
BEFORE THE HEARINGS PANEL

In the Matter of: The Resource Management Act 1991

And Proposed Plan Change E:
Roxburgh Residential Area to the
Palmerston North City District Plan

Application By: Palmerston North City Council

**SECTION 42A REPORT OF EAMON GUTHRIE ON BEHALF OF PALMERSTON NORTH CITY
COUNCIL**

Dated: 24 April 2025

Introduction

Preamble

1. My name is Eamon Michael Guthrie. I am a Senior Planner with the Palmerston North City Council. I hold the qualification of Bachelor of Resource and Environmental Planning (Honours) with a minor in Property Management, from Massey University. I am an Intermediate Member of the New Zealand Planning Institute. I have seven years of regulatory and policy planning experience in local government.
2. Over the seven years my experience in local government has included the processing of resource consent applications on behalf of council and preparation of plan changes. I have also had input in policy monitoring work required under the National Policy Statement for Urban Development (2020). I am therefore familiar with the issues associated with preparing and applying District Plan provisions.
3. The purpose of this report is to assess the proposed plan change in terms of the relevant statutory considerations and obligations, taking into account those issues raised by submissions.
4. I have read the Code of Conduct for Expert Witnesses (Section 7 of the Environment Court Consolidated Practice Note 2023) and I agree to comply with this Code of Conduct. This evidence is within my area of expertise, except where I state I am relying on what I have been told by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
5. The Council has commissioned the following team of experts to address technical issues raised in submissions:
 - Mr. Chris McDonald – Urban Design.
 - Mr. David Charnley – Urban Design.
 - Mr. Chris Groom – Transport.
 - Mr. Sean Syman – Noise.
 - Ms. Mary Wood – Stormwater.
 - Mr. Aaron Phillips – Parks and Reserves.
6. The following is a list of abbreviations referred to throughout my report:
 1. PCE – Proposed Plan Change E: Roxburgh Residential Area.
 2. RRA – Roxburgh Residential Area
 3. PNCC or the Council – Palmerston North City Council
 4. RMA or the Act – Resource Management Act 1991
 5. DOC - Department of Conservation
 6. HIRB - Height in Relation to Boundary
 7. Horizons – Manawatu-Whanganui Regional Council
 8. LTP - Long term plan
 9. MUHA - Multi Unit Housing Areas

10. NES-CS - National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
11. Reserve Classification - Roxburgh Crescent Reserve Classification
12. NPS-UD - National Policy Statement for Urban Development 2020
13. RoM - Rangitāne o Manawātū
14. District Plan - Palmerston North City District Plan
15. HBA - The Housing and Business Needs Assessment 2023
16. FDS – Future Development Strategy 2024
17. FHL – Frances Holdings Limited
18. WSD or WSUD - Water Sensitive Urban Design
19. PCI - Proposed Plan Change I: Increasing Housing Supply and Choice
20. MDRZ - Medium Density Residential Zone
21. ESLD – Engineering Standards for Land Development

7. This report outlines:

1. The submissions and further submissions received.
2. Identifies areas which are in dispute.
3. An assessment of the submissions.
4. A recommendation for the submissions received.
5. Whether any changes to the District Plan are proposed as a result of the submissions and an additional assessment under S32AA of the Act.

8. This report includes the following appendices:

1. Appendix 1 – Officer Recommendations in Response to submissions.
2. Appendix 2 – Amendments to District Plan showing Officer Recommendations.
3. Appendix 3 – State of Evidence – Chris McDonald.
4. Appendix 4 – State of Evidence – Mary Wood.
5. Appendix 5 – State of Evidence – David Charnley.
6. Appendix 6 – State of Evidence – Chris Groom.
7. Appendix 7 – State of Evidence – Aaron Philips.
8. Appendix 8 – STEM Tree Report – Bryn Withers
9. Appendix 9 – State of Evidence – Sean Syman.
10. Appendix 10 – Roxburgh Crescent Growth LTP Memo – Veni Demado
11. Appendix 11 – Roxburgh Transport Corridor Memo – Stuart Cartwright & Tyler da Silva
12. Appendix 12 – Prehearing Meeting Agenda and Meeting Notes – Horizons Regional Council
13. Appendix 13 – Prehearing Meeting Agenda and Meeting Notes – Ms. Rosemary Watson
14. Appendix 14 – Prehearing Meeting Agenda and Meeting Notes – Rangitāne o Manawātū
15. Appendix 15 – Prehearing Meeting Agenda and Meeting Notes – Frances Holdings Limited

16. Appendix 16 – Prehearing Meeting Roundtable Stormwater Meeting
17. Appendix 17 – Email with Ms. Rosemary Watson about Shading Diagrams
18. Appendix 18 – Emails and Documents from Mr. Paul Thomas about suggested changes to provisions.
19. Appendix 19 – Emails between Council and Horizons.

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1. Overview

The Plan Change Process

- 1.1 Proposed Plan Change E: Roxburgh Residential Area (PCE) has been prepared and notified in accordance with section 74 of the RMA, and the first part of Schedule 1 which outlines the requirements for changing a District Plan.
- 1.2 The plan change process allows the District Plan to be updated and changed as required to address new issues or as new information becomes available on methods to manage the City’s natural and physical resources and the effects of activities on the environment.

Summary of Proposed Plan Change E

- 1.3 A detailed description of PCE has already been provided for by the section 32 evaluation report. Refer to the report for the full description, proposed changes to District Plan provisions, and detailed purpose of PCE.
- 1.4 In summary the purpose of Proposed Plan Change E: Roxburgh Residential Area (PCE) is to rezone land around Roxburgh Crescent from Industrial, Conservation and Amenity and Recreation Zone to Residential Zone. PCE also seeks to introduce new provisions in the District Plan to manage specific issues with this existing brownfield development site.

2. Submissions

- 2.1 PCE was notified on 18 October 2024. There were no material changes to the provisions from what was previously approved by the Strategy and Finance Committee.
- 2.2 Submissions closed on 19 November 2024. Submissions to the Plan Change were received from twenty-three original submitters as follows:

| Original Submitter | |
|--------------------|-------------------|
| S1 | Sean Monaghan |
| S2 | Sophie Boulter |
| S3 | Luke Hiscox |
| S4 | Jack McKenzie |
| S5 | Brigid Holmes |
| S6 | Edrei Valath |
| S7 | Patrick Henderson |
| S8 | Robert Hodgson |

| | |
|-----|--|
| S9 | Palmerston North City Council |
| S10 | Jason Temperley |
| S11 | Frances Holdings Limited |
| S12 | Paul & Annette Gregg |
| S13 | Health New Zealand, Te Whatu Ora. Te Ikaroa, Central Region Public Health |
| S14 | P.N.Engineering Ltd |
| S15 | Grant Higgins |
| S16 | Tānenuiarangi Manawatū Charitable Trust, Te Ao Turoa Environmental Centre |
| S17 | Rowan Bell |
| S18 | Doug Kidd |
| S19 | Rosemary Watson |
| S20 | Linda Bell |
| S21 | Rebecca Hambleton |
| S22 | Horizons Regional Council |
| S23 | Jackie Carr |

- 2.3 There are a couple of procedural matters to draw the panels attention to. Firstly, Edrei Valath lodged an original submission on 1 November 2024 via an email to Council. The submission was not written in the prescribed form required for original submissions. On 4 November 2024, the Council sent an email to Edrei Valath requesting them to follow up their submission with the correct form. No follow up response was received by the Council in response to the request.
- 2.4 Secondly, Jackie Carr lodged a submission to Council as part of the Roxburgh Crescent Reserve Classification, which was notified to the public at the same time as PCE. Council Officer's identified the points raised in the submission for the Reserve Classification could also relate to the Plan Change. The Council contacted Jackie Carr via email on 22 November 2024 to clarify if she wanted the submission to be included in both the Plan Change and Reserve Classification. No follow up email response was received. I called Jackie Carr on 26 November 2024, who verbally confirmed that she would want her submission to cover both the Reserve Classification and PCE.
- 2.5 While the Hearing Panel have decision regarding the status of these submissions, I make the following comments. In my opinion, given matters of natural justice, and subsequent follow up processes undertaken by Council Officer's, the original submissions by Edrei Valath and Jackie Carr should be considered as original submissions. On that basis I have considered Edrei Valath and Jackie Carr to be an original submitter in my evidence.
- 2.6 During the original submission period it was identified that the PNCC website was not clear on the notified provisions. The draft provisions where at the top of the page, rather than the notified provisions. Changes were made to the website early on in the notification period to ensure the notified

version was front and centre and could easily be found by potential submitters. In reviewing submissions that have come in there are no known identified issues or confusion that have arisen from the website structure.

- 2.7 Further submissions were notified on 4 December 2024 with a closing date of 19 December 2024. Five further submission were received from the following parties:

| Further Submitter | |
|-------------------|---|
| FS1 | Tānenuiarangi Manawatū Charitable Trust, Te Ao Turoa Environmental Centre |
| FS2 | Frances Holdings Limited |
| FS3 | Rosemary Watson |
| FS4 | Horizons Regional Council |
| FS5 | Doug Kidd |

3. Analysis of Submissions

- 3.1 Before a plan change request can be incorporated into a District Plan it must fulfil a number of statutory requirements set down in the Resource Management Act, including:
- Part 2, comprising Section 5, *Purpose and Principles of the Act*; Section 6, *Matters of National Importance*; Section 7, *Other Matters*; and Section 8, *Treaty of Waitangi*;
 - Section 31, *Functions of Territorial Authorities*;
 - Section 32, *Duty to consider options, assess efficiency, effectiveness, benefits and costs*;
 - Section 74, *Matters to be considered by territorial authorities*; and
 - Section 75, *Contents of district plans*.
- 3.2 The assessment of the Plan Change must also include an evaluation of the provisions of PCE to determine their appropriateness. I consider this has been completed through the Section 32 Report prepared for this Plan Change. The section 32 report has not been reproduced in my evidence; but can be found in the bundle of material notified as PCE.
- 3.3 The focus of this report is to assess the issues raised in submissions on PCE to determine whether the decisions requested are appropriate, taking into account:
1. Good planning practice.
 2. The requirements of the RMA, and
 3. The relationship with the broader planning framework under the District Plan and its implementation and consistent administration.
- 3.4 Where I have recommended substantive changes to provisions, I have assessed those changes in terms of s32AA of the RMA in my evidence below (refer section 6).
- 3.5 To assist the hearing panel, I have produced revised provisions as follows:
- Appendix 1 – Officer Recommendations in response to submissions.

- Appendix 2 – Amendments to the Operative District Plan showing officer recommendations.

3.6 The process of preparing the Plan Change has been a rigorous one, based on a foundation of in-depth technical research and analysis, supported by public consultation. It is my view that the process undertaken to date has fully met the Council's statutory obligations and requirements. The purpose of this assessment is to determine whether the provisions of PCE should be confirmed, amended or deleted, after consideration of the decisions sought by submitters.

4. Prehearing meetings

4.1 To assist in understanding the substantive matters raised in submissions and to seek clarity about what changes were being sought, Prehearing Meetings have been held with the following submitters:

- a. Frances Holdings Limited
- b. Rosemary Watson
- c. Tānenuiarangi Manawatū Charitable Trust, Te Ao Turoa Environmental Centre
- d. Horizons Regional Council.

4.2 These meetings have been particularly useful in clarifying and narrowing issues and has assisted me in preparing the recommendations within my report. As a result of the prehearing meetings there are some matters that have been resolved, and drafting changes agreed.

4.3 Meeting minutes for all prehearing meetings held can be found in Appendices 12-16.

4.4 Two prehearing meetings were held with Ms Watson on 12 February 2025 and 10 March 2025 to go over the points raised in her submissions. Discussions were had on the matters that could be covered by the District Plan, vs those matters that fall outside and are covered by other legal direction. In terms of matters relating to the District Plan, discussions covered the setbacks along the Tilbury Avenue property and the proposed height limits for the area. No specific agreement has been reached with respect to the submission points. I discuss these points further in my evidence.

4.5 Two prehearing meetings were held with Frances Holdings Limited on 12 February 2025 and 14 March 2025. The second meeting was to specifically discuss an indicative layout plan and updated provisions provided by Frances Holdings Limited (following on from the original prehearing meeting). No specific agreement has been reached with respect to their submission points. Details relating to these discussions is discussed in the Officer Comments in Appendix 1.

4.6 A prehearing meeting was held on 12 February 2025 with Horizons Regional Council where it was agreed that S22.014, S22.008, S22.011, and S22.012 points had already been covered adequately by the proposed plan change. Specific agreements have been reached with respect to changes to the wording of the guidance notes. Further discussion on these points is included in the Table in Appendix 1 and a copy of the email correspondence is attached in Appendix 19.

4.7 A prehearing meeting with RoM was also held on 25 February 2025. This meeting covered stormwater, flooding, notification clauses, noise, contaminated soils, design & development of open space area. I was unable to attend that meeting, Mr. Jono Ferguson Pye was in attendance. I understand that

agreements were reached on storm water provisions as a result of the Council's submission points on storm water in S09.001, S09.002, S09.004, and S09.005.

- 4.8 Council arranged an additional prehearing meeting with Horizons, RoM and Frances on 28 March 2025. The purpose of the meeting was to specifically discuss the stormwater provisions as these parties made conflicting requests. I was unable to attend that meeting, Mr Jono Ferguson-Pye was in attendance and the notes are contained in Appendix 16 I understand that Horizons supported the current provisions in the plan change, while Frances Holdings sought the deletion of provisions. No specific agreements were reached through the prehearing meeting. I discuss this matter further in my Report below.

5. Issues outstanding

- 5.1 An analysis of all of the submissions and further submissions received, including whether each should be accepted or rejected, can be found in Appendix 1.
- 5.2 To avoid duplication, I do not repeat all submissions in the body of my evidence below. The matters or topics identified in the table below are those that I consider to be more substantive in nature. The Table below outlines the key topics. I discuss each one below. The Panel should also refer to the discussion and recommendations on all submissions are contained in Appendix 1.

| Topic/Matter | Plan Change Provisions | Submission Point |
|--|--|--|
| Stormwater – Permeable Surfaces and Water Sensitive Design | Policy 11.5, 11.7, Objective 17, Policies 17.1-17.5, Rule 10.1.6.8(d), Rule 10.6.5.6 | S11.001 S11.014 S11.015 S11.019 S11.020 S11.021 S16.005 S19.009 |
| Urban Form – Riverfront Area | Rule 10.6.1.8 (c)(iii), Rule 10.6.1.8 (f)(ii), Rule 10.6.1.8 (g)(i)(b). | S03.001 S05.001 S17.001 S18.002 S19.008 S20.001 S23.001 |
| Urban Form – Residential Interfaces with Tilbury Avenue and Ruahine Street | Rule 10.6.1.8(f)(i), Rule 10.6.1.8(i) | S17.001 S18.001 S19.003 S20.001 S21.001 |

| | | |
|------------------------------------|---|--|
| Urban Form – Lot Sizes and Density | Rule 7.6.2.6 (c), Rule 10.6.1.8(c)(iii) | S10.001 S11.006 S11.007 S19.003 |
| Structure Plan | Objective 11, Policies 11.1-11.9, Rule 7.6.2.6(b) | S11.002 S11.008 S15.001 |

5.3 The rest of this section is an analysis of the key issues that are of the greatest contention.

1. Stormwater - Permeability Requirements, Water Sensitive Design Elements
2. Urban Form – Riverfront Area
3. Urban Form - Residential Interfaces with Tilbury Avenue and Ruahine Street
4. Urban Form – Lot Sizes and Density
5. Structure Plan

Storm Water - Permeability Requirements & Water Sensitive Design Elements

- 5.4 Frances Holdings Limited (S11) oppose the permeability standards set in Policies 17.2, 17.3, & 17.4 and Rule 10.6.1.8(d) as they consider the RRA to be currently 100% impervious, therefore there will not be increased flows generated from the site as a consequence of redevelopment. The submitter further contends that there may be other acceptable solutions in terms of water sensitive design other than permeable surfaces.
- 5.5 Ms. Rosemary Watson (S19) requested in her submission that the Council investigate discrepancies in Section 32 Evaluation Report, between summary of the Stormwater Assessment consultant report, and the consultant report itself.
- 5.6 RoM (S16) partially supported the permeable surface standards proposed under Policies 17.2, 17.3, & 17.4 and Rule 10.6.1.8(d). The submitter raised concerns in their submission that use of such methods as pervious pavers or similar technologies may be ineffective in achieving sufficient infiltration over the long term.
- 5.7 During the prehearing meeting with Ms. Watson, she wanted to know how imperviousness had been calculated and if this was considered during the modelling. Ms. Wood, Council's Stormwater Expert, has outlined that the original storm water modelling was undertaken as part of the s32 evaluation report was undertaken appropriately.
- 5.8 During the prehearing meeting with RoM discussions were held about the permeable surface standards. Ms. Wood and Ms. Demado (Council's Service Manager - Stormwater) stated in the meeting that the proposed provisions allow for higher permeable areas to be provided prior to outlet upgrade. This allows landowners to develop now if they wish. RoM and Council agreed to retain provisions noting

- recommended changes as outlined in Appendix 1 and shown in Appendix 2 for storm water permeable surfaces.
- 5.9 During the prehearing meeting with FHL discussions were held about the permeable surface standards. The submitter raised concerns about creating permeable services when site is 100% impervious, and the feasibility of storm water provisions. FHL is concerned about the proposed permeability standards restricting use of land. In addition, the submitter believes soak pits are a better option than permeable surfaces.
- 5.10 Following the prehearing meetings with individual submitters, an additional prehearing meeting between Council Officer's, Horizons and FHL was held to discuss storm water matters on 28 March 2025. RoM was invited but was not able to make the meeting.
- 5.11 In the meeting FHL opposed the permeability standards arguing they are unnecessary if the proposed larger stormwater outfall is built and prefer flexibility via stormwater management plans at the subdivision stage, but without rigid rules. Ms. Wood and Horizon representative's contended permeability standards are a core tool to reduce runoff, aligning with the Regional Policy Statement (RPS) and climate resilience goals contained in the One Plan.
- 5.12 In response to the prehearing meetings with FHL, Mr. Paul Thomas provided Council alternative provisions including changes to the permeable surface standards, on two occasions. The first set of provisions were provided on 7 March 2025 following the second prehearing meeting with Council and the second set was provided on 28 March 2025 following the stormwater prehearing meeting with FHL and Horizons. Changes in the first set of provisions in the Subdivision section that relate to storm water proposed by Mr. Thomas include amendments to Objective 11, 11.7-11.8, Matters of discretion R7.6.2.6(b), and Rule 10.6.1.8(d). Changes in the provisions in the Residential zone section included the changes to objective 17, policies 17.1 to 17.4, and removal of Rule 10.6.1.8(d). Mr. Thomas's rationale was that the storm water outlet pipe upgrade or a storm water management plan would mean that permeable surface standards are not required. The changes in his second set of provisions incorporate changes from the first set of provisions but further included specific reference to water sensitive design in proposed Policies 11.8 and 16.4.
- 5.13 I do not agree with the suggested changes to the provisions raised by Mr. Thomas via emails dated 7 March and 28 March 2025 and appended to my evidence in Appendix 18. The s32 evaluation report and Stormwater Servicing Report for PCE outlined that an increase in stormwater flows is likely to occur from the site changing to residential use. Section 3.3 of the Stormwater Servicing Report demonstrated that attenuating water onsite is not seen as an option for the site as it is at the bottom of the catchment. Attenuating any flow on site may adversely impact the upstream catchment, and instead the permeable surface standards are required.
- 5.14 The current stormwater pipe outlet does not have sufficient capacity to accommodate existing development in the wider Roxburgh area, nor does it have capacity to convey future residential land use with increased impervious area from the existing land use. Therefore, upgrades to the network services are needed in conjunction with impervious surface standards and water sensitive design elements.

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- 5.15 Ms. Wood agrees with the approach undertaken in the Stormwater Servicing Report as contained s32 evaluation report. Ms. Wood considers that the provisions are an appropriate form of managing storm water in the RRA.
- 5.16 Ms. Wood has provided a response to the concerns raised by FHL in her evidence under paragraphs 82 to 87. She states in paragraph 82 her evidence that *the that runoff rates will be lower with residential development however, this reduction is not sufficient to mitigate the need for capacity improvements to the existing stormwater network. Overall, she considers that the permeability provisions meet the requirements of WSUD and capacity requirements while still providing flexibility as to how this permeable surface can be used within the development or within residential lots.*
- 5.17 While FHL advocates for site-specific stormwater plans, fixed permeability standards ensure consistent runoff reduction across all lots, preventing cumulative strain on the network during phased development. This aligns with Horizons' RPS-UFD-P8, which prioritizes catchment-wide water-sensitive design (WSD) over ad hoc solutions.
- 5.18 One of the matters raised at the combined stormwater prehearing meeting on 28/04/2025, was for Council to consider the merits of applying the elements of Council's Proposed Plan Change I: Increasing Housing Supply and Choice (PCI). FHL were of the view that this approach was more appropriate. I have discussed this with Ms Wood, who comments on the approach taken for PCI in paragraphs 88 to 91 of her evidence.
- 5.19 Ms. Wood outlines in paragraph 91 of her evidence that *Plan Change I takes a broad, city-wide approach to manage intensification across a large portion of Palmerston North – compared to Plan Change E which is site specific. From a stormwater management perspective, however, the principles of WSUD, retention of permeability and a more precautionary approach to stormwater for areas where there may be capacity constraints is consistent across both plan changes.*
- 5.20 I understand that the permeable surface standard was set throughout the MDRZ due to increased heat and rainfall as a result of climate change, the management of which is impacted by increased areas of impermeable surfaces and reductions in vegetation. The stormwater overlays within the MDRZ have been adopted as the stormwater network capacity and extent of potential flooding effects are unknown at a site-specific level.
- 5.21 As outlined in Ms. Wood's evidence, PCE has adopted a site-specific approach to stormwater management with variable permeable area provisions. Paragraphs 5.14 – 5.16 of the s42A report discuss the evidential basis for the increased permeable area provisions prior to the stormwater pipe outlet upgrade. I note that once the upgrade to the outfall is operational the provisions in rule 10.6.1.8(d)(ii) will require a 30% permeable area, which is the same permeable surface area as PCI. The new outlet pipe upgrade is dependent on a consent from Horizons and there is no certainty that this will be granted. Requiring a higher permeable surface area is appropriate and sound planning based on the technical evidence of Ms Wood. The approach in PCE is appropriately different from PCI for the above reasons.

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- 5.22 The National Policy Statement on Urban Development (NPS-UD), NPS-UD ,Horizons' One Plan (RPS-UFD chapter), and the FDS emphasize the need to ensure urban development does not exacerbate storm water issues.
- 5.23 The NPS-UD is a higher order planning document that PCE is required to give effect to. Policy 2.2(1) requires planning decisions to contribute to a well-functioning urban environment that is resilient to the likely current and future effects of climate change. In this instance Objective 11(b), Policy 11.6, Policy 11.9, Rule 7.6.2.6(iii)-(iv), Objective 17, policies 17.1 to 17.4 and Rule 10.6.1.8(d) as a package address this direction. I am of the opinion that the proposed provisions give effect to the NPS-UD requirements.
- 5.24 The NPS-FM is a higher order planning document that PCE is required to give effect to. Clause 3.5.4 requires Council provides a suite of objectives, policies, and methods in the ODP to promote positive effects and address adverse effects of urban development on the health of water bodies, freshwater ecosystems, and receiving environments. In this instance the proposed Objective 11(b), Policy 11.6, Policy 11.9, Rule 7.6.2.6(iii)-(iv), Objective 17, policies 17.1 to 17.4 and Rule 10.6.1.8(d) as a package address this direction. I am of the opinion that the proposed provisions give effect to the NPS-FM requirements.
- 5.25 I consider that the plan change provisions also give effect to RPS-UFD-P8 within Horizon's One Plan. The permeable surface and water sensitive design standards align with RPS-UFD-P8 which requires development to minimise its contribution to climate change through the use of (but not limited to) water-sensitive design and nature-based solutions). Horizons have supported PCE in this regard and have provided a submission in support of PCE as it aligns with RPS-UFD-P8. Proposed Objective 17, Policies 17.2 - 17.3, Rule 10.6.1.8(d), and Rule 10.6.5.6 in Section 10 – Residential Zone, have also been drafted in response to the Storm water Servicing Report, and the NPS-FM. The provisions are also not in conflict with the Council's Engineering Standards which encourage water sensitive design. Proposed Objective 11, Policies 11.5 & 11.8, and Rule 7.6.2.6(d)(iii) & (iv) within Section 7 – Subdivision,¹ provides the framework to ensure storm water effects from development is managed through water sensitive design principles.
- 5.26 Taking into account Ms Wood's evidence, I am of the opinion that the existing provisions under Objective 11, Policy, Policy 11.7, Objective 17, Policies 17.1 to 17.5, Rule 10.1.6.8(d), and Rule 10.6.5.6 are appropriate and stormwater management assessment approach to PCE has been appropriately undertaken. I do not support the removal of the permeability provisions from the plan as notified.
- 5.27 I note that the only recommended change to the storm water provisions are in response to submission point numbers S09.002 and S16.005 relation to rules 7.6.2.6(d)(iii) and (iv). These matters were not in contention through the prehearing meetings. The amendment to Rule 7.6.2.6(d)(iii) involves additional wording to provide clarity for plan users on which storm water treatment devices can be used, that result in adequate storm water treatment outcomes The amendment to Rule 7.6.2.6(d)(iii) involves the removal of 'pervious pavements' reference as the ESDL would not support the use of permeable
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pavements in a residential area, as outlined in paragraph 114 of Ms. Wood's evidence. These changes are discussed further in Appendix 1.

Urban Form – Riverfront Area

- 5.28 There were a variety of submissions about the height provisions in the proposed plan change. Ms. Bridget Holmes (S05) supports the provisions that provide for 3 storey dwellings, only if it is developed by private developers/homeowners. Mr. Rowan Bell (S17) is concerned that 3 storey housing overlooking the river walkway will be an eyesore and monopolise the landscape, losing its ambience and tranquillity. Ms. Rebecca Hambleton (S21) has concerns that 3 storey high dwellings along Riverfront Area will dominate and overwhelm that section of the River Park they overlook. Mr. Doug Kidd (S18) has concerns that allowing buildings that are 3 storeys that can be seen from the foot paths will reduce the "semi-rural park setting" of the walkway. Ms. Linda Bell (S20) has concerns that 3 storey homes would dominate the whole of the Roxburgh Residential Area. Two storey dwellings have less impact when viewed from the river. Ms. Watson (S19) argues that there is no need for buildings to provide spatial definition of the river corridor because the stop bank already produces this effect, and that two-storey houses are tall enough to provide passive surveillance of the 'River Park' area.
- 5.29 During the drafting of PCE, there were renders of what development could look like when viewed from the river corridor. These were developed in 2023. These were created at a time when the draft provisions enabled the entire site to be built three storeys high. Council changed this approach before notification; therefore, these images are not reflective of the proposed plan provisions as they relate to the notified height, setbacks and height recession planes. To assist the hearing process, Mr. Charnley (Council's Senior Urban Designer) provided images of what 3 storey development may look when viewed from the Manawatu River Reserve based on the proposed plan provisions. These diagrams showed seven different viewpoints of what development may look like, if constructed in accordance with the notified bulk and density provisions.
- 5.30 Mr Charnley's evidence is contained in Appendix 5. At he outlines his approach taken to developing the images paragraph 13 of his evidence with the images contained in the appendix I of his evidence.
- 5.31 Mr. McDonald further details in paragraphs 96 – 116 of his evidence the rationale for increasing the maximum height of buildings along the Riverfront Area. A built edge along the river corridor contributes to the urban landscape, providing spatial definition and improving legibility. He argues that a visible built edge is more satisfactory than the current fragmented relationship, as it reflects the city's increasing orientation toward the river whilst enabling greater residential intensity along the RRA's interface with the river. Three-storey dwellings enhance passive surveillance of the river corridor, as second-floor windows provide better oversight and improving safety.
- 5.32 The proposed heights in the Riverfront Area assist to create a well-functioning urban environment as required by the NPS-UD and provide higher density options as outlined in the FDS. As discussed, by Mr. McDonald, the proposed three-storey buildings align with the NPS-UD as it will enhance passive

surveillance of the river corridor, reducing anti-social behaviour (per CPTED principles), while creating a vibrant streetscape over the river corridor.

- 5.33 In response to the concerns raised by Ms. Holmes, the District Plan cannot specify who can own or build housing or what they can be used for, nor can the District Plan direct social housing and property ownership. The District Plan can only manage the built form and location of housing.
- 5.34 Taking into account the evidence by Mr. McDonald and Mr. Charnley, the proposed 11m height in the Riverfront Area is considered to be appropriate. I note that the 11m height rules are limited in extent and do not boarder the existing Residential Zone. No changes are recommended to the proposed provisions as a result of the above submissions.

Urban Form - Residential Interface with Tilbury Avenue and Ruahine Street

- 5.35 Mr. Kidd (S18) and Ms. Watson (S19) have requested that the building height along their property boundaries should be reduced as it will result in shading, visual dominance and privacy effects on existing properties.
- 5.36 Ms. Hambleton (S21) raised concerns that 9-metre-high homes backing onto current housing will encroach into the privacy and sunlight into current homes for properties located at Ruahine Street. She requests building heights to be single storey height, except where it adjoins stop bank.
- 5.37 During the notification period, Mr. Charnley provided to Ms. Watson diagrams outlining the potential shading and building bulk that could occur if permitted activity dwellings were built on lots adjacent to Tilbury Avenue. The shading diagrams were based on what the shading and building bulk effects may be during winter solstice on her property at Tilbury Avenue. A copy of the diagrams is provided in Appendix 17.
- 5.38 During the prehearing meetings with Ms Watson there were discussions regarding the residential interfaces and the shading on her garden, and potential reduced privacy. In response to these discussions Mr. McDonald further considered the issues and in paragraphs 139-146 of his evidence has recommended a performance standard requiring buildings (and accessory buildings) to be located 5 metres from a property boundary on Tilbury Avenue. The 5m standard provides a balance to alleviate potential privacy, shading, and building bulk concerns on Tilbury Avenue properties while still allowing for residential development consistent with the wider residential zone.
- 5.39 Mr. McDonald states in paragraphs 139 and 146 of his evidence that the HIRB provisions and new 5m separation distance would appropriately manage any privacy concerns raised by the submitter. I agree with the approach and support the 5m setback for buildings from Tilbury Avenue property boundaries. Refer to my recommendation in Appendix 2 which contains the recommended changes to the plan change provisions.
- 5.40 Mr. Kidd and Ms. Watson did request that buildings adjoining Tilbury Avenue should be restricted to one-storey in height. However, Mr. McDonald discusses in paragraphs 130 to 135 of his evidence that lower building heights would be excessively restrictive and that the proposed stepped-down HIRB

provisions ensure that persons on Tilbury Avenue retain appropriate level of privacy and overlooking. I am of the view that there is nothing unique about the site to warrant the reduction to single storey development, when existing homes on Tilbury Avenue can be built to two storeys as of right under the Residential Zone.

- 5.41 In relation to the concerns raised by Ms. Hambleton, Mr. McDonald has discussed the matter in paragraphs 148 and 197 of his evidence. He demonstrates the current industrial buildings along Ruahine Street create a poor interface with neighbouring homes, featuring blank walls and unbroken rooflines that offer no visual connection. The change from industrial to residential use ultimately enhances the streetscape and living environment for Ruahine Street residents.
- 5.42 I do not consider it to be reasonable to enforce a lower height standard in this circumstance, compared to what can be done as of right throughout Palmerston North in the Residential Zone. Reducing building heights would be contrary to the overall purpose of PCE and not align with strategic documents including the FDS and NPS-UD which are to enable housing choice and density.
- 5.43 Based off the evidence of Mr. McDonald, I recommend that an additional separation distance performance standard be included in the provisions to ensure all buildings and accessory buildings are located no more than 5 metres from a boundary with Tilbury Avenue properties. No other changes to the proposed provisions are recommended as a result of these submissions.

Urban Form – Lot Sizes

- 5.44 Mr. Temperley (S10) seeks an unspecified increase in minimum lot size in order to avoid excessive density; achieve a better fit with existing residential areas and provide more private outdoor space. Mr. Higgins (S15) sought an increase in minimum lot size to 350m² in order to achieve less intensive development and allow flexibility in the structure plan. FHL (S11) sought an increase in maximum lot size to 600m² as 'site planning is showing that in a few cases a larger lot may be necessary'. Ms. Watson (S19) requests larger lot sizes along southern boundary where it adjoins properties on Tilbury Avenue.
- 5.45 The RRA was considered a suitable area for higher density given it's location in the Palmerston North urban area noting it is zoned industrial despite being surrounded by residential development. Despite it not being included in the proposed MDRZ as part of PCI, it is a suitable location for increased density due its proximity to local schools, bus routes, the Manawatu River, and the Hokowhitu Shopping Centre. PCE was developed on the basis of providing for higher density options in the City as contained in the FDS². There are already other areas within the city that enable larger lots such as the Napier Road Extension Residential Area and Aokautere Residential Area.
- 5.46 A key driver of PCE is to enable smaller lots with a view to maximise the yield that this site provides Palmerston North. Increased yield provides more housing choice, housing price ranges, and typologies for future homeowners/occupiers. Councils FDS is clear that smaller lots and more housing is required in the short term and this site is critical to achieving the housing shortfall Palmerston North has. PCE

² Refer to Section D and Appendix 4 of the FDS for the reasons for the RRA being a candidate for increased density.

aims to meet this outcome by increasing the diversity of the housing stock available in Palmerston North with a range of small to medium sized lots, including the enablement of multi-unit residential dwellings. Smaller lot size encourages diversity in housing typology and will meet growing demand for smaller households.

- 5.47 Mr. McDonald has provided a response to the submissions regarding the density of PCE provisions in his evidence under paragraphs 53 to 80. Overall, he considers that the proposed minimum and maximum lot sizes in the provisions are appropriate. He considers that the 250m² provides an acceptable degree of amenity for residents and that there no is evidential justification to increase the lot sizes to 600m². He considers that the lot size and site area provisions achieve higher density while maintaining acceptable amenity levels for future residents.
- 5.48 Mr. McDonald discusses in paragraphs 60 - 64 of his evidence that lot sizes of 250m² can accommodate a range of housing typologies that meet the proposed provisions, contained on lots with appropriate dimensions, appropriately sized outdoor living areas, while providing an acceptable level of amenity.
- 5.49 Mr. McDonald discusses in paragraph 85 of his evidence that by having a minimum lot size of 250m² (in combination with a maximum lot size of 600m²), it allows for 30% more lots available than what could be undertaken under the existing Residential Zone where there is a 350m² minimum lot. Therefore, these provisions (specifically minimum lot size) assist to enable a variety of dwelling densities including multi-unit residential development.
- 5.50 If the minimum lot size would increase to 350m² there would be reduction of number of lots available for development and be contrary to the FDS housing targets within Brownfield areas. 250m² lots would enable 120 lots, as outlined in paragraph 41 of Mr. McDonald's evidence, assisting to addressing Palmerston North's shortage of housing stock diversity and availability. During the prehearing meeting with FHL, concerns were raised about the proposed maximum lot size provisions. The submitter requested the maximum lot size be increased to 600m² as they consider the wording of Rule R10.6.1.8(c)(b) and reference to number of buildings per site (Rule 10.6.1.8(iii)) to be unworkable as proposed. Following the meeting, Mr. Thomas provided an indicative site plan which included 9 lots that were more than 500m².
- 5.51 At the outset I note that there has been no further information provided as to why the proposed maximum lot size is unworkable. It appears that the submitter wishes to retain the ability to include larger lot sizes, but this is not in my opinion, a factor going to workability of the plan provisions. To the contrary, as discussed below and in Mr McDonald's evidence, the analysis undertaken of the optimal site layout and development in the RRA, supports the maximum lot size of 500m².
- 5.52 Mr. McDonald has reviewed this indicative site plan and stated in paragraph 79 of his evidence that:
More generally, I note that the submitter's indicative layout results in a much lower yield than that which is possible under PCE. This is unfortunate because – as the RRA's largest landholding – the FHL property offers the best opportunity for intensive development. Elsewhere in the RRA, I estimate that subdivision of existing parcels will result in approximately 35 mostly compact lots. When these are added to the 67

parcels in the submitter's indicative layout, the RRA's total yield is 102 lots i.e., significantly fewer than the 120 lots forecast in my broadbrush intensive development scenario (see paragraph 41).

- 5.53 Mr. McDonald considers that a 500m² maximum lot size prevents overly large properties that would waste space and reduce housing options. In paragraphs 71-74 Mr. McDonald outlines how 500m² maximum lot size is viable, even on irregular-shaped land. Bigger lots would mean fewer dwellings overall, going against the overall intent and focus of PCE which is to increase density and housing choice for the city. Retaining the limit at 500m² ensures a mix of housing types being the most efficient use the land.
- 5.54 In response to the NPS-UD, HBA, and FDS, the proposed lot sizes assist to enable higher density options in the City. There are other areas within the city that already enable larger lots as discussed in paragraph 5.45 of the s42A report
- 5.55 I am of the opinion that reducing the number of lots and dwellings available, through the lot sizes suggested by Mr. Temperley, Mr. Higgins and FHL, was reduced it would not align with the purpose of the plan change as contained in the s32 evaluation report, the FDS, HBA, and Council's Strategic Documents (in particular the City Growth Plan and Eco City Strategy).
- 5.56 In response to concerns raised by the submitters regarding the need for a larger maximum lot size, I note that a Discretionary Activity consent is available as an alternative option.
- 5.57 Based on the evidence of Mr. McDonald, I consider that there is no need to change the minimum or maximum lot sizes as requested by the submitters.³

Structure Plan

- 5.58 Mr. Grant Higgins (S15) has outlined in their submission that flexibility in the structure plan is important to ensure development can 'fit' in a development area.
- 5.59 FHL (S11) contends that the proposed Structure Plan is considered overly prescriptive and gives no room for future flexibility. The submitter outlines that it unnecessarily defines all the parameters of any subdivision other than the dimensions of the sections. The submitter has requested flexibility with the structure plan. FHL also raised concerns about the viability of the 13-metre road corridor proposed throughout the RRA (except the middle of the RRA where it extends to 20.5 metres, as contained in Rule 7.6.2.6(d)(a)).
- 5.60 During the prehearing meetings with FHL, discussions were had in response to concerns about whether the proposed structure plan was appropriate and whether provisions should be amended to allow for resource consenting flexibility to move away from the intended outcomes of the structure plan.
- 5.61 Following the second prehearing meeting FHL (through Mr Thomas) provided their first set of their intended proposed provisions and an indicative site plan on 7 March 2024 and second set of amended provisions on 28 March 2025. Discussions about other minor changes to the proposed provisions are discussed in paragraphs 5.12-5.13 and 5.50-5.52 of the s42A report. In relation to the structure plan

³ Discussions about minor changes to the wording of Rule 10.6.1.8(c)(iii) can be found in Appendix 1.

- these provisions included amending policy 11.1 to allow for development to proceed in accordance with the structure plan, unless better outcomes can be achieved; and making the construction of Local Road 'B' optional. The indicative site plan showed a 15m wide road corridor throughout the RRA. No discussion was provided in the submission on in support of their proposed changes to the provisions.
- 5.62 At the outset I note that there has been no further information provided as to what the better outcomes sought in the provisions would be. It appears that the submitter wishes to retain the flexibility for their preferred subdivision layout and design. To the contrary, as discussed below and in Mr McDonald's and Mr. Groom's evidence, the analysis undertaken of the optimal site layout and design in the RRA, supports the proposed provisions and outcomes sought through the subdivision layout and development, which in turn are captured in the structure plan.
- 5.63 Structure Plans are commonplace in New Zealand but more specifically in the PNCC jurisdiction as they have been included recent plan changes including (but not limited to) Aokautere Urban Growth Area and Matangi Private Plan Change.
- 5.64 Mr. McDonald has outlined in paragraphs 27 to 30 of his evidence the process of the structure plan and how it has evolved as a master planning exercise over the past 5+ years. He is of the opinion that the structure plan is the most optimal design outcome for this brownfield site. The spatial components of the structure plan are outlined in paragraph 28 of his evidence.
- 5.65 In paragraph 56 of Mr. McDonald's evidence he further states, *as a large brownfield site – much of which is in single ownership – the RRA is a candidate for comprehensively planned development where relationships between dwellings can be managed and where landscaped streets and reserves complement private outdoor areas. The proposed structure plan helps to ensure these outcomes.*
- 5.66 As outlined earlier, Mr. McDonald has reviewed the indicative layout plan provided by FHL. He notes that the plan provides reduced lot yield and reduced density in the RRA. He is unable to support the indicative layout plan as a means to change the structure plan provided by FHL for the reasons stated in paragraphs 79 and 80 of his evidence. Mr. McDonald outlines in paragraph 80 that:
I note that almost one quarter of the indicative layout's parcels are rear lots (see Fig.3). The majority of these are caused by truncating Road B and substituting a series of private rights-of-way. There are three reasons why this represents a poor urban design outcome. First, rear lots have little if any contact with the public realm. Second, the taller dwellings permitted on riverfront lots are no longer associated with spacious streetscape (see paragraphs 47 and 105). Third, connectivity is reduced because a public through street is replaced by a collection of private cul-de-sacs.
- 5.67 Mr. Groom, Council's Transportation Expert, has reviewed the indicative site plan provided by FHL in paragraph 37 of his evidence. He notes that the provision of cul-de-sacs and right of ways would result in worse transport outcomes, compared to the current proposed grid street network. He outlines that:
A grid street network creates shorter block lengths than a street network comprising of cul-de-sacs and therefore encourages more walking and cycling due to shorter trip distances. The long right of ways shown within the indicative layout plan also raise safety concerns, particularly with respect of an

increased risk of low speed run over fatalities (i.e. when a child is run over whilst playing on a driveway (most commonly by a parent or other family member)).

- 5.68 Mr. Stuart Cartwright, Council's Chief Engineer, has provided a memorandum confirming that services can be located underneath the footpath/carriageway, with a road corridor width of 13 metres. Additionally, Mr. Groom has outlined in paragraph 39 regarding the proposed 13.0m wide road corridor that:

The proposed carriageway width is suitable for residential purposes because narrower streets encourage slower vehicle operating speeds and visitor parking can be accommodated on one side of the street.

- 5.69 In relation to the submission points on the width of the road in the cross sections and on the structure plan legend (which link back to rules 7.6.2.6(b), (d)(i), and (d)(ii)), I recommend that the word 'minimum' be included. This provides the landowner with flexibility to build a wider road if they chose to do so in the future. Council has provided, through evidence noted above, that departure from the engineering standards is acceptable in this instance.
- 5.70 In response to FHL requesting to making local road 'B' optional, the purpose of the road layout, including the provision of local road 'B', assists to avoid the use of right of ways and cul-de-sacs within the RRA. Mr. McDonald discusses in paragraph 28(b) of his evidence that *Conceptually Local Street B runs parallel to Roxburgh Crescent and supports subdivision into compact east-west oriented lots.*
- 5.71 As outlined above in paragraph 38 of Mr. Groom's evidence, the proposed structure plan including the provision of local road 'B' assists to encourage more walking and cycling connectivity opportunities and provide better safety outcomes within the RRA. This is comparison to enabling right of ways and cul-de-sacs in residential areas which can result in poorer safety outcomes, including potential facilities, and connectivity outcomes. I consider that a grid network street layout, similar to what is being proposed in the structure plan, provides shorter driveways and provides greater separation between the driveway and outdoor areas.
- 5.72 I consider that Road 'B' is a significant road throughout the bulk of the site and is not just the area to the north (as depicted in the indicative layout plan). If Road B were to be optional, it would undermine the entire structure plan and would potentially create long cul-de-sacs & right-of-way's through part of the site and reduce the number of lots with a connection to the street edge. This outcome sought by the submitter does not achieve the objectives that are contained in the draft set of provisions.
- 5.73 One of the outcomes sought by the NPS-UD is to provide for well-functioning urban environments by enabling a variety of housing options & variety in the short to medium term. The suite of proposed objectives, policies, and structure plan as outlined below assists to meet this directive to direct where development is best suited to occur and enable higher density options in the RRA.
- 5.74 I am of the opinion that the proposed suite of objectives and policies creates a well-functioning urban environment, as directed by the NPS-UD. Policy 11.2 outlines the intended design outcomes during the development stage of the RRA which includes the restrict the numbers of cul-de-sacs & right of ways, enable a highly connected street layout. In response to Policy 11.2, the structure plan (and linked rule) was formed to provide optimal development layout and design guidance for future development within

the RRA that meet the design outcomes outlined in the objectives and policies. I consider that the inclusion of Local Road 'B' within the structure plan is the most effective and efficient way to ensure optimal connectivity is achieved that creates a connected internal street layout, enables dwellings to have connections to the street, and meets the design outcomes specified in Policy 11.2⁴.

- 5.75 In response to the NPS-UD, HBA, and FDS, the suite of proposed objectives and policies, which link back to the structure plan, appropriately guides development's, layout and density, and street design. The proposed provisions ensure connectivity and permeability of the residential area through a grid network identified through the location of roads. This layout also ensures that the proposed development is connected and integrated with the existing built areas and wider landscape (including the adjoining river environment).
- 5.76 The proposed provisions therefore enable higher density options as directed through the FDS, while providing for an integrated, permeable, connected and efficient residentially developed area. These key outcomes are also supported through the objective 11 and policies 11.1-11.9 which enable the outcomes sought by the structure plan.
- 5.77 Therefore, I consider that these proposed objectives & policies in PCE, achieves a well-functioning urban environment sought by the NPS-UD, which is guided through the use of the proposed provisions and structure plan within the RRA.
- 5.78 Taking in account the evidence of Mr. Groom and Mr. McDonald, I consider that the structure plan is appropriate and I do not recommend any changes to the Structure Plan as a result of the above submissions, and supplementary provisions provided by FHL post pre-hearing meetings.
- 5.79 However the exception is that the road corridor width can be amended if wanted, as outlined paragraphs 5.68 and 5.69 in the s42A report.

Proposed Objective 11 and Policies 11.1-11.3

- 5.80 As outlined above, I note that Policies 11.1-11.9 have been prepared to ensure the specific design outcomes sought by the structure plan and PCE more generally are achieved. In particular, the policies have been developed to diversify the housing stock within Palmerston North, ensure there is a single access point to the Manawatu River, enable specific roading layouts, restricting cul-de-sacs & right-of-way's, increase connectivity, and manage stormwater effects. These key outcomes are further explained in the s32 evaluation report.
- 5.81 In response to the proposed objectives and policies the structure plan for the RRA has been drafted guiding persons how development should appropriately proceed, in order to achieve the overall outcomes of the rezoning. Additionally, including a reference to the term 'in general accordance with the Structure Plan' is best planning practice as well.
- 5.82 The importance of these outcomes for the proposed residential area (and its surrounds) resulted in the plan framework requiring development to be in general accordance with the Structure Plan (Policy 11.1).

⁴ Changes are proposed to the wording of Policy 11.2 to outcome the design outcomes intended in the RRA and are discussed in paragraph 5.88 of the s42A report.

I remain of the opinion that Policy 11.1, requiring general accordance with the structure plan policy, is appropriate to ensure the delivery of an integrated and connected residential development with sufficient density to assist the City meet its housing objectives. I am of the view that the Structure Plan also supports the creation of a well-functioning urban environment as set out in the NPS-UD. The proposed layout and design are supported by the evidence of Mr. McDonald, Mr. Groom, aligning with the strategic outcomes sought in the NPS-UD by contributing towards well-functioning urban environments through enabling a variety of housing options in the RRA. No changes to Policy 11.1 are recommended.

- 5.83 Where subdivision is not in general accordance with the structure plan, a Discretionary activity consent will be required. This ensures there is some flexibility in how development can be achieved in accordance with the suite of objectives and policies. Should a developer seek to develop in a different way, then they would need to demonstrate how the changes still give effect to the overall outcomes sought under Objective 11 and policies 11.1-11.9.
- 5.84 Following the prehearing meetings with FHL and upon reflection of Mr. McDonald's and Mr. Groom's evidence, I recommend amendments Objective 11 and Policies 11.1-11.3. The purpose of these changes is to better articulate the desired design and layout outcomes for the RRA within the policy framework. These changes are made in response to Mr. Groom's and Mr. McDonald's evidence, which reflect the need for a compressively designed and connected residential area within the RRA to be incorporated into the provisions. These amendments seek to clarify the design and layout outcomes sought by the structure plan, to ensure that they are accurately reflected in the proposed objectives and policies. These amendments to the proposed provisions will provide a clear planning framework for the assessment of future development proposals, including those that are in general accordance with the Structure Plan.
- 5.85 I have outlined specific recommended changes to the wording of objective 11 and policies 11.1-11.3 and are discussed in the paragraphs below.
- 5.86 Objective 11 could be amended outline the overarching outcomes sought in the RRA. The amendment proposed seek to ensure development in the RRA provides for comprehensively design & connected residential area, whilst being integrated into the surrounding environment. These outcomes in the amended objective better reflect the design and layout outcomes required in the RRA, without referencing the structure plan itself, to allow for departures if sought by plan users. The amended wording of Objective 11 is outlined in Appendix 2.
- 5.87 Policy 11.1 could be amended to emphasise the importance of the most optimal subdivision layout to be in general accordance with the structure plan as highlighted in Mr. McDonald's evidence. These amendments seek to ensure subdivision layout and development provides a sufficient range of lot sizes to enable housing diversity. By amending Policy 11.1 it would assist if development is not in general accordance with the structure plan, to ensure larger lot sizes are not being proposed by developers. The amended wording of Policy 11.1 is outlined in Appendix 2.

- 5.88 Policy 11.2 could be amended to provide further clarity to plan users the connectivity outcomes which are contained in the structure plan. These outcomes are to ensure that an integrated, connected and efficient roading network is achieved, including through the avoidance of cul-de-sacs and multiple right of ways for reasons of legibility and safety. These matters above are important in achieving a well-functioning urban environment. I have therefore recommended amendments to Policy 11.2 which require a highly connected internal street layout, that integrates with the surrounding transport network, and provides adequate provision for pedestrian access and cycleways. The amended wording of Policy 11.2 is outlined in Appendix 2.
- 5.89 Policy 11.3 could be amended to acknowledge the existing limitations of the Roxburgh Crescent road corridor by ensuring future development is 'in general accordance' with the road cross sections rather than 'enabling' road cross sections. By using the term 'general accordance' instead of 'enabling', it direct plan users to ensure consistency with the proposed roading cross-sections is achieved. I have recommended amendments to policy 11.3 to ensure development in the RRA recognises the existing road layout and ensure development is 'in general accordance' with roading cross sections. The amended wording of Policy 11.3 is outlined in Appendix 2.
- 5.90 Based off the evidence of Mr. McDonald and Mr. Groom, I recommend changes to the wording of Objective 11, Policies 11.1-11.3 to ensure consistency between the proposed provisions and outcomes sought in the structure plan.⁵

6. Statutory Considerations

Section 32 – Evaluation of Appropriateness

- 6.1 Section 32AA of the RMA requires a further evaluation of changes made to PCE since the original evaluation report was completed. I have set out recommended changes throughout my assessment of submissions in Appendix 1. Rather than repeat the reasons and evaluation for each of the changes in this section, I have included my additional assessment under each of the relevant provisions. This approach is considered appropriate to reflect the scale and significance of the changes relating to the decisions requested by the submissions.
- 6.2 The changes that are recommended in Appendix 1 are relatively minor and aim to improve the certainty and clarity of the provisions for plan users or amend unintended consequences resulting from drafting the provisions.
- 6.3 However, there are three changes where I consider a greater s32AA assessment is required. This relates to the policy amendments to outline the correct storm water requirements outlined in the original Stormwater Servicing Report, minimum finished floor levels, and the change in setback distance from the rear boundary with those properties boarding Tilbury Avenue. I discuss each of those below.

⁵ Amendments to the wording of Objective 11 and Policies 11.1-11.3 are found in Appendix 2 of the s42A report.

- 6.4 There are other matters where more substantial changes are recommended and the following additional evaluation in terms of S32AA is provided below.

Amendments to Objective 11 and Policies 11.1-11.3

- 6.5 Upon reflection following the prehearing meetings with FHL and evidence submitted by Mr. McDonald and Mr. Groom, I recommend amendments to the wording of proposed objective 11 and proposed policies 11.1-11.3 for PCE.
- 6.6 As outlined in paragraphs 5.83-5.87 of the s42A report, the changes are recommended to better articulate the key outcomes sought by the structure plan in response to Mr. McDonald's and Mr. Groom's evidence. These changes help plan users to understand how development can achieve a comprehensively designed, integrated, and connected residential area without relying solely on the Structure Plan for guidance.
- 6.7 The proposed amendments give effect to Policy 2.2(1) in the NPS-UD, which promotes a well-functioning urban environment by enabling a variety of housing typologies, sizes, and prices. By explicitly stating these outcomes in the provisions, and not solely relying on the structure plan, the changes ensure greater clarity for plan users and enable a wider variety of housing options.
- 6.8 The amendments the proposed objective and policies provide benefits as it outlines to plan users the optimal design and layout outcomes sought as part of PCE, therefore potentially reducing the amount of time and cost spent on drafting development plans. However, the costs associated may mean that developers may be constrained to a prescribed layout and are locked into developing the site in accordance with the stated subdivision layout and design. While alternative development plans could yield better design and layout outcomes, no submitters have yet proposed viable alternatives.
- 6.9 Overall based on the evidence as outlined in paragraphs 5.83-5.87 of the s42A report and evidence prepared by Mr. McDonald and Mr. Groom there is sufficient information to act.
- 6.10 Refer to Appendix 2 for the recommended changes to the proposed plan provisions.

Provisions for Copper and Zinc Roofing Materials

- 6.11 PNCC (S9) has provided a submission to introduce provisions where copper and zinc roofing materials are used in future development.
- 6.12 As outlined in paragraph 49 Ms. Wood's evidence this is a requirement to ensure that the discharge of contaminants via stormwater runoff is minimised. She considers that Council therefore has a responsibility to ensure that where copper and zinc roofing, guttering and building materials are used in urban development that these products are sealed, or that these products are treated to prevent these contaminants from entering the stormwater network.
- 6.13 The recommended provisions require that where copper and zinc materials are used in future development, these products are to be treated to mitigate the discharge of these contaminants to

downstream watercourses, which in this instance is the Manawatū River. This is consistent with the provisions also included in PCI.

- 6.14 As discussed in my Appendix 1 table, the NPS-UD requires Councils to improve stormwater quality and this is one way of achieving that change. The inclusion of these provisions improves the effectiveness of the provisions in ensuring effective stormwater quality management (therefore meeting District Plan objectives). This wording is considered to be effective and efficient compared with the alternative which would be to have a policy which avoids the use of those materials or requires consent for the use of zinc and copper. This alternative is considered to be an over-reach of the District Plan telling developers what materials they can or can not use, or unnecessarily requiring consent even if sealing was undertaken.
- 6.15 These provisions also seek to align clause 3.5(4) of the NPS-FM and Horizon's RPS Policy RPS-LF-FW-P4 & RPS-LF-FW-P12, to ensure development that uses copper/zinc building materials is treated to prevent contaminants entering the stormwater network.
- 6.16 Overall based on the submission by PNCC and evidence prepared by Ms. Wood there is sufficient information to act.
- 6.17 Refer to Appendix 2 for the recommended changes to the proposed plan provisions.

Floor Levels

- 6.18 The intent to change to the minimum floor level (FFL) provision under Rule 10.6.1.8(b) has been made in response to S09.004 by PNCC.
- 6.19 RRA is located in an area that is protected by the Horizons stop bank. The suggested change ensures consistency with the rest of the residential area in the city for localised ponding. The FFL should be based on a 2% AEP (1 in 50 year AEP), with freeboard.
- 6.20 While the purpose of minimum floor level is to manage stormwater ponding effects, the amendment includes a provision for reasonable freeboard. The 2% AEP + reasonable freeboard standard accounts for climate change projections. Ms. Wood's evidence confirms that there are no site-specific risks that justify higher floor levels.
- 6.21 The revision to rules will ensure that there is no unnecessary additional cost to buildings by constructing floor levels unreasonably higher than they need to be to manage localised ponding as opposed to river flooding which the stopbanks currently mitigate for.
- 6.22 Overall, the submission provided by the Council and evidence by Ms. Wood has been prepared and provides sufficient information to act.
- 6.23 Refer to Appendix 2 for full list of recommended changes to the as proposed plan provisions.

Separation Distance adjacent to Tilbury Avenue Properties

- 6.24 As discussed in Section 5 of the Report, the purpose of the increased separation distance is recommended by Mr. McDonald to manage the residential interface of new development along existing buildings within Tilbury Avenue. The introduction of 5m setback would reduce building bulk and shading along Tilbury Avenue properties and assist to alleviate concerns raised by submitters. Mr McDonald has specified the reasons for the 5m setback in paragraphs 132-137 of his evidence.
- 6.25 The introduction of an additional separation distances performance is seen as efficient and effective approach to address concerns raised by submitters about building bulk and shading. The provision will still allow for dwellings to be constructed adjacent to Tilbury Avenue, as a permitted activity, including 2 storey development allowed for within the Residential Zone. This setback is recommended in recognition that the properties along Tilbury Ave have the reserve land currently on their boundary.
- 6.26 The standard would reduce the amount of building bulk that can be seen by persons residing at Tilbury Avenue. The setback retains the viability of compact detached and semi-detached dwellings on these lots as future development options as well.
- 6.27 Depending on lot size and design of a future house, there could be a reduction of land available to be utilised for dwellings at the southern end of the properties. This may add constraints on building and lot design, for example dwellings may have to orientate their onsite amenity areas to the south towards Tilbury Avenue due to front portion of the lot being used for the dwelling. There are no specific costs or benefits that apply in this instance. I note that should a landowner wish to built closer to the property boundary then resource consent would be required under Rule 10.6.3.1, which would incur additional costs.
- 6.28 Mr McDonald in his evidence references that landscaping along the boundary may assist with softening the impact of new housing. While I acknowledge that this may be the case, I do not support requiring planting along this boundary to occur for development to be a permitted activity. That is a decision for future landowners and not a matter I consider appropriate for the District Plan in this case.
- 6.29 Based on the evidence presented by Mr. McDonald there is sufficient information to act.
- 6.30 Refer to Appendix 2 for full list of recommended changes to the proposed plan provisions.

Alignment with the Plan Objectives

- 6.31 In conclusion the integrated package of objectives, policies and performance standards, including the amendments outlined above and other minor amendments in Appendix 1, are the most appropriate option to achieve the objectives of PCE and directions of higher order documents.

7. Purpose and Principles of the RMA

- 7.1 As a final matter to consider, regard should be given as to whether the proposed Plan Change is consistent with the purpose and principles of the Resource Management Act 1991, as set out in Part 2 of the Act.
- 7.2 For the reasons outlined in the s32 evaluation report and s32AA report, the PCE is considered to be consistent with the purpose and principles of the RMA, as set out in Part II of the Act

8. Conclusion & Recommendation

Conclusion

- 8.1 In my assessment of PCE, having regard to the submissions received, and drawing on the technical analysis of the experts in Stormwater, Urban Design, Parks & Reserves, Noise, and Transport, I am satisfied that, subject to a minor amendments being recommended, the Plan Change is the most appropriate means of sustainably managing the natural and physical resources of the Roxburgh Residential Area. The Plan Change is consistent with the wider resource management approach of the Operative District Plan and the Sectional District Plan review process, and with the purpose and principles of the Act.
- 8.2 I have included the recommended changes to the proposed provisions in Appendix 2 - Amendments to District Plan showing Officer Recommendations, and my recommendation to accept or reject the decisions requested in submissions in Appendix 1 - Officer Recommendations in Response to Submissions.

Recommendations

- 8.3 Accordingly, for the reasons set out above, I recommend that PCE be approved as notified and amended as outlined in Appendices 1, 2, and Section 5 of this report.
- 8.4 The relief sought by the submitters be accepted or rejected for the reasons outlined in this report and Appendix 1 - Officer Recommendations in Response to Submissions.
- 8.5 The recommended amendments are shown in the suite of District Plan provisions Appendix 2 - Amendments to District Plan showing officer recommendations, prehearing meetings, and evidence presented by Council's Technical Experts.

Eamon Guthrie

Senior Planner

Palmerston North City Council

24th April 2025

