one specimen tree capable of growing to 5m within ten years of planting, shall be planted every 10m along that boundary.
- iv. All landscaping areas must be well maintained at all times.

### (h) Air Noise Control

Compliance with R10.6.1.1(h).

#### **NOTE TO PLAN USERS**

Proposed activities that do not meet the performance standards in R10.6.1.1(h) are Non-Complying Activities under R10.7.5.2.

The following deeming provisions apply in circumstances where a proposed dwelling/ building straddles the boundary of air noise contours shown on Map 10.6.6.1:

1. Where a dwelling/ building is proposed on the 55 Ldn noise contour line, the dwelling/ building is deemed to be outside of the Outer Control Contour.
2. Where a dwelling/building is proposed on the 60 Ldn Noise Contour line shown on Map 10.6.6.1, the dwelling/ building is deemed to be within the Outer Control Contour.
3. Where a dwelling/ building is proposed on the 65 Ldn noise contour line, the dwelling/ building is deemed to be within the Air Noise Contour.

### (i) Noise

Compliance with R10.8.1.

### (j) Turitea / Aokautere Residential Zone Setback

Compliance with R10.6.1.1(i).

#### **Explanation**

*The limited nature of accommodation motels, which provide only accommodation and no other facilities such as conference rooms or restaurants, combined with the restrictions on their location means that their effects are largely similar to those of a standard dwelling. The use of the bulk and location controls which apply to dwellings combined with the controls on matters such as noise ensures that they will blend into the fabric of the surrounding residential area.*

### R10.7.1.3 Education Facilities

**Education Facilities are Permitted Activities provided they comply with the specified Performance Standards below.**

#### **Performance Standards**

##### **(a) Location**

An education facility must provide access to and from a Minor Arterial or Collector Road, listed as such in 20.6.1.2 and 20.6.1.3 in the Land Transport Section.

**(b) Height**

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

**(c) Separation Distances**

No building shall come within 6m of the boundary with a residentially used site.

**(d) Air Noise Control**

Compliance with R10.6.1.1(h).

**NOTE TO PLAN USERS**

Proposed activities that do not meet the performance standards in R10.6.1.1(h) are Non-Complying Activities under R10.7.5.2.

The following deeming provisions apply in circumstances where a proposed dwelling/ building straddles the boundary of air noise contours shown on Map 10.6.6.1:

1. Where a dwelling/ building is proposed on the 55 Ldn noise contour line, the dwelling/ building is deemed to be outside of the Outer Control Contour.
2. Where a dwelling/building is proposed on the 60 Ldn Noise Contour line shown on Map 10.6.6.1, the dwelling/ building is deemed to be within the Outer Control Contour.
3. Where a dwelling/ building is proposed on the 65 Ldn noise contour line, the dwelling/ building is deemed to be within the Air Noise Contour.

**(e) Site Area and Coverage**

Maximum site coverage - no more than 40% of the site may be covered by buildings.

**(f) Parking and Access**

Compliance with the following performance standards of Rule 20.4.2:

- 20.4.2(a) Vehicle Access;
- 20.4.2(b)(i) Parking Spaces for People with Disabilities;
- 20.4.2(c) Car Park Landscape Design;
- 20.4.2(d) Formation of Parking Spaces;
- 20.4.2(e) and (f) Loading Space Provision and Design;
- 20.4.2(g) Cycle Parking Provision and Design;
- 20.4.2(h) Cycle Parking End-of-Trip Facilities.

**(g) Landscape Amenity**

- i. A solid fence of not less than 1.8m in height shall be erected on any boundary with a residentially zoned property.
- ii. On any boundary, except boundaries to a street, a landscape strip with a minimum width of 1 metre shall be provided and planted with vegetation.
- iii. On a boundary adjoining a street, a landscape strip with a minimum width of 1.5 metre shall be provided and at least one specimen tree capable of growing to 5m within ten years of planting, shall be planted every 10m along that boundary.
- iv. All landscaping areas must be well maintained at all times.

**(h) Noise**

Compliance with R10.8.1.

**(i) Signs**

Compliance with R6.1.5.

**(j) Turitea/Aokautere Residential Zone Setback**

Compliance with R10.6.1.1(i).

**Explanation**

*Education facilities fall into the category of activities which provide convenient services for those who live in the residential area. It is important that such facilities are provided in easily accessible locations, to avoid unnecessary vehicle journeys, and general inconvenience.*

*This type of activity has the potential to generate adverse noise and traffic effects, these can largely be overcome by careful placement of buildings, provision of parking, noise controls and appropriate screening. Generally, any adverse effects are of a relatively short duration and are out-weighted by the usefulness of such facilities.*

**R10.7.1.4 Health Facilities**

**The reuse of a dwelling for the purpose of a Health Facility is a Permitted Activity provided it complies with the specified Performance Standards below.**

**Performance Standards**

**(a) Number of Practitioners**

The health facility must not involve more than 3 health practitioners. A health practitioner includes a practice nurse.

**(b) Height**

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

**(c) Separation Distances**

Compliance with R10.6.1.1(c).

**(d) Site Coverage**

Not more than 35% of the site may be covered by buildings.

**(e) Parking and Access**

Compliance with the following performance standards of Rule 20.4.2:

20.4.2(a) Vehicle Access;

20.4.2(b)(i) Parking Spaces for People with Disabilities;

20.4.2(c) Car Park Landscape Design;

20.4.2(d) Formation of Parking Spaces;

20.4.2(e) and (f) Loading Space Provision and Design;

20.4.2(g) Cycle Parking Provision and Design;

20.4.2(h) Cycle Parking End of trip Facilities.

**(f) Landscape Amenity**

Compliance with R10.7.1.2(g).

**(g) Noise**

Compliance with R10.8.1.

**(h) Signs**

Compliance with R6.1.5.

**(i) Air Noise Control**

Compliance with R10.6.1.1(h).

**NOTE TO PLAN USERS**

Proposed activities that do not meet the performance standards in R10.6.1.1(h) are Non-Complying Activities under R10.7.5.2.

The following deeming provisions apply in circumstances where a proposed dwelling/ building straddles the boundary of air noise contours shown on Map 10.6.6.1:

1. Where a dwelling/building is proposed on the 55 Ldn noise contour line, the dwelling/ building is deemed to be outside of the Outer Control Contour.
2. Where a dwelling/building is proposed on the 60 Ldn Noise Contour line shown on Map 10.6.6.1., the dwelling/building is deemed to be within the Outer Control Contour.
3. Where a dwelling/building is proposed on the 65 Ldn noise contour line, the dwelling/ building is deemed to be within the Air Noise Contour.

**(j) Turitea/Aokautere Residential Zone Setback**

Compliance with R10.6.1.1(i).

**Explanation**

*Health facilities represent another activity which provides a convenient service for those living in the residential area. The limited number of health practitioners operating from any site means that any effects arising from noise, traffic or parking can be controlled such that they do not impact adversely on the surrounding residential neighbourhood.*

*Traditionally health facilities involve the reuse of a dwelling as the scale and design fits in a residential context. The construction of a purpose-built health facility requires resource consent under R10.7.3.2.*

**10.7.1.5 Home Occupations**

Home Occupations are Permitted Activities provided they comply with the specified Performance Standards below.

**Performance Standards****(a) Number of Employees**

Not more than the equivalent of 3 full time persons shall be engaged on the site, one of whom must reside permanently on the site.

**(b) Site and Floor Area**

Not more than 40m<sup>2</sup> (including gross floor area and external storage areas but excluding any car parking areas) shall be used for the Home Occupation activity.

**(c) Dust**

Any activity involved as a home occupation shall not generate or discharge levels of dust (or other particulate matter) that is deemed to be offensive and/or objectionable and causes potential adverse effects on the surrounding residential environment. A potential adverse effect, arising from the discharge of particulate matter, will occur if:

- there is visible evidence of particulate matter suspended in the air across a site boundary;
- there is visible evidence of particulate matter traceable from the activity, settling on the ground or structure on a neighbouring site, or water.

**(d) Storage**

Any external storage of equipment or materials must be screened by a solid fence of not less than 1.8m in height.

**(e) Hours of Operation**

Home Occupations may operate only between 7:00am and 10:00pm (Monday to Saturday).

**(f) Signs**

Compliance with R6.1.5.

**(g) Retailing**

Any goods sold from the site must have been substantially made, repaired, renovated or restored on the site.

**(h) Glare**

All exterior lighting comply with AS Standard 4282.

**(i) Parking and Access**

Compliance with the following performance standards of Rule 20.4.2:

- 20.4.2(a) Vehicle Standards
- 20.4.2(b)(i) Parking Spaces for People with Disabilities;
- 20.4.2(c) Car Park Landscape Design;
- 20.4.2(d) Formation of Parking Spaces.

**(j) Noise**

Compliance with R10.8.1.

**(k) Hazardous Substances**

Home Occupations using or storing hazardous substances on-site shall comply with the provisions of Section 14: Hazardous Substances.

**(l) Turitea/Aokautere Residential Zone Setback**

Compliance with R10.6.1.1 (i).

**Explanation**

*The provision for home occupations allows people to work from their home in small scale enterprises which can be absorbed into the residential environment without producing adverse effects. The standards ensure that any adverse effects are dealt with and that any such occupation remains in keeping with its residential location.*

**R10.7.1.6 Limited Development Land in the Aokautere Development Area**

The following are Permitted Activities on any land shown as Limited Development land in the Aokautere Development Area, as shown on Map 10.1, provided they comply with the following Performance Standards:

- i. Landscape works.
- ii. Public reserves or reserves within the meaning of the Reserves Act 1977.
- iii. Drainage and water supply works.

**Performance Standards****(a) Stability**

- i. No works associated with any Permitted Activity shall involve the removal of more than 10m<sup>3</sup> of soil, except that no works associated with any Permitted Activity shall involve the removal of any soil within those areas along any terrace edge abutting Class VI, VII, or VIII land (as defined on the NWASCO Land Resource Inventory Worksheets).
- ii. No works associated with any Permitted Activity shall involve any modification of an existing slope.
- iii. Neither (i) or (ii) shall preclude the temporary removal of soil or disturbance of a

slope to plant trees or other plants.

**NOTE TO PLAN USERS**

Earthworks involving Limited Development Land are also subject to the Earthworks provisions of Section 6 (General Section) of this Plan.

**R10.7.1.7 Roadside Stall at 1346 Napier Road, Ashhurst**

The roadside stall located at 1346 Napier Road, Ashhurst being more or less Lot 1 on DP 56127 supplied with produce from the property being Section 463 and Part Section 462 Block III Gorge Survey District, is a Permitted Activity provided the following Performance Standards are complied with:

**Performance Standards**

**(a) Nature of the Activity**

- i. That fruit and vegetables bought from sources other than those scheduled may be permitted as long as the bulk of the produce sold from the stall is obtained from the sites specified in R10.7.1.7 above.
- ii. That the use shall continue from the existing building and that no extension or alteration be made that would have the effect of increasing the capacity of the sales.

**(b) Hours of Operation**

That the shop be open for business only during the following hours:

8:30am to 6:00pm from 1 October to the immediately following 31 March;

8:30am to 5:30pm from 1 April to the immediately following 30 September.

**(c) Separation Distances and Parking**

A front yard of 7.5 metres and four car parking spaces shall be maintained at all times.

**(d) Signs**

Compliance with R6.1.5.

**R10.7.1.8 Structural Maintenance of Flood Protection Works by or on behalf of the Manawatu- Whanganui Regional Council**

The structural maintenance of flood protection works or structures by or on behalf of the Manawatu-Whanganui Regional Council shall be a Permitted Activity.

**R10.7.1.9 Minor Temporary Military Training Activities (excluding live firing of weapons, firing of blank ammunition, single or multiple explosive events).**

Minor Temporary Military Training Activities (excluding live firing of weapons, firing of blank ammunition, single or multiple explosive events) are a Permitted Activity provided the following Performance Standards are complied with:

**Performance Standards**

**(a) Buildings and Structures**

- i. Any buildings and/or structures erected must be in compliance with the Performance Standards of R10.6.1.1, and the requirements of R10.6.1.3, R 10.6.3.1, and R10.6.6.1.
- ii. Any buildings erected in association with the Temporary Military Training Activity must be removed at the conclusion of the activity unless they are

otherwise permitted by a Rule within the Residential Section of the District Plan.

**(b) Excavations and Alterations to Landform**

Where the activity involves any excavations or alterations to landform, the ground shall be reinstated to a condition as close as practicable to its state prior to the disturbance.

**(c) Hazardous Substances**

Compliance with the requirements of Section 14 - Hazardous Substances

**(d) Duration and Frequency of Activities**

The activity is limited to a period not exceeding 31 days.

**(e) Noise**

- i. Mobile Noise Sources - Compliance with Table 2 and Table 3 of NZS 6803:1999 Acoustics – Construction Noise.
- ii. Fixed (Stationary) Noise Sources - Compliance with R10.8.1.

**Explanation**

*The New Zealand Defence Force (NZDF) carries out temporary military training activities in areas not designated for defence purposes. Such temporary training involves military activities by regular and territorial force units in zones throughout Palmerston North City. The Defence Act 1990 provides for the raising and maintenance of armed forces. Military training activities are essential in enabling the NZDF to maintain operational capability.*

*The above conditions have been designed to enable the NZDF to carry out temporary military training activities while ensuring that any adverse effects of training activities on the environment are mitigated.*

*Minor and extended temporary military training activities can generate high levels of noise. Military training activities involving mobile and fixed (stationary) noise sources may be permitted where they comply with the performance standards of R9.5.8(d).*

*Noise from mobile sources (other than firing of weapons and explosives) includes sources such as personnel, light and heavy vehicles, self-propelled equipment and earth moving equipment.*

*Fixed (stationary) noise sources (other than firing of weapons and explosives) include noise sources such as power generation, heating, ventilation or air conditioning systems, or water or wastewater pumping/treatment systems.*

**NOTE TO PLAN USERS**

Also refer to R23.6.2(i) – Radiofrequency Field Exposure

**R10.7.1.10 Marae Area at 140 – 148 Maxwells Line**

The Te Hotu Manawa O Rangitane O Manawatu Marae situated at 140 - 148 Maxwells Line on land described as Lot 2 DP 315092, is a Permitted Activity in respect of the following listed activities provided the following Performance Standards are complied with:

Activities permitted on the site:

- i. Any activity listed as a permitted activity in the Residential Zone.
- ii. Marae (refer definition in Section 4).
- iii. Activities and structures ancillary, or integral, to the marae, including the wharewairua (spiritual house), halls, kitchens, dining rooms, sheds, fences, flagpole, carved entrance to the marae, carvings, gardens and lawns.
- iv. Administration offices for the Iwi Authority's operational, legal and financial services.
- v. Health Centres.
- vi. Communications Station and Communication Production Facilities.



- vii. Marae Tourism (refer definition in Section 4).

### Performance Standards

#### (a) Height

Compliance with R10.6.1.1(a) and 10.6.1.1(b).

#### (b) Separation Distances

No building shall be located within 6.0 metres of any site boundary, with the exception of any residential dwelling on the site complying with the boundary separation distances for dwellings [refer R10.6.1.1(c)].

#### (c) Site Coverage

Not more than 35% of the site may be covered by buildings.

#### (d) Parking and Access

- i. 104 formed, sealed and marked car parks shall be provided on the site, together with circulation routes and manoeuvring areas necessary to provide access to each and every car park. These 104 car parks provide for a gross floor area of up to 2450m<sup>2</sup>. For any extension to the gross floor area in excess of 2450m<sup>2</sup> the parking standards of Section 20.4 shall apply.

##### **Explanation**

*A minimum of 104 car parks was required to be provided prior to the use of the site as a marae. This number of parks was originally set by way of Environment Court consent order and is the minimum required to cater for the variety of activities to be carried out on the site. Any significant change, or proposed change, in the nature or scale of the activities carried out on the site, to be determined through any extension to the gross floor area in excess of 2450m<sup>2</sup>, will necessitate a re-evaluation of the effects of such a change on the environment and in particular the effect of the change upon the provision of car parks and their accessibility. Should the effects of the change or proposed change be deemed to have an adverse effect upon on-site parking provision that could lead to adverse off-site environmental effects, a further resource consent application may be required. Such an application would be considered in terms of the Residential Zone rules and parking and access provisions in Section 20.4 of the District Plan.*

- ii. Access to and from the site shall only be from Maxwells Line.

##### **Explanation**

*The potential to use Rose Place as an alternative form of access to and from the site needs to be restricted in order to protect the residential amenity of this quiet cul de sac. Consequently, access to and from the site shall only be from Maxwells Line. This rule does not prevent private access to and from the site by the owner or occupier of the adjoining residential lot described as Lot 1 DP 315092.*

#### (e) Noise

Compliance with R10.8.1.

#### (f) Signs

Compliance with R6.1.5.

#### (g) Hours of Operation

All non-residential activities, with the exception of activities related to the radio station, administration offices, supervised overnight accommodation in the marae and ancillary buildings, and tangihanga, must cease between the hours of 10.00pm and 7.00am the following day from Sunday to Thursday inclusive and between 11.00pm and 7.00am the following day on a Friday and Saturday.

##### **Explanation**

*Section 3 of this Plan recognises and acknowledges nga hapu of Rangitane as tangata whenua within Palmerston North City. The Council also recognises that the mix of activities typically being*



carried out on, or from, an urban marae, demands a specific site by site approach to planning and management rather than a general approach. All marae activities are carried out, or provided, in a kaupapa Maori environment. Visitors to the marae also undertake activities in accordance with a standard set of terms and conditions. Accordingly, this marae is to be specifically recognised in the Residential Zone. This recognition involves the specification of permitted activities and Performance Standards and set of policies for determining whether, and on what basis, activities that do not meet Performance Standards can be carried out. These Plan provisions are designed to ensure that amenity values of the adjoining residential area are not adversely affected by the nature or scale of the effects of marae-based activities.

#### (h) Marae Tourism

No more than 80 tourists are permitted on the site at any one time.

##### **NOTE TO PLAN USERS**

If an activity identified as permitted within R10.7.1.10 does not comply with the above Performance Standards, then R10.7.3.4 applies.

#### **R10.7.1.11 Garden Centre at 261 Napier Road**

The garden centre situated at 261 Napier Road on land described as Lot 1 DP 456688, is a permitted activity in respect of the following listed activities provided the following Performance Standards are complied with:

##### **Performance Standards**

##### a. Nature of the Activity

That the garden centre and bulk garden supplies shall occur from the existing building and that no extension or alteration be made that would have the effect of increasing the scale or intensity of the operation as at 1 August 2019.

##### b. Hours of Operation

That the shop be open for business between 8am – 6pm 7 days a week

##### c. Signs

Compliance with Rule R6.1.5

##### d. Noise

Compliance with Rule R9.11.1

### **10.7.2 RULES: CONTROLLED ACTIVITIES**

#### **R10.7.2.1 Construction, Development or Redevelopment of Flood Protection Works or Structures by, or on behalf of, the Manawatu-Whanganui Regional Council.**

The construction, development or redevelopment of Flood Protection Works or Structures by, or on behalf of, the Manawatu-Whanganui Regional Council shall be a Controlled Activity in respect of:

- Height
- Location
- Effects of such work on residential amenity

In determining 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 further assessment criteria:

##### **Assessment Criteria**

- a. The extent to which visual effects of flood protection works on residential neighbourhoods are avoided, remedied or mitigated.

- b. The extent to which any adverse effects associated with the development and construction of flood protection works on the surrounding residential area are avoided, remedied or mitigated.
- c. To recognise the positive effect of flood protection works.

#### **NOTE TO PLAN USERS**

All activities on the primary stopbanks are controlled by Horizons Regional Council under its designation for this area. One Plan Rule 16-14 should be referred to for all activities between an artificial watercourse or bed of a river, and 8 metres inland of the landward toe of a stopbank. Any excavation, drilling, tunnelling, or other land disturbance on or adjacent to the Manawatu River secondary stopbank located between Ruahine Street at Fitzroy Bend and Ruamahanga Crescent should be referred to the Manawatu-Wanganui Regional Council for advice regarding any resource consent requirements.

### **10.7.3 RULES: RESTRICTED DISCRETIONARY ACTIVITIES**

#### **R10.7.3.1 Re-use of Non-Residential Buildings**

Re-use of a Non-Residential Building, which complies with the following Performance Standard, is a Restricted Discretionary Activity with regard to:

- Effects on the Adjoining Residential Area
- The Safe and Efficient Operation of the Roding Network, and internal circulation and manoeuvring areas

#### **Performance Standard**

##### **(a) Location**

The proposed activity must be located in an existing non-residential building.

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**

- i. The extent to which the effects of noise, hours of operation and other environmental disturbance on surrounding residential neighbourhoods can be avoided, remedied or mitigated.
- ii. The extent to which the effects of additional traffic generated impact on the safe and efficient operation of the roading network and internal circulation and manoeuvring areas, and the amenities of the surrounding area.
- iii. To ensure the activity is in character with or complementary to the surrounding residential neighbourhood.
- iv. The extent to which any effects on the visual amenity of the surrounding residential area can be avoided, remedied or mitigated.

#### **Explanation**

*For historic reasons, there is within the Residential Zone a range of buildings, many of which are shops, which are occupied by a variety of uses. At times these buildings become untenanted and there is the potential for them to fall into disrepair and generally detract from the amenity values of the surrounding area. The intention of this provision is to offer the opportunity for a range of activities to use these buildings where they can demonstrate that they will not have adverse effects on residential environmental and amenity values.*

#### **R10.7.3.2 Construction, Reconstruction or Alteration of any Building used or intended to be used for a Non-Residential Activity or any Non-Residential Activity which cannot comply with the Performance Standards for Permitted Activities.**

The Construction, Reconstruction or Alteration of Any Building Used or Intended to be used for a Non- Residential activity or Any Non-Residential Activity which Cannot Comply with the Performance Standards for Permitted Activities in Relation to:

- (i) Height
- (ii) Separation Distances
- (iii) Landscape Amenity and Storage
- (iv) Parking, Cycle Parking and Access
- (v) Turitea/Aokautere Residential Zone Setback

shall be a Restricted Discretionary Activity with regard to:

- Design, Scale and Appearance
- Site Layout
- Effects on Adjoining Residential Areas
- Effects on the surrounding Residential Environment and Streetscape
- The Safe and Efficient Operation of the Roding Network, and internal circulation and manoeuvring areas
- Providing opportunities for people to use active and non-vehicular modes of transport
- Visual effects on the rural character and amenity of the Turitea Valley.

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) Height, Separation Distances and Landscape Amenity and Storage**

- i. The extent to the effects of overshadowing or reduction of privacy to any adjoining site are avoided, remedied or mitigated.
- ii. To ensure the design, scale and appearance of any building, structure or sign is in character with, and complementary to the ambience and amenity values of the surrounding residential streetscape and neighbourhood.
- iii. To take into account the existence of any topographical or other features on the site, which make compliance impractical.
- iv. The extent to which any effects of noise or other environmental disturbance on the adjoining residential area are avoided, remedied or mitigated.
- v. The extent to which landscaping elements maintain or enhance the ambience and amenity values of the surrounding residential area.
- vi. The extent to which on site planting has been implemented to reduce the activities visual intrusion on adjacent properties and/or break up areas of hard surfacing, such as fence lines and paved areas

#### **(b) Parking and Access**

- 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.
- ii. To ensure other appropriate off-site parking is available to meet the need generated for parking
- iii. To encourage convenient and accessible cycle parking, to support the

opportunity for people to use active and non-vehicular modes of transport throughout the City.

**(c) Turitea/Aokautere Residential Zone Setback**

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.

**R10.7.3.3 Any Home Occupation Activity which cannot comply with the Site and Floor Area Performance Standard for Permitted Activities, provided this does not exceed 60m<sup>2</sup>**

shall be a Restricted Discretionary Activity with regard to:

- Design, Scale and Appearance
- Site Layout
- Effects on Adjoining Residential Areas
- Effects on the surrounding Residential Environment and Streetscape

In determining whether to grant consent and what conditions to impose, if any, Council will have regard to the City View objectives in Section 2 and the Residential Zone objectives and policies.

**R10.7.3.4 Activities or buildings in the defined Marae Area at 140 – 148 Maxwells Line which do not comply with the Performance Standards of R10.7.1.10**

Any activity which cannot comply with the performance standards for permitted activities in the defined marae area shall be a Restricted Discretionary Activity in respect of its:

- Effects on Adjoining Residential Areas
- Effects on the safe and efficient operation of the roading network, and internal circulation and manoeuvring areas

In determining whether to grant consent and what conditions to impose, if any, Council shall, 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**

- i. The extent to which any effects of overshadowing or reduction of privacy to any adjoining site is avoided, remedied or mitigated.
- ii. The extent to which the design and appearance of any building or structure ensures there are no adverse effects on the amenity values of the surrounding residential area.
- iii. To take into account the existence of any site constraint which makes compliance impractical.
- iv. The extent to which the effects of noise or other environmental disturbance on the adjoining residential area can be avoided, remedied or mitigated.
- v. The extent to which the effects of parking not accommodated on the site, on the safe and efficient operation of the roading network and internal circulation and manoeuvring areas, and the amenities of the adjoining residential neighbourhood can be avoided, remedied or mitigated.
- vi. To recognise and take account of the culture context and environment (kaupapa Maori) in which the marae-based activities are to take place.
- vii. To recognise and take account of the significance of the site to tangata whenua.

**R10.7.3.5 Commercial Activity**

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

- Effects on nearby residential activities and residential amenity
- Effects on viability and choice of local business activities
- Public safety
- Visual amenity
- External design and appearance
- Building mass and height
- Relation to streets and other public spaces
- Site Layout
- Parking
- Cycle Parking
- Landscape amenity
- The provision of car parking
- The safe and efficient operation of the roading network
- Efficient, convenient and safe access

### Performance Standards

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

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

### Assessment Criteria

The objectives and policies of the Local Business Zone and the assessment criteria identified in R11.10.3.1 and R11.10.3.2.

#### **Explanation**

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

## 10.7.4 RULES: DISCRETIONARY ACTIVITIES

**The following activities in R10.7.4.1, R10.7.4.2, R10.7.4.3, R10.7.4.4, R10.7.4.5, R10.7.4.6, R10.7.4.7 and R10.7.4.8 are Discretionary Activities.**

**[Note: The following activities are also subject to R10.7.5.2 Non-Complying Activities:]**

#### **R10.7.4.1 Community and Leisure Facilities**

#### **R10.7.4.2 Motel Conference Centres on properties having frontage onto, and the main vehicle access from, a Major Arterial or Minor Arterial Road as listed in Appendix 20A of the Transportation Section**

#### **R10.7.4.3 Places of Worship**

#### **R10.7.4.4 Training Facilities**

#### **R10.7.4.5 Health Centres and Hospitals**

#### **R10.7.4.6 Retirement Villages and Residential Centres**

#### **R10.7.4.7 Early Childhood Facilities**

#### **R10.7.4.8 Papakainga and Marae Development**

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 effects of noise, hours of operation and other environmental disturbance on surrounding residential neighbourhoods are avoided or can be remedied or mitigated.
- b. The extent to which the effects of the generation of additional traffic are addressed through efficient and effective parking and access provisions.
- c. The extent to which additional traffic generated impacts on the safe and efficient operation of the roading network and internal circulation and manoeuvring areas, taking into account the location of the activity.
- d. To ensure the design and appearance of any building, structure or sign is in character with, and complementary to the ambience and amenity values of the surrounding residential neighbourhood.
- e. To ensure that any detracting from the visual amenity of the surrounding residential neighbourhood is avoided, remedied or mitigated by appropriate landscape works or screening.
- f. To ensure that building construction complies with the relevant noise insulation ratings identified by R10.6.1.1 (h).
- g. The extent to which appropriate landscaping elements have been incorporated to enhance the character, ambience and amenity values of the adjoining residential neighbourhood.
- h. The extent that on-site planting has been implemented to reduce the activities visual intrusion on adjacent properties and break up areas of hard surfacing, such as fence lines and paved areas.
- i. To ensure employment uses and community facilities provide appropriate opportunities for people to use activity and non-vehicular modes of transport.
- j. In respect of R10.7.4.6 and R10.7.4.8, the Assessment Criteria of R10.6.3.3

#### **NOTE TO PLAN USERS**

Refer to Section 5.4(j) - Special Requirements Relating to Applications for Building Construction where Noise Attenuation Standards Apply for additional information to be provided when lodging an application for a resource consent in respect of noise attenuation).



### **Explanation**

*Community and Leisure Facilities, Motel Conference Centres, Places of Worship and Training Facilities have a common characteristic, that is, they tend to attract large numbers of people and vehicles to a site for a limited period. This in turn can lead to the generation of noise and other effects which may disturb those who live in the Residential Zone. It is important, therefore, that the effects of any such development are identified at the outset to allow the development of conditions to remove or mitigate these effects. The Training Facilities category of activity is intended to recognise that with the change in the nature of education and the emphasis on life-long learning, a variety of training providers have emerged. Where the potentially adverse effects, such as parking and traffic generation, of such activities can be controlled these training establishments can be compatible with the surrounding residential neighbourhood.*

*Health Centres and Hospitals offer a convenient service to those living in the Residential Zone; however, their size and combination of activities can potentially give rise to a number of effects. Health Centres frequently include services such as diagnostic laboratories, and like hospitals, often operate for extended hours. Given these and other factors such as the numbers of people and vehicles likely to visit the site, and the potential for adverse effects on the residential environment and amenity values, means that such development should be subject to the assessment of a resource consent.*

*While Residential Centres and Retirement Villages are intended to provide for concentrated groupings of accommodation, there is the potential for variety in the nature of each activity. Retirement villages often include associated recreational and health care facilities while residential centres provide only accommodation for a particular age group. Both however have the potential to create disturbance within neighbourhoods particularly in relation to noise and traffic and the scale of buildings and activity.*

### **R10.7.4.9 Alterations and Additions to Existing Buildings in the Air Noise Contour identified on Map 10.6.6.1 are Discretionary Activities**

Alterations and additions to any of the following buildings or activities on sites within the Air Noise Contour identified on Map 10.6.6.1, provided that the building or activity was lawfully established prior to 2 September 1998, are Discretionary Activities:

- Dwellings;
- Minor Dwelling Units;
- Education and Early Childhood Facilities;
- Community Homes;
- Accommodation Motels;
- Motel Conference Centres;
- Training Facilities;
- Hospitals;
- Retirement Villages;
- Residential Centres;
- Tourist Facilities; and
- Any Other Existing Buildings used for Regular Accommodation and Communal Activities.

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 in terms of the following assessment criteria:

#### **Assessment Criteria**

- a. The objectives and policies relating to noise sensitive activities in the vicinity of Palmerston North Airport set out in Section 9.3.
- b. Alterations and additions to existing dwellings or other noise sensitive activities shall only be permitted if fitted with appropriate acoustic insulation to achieve a satisfactory

internal noise environment.

**NOTE TO PLAN USERS**

Refer to Section 5.4(j) – Special Requirements Relating to Applications for Building Construction Where Noise Attenuation Standards Apply for additional information to be provided when lodging an application for a resource consent in respect of noise attenuation.

**R10.7.4.10 Minor Temporary Military Training Activities which do not comply with the Performance Standards, Extended Military Training Activities, and activities including live firing of weapons, firing of blank ammunition, single or multiple explosive events, and which comply with the following Performance Standard, are Discretionary Activities.**

**Performance Standard**

- (i) The following information must be submitted to the Council on lodgement of an application under this rule:
- (a) A Noise Management Plan prepared by an acoustic technician
  - (b) A Community Consultation Programme

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 for the Residential Zone, assess any application in terms of the following further assessment criteria:

- External Appearance and amenity and/or character of the surrounding residential area.
- Effects of additional traffic generated on the roading network, and internal circulation and manoeuvring areas.

**Assessment Criteria**

- (a) To avoid, remedy or mitigate the effects of noise, hours of operation and other environmental disturbance on surrounding residential environment.
- (b) To avoid, remedy or mitigate the visual impact of any activities, and to preserve the character and amenity of the residential environment.
- (c) To avoid, remedy or mitigate the effects of the proposal on any area of natural and/or cultural heritage value, or of particular significance to Tangata Whenua.
- (d) The extent to which the effects of noise, including the peak sound levels resulting from impulsive noise, impacts on noise sensitive activities, stock and wildlife.
- (e) The likely noise impacts for the area.
- (f) Whether a Noise Management Plan prepared by an acoustical consultant identifies available noise management measures to avoid, remedy or mitigate adverse effects of noise, including best practicable options adopted to minimise sound emissions from live firing of weapons, firing of blank ammunition and single or multiple explosive events.
- (g) Whether a community consultation programme is available, for communication with occupiers and owners of affected sites, prior to the military training activities commencing; with such communication including notification of the event, updates during the event, methods for following up complaints received during or after the event, and the process of liaison with Council.
- (h) To avoid, remedy or mitigate the effects of additional traffic generated on the safe and efficient operation of the roading network.

**Explanation**



*The New Zealand Defence Force (NZDF) may need to carry out temporary military training activities which do not meet the performance standards for Permitted Activities. In this case, it is important to ensure that any adverse effects of training activities on the environment are avoided, remedied or mitigated. The Discretionary Activity status provides Council with the opportunity to take full account of effects in its assessment of the proposed activities*

### **R10.7.4.11 Commercial and Non-Residential Activities within the Napier Road Residential Extension Area**

Any commercial or non-residential activity within the Napier Road Residential Area is a Discretionary Activity.

#### **Performance Standards**

- i. The following information must be submitted to the Council on lodgement of an application under this rule:
  - a. A Noise Management Plan prepared by a suitably qualified acoustic expert
  - b. A Traffic Impact Assessment prepared by a qualified traffic engineer or traffic planner.
  - c. A Stormwater Management Plan prepared by a Chartered Professional Stormwater Engineer identifying the potential stormwater risks to the site and infrastructure that support development. The report must cover;
    1. How onsite stormwater retention and detention measures will achieve hydraulic neutrality in the 1% AEP plus climate change storm with no increase in stormwater effects on surrounding areas.
    2. On-site water sensitive design measures that will be installed to achieve hydraulic neutrality.
    3. A site specific hydrologic modelling assessment using updated oxbow bathymetry and footprint based on the proposed development plan and include assessment for different downstream discharge conditions.
    4. Scoping of all internal stormwater infrastructure and how it will interact with the existing drainage system including connection to the existing stormwater network and discharge to the Napier Road open drain and layout of treatment devices.
    5. Treatment of all stormwater runoff from the site prior to discharge to the primary network and/or direct discharge to the oxbow.
    6. Protection of treatment devices and treatment runoff during all phases of construction.

The stormwater design must incorporate any existing stormwater runoff through the development, such as upstream catchment and treatment of stormwater (this also includes the outcomes of any resource consent granted for the discharge of stormwater into the oxbow.

A copy of any site calculations must accompany the report.
- ii. All development must achieve a minimum floor height above the 0.5% AEP flood extent plus 500 millimetres freeboard. Access to occupied structures shall also be above the 0.5% AEP flood extent.
- iii. A minimum of 30% of the net site area shall, excluding road reserve, be of permeable surface. This includes decks provided the surface material of the deck allows for water to drain through to a permeable surface.
- iv. Each development must incorporate rain gardens or other biofiltration device to treat road and hard stand runoff prior to discharge into the Council's stormwater network.

- v. Any commercial or non-residential activity shall not utilise more than 20% total of the developable land within the Napier Road Residential Extension Area.

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 for the Residential Zone, assess any application in terms of the following further assessment criteria.

- a. The extent to which the effects of noise, hours of operation and other environmental disturbance on the surrounding residential neighborhoods are avoided or can be remedied or mitigated.
- b. To avoid, remedy or mitigate the visual impact of any activities, and to preserve the character and amenity of the residential environment.
- c. Whether the Noise Management Plan prepared by an acoustical consultant identifies noise management measure to avoid, remedy or mitigate adverse effects of noise, including best practicable options adopted to minimise sound emissions.
- d. The extent to which the effects of the generation of additional traffic are addressed through efficient and effective parking and access provisions.
- e. The extent to which additional traffic generated impacts on the safe and efficient operations of the roading network and internal circulation and manoeuvring areas, taking into account the location of the activity on the major arterial route of Napier Road.
- f. The extent to which appropriate landscaping elements have been incorporated to enhance the character, ambience and amenity values of the adjoining residential neighbourhood.
- g. The extent to which onsite planting has been implemented to reduce the activities visual intrusion on adjacent properties and break up areas of hard surfacing such as fence lines and paved areas.
- h. The extent to which proposed development achieves hydraulic neutrality in the 1% AEP plus climate change storm event.
- i. The extent to which flood mitigation has been provided for and does not result in effects on other upstream or downstream properties.
- j. The extent to which design contributes to positive streetscape outcomes, given the gateway function of Napier Road. This includes, but is not limited to;
  - Active frontages
  - Landscaping
  - Avoidance of blank walls fronting the public realm
  - Minimising carparking at the road frontage.

## 10.7.5 RULES: NON-COMPLYING ACTIVITIES

### R10.7.5.1 Non-Complying Activities

Any building, structure or activity not provided for as a Permitted Activity, Controlled Activity, Restricted Discretionary Activity, Discretionary Activity, and is not a Prohibited Activity or is not specifically provided for by R10.7.5.2, shall be a Non-Complying Activity.

### R10.7.5.2 Non-Residential Buildings in the Inner or Outer Control Contour that do not provide any noise reduction or do not comply with R10.6.1.1(h)

Any new community home, accommodation motel, education facility, early childhood facility, health facility, community and leisure facility, motel conference centre, place of worship, training facility, health centre, hospital, retirement village, residential centre, or any

alterations to an existing building associated with these activities sited in the Inner Control Contour or Outer Control Contour that does not comply with R10.6.1.1(h) shall be a Non-Complying Activity.

When considering whether to grant the application and what conditions, if any, to impose Council shall take into account the objectives and policies of the Residential Zone, and the following assessment criteria:

### Assessment Criteria

- a. To take into account any circumstances that would make compliance with the noise reduction standards in R10.6.1.1(h) inappropriate or unreasonable.
- b. To demonstrate that the level of noise reduction by the proposed development can be less than the level required by R10.6.1.1(h) without compromising the overall health and amenity of the occupants within the respective building.

#### NOTE TO PLAN USERS

Refer to Section 5.4(j) – Special Requirements Relating to Applications for Building Construction Where Noise Attenuation Standards Apply for additional information to be provided when lodging an application for a resource consent in respect of noise attenuation.

## 10.7.6 RULES: PROHIBITED ACTIVITIES

### R10.7.6.1 Prohibited Activities in the Air Noise Contour identified on Map 10.6.6.1

In addition to the activities listed in R10.6.6.1, the following activities are prohibited activities in the Air Noise Contour identified on Map 10.6.6.1:

All new education and early childhood facilities, new community homes, new accommodation motels, new motel conference centres, new training facilities, new hospitals, new retirement villages, new residential centres, new tourist facilities and any other new buildings used for regular accommodation.

These activities are expressly prohibited and no resource consent shall be granted.

#### Explanation

*The above-mentioned activities have been identified as being highly sensitive to the effects of excessive noise exposure associated with aircraft operations.*

*The impact of aircraft noise has been assessed by New Zealand Standard 6805:1992 - Airport Noise Management and Land Use Planning, which recommends as one of the criteria for land use planning within any defined air noise boundary that noise sensitive activities, such as dwellings and schools, be prohibited. The purpose of this rule is to give effect to this recommended standard.*

## 10.8 Rules: Noise - Non-Residential Activities

### R10.8.1 NOISE

Sound emissions from any fixed mechanical plant, or from any non-residential activity, when measured at or within the boundary of any other site (other than land from which the noise is emitted or a road) shall not exceed the following:

7.00am to 10.00pm	45dB L <sub>Aeq</sub> (15mins)
10:00pm to 7:00am	40dB L <sub>Aeq</sub> (15mins)
Night-time L <sub>max</sub> 10:00pm to 7:00am	65dBA L <sub>max</sub>

Refer also to Section 6: Noise.

#### Explanation

*The rules for the Residential Zone are intended to control the noise from any items of fixed mechanical*

plant, and from non-residential activities situated in a Residential Zone. The mechanical plant items include, but shall not be limited to, residential and non-residential heat-pumps, fans, pumps, and generators. Care needs to be taken with the installation of these plant items that they are sensibly selected, located and operated such as not to cause a nuisance to neighbours.

The limit of 45 dB  $L_{Aeq}$  (15mins) during the days is purposefully stringent and sets out to discourage noise even moderate noise generators from establishing in the quiet residential environment. Such activities may be appropriately located in the Residential Zone in areas where the ambient sound levels are high at times when the activity takes place. This would be closer to main roads or activity areas for example. To be acceptable the level of the activity should not intrude into the existing sound environment. Such activities would be assessed as discretionary activities and the application would need to be submitted with a noise impact assessment. To have the limit that is less than 45 dBA during daytime would be overly stringent and could prove difficult to enforce. The night-time 40dB  $L_{Aeq}$  (15mins) and 65dBA  $L_{max}$  limits are designed to protected sleep in quiet residential areas. This Rule provides a moderately strict noise control regime.

## APPENDIX 1 Napier Road Residential Area – Typical Construction Element Requirements for Building to Achieve an External Sound Insulation Level of $D_{nT,w} + C_{tr} > 30 \text{ dB}$

BUILDING ELEMENT	<u>MINIMUM</u> CONSTRUCTION REQUIREMENT	
<u>External Walls of Habitable Rooms</u>	<u>Stud Walls:</u> Exterior cladding:	20mm timber or 9mm compressed fibre cement sheet over timber frame (100mm x 50mm).*
	Cavity infill:	Fibrous acoustic blanket (batts or similar of a minimum mass of 9kg/m <sup>3</sup> ) required in cavity for all exterior walls. Minimum 90mm wall cavity.
	Interior lining:	One layer of 12mm gypsum plasterboard. Where exterior walls have continuous cladding with a mass of greater than 25kg/m <sup>2</sup> (e.g. brick veneer or minimum 25mm stucco plaster), internal wall linings need to be no thicker than 10mm gypsum plasterboard.
	Combined superficial density:	Minimum not less than 25kg/m <sup>2</sup> being the combined mass of external and internal linings excluding structural elements (e.g. window frames or wall studs).**
	<u>Mass Walls:</u>	190mm concrete block strapped and lined internally with 10mm gypsum plaster board, or 150mm concrete wall.
<u>Glazed Areas of Habitable Rooms</u>	Glazed areas up to 10% of <u>floor</u> area:	6mm glazing single float
	Glazed areas between 10% and 35% of <u>floor</u> area:	6mm laminated glazing
	Glazed areas greater than 35% of <u>floor</u> area:	<i>Require a specialist acoustic report to show conformance with the insulation rule.</i>
	Frames to be aluminium window frames with compression seals.	
<u>Skillion Roof</u>	Cladding:	0.5mm profiled steel or 6mm corrugated fibre cement or membrane over 15mm thick ply, or concrete or clay tiles.
	Sarking:	17mm plywood (no gaps).
	Frame:	Minimum 100mm gap with fibrous acoustic blanket (batts or similar of a mass of 9kg/m <sup>3</sup> ).
	Ceiling:	Two layers of 10mm gypsum plaster board (no through ceiling lighting penetrations unless correctly acoustically rated). Fibrous acoustic blanket (batts or similar of a minimum mass of 9kg/m <sup>3</sup> ).
	Combined superficial density:	Combined mass of cladding and lining of not less than 25kg/m <sup>2</sup> .

Pitched <u>Roof</u> (all roofs other than skillion roofs)	Cladding:	0.5mm profiled steel or tiles, or membrane over 15mm thick ply.
	Frame:	Timber truss with 100mm fibrous acoustic blanket. (Batts or similar of a minimum mass of 9kg/m <sup>3</sup> ) required for all ceilings.
	Ceiling:	12mm gypsum plaster board.
	Combined superficial density:	Combined mass with cladding and lining of not less than 25kg/m <sup>2</sup> .
<u>Floor</u> areas open to outside	Cladding:	Under-floor areas of non-concrete slab type floors exposed to external sound will require a cladding layer lining the underside of floor joists of not less than 12mm ply
	Combined superficial density:	Floors to attain a combined mass not less than 25kg/m <sup>2</sup> for the floor layer and any external cladding (excluding floor joists or bearers).
External <u>Door</u> to Habitable Rooms	Solid core door (min 25kg/m <sup>2</sup> ) with compression seals (where the door is exposed to exterior noise).	

#### **NOTE TO PLAN USERS**

The table refers to common specifications for timber size. Nominal specifications may in some cases be slightly less than the common specifications stated in the schedule for timber size.

Minimum mass requirements for floors, walls, and ceilings where composite construction methods are employed (i.e. where claddings or lining materials are placed each side of structural members) shall form a reasonable balance of the mass of linings on each side of structural elements. Proposed designs should show cladding or linings with a minimum of 10kg/m<sup>2</sup> on each side of the structural members, with the additional 5kg/m<sup>2</sup> provided on either the internal or external side.

In determining the insulating performance of roof/ceiling arrangements, roof spaces are assumed to have no more than the casual ventilation typical of the jointing capping and guttering *detail used in normal construction*

#### **Glossary of Acoustic Terms**

##### **Leq or Leq**

*The time-averaged sound level (or equivalent sound level) that has the same mean square sound pressure level as the time-varying sound level under consideration. Commonly referred to as an "energy average" measure of sound exposure.*

##### **Insulation (Sound)**

*Sound insulation is the prevention of the transmission of sound through a barrier such as a wall or window. There is no direct and inherent relation between the sound insulation value of a barrier and the sound absorption performance of its surface.*

##### **A-Weighting (dBA)**

*A weighting is a system of adjustments applied to sound of different frequencies to take account of the way the sensitivity of the human ear varies with sound frequency.*

##### **Ctr**

*Spectrum Adaptation Term ISO 717-1:1996 Table A.1 Spectrum NUMBER TWO (2). The ISO standard ISO717-1: 1996 gives C and Ctr indices which can be added to the Rw rating to give a rating for noises with either equal energy at all frequencies (C) or road traffic like spectra (Ctr).*

##### **STC**

*Sound Transmission Class.*

##### **R**

*Sound Reduction Index.*

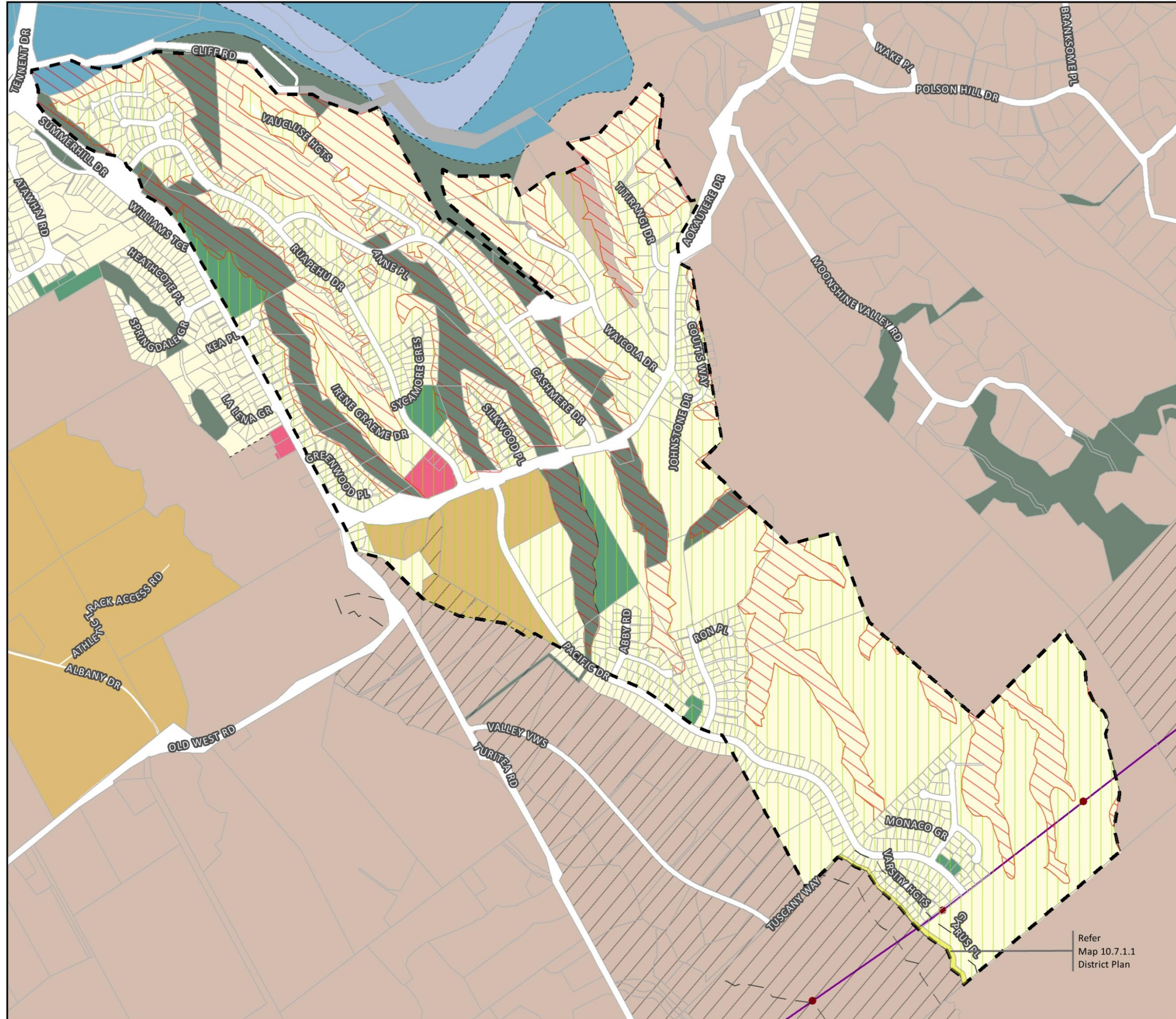
**Rw**

*Weighted Sound Reduction Index*

**STC and Rw**

*Rw like STC uses a slightly different frequency range (100-3150Hz versus 125-4000 Hz for STC). Generally speaking, the two ratings give the same sound transmission loss ranking with 1 to 2 points difference. The higher the STC or Rw rating the better the partition will perform in insulating the sound. Rw was also initially developed to rate the effectiveness of partition from speech like noises*



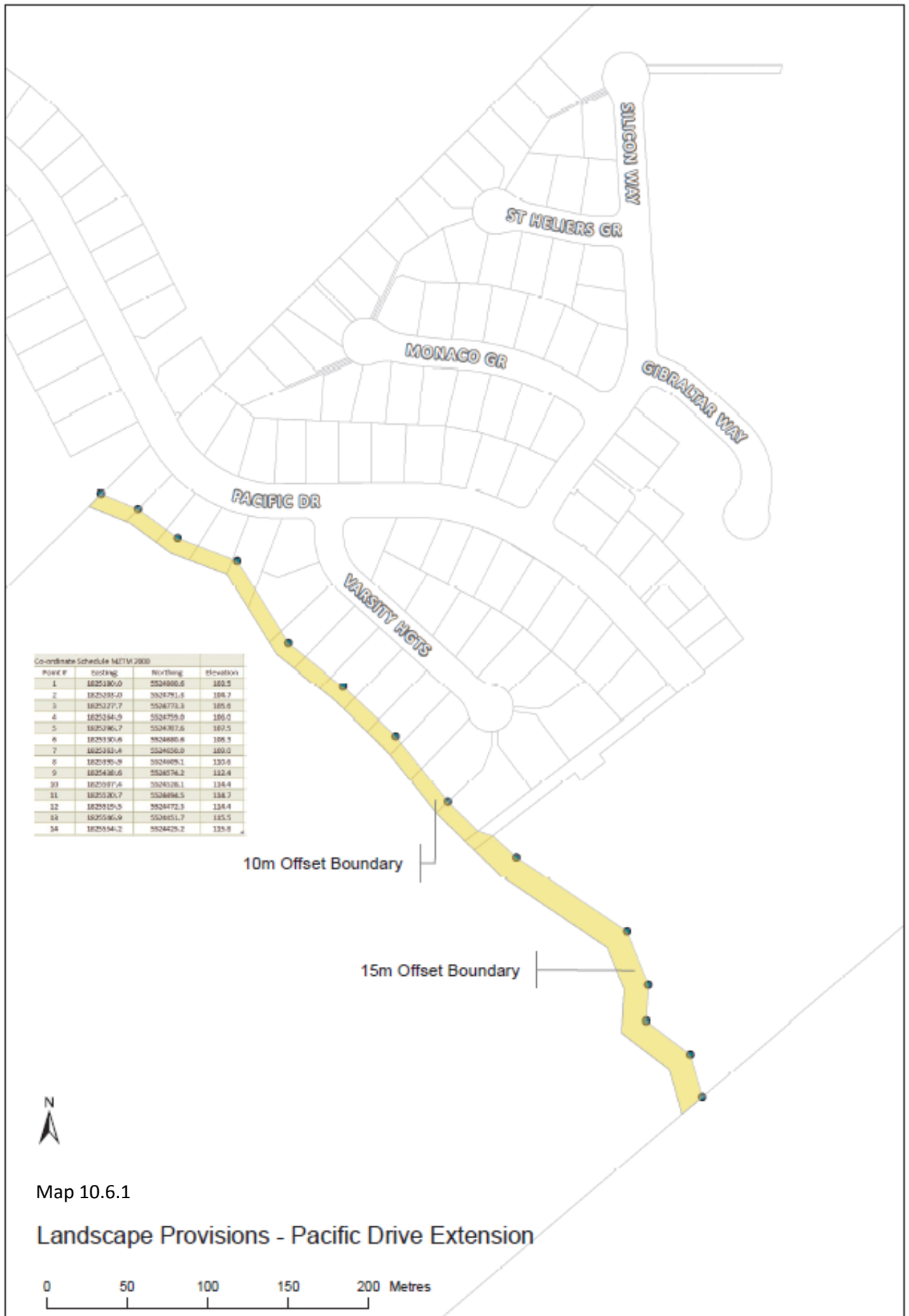


Map 10.1  
AOKAUTERE DEVELOPMENT AREA

- Rural
- Residential
- Local Business
- Recreation
- Conservation and Amenity
- Water Recreation
- Institutional
- Flood Protection
- Rural Residential Area (refer Section 7 - Subdivision)
- Survey Zone Boundary
- Undefined Zone Boundary
- Aokautere Development Area
- Limited Developable Land
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- Limited Developable Land
- Limited Developable Land
- Limited Developable Land
- Limited Developable Land
- Limited Developable Land
-



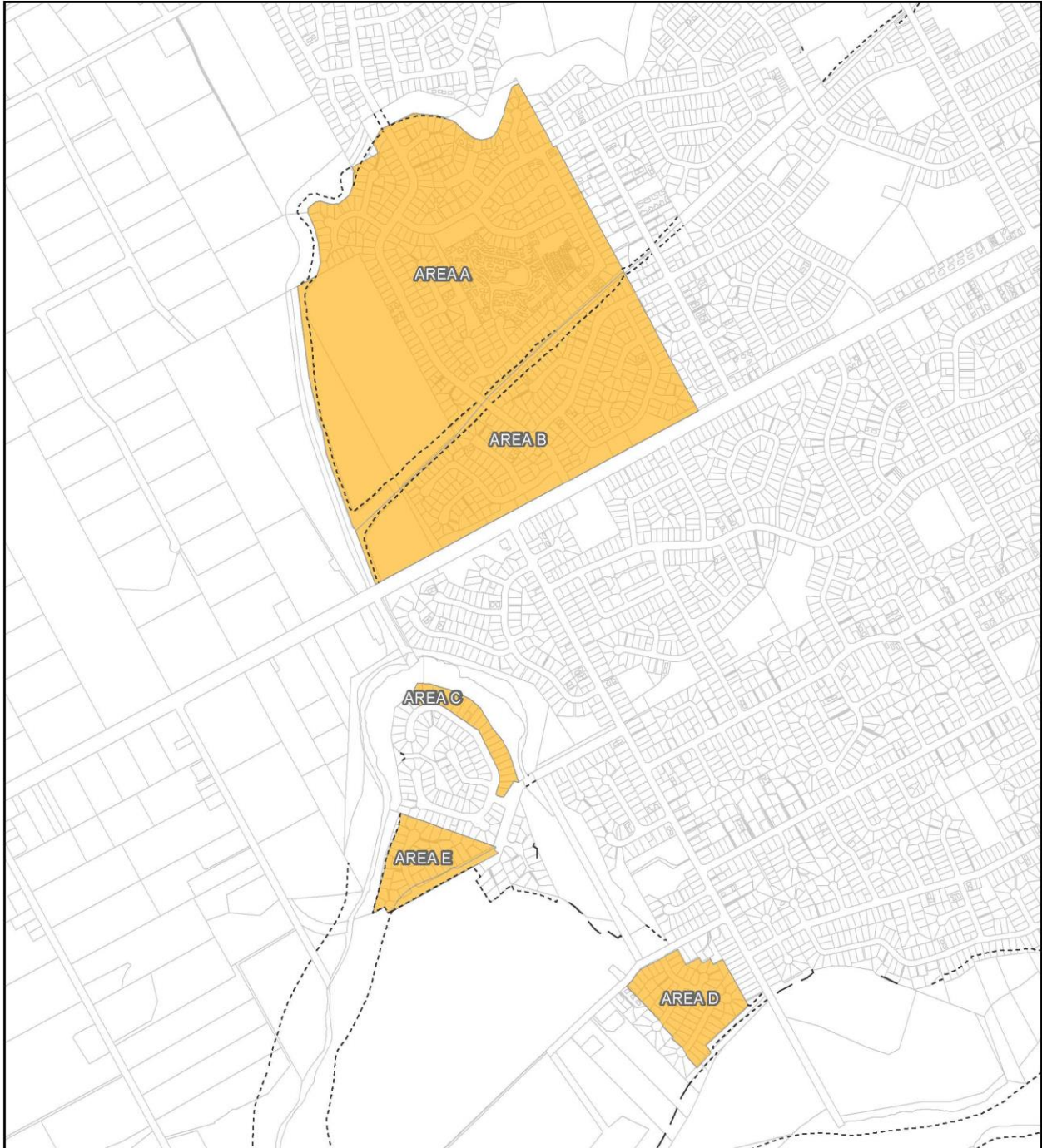
### Map 10.6.1 Landscape Provisions – Pacific Drive Extension



### Map 10.6.1.3 Areas in which Minimum Floor Levels Apply

Map 10.6.1.3

## AREAS IN WHICH MINIMUM FLOOR LEVELS APPLY




0 100 200 400 600 800 Metres




1:15,000



 Area in which minimum floor levels apply.

 Survey Zone Boundary

 Undefined Zone Boundary







### Map 10.6.3.3(b) Multi-Unit Residential Housing Area: Awapuni Neighbourhood Centre





### Map 10.6.3.3(c) Multi-Unit Residential Housing Area: Highbury Neighbourhood Centre





### Map 10.6.3.3(d) Multi-Unit Residential Housing Area: Hokowhitu Neighbourhood Centre





### Map 10.6.3.3(e) Multi-Unit Residential Housing Area: Milson Neighbourhood Centre





### Map 10.6.3.3(f) Multi-Unit Residential Housing Area: Napier Road



 **Area D**



### Map 10.6.3.3(g) Multi-Unit Residential Housing Area: Hokowhitu Lagoon Residential Area





**Map 10.6.3.3(h) Multi-Unit Residential Housing Area: Matangi Residential Area**

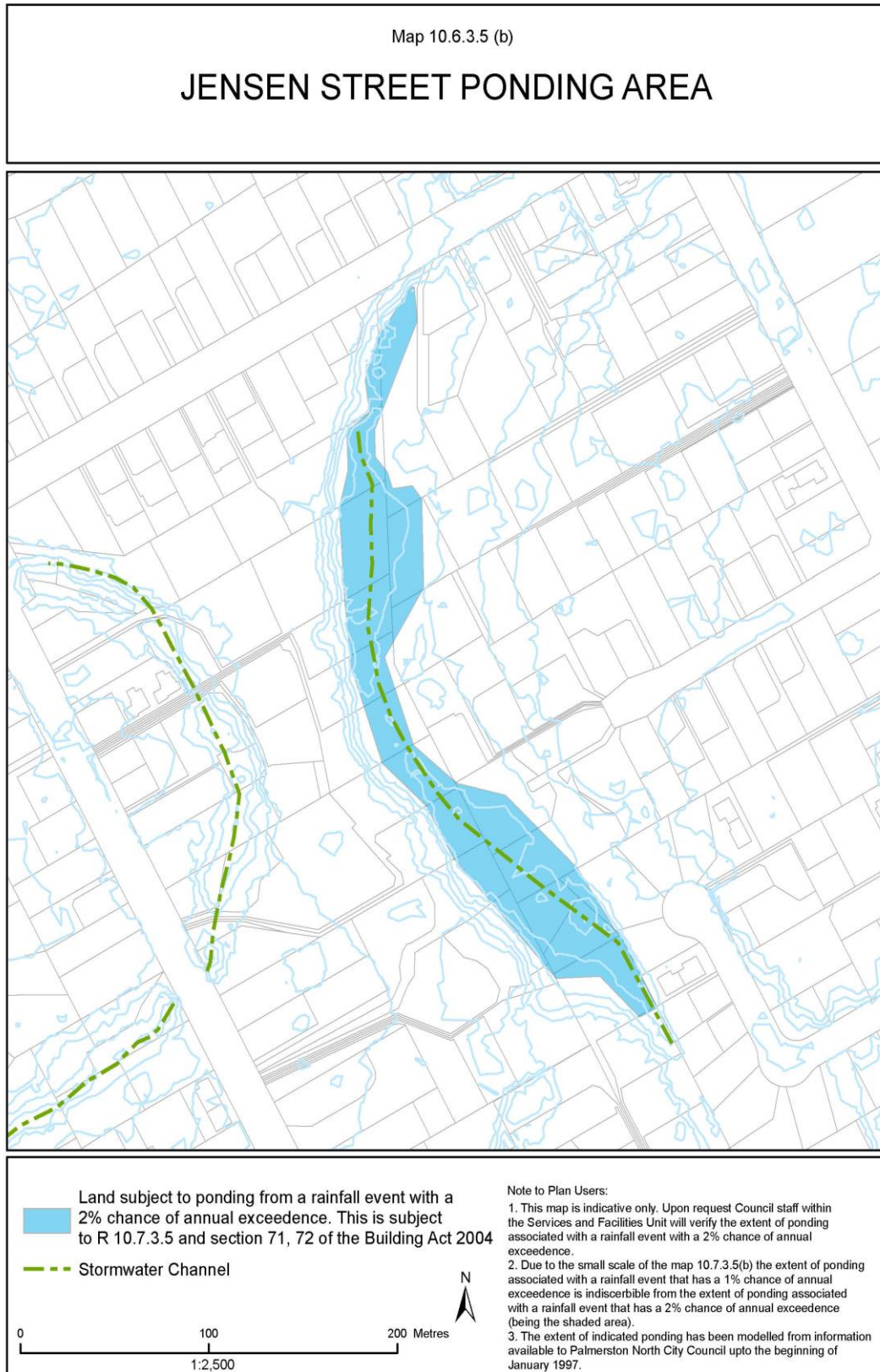




### Map 10.6.3.5a Awatea Stream Ponding Area



### Map 10.6.3.5b Jensen St Ponding Area





Map 10.6.6.1 Air Noise Contours

