

**BEFORE THE HEARINGS PANEL**

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

**AND**

**IN THE MATTER** of proposed Plan Change G: Aokautere Urban  
Growth to the Palmerston North City Council  
District Plan

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**SECTION 42A REPORT OF ANITA RENIE COPPLESTONE  
ON BEHALF OF PALMERSTON NORTH CITY COUNCIL**

**PLANNING**

**Dated 15 September 2023**

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# 1 Introduction

1. Palmerston North City Council (“**PNCC**” or “**Council**”) has prepared Proposed Plan Change G – Aokautere Growth Area (“**PCG**”) - to the Operative District Plan under the Resource Management Act 1991 (“**RMA**”).
2. PCG seeks to rezone a new greenfield growth area to the south-east of Palmerston North for urban development and to insert a structure plan and implementing provisions (objectives, policies, methods and rules) into the District Plan.
3. PCG was publicly notified by the Council on 8 August 2022. The period for making submissions closed on 5 September and further submissions were able to be made until 2 December 2022. 107 submissions and 5 further submissions were received. A hearing panel has been appointed by the Council to hear Council and submitters speak about PCG, and to then make a decision on submissions and provisions in accordance with Clause 10 of Schedule 1 of the RMA. The hearing is scheduled to commence in the week beginning 4 December 2023 (as set out in the Hearing Panel’s Minute 2<sup>1</sup>).

## 1.1 Purpose of this report

4. This report has been prepared to meet the requirements of s 42A of the RMA. In this report, I identify the primary topics or matters raised in submissions on PCG and provide an assessment and preliminary recommendations to the Hearing Panel on these matters. My recommendations are based on the available information which includes the notified plan change and supporting documents, written submissions, and further technical investigations undertaken by Council’s technical advisors in response to matters raised in these submissions.
5. As the hearing timetable provides for pre-hearing meetings, technical evidence from submitters and (where applicable) expert conferencing, the recommendations contained within this report are preliminary only.
6. Any conclusions reached or recommendations made in this report are not binding on the Hearing Panel. It should not be assumed that the Hearing Panel, having considered all the evidence brought before them, will reach the same conclusions that I have.
7. This report is intended to be read in conjunction with the notified PCG documents, which include the s 32 Report and supporting appendices 1-15. These documents are available [here](#).
8. This report should also be read in conjunction with the following s 42A reports dated 15 September 2023, as follows:

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<sup>1</sup> Minute 2, 8 August 2023.

1. Strategic Planning – Mr David Murphy
2. Urban Design – Mr Andrew Burns
3. Stormwater – Ms Allison Reiko Baugham and Mr Tony Miller
4. Geotechnical – Mr Eric Bird
5. Transportation – Ms Harriet Fraser
6. Urban Economics – Mr Michael Cullen
7. Feasibility Assessments – Ms Ruth Allen and Gareth Nicholl
8. Ecology – Mr Adam Forbes
9. Landscape – Mr John Hudson
10. Acoustics – Mr Nigel Lloyd
11. Parks and Reserves – Mr Aaron Phillips

### 1.1.1 Structure of this Report

9. This report is structured as follows:
  - a) Section 1 – explains the purpose of this report and sets out my qualifications and experience;
  - b) Section 2 – provides an overview of the existing planning framework and the plan change;
  - c) Section 3 – sets out the statutory requirements that my assessment must have regard to;
  - d) Section 4 – provides my assessment on key issues in response to relief sought in submissions, along with any changes I recommend;
  - e) Section 5 – updates the s 32 analysis by providing an assessment of any recommended changes, in accordance with s 32AA.
10. The recommendations within this report have been informed by the additional s 42A reports on technical matters as listed above at paragraph 8.
11. Also **attached** as appendices to this report are:
  - a) a copy of the changes recommended to PCG, and where relevant, those parts of the Operative District Plan that I recommend be amended (**Appendix 1**);



- b) a summary of decisions requested by submitters, with references to where these are dealt with in my report, and my recommendations on whether these submissions should be accepted, or not (**Appendix 2**);
- c) PCG public notification map (**Appendix 3**); and
- d) assessment of PCG provisions (**Appendix 4**).

## 1.2 Qualifications and Experience of Author

12. My name is Anita Renie Copplestone.
13. I hold a Bachelor of Resource and Environmental Planning from Massey University, and a Post Graduate Diploma in Business and Administration, also from Massey University. I have completed the Making Good Decisions Course and have been a practicing planner since 1999 (24 years).
14. I hold the position of Senior Planner at Kāhu Environmental Limited. I have been employed by Kāhu Environmental since August 2018. Prior to that I held various planning positions at multidisciplinary consultancy firms (WSP, AECOM, URS, Scott Wilson) and in local and regional government (Ealing Borough Council, Mayor of London's Office) in the United Kingdom. I have also held planning policy roles at Whangarei District Council and the Greater Wellington Regional Council.
15. I have experience in both policy development and consenting, particularly in infrastructure consenting, including through Notice of Requirement / designation processes in New Zealand and Development Consent Orders in the UK. I have contributed to regional planning processes including Proposed Change 1 to the Wellington Regional Policy Statement (supporting Rangitāne o Wairarapa), which seeks to update the RPS in relation to urban development, climate change, biodiversity and freshwater. I have contributed to various district plan changes, including as s42A officer for Waikato District Council and in the preparation of district plan variations while at Whangarei District Council.
16. I have acted as the s 42A reporting officer for the Council on two major Notices of Requirement: the Te Ahu a Turanga: Manawatu-Whanganui Highway and the KiwiRail Regional Freight Hub. I am currently engaged by PNCC, Tararua and Manawātū District Councils to process all subsequent Outline Plans and resource consent applications for the construction phase of Te Ahu a Turanga. I recently provided comments on behalf of the Council on the Te Rere Hau Windfarm Repowering Project, which is being progressed under the COVID-19 Recovery (Fast-track Consenting) Act 2020. I am also assisting the Council as s 42A reporting officer for a proposed plan change to update the Plan's air noise contours. I am therefore familiar with the Palmerston North City District Plan, the associated statutory and policy setting, and with the City and its environment.
17. I have been engaged by the Council to act as the reporting planner for PCG since May 2022. My role has involved reviewing and summarising all submissions and further

submissions received on PCG, and analysing and making recommendations on the submissions. I was not involved in the development of the notified Aokautere Masterplan, Structure Plan or plan change provisions.

## **1.2.1 Code of Conduct**

18. I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. This technical report has been prepared in accordance with that Code. I confirm that I have not omitted to consider material facts that might alter or detract from the opinions that I express. The opinions I express are within my area of expertise, except where I state I am relying on the opinions of other reporting officers. I attended a site visit to the plan change area on the 7 November 2022 with other members of the s 42A reporting team.
19. I confirm that I have no real or perceived conflict of interest.

### **1.2.1.1 Scope of my report and material I have relied on**

20. PCG (which comprises proposed amendments to the provisions, zoning maps and insertion of Structure Plan maps<sup>2</sup>) is supported by a suite of assessments and technical reports which were notified with the plan change provisions and are available on the Council's website. In preparing this report, I have reviewed and considered this information, which includes:
- a) Section 32 Report: Proposed Plan Change G: Aokautere Growth Area;
  - b) Appendix 4: Aokautere Masterplan Report;
  - c) Appendix 5: Traffic Assessment Aokautere;
  - d) Appendix 6: Cultural Impact Assessment;
  - e) Appendix 7: Ecology Report Addendum;
  - f) Appendix 8: Acoustic Assessment;
  - g) Appendix 9: Geotechnical Assessment;
  - h) Appendix 10: Landscape Character Assessment;
  - i) Appendix 11: Stormwater Management Strategy;
  - j) Appendix 12: Aokautere Centre Retail Report;
  - k) Appendix 13: Parks and Reserves Servicing Memorandum;

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<sup>2</sup> See Appendix 1 – Proposed Plan Change G Amendments to the District Plan, Appendix 2: Zoning Maps, Appendix 3: Aokautere All Structure Plans.

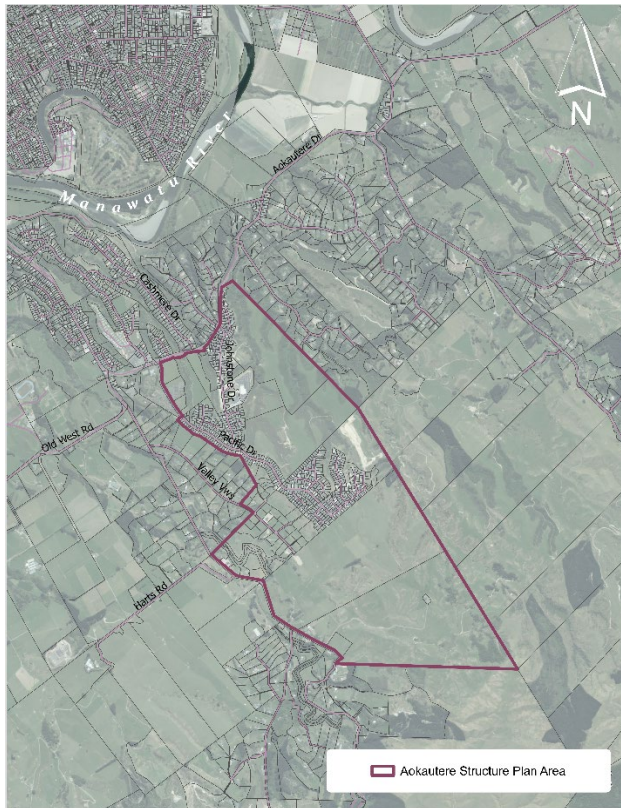
- l) Appendix 14: Urban Design Statement Planning Controls;
  - m) Appendix 15: Technical Report Summary
21. Collectively these reports form the evidential basis for PCG, except where updated through the technical reports listed at paragraph 8 above. In addition to my own observations, I have relied on the technical reports listed at paragraph 8 and the original technical reports notified with the plan change. As stated above, I have also reviewed all submissions on PCG.
22. I have, in accordance with s 42A(1A) and (1B) of the RMA, attempted to minimise the repetition of information already included in the PCG proposal and, where I have considered it appropriate, have adopted that information.

## 2 Overview of Proposed Plan Change G

23. This section of my report introduces the PCG proposal and the area to which it applies. It provides a brief overview of the purpose of the plan change, why the changes are needed, and the history of its development. This section of the report should be read in conjunction with Part II: Sections 1-4 of the s 32 report, and Parts 1 and 2 of the *Aokautere Masterplan*.

### 2.1 The Aokautere Plan Change Area

24. The characteristics of the plan change area are described in *Part 2: Existing Conditions* of the *Aokautere Masterplan*.
25. The plan change area covers approximately 454 hectares of land between the foothills of the Ruahine/Tararua Ranges and the south bank of the Manawātū awa. The area is bounded by Turitea Valley to the west, Moonshine Valley to the east, and the existing built-up areas of Aokautere to the north. The area is separated from the more established residential suburb of Aokautere by SH57: Aokautere Drive, which forms a key transport connection to the city centre. Measured as a straight line, the closest point of the plan change area is approximately 4.3km from the city centre (The Square).



*Figure 1: Location Plan*

26. Much of the land within the PCG plan area is held within several large, consolidated land holdings, as shown and described in section 1.4 of the Masterplan Report.<sup>3</sup>
27. An overview of the existing conditions within the plan change area is set out at section 2.1 of the Masterplan. In summary, the key conditions include:
  - a) The area has highly complex landforms and topography, which includes gullies and ravines, as well as flatter, elevated plateaus.
  - b) The landforms are highly dynamic and continue to change as a result of the interaction between overland flows and soft, highly erodible soils – the gullies and ravines have been formed by the passage of water, and there is still a high degree of interaction between landforms and streams, channelled stormwater and overland run-off.
  - c) There is a complex range of slopes, with some slopes up to 20-30 degrees, with the potential for land instability and associated geo-hazards.

<sup>3</sup> Palmerston North, Aokautere Masterplan Report, Prepared by McIndoe Urban, 30 May 2022 (Appendix 4 to the Section 32 Report: Plan Change G Aokautere Growth Area).  
[https://www.pncc.govt.nz/files/assets/public/v/1/documents/council/district-plan/plan-change-g/technical-reports-august-2022/appendix-4-masterplan-report-proposed-plan-change-g-notification-version-2022\\_part1.pdf](https://www.pncc.govt.nz/files/assets/public/v/1/documents/council/district-plan/plan-change-g/technical-reports-august-2022/appendix-4-masterplan-report-proposed-plan-change-g-notification-version-2022_part1.pdf).

- d) The vegetated gullies have a range of biodiversity values and potential for restoration, especially those gullies where remnants of indigenous habitat remain. Some of these areas are compromised by illegal filling, fly tipping, pest plants and animals, and erosion from stormwater and overland flows;
  - e) The elevated nature of the area means there are strategic views into and out of the area, with boundary escarpments forming important landmark features.
  - f) The existing urban form within the plan change area is characterised by piecemeal development, with pockets of housing that are often poorly integrated and connected.
  - g) The existing roading hierarchy is limited to collector streets and cul-de-sacs, resulting in low connectivity.
  - h) The existing housing is predominantly suburban, with some rural residential properties on the fringes.
  - i) There is an absence of social facilities and other amenities within the plan change area.<sup>4</sup> Existing residents rely on the Summerhill shopping centre to the north of SH57 for health and shopping facilities, other amenities, and primary schools<sup>5</sup>.
28. Roading access to the plan change area is obtained from SH57 Aokautere Drive, via Pacific Drive or Johnstone Drive. The existing roading network is described detail in the s 42A Report of Ms Fraser.

## 2.2 The existing planning framework in Aokautere

29. This section of the report briefly explains pertinent features of the relevant operative planning framework as it applies to Aokautere.
30. The plan change area comprises areas of Residential, Rural, Rural-Residential Overlay zones, with some pockets of land zoned Recreation Zone and Conservation and Amenity Zone. The current zoning of the area can be seen on Planning Maps in the operative District Plan<sup>6</sup>.
31. The Operative District Plan already contains provisions which recognise the unique features and constraints that influence residential development in Aokautere, in particular land stability and the potential for adverse visual effects of development close to the escarpment edge overlooking Turitea Valley. An overview is provided below.

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<sup>5</sup> The closest being Aokautere School at 169 Fitzherbert East Road. The Ministry of Education is in the process of planning for a new primary school on Ruapehu Drive.

<sup>6</sup> <https://geosite.pncc.govt.nz/MapView/?map=8c372cd395c34ff5bd5b8038503bef36>.

## 2.2.1 The Aokautere Development Area

32. The **Aokautere Development Area** covers an area which extends from Cliff Road to the north, across SH57 as far as Cyprus Place<sup>7</sup>. Within this area, land is classified as either 'Developable' or 'Limited Development Land'<sup>8</sup>. The classification is dependent on the associated land instability, erosion or subsidence hazard and the extent to which these risks can be mitigated by geotechnical engineering works.
33. The operative District Plan provisions<sup>9</sup> limit subdivision and subsequent residential development in the Aokautere Development Area, directing this to 'Developable'<sup>10</sup> areas of sufficient size to accommodate dwellings, ancillary buildings and open space<sup>11</sup>. Subdivision is a controlled activity<sup>12</sup> and construction of dwellings and minor dwellings are a permitted activity, where located on Developable Land<sup>13</sup>. Where a subdivision in the Aokautere Development Area requires restructuring of land to create land with improved slope and soil stability, the activity becomes a restricted discretionary activity<sup>14</sup>.
34. A more restrictive regime is applied to Limited Development Land, with permitted activities restricted to landscape works, public reserves, or drainage and water supply works<sup>15</sup>.

## 2.2.2 Rural-residential living

35. Sections 7 and 9 of the District Plan provide for three distinct areas for rural residential living in or adjacent to the PCG area: the **Aokautere Rural Residential Area**, the **Moonshine Valley Rural Residential Area** and the **Rural Residential Overlay Area**. These areas are illustrated on the Planning Maps<sup>16</sup> and have specific subdivision provisions, reflecting the 'natural and physical character of the environment, structuring elements and development patterns, and land development issues'. The Aokautere and Moonshine Valley Rural Residential Areas are 'defined settlement areas', with associated objectives, policies and rules which direct the intended outcomes for development in these areas.

<sup>7</sup> See Map 10.1 in Section 10: Residential Zone.

<sup>8</sup> See Map 10.1 and 10.1A in Section 10: Residential Zone. These terms are defined in the Plan – see Section 4: Definitions.

<sup>9</sup> Sections 7: Subdivision and 10: Residential Zone.

<sup>10</sup> Developable areas means any land in Aokautere: a. that is identified as developable in Map10.1 or Map 10.1A: or 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.

<sup>11</sup> For example, Rule R10.6.1.1 Dwellings and Accessory Buildings – Permitted Activities, Performance Standards (d) Site Area, Site Coverage and Number of buildings.

<sup>12</sup> Subject to compliance with certain performance standards which include (but are not limited to) lot size and shape factor, and an earthworks plan identifying any restructuring of land, earthworks or other works to create land with improved slope and soil stability - see R7.6.1.1.

<sup>13</sup> See Rule R10.6.1 Dwellings and Accessory Buildings – Permitted Activities, Performance Standard – (f) Aokautere Development Area.

<sup>14</sup> See Rule R7.6.2.1 on Section 7: Subdivision.

<sup>15</sup> R10.7.1.6.

<sup>16</sup> <https://geosite.pncc.govt.nz/MapView/?map=8c372cd395c34ff5bd5b8038503bef36>.



36. The Rural Residential Overlay is a more 'generic' city-wide overlay which identifies areas within the Rural Zone which are appropriate for rural-residential living<sup>17</sup>. This overlay extends to the Turitea Valley, and land to the south and east of the plan change area. Particular management controls apply within the overlay areas, including for example, for reverse sensitivity reasons, to prevent rural residential development within a 1.5km proximity of wind farms.
37. Minimum lot sizes (for subdivision) are restricted to 5000m<sup>2</sup> in the Aokautere Rural Residential Area, 1.5 hectares in the Moonshine Valley Rural Residential Area, and 1 ha in the Rural Residential Overlay Area<sup>18</sup>.
38. Further north of the PCG area, on the northern side of SH57, minimum lot area provisions provide for a 'transition area' between close urban development in the adjacent Aokautere Development Area and rural-residential development in the Moonshine Valley and Polson Hill areas<sup>19</sup>. Within the semi-urban **Aokautere Parklands Area**<sup>20</sup>, a minimum net site area of 1300m<sup>2</sup> of contiguous developable land is required for residential development, compared with 400m<sup>2</sup> in the Aokautere Development Area<sup>21</sup>. A subdivision in the Aokautere Parklands Area which creates unserviced lots requires a minimum lot area of 5000m<sup>2</sup> (as a restricted discretionary activity)<sup>22</sup>.
39. Recognising the juxtaposition between urban and semi-urban areas in Aokautere, the plan seeks to limit the visual effects of residential development on the elevated Aokautere plateaus on the character and amenity of the adjoining Turitea Valley. The existing Aokautere residential area extends along a ridge overlooking the Turitea Valley. Residential development on the edge of the escarpment can be visually intrusive when seen from the floor of the Turitea Valley, particularly when silhouetted against the skyline<sup>23</sup>. Provisions in Section 10 of the District Plan seek to limit any further adverse effects through imposing setbacks (10-15 metres) and height limits on development, buildings, fencing, earthworks and structures within the **Pacific Drive Extension Area**, as delineated on Map 10.6.1.
40. The following map shows these defined areas and the spatial relationship with the proposed plan change area.

<sup>17</sup> Due to proximity to urban areas, less versatile soils and access to roads with good geometry and sufficient design capacity - see Explanation for Objective 3 and Policies, Section 7 – Subdivision, pg 18.

<sup>18</sup> Excluding lots for access, utilities or reserves. See Rule R7.15.2.1. See also Rule R9.5.5 Performance Standards (a) Site Size.

<sup>19</sup> See the Explanation for Rule R10.6.1.1 Dwellings and Accessory Buildings – Permitted Activities, Performance Standards (d) Site Area, Site Coverage and Number of buildings, pg 16, Residential Zone

<sup>20</sup> Illustrated on the Planning Maps.

<sup>21</sup> Rule R10.6.1.1 Dwellings and Accessory Buildings – Permitted Activities, Performance Standards (d) Site Area, Site Coverage and Number of buildings (i)(b).

<sup>22</sup> Rule R7.6.2.1(1).

<sup>23</sup> See Explanation to Objective 7 and policies, Section 10, pg 7.

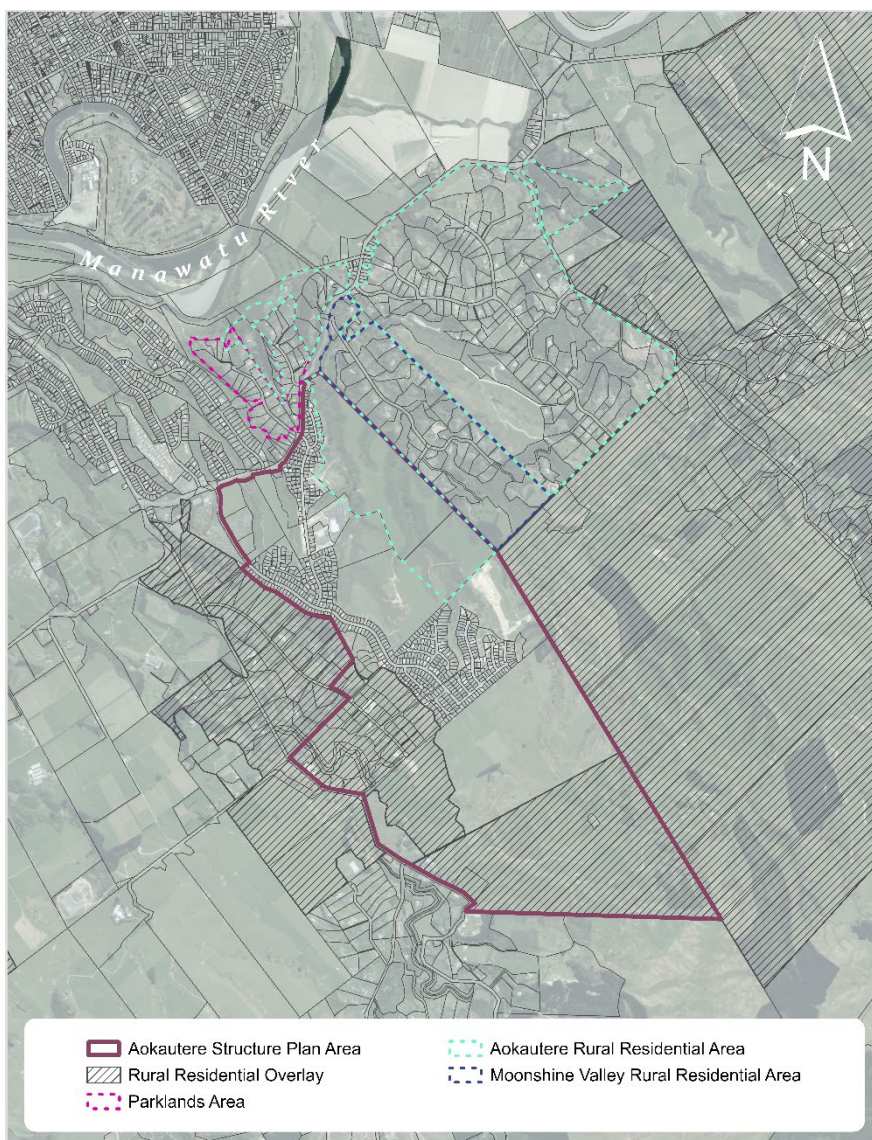


Figure 2: Zoning plan

### 2.2.3 Providing for ‘greenfield’ growth

41. In regulating residential development, the District Plan distinguishes between well-established urban areas and proposed growth which extends out into ‘greenfield areas’. For these new growth areas, the District Plan takes a more directive approach, with each of the identified growth areas subject to a structure plan. The planning framework to deliver the structure plan outcomes is set out in Section 7A: Greenfield Residential Areas. The provisions in Section 7A set a framework to ensure residential subdivision and subsequent development is coordinated with delivery of supporting infrastructure and amenities.
42. Operative Greenfield Residential Areas include Kikiwhenua, Whakarongo, and Hokowhitu Lagoon, and the recently operative Matangi Residential Area (Whiskey



Creek). There are also bespoke performance standards for other newer areas of the city which are not specifically identified as Greenfield Residential Areas, for example the Napier Road Residential Extension Area.

43. Subdivision in a Greenfield Residential Area is a restricted discretionary activity, subject to compliance with the performance standards<sup>24</sup>. A subdivision application must be accompanied by a Comprehensive Development Plan that details how the design, layout and servicing is in general accordance with the relevant Greenfield Structure Plan. Minimum lot sizes are more generous, requiring an average lot size of 500m<sup>2</sup> – 550m<sup>2</sup>, with no single lot less than 350m<sup>2</sup> and no single lot exceeding 1000m<sup>2</sup> (excluding balance lots). Any activity not otherwise specified as a restricted discretionary activity is a discretionary activity.<sup>25</sup>
44. In the Residential Zone, construction of dwellings, minor dwelling units and accessory buildings is a permitted activity under the operative District Plan, subject to compliance with a number of performance standards. The performance standards vary, depending on whether the site is within an established residential area<sup>26</sup> or a Greenfield Residential Area<sup>27</sup>. The stated reason for the distinction is, in part, to respond to the desire for better urban design outcomes in new residential areas<sup>28</sup>.

## 2.2.4 Meeting diverse housing needs

45. To accommodate a diversity of housing needs, District Plan provisions in the Residential Zone provide for ‘multi-unit housing development’ where this is located in close proximity to the central city, or to large neighbourhood centres<sup>29</sup>. Recognising the different scale and character of such housing, ‘multi-unit residential development’<sup>30</sup> is a restricted discretionary activity where it is located within a multi-unit housing area identified on Maps 10.6.3.3(a) – (h).<sup>31</sup> Multi-unit development is subject to some bespoke performance standards. There are no multi-unit housing areas currently identified in the plan change area under the operative District Plan provisions. These provisions are discussed in more detail later in the Addressing Housing Need section of this report.<sup>32</sup>
46. Retirement Villages and Residential Centres are a discretionary activity in the Residential Zone<sup>33</sup>.

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<sup>24</sup> unless the subdivision is for a network utility, which is a controlled activity.

<sup>25</sup> See R7A.5.3.1.

<sup>26</sup> Which includes the Aokautere Development Area as defined by Map 10.1.

<sup>27</sup> See Rule R10.6.1.5.

<sup>28</sup> See Explanation for Objective 9, pg 8, Section 10 – Residential Zone.

<sup>29</sup> See Policy 1.2, Section 10.

<sup>30</sup> Defined as: “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”.

<sup>31</sup> These areas include: the Palmerston North city centre, Awapuni Neighbourhood Centre, Highbury Neighbourhood Centre, Hokowhitu Neighbourhood Centre, Milson Neighbourhood Centre, Napier Road, Hokowhitu Lagoon Residential Area.

<sup>32</sup> See Section 4, Topic 7.

<sup>33</sup> See Rule R10.7.4.

## **2.2.5 Providing for business activities and local service needs – Local Business Zone**

47. The Local Business Zone caters for the day-to-day shopping and service needs of its surrounding residential communities, as well as providing local employment opportunities. For greenfield areas, the District Plan seeks to ensure new neighbourhood centres are comprehensively planned so that they are conveniently located and accessible to the local community and exhibit high amenity values and a community focal point<sup>34</sup>. In the Local Business Zone, the District Plan is relatively permissive, provided that activities meet the relevant performance standards. The District Plan discourages uses that would have adverse effects on the amenity of neighbouring residential and recreational areas by making these non-complying activities (e.g. offensive activities and industrial activities)<sup>35</sup>. Residential accommodation at ground floor level is a non-complying activity<sup>36</sup>, to ensure the intent of the zone is not compromised, but at the same time enables on-site accommodation above the ground floor level.

## **2.2.6 Conservation and Amenity Zone**

48. The Conservation and Amenity Zone covers areas with high natural or amenity values and which are generally in public ownership or legally protected (e.g. by covenants). The Zone includes areas of significant indigenous biodiversity, important natural and scenic areas, ecological links or green corridors, and most of the City's walkway system. Permitted activities in this zone are restricted to those which will have a minimal disturbance to the natural character of landforms, vegetation and open space areas, e.g. informal recreation and maintenance of reserves<sup>37</sup>. Any service buildings are also limited in size and scale.

## **2.2.7 Recreation Zone**

49. The Recreation Zone covers the majority of recreation and public space in the city, including neighbourhood parks, playgrounds, sports grounds and civic places. The provisions provide for community and leisure activities and facilities as permitted activities, provided they comply with specified performance standards, which limit buildings to just 1 or 2% of the net site area.

## **2.3 Purpose of the Proposed Plan Change**

50. The stated purpose of PCG is to provide for additional housing supply in the Aokautere area to help meet growth projections for Palmerston North over the medium to long term,

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<sup>34</sup> See Objective 2 and Policies, Section 11.10.1, pg 86-87.

<sup>35</sup> Rule R11.10.2.1.

<sup>36</sup> Rule R11.10.2.1.

<sup>37</sup> R15.5.3.1.

and to ensure that this new housing is delivered in an environmentally sensitive, coordinated, and comprehensively planned manner.

51. The plan change seeks to manage additional growth and land use change in an area that, to date, has developed in an ad hoc and disconnected fashion. Along with housing, PCG seeks to deliver supporting facilities for the Aokautere community, including a new neighbourhood centre, roading and stormwater infrastructure; and an integrated open space network which utilises (and protects) the surrounding gully network and its habitats.
52. A Structure Plan has been produced to guide and direct development, with accompanying objectives, policies, methods and rules which seek to give effect to the Structure Plan. This approach seeks to:
  - a) highlight the natural and landscape characteristics of the plan change area, and make them a feature of development;
  - b) protect and restore these natural areas and landscape features, in particular the gully areas;
  - c) support a range of housing densities and typologies, including medium density and multi-unit housing, with a high level of amenity and access to sunlight, open space, and connections to adjoining areas;
  - d) provide for a local business zone (neighbourhood centre) to ensure residents have access to local services and facilities, and to support opportunities for higher density living; and
  - e) deliver high quality transport, ecological, and water management outcomes.

## 2.4 The proposed planning framework for Aokautere

53. PCG seeks to rezone approximately 454 hectares of land in Aokautere. Specifically, PCG as notified amends the Operative Palmerston North City District Plan to:
  - a) Introduce the Aokautere Structure Plan (defined as Maps 7A.4 and 7A.4A-G).
  - b) Amend the zoning maps to rezone land currently zoned Recreation, Rural, Residential and Rural-Residential Overlay to a combination of Residential, Local Business, Rural, Rural-Residential Overlay and Conservation and Amenity Zones. A portion of land will retain its Rural-Residential zoning. Table 1 in the Section 32 report sets out the operative and proposed zoning for individual legal titles within the plan change area.
  - c) Insert Map 10.1A (Developable Land) and Map 10.6.3.3(i) (Multi-unit Residential Housing Area – Aokautere Structure Plan). Map 10.1A extends the Aokautere Development Area as defined in Map 10.1 in the Operative Plan to include the land within the Aokautere Structure Plan. This provides for land stability to be

managed under the Developable and Limited Developable land framework which already exists in the District Plan. Map 10.6.3.3(i) identifies areas within the Structure Plan where multi-unit and medium density housing is to be enabled and delivered, to facilitate a broader range of housing typologies than the traditional suburban low-density housing.

- d) Introduce provisions which guide the subdivision and development of an Aokautere Greenfield Residential Area (the 'Aokautere Residential Area') into Section 7 – Subdivision, Section 7A – Greenfield Residential Areas and Section 10 – Residential.
  - e) Provide for a neighbourhood centre as a Local Business Zone, directed by the Aokautere Neighbourhood Centre Precinct Plan, with associated objectives, policies and rules, inserted in Section 11: Business.
  - f) Rezone the gully areas within the plan change area to Conservation and Amenity Zone, with supporting policies and rules added to Section 15: Recreation. Gullies are be vested with the Council at the earliest stage of subdivision, to enable their protection, maintenance, and enhancement. The boundary of this zone currently aligns with the indicative 5m no-build setback boundary adjacent to the gully edges, which will be confirmed on subdivision in areas identified on Map 7A.4.
  - g) Make consequential changes, including numbering changes, resulting from the insertion of the new provisions.
54. The PCG provisions require future subdivision and land use activities to be in general accordance with the Structure Plan. Landowners or developers will be required to prepare Comprehensive Development Plans for subdivision and development proposals, including related Stormwater Management Plans, that demonstrate alignment with the Structure Plan.
55. The plan change provides for a range of housing types and densities, including rural residential, suburban low density, medium density and apartments<sup>38</sup>. A primary option for development was identified in Maps 7A.4 and 7A.4A – 7A.4D. Two optional development alternatives were also proposed alongside the primary option:
- a) Use of an area of repurposed reserve land within the Council-owned Adderstone Reserve, to accommodate additional housing (Maps 7A.4E -G). This option will no longer be brought forward, following a Council resolution to retain the land for reserve purposes.
  - b) Development of a retirement village (within the Aokautere Residential area (identified in a cut out in Maps 7A.4 and 7A.4A – 7A.4D). The Retirement Village Option would replace some suburban low density and medium density lots within

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<sup>38</sup> Anticipated yield was approximately 1,050 units.

the Primary Option with on-ground dwellings, apartments and rest home/dementia care units<sup>39</sup>.

56. The Structure Plan provides for the Retirement Village option to be positioned so that it integrates with the neighbourhood centre proposed as part of PCG. The location is important because the layout and location of the neighbourhood centre is critical to the centre's viability, and its ability to act as a catalyst for higher density living.
57. The s 32 report provides a detailed description and rationale for the proposed provisions, including the proposed activity status, at section 5. The following table provides an overview of the proposed rule framework for some key activities.

*Table 1: Proposed Rule Framework*

Activity	Proposed activity class, subject to compliance with the stated performance standards	Proposed activity class if performance standards are not met
<b>Aokautere Greenfield Residential Area</b>		
Subdivision	Restricted Discretionary (Rule R7A.5.2.1)	Non-complying (Rule R7A.5.5.1)
Construction of a dwelling, minor dwelling, accessory building	Permitted (Rule R10.6.1.5)	Restricted Discretionary (Rule R10.6.3.2) For development occurring before specified transport infrastructure - Non Complying (Rule R10.6.6.1)
Dwelling, minor building or accessory building on 'Developable' or 'Limited Developable Land'	'Developable Land' (Class A and B) – Permitted (Rule R10.6.1.5)	Limited Development Land – (Class C, D, E) - Restricted Discretionary (Rule R10.6.3.2)
Retirement Village	Discretionary (Rule R10.7.4.6)	Non-complying (Rule R10.7.5.3)
<b>Medium Density Area</b>		

<sup>39</sup> Anticipated yield is approximately 1154 units.

Construction of a dwelling, minor dwelling, accessory building	Restricted Discretionary (Rule R10.6.3.3)	Discretionary (Rule R10.6.4.3)
<b>Rural-Residential Overlay</b>		
Subdivision – Aokautere Rural Residential Area	Restricted Discretionary (Rule R 7.15.2.1)	Non-complying (Rule R7.15.4.1)
<b>Local Business Zone</b>		
Construction of buildings	Permitted (Rule R11.10.2.2)	Restricted Discretionary (Rule R11.10.3.2) Or For development not in accordance within the Aokautere Neighbourhood Precinct Plan (Map7A.4C) - Non Complying (Rule R11.10.5(b))
Residential Accommodation	On upper floors – Permitted (Rule 11.10.2.1)	On Ground floor - Non-complying (Rule R11.10.5(a))
<b>Conservation and Amenity Zone</b>		
Roading and Essential Service within the Aokautere Structure Plan area	Restricted Discretionary (Rule R15.5.4.1)	Non-complying (Rule 15.5.6.1)
Earthworks not associated within Roading and Essential Services development within the Aokautere Structure Plan area	Non-complying (Rule 15.5.6.1(b))	

## 2.5 Why this Plan change is required

58. The following section provides a brief overview of why the Council considers a plan change to accommodate residential growth in this location is needed. For a more detailed explanation refer to Section 2 – Resource Management Issue, of the s 32 report.

59. Palmerston North has a high level of demand for housing over the short term, influenced by past years of undersupply. The Council's 2021 Housing Capacity Assessment (HCA)<sup>40</sup> identified that more land would need to be re-zoned for housing in the medium and long term and that while there was capacity for further intensification, greenfield development would also be necessary to meet the Council's housing bottom lines, in accordance with the NPS-UD. The Council subsequently identified three locations to provide for major greenfield growth<sup>41</sup>, one of which is Aokautere.
60. Approximately 20 hectares of development capacity remain within the operative Residential Zone at Aokautere, but large parts of this area are affected by geotechnical constraints (see Map 10.1 in the District Plan). Council considers the surrounding rural-residential and rural land can accommodate residential development and make a significant contribution (400 - 1200 additional dwellings) to meeting the housing shortfall within the City.
61. The rezoning process also provides an opportunity for the Council to address other resource management issues and challenges in the area, which have arisen in part, due to a lack of overall direction and integration between adjoining developments. These issues and challenges are set out in the s 32 report at section 2. In summary, ad-hoc development has resulted in sub-optimal outcomes within Aokautere, including:
- a) a large number of cul-de-sacs and a reliance on long rights of way to access properties – which discourages active transport and results in poor urban form;
  - b) lack of integration of stormwater management, resulting in adverse effects on the surrounding environment, in particular the gully network;
  - c) environmental degradation arising from illegal earthworks and filling of gullies;
  - d) lack of public connection and access to the gully reserves; and
  - e) a lack of accessible community infrastructure and services.
62. The plan change seeks to insert appropriate development controls within the District Plan that reflect the unique landscape and natural environment qualities of the area and to ensure future development results in a high quality built environment, with a well-connected transport and open space network.

## 2.6 Overview of the development of the Plan Change

63. A multi-disciplinary masterplanning process for Aokautere was initiated in early 2018 by Council officers and urban planners, McIndoe Urban. The masterplanning process was initiated with the intent of developing an overarching plan to address the challenges of

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<sup>40</sup> Undertaken to meet the requirements of the National Policy Statement for Urban Development (NPS-UD).

<sup>41</sup> In the Innovative and Growing City Strategy and City Growth Plan (2021).

continuing ad-hoc development in Aokautere. Section 1.3 of the Aokautere Masterplan describes the process by which the masterplan was developed.

## 2.6.1 Pre-notification consultation and Engagement on PCG

64. The informal engagement that was carried out by the Council during the pre-notification period is described in the s 32 report at section 4. During the scoping and preparation phases of PCG, engagement was undertaken with Rangitāne o Manawatū, as iwi partners; and with key stakeholders including landowners, the local community, Ministry of Education, Waka Kotahi, and Horizons Regional Council.
65. This included informal engagement with the three landowners who own the developable land within Aokautere. Discussions took place at various stages including early engagement in 2018, request for feedback on the draft Structure Plan in 2019 and discussions on specific issues through 2021 and 2022.
66. An early version of the Structure Plan was published for wider community feedback in August – September 2019 and a public drop-in session was held during this period. Feedback received was used to refine the Structure Plan as part of preparing PCG.
67. The concept of a retirement village was discussed with the proposing landowner, including its relationship with the proposed Structure Plan. A retirement village has subsequently been provided for within the Structure Plan, located in a manner that is intended to support the planning strategy for the Growth Area.
68. Council has an obligation to provide iwi authorities with a copy of PCG prior to notification<sup>42</sup> and must allow adequate time and opportunity for iwi authorities to consider the draft and provide advice. Engagement was undertaken with iwi and hapū, specifically with Rangitāne o Manawatū throughout preparation of PCG. This involved group hui, individual hui, and the provision of written material. A cultural impact assessment (CIA) was prepared by Rangitāne and is included in the notified PCG documents<sup>43</sup>. The CIA identifies the values and associations of the iwi with the Aokautere area, issues which have resulted in adverse cultural effects in the past, and the iwi's aspirations for how they wish to see the area developed and protected in the future.
69. Council had regard to the feedback received and has sought to address these matters through PCG, where possible. Table 4 in the s 32 evaluation outlines the key planning issues that have been raised by Rangitāne and the Council's responses to date.
70. Draft plan provisions, a final structure plan and associated technical reports were finalised in April/May 2022 and recommended to Council for notification in June 2022.

<sup>42</sup> As required by clauses 3 and 3B in Schedule 1 RMA.

<sup>43</sup> See Appendix 6.



## 2.6.2 Public notification

71. PCG was publicly notified on 8 August 2022. A total of 103 submissions were received by the closing date of 5 September 2022, and a further 4 late submissions were received (107 in total). Public notices were placed in the Manawatu Standard on 8 August 2022 and on the Council's website.
72. Direct notification was carried out by post to all landowners and occupiers in the area shown on the map in Appendix 3.
73. The specified parties in Schedule 1 clause 5A were directly notified by email on 5 August 2022.
74. The Summary of Decisions Requested was publicly notified on 19 November 2022 in the Manawatu Standard and on the Council's website. All submitters were directly notified. The period for further submissions closed on 2 December, 10 working days later. A total of 5 further submissions were received, including 1 late further submission.

## 2.6.3 Post-notification

75. Since notification, I and other members of the expert team have informally met with a number of submitters, including Waka Kotahi, Brian Green and Stu Waters. These individual conversations have focused on gaining a better understanding of the matters raised in submissions, as well as providing advice on the plan change process.<sup>44</sup>
76. Prehearing meetings are scheduled to take place in the week of 25 September 2023, across a range of key topics emerging from submissions and further submissions, including:
  - a) Structure Plan & zoning, roading layout, subdivision
  - b) Neighbourhood centre/Local Business Zone, Housing matters (density, location, design standards)
  - c) Traffic and transport
  - d) Noise
  - e) Stormwater, erosion, hydrology/flooding, land stability, ecology
  - f) Planning matters
77. A hearing before an independent commissioner is scheduled to begin in the week commencing 4 December 2023.

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<sup>44</sup> Offers were made to all key landowners for informal conversations post notification.

## 2.7 Procedural Matters

78. This section of the report addresses any pertinent procedural matters.

### 2.7.1 Late Submissions

79. Four late submissions were received on PCG:

- a) Additional submission points from Chris Teo-Sherrell (SO 43)
- b) Elena Garcia (SO 52)
- c) Flyers Investment Group Ltd (SO 103)
- d) Arvida Group Ltd (SO 104)

80. Under s 37 of the RMA, the Hearing Panel has the power to decide whether or not to waive a failure to comply with a set timeframe. The Hearing Panel can decide to waive the failure to comply with a timeframe only after taking into account:

- a) the interests of any person who, in its opinion, may be directly affected by the waiver;
- b) the interests of the community in achieving adequate assessment of the effects of the Plan change; and
- c) its duty under s 21 of the RMA to avoid unreasonable delay.

81. In considering whether to accept or reject the late submissions, the Hearing Panel may wish to take into account the following:

- a) The late submissions were received within 7 working days after the close of the submission period.
- b) All late submissions were included in the notified Summary of Decisions Requested.
- c) No prejudice or time delay has arisen as a result of the late submissions.

82. In addition, one late further submission was received, from Heritage Estates.

83. I recommend that the failures to comply with the timeframe for making a submission can be waived as:

- a) No person would be directly affected by the waivers;

- b) The waivers would not affect the assessment of the Plan change; and
- c) The waivers would not result in any prejudice or delay to the Plan change process.

## 2.7.2 Immediate Legal effect

84. On the 25 August 2022 the Council made an application to the Environment Court to make the rules in PPG take immediate legal effect, pursuant to s 86D of the RMA. The Environment Court issued a decision on 25 October 2022 granting the Council's application. As a result, from 25 October 2022, the District Plan rules identified in the table in below, as amended by PCG, have had legal effect.

*Table 2: Rules with legal effect at 25 October 2022*

District Plan Section	Rule Reference	Description
<b>Section 7: Subdivision</b>		
Restricted Discretionary Activities	R7.15.2.1	Subdivision within the Aokautere Rural-Residential Area, Moonshine Valley Residential Area and the Rural Residential Overlay
Non-Complying Activities	R7.15.4.1(4)	Subdivision which does not comply with the Restricted Discretionary Performance Standards for Subdivision in the Rural-Residential Area identified on the Aokautere Structure Plan

<b>Section 7A: Greenfield Residential Areas</b>		
Restricted Discretionary Activities	R7A.5.2.1	Restricted Discretionary Activities
	R7A.5.2.2	Performance Standards for Restricted Discretionary Activity
	R7A.5.2.3	Assessment Criteria for Restricted Discretionary Activities
Non-Complying Activities	R7A.5.5	Non-Complying activities in Aokautere Residential Area

Structure Plans	R7A.4-7A.4G	Aokautere Structure Plan
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<b>Section 10: Residential Zone – Section 10.6 (Dwellings and Accessory Buildings)</b>		
Permitted Activities	R10.6.1.5	Dwellings, Minor Dwellings & Accessory Buildings in the Greenfield Residential Areas
Restricted Discretionary Activities	R10.6.3.2	Buildings or Structures within a Greenfield Residential Area that do not comply with Performance Standards for Permitted or Controlled Activities
	R10.6.3.3	Multi-unit residential development in the multi-unit housing areas
Non-Notification	R10.6.3.4	Non-Notification Multi-Unit Residential Development in the Aokautere Residential Area.
Non-Complying Activities	R10.6.5.6	Transport Infrastructure (Aokautere Residential Area)
<b>Section 10: Residential Zone – Section 10.7 (Non-Residential Activities)</b>		
Discretionary Activities	R10.7.4	Discretionary Activities
	R10.7.4.6	Retirement Villages and Residential Centres
Non-Complying Activities	R10.7.5.3	Retirement Villages in Aokautere Residential Area
Maps	Map 10.1A	Aokautere Development Area
	Map 10.6.3.3(i)	Multi-Unit Residential Housing Area: Aokautere Residential Area

<b>Section 11: Business Zones – Section 11.10 (Local Business Zone)</b>		
Permitted Activities	R11.10.2.1	Permitted Activities (excluding Residential Activities at Ground Floor Level in the Aokautere Neighbourhood Centre)
	R11.10.2.2	Construction, Alteration of, or Addition to Buildings
Restricted Discretionary Activities	R11.10.3.1	Activities which do not comply with the Permitted Activity Performance Standards
	R11.10.3.2	Construction, External Alteration of, or Addition to a Building which does not comply with the Performance Standards for Permitted Activities
Non-Complying Activities	R11.10.5	Non-Complying Activities
Figures	11.5A	
	Map 10.6.3.3(i)	Multi-Unit Residential Housing Area: Aokautere Residential Area
<b>Section 15: Recreation</b>		
Restricted Discretionary Activities	R15.5.4	Roading and Essential Services within Aokautere Structure Plan
Non-Complying Activities	R15.5.6.1	Non-Complying Activities

### 3 Statutory Considerations

85. The relevant statutory and policy framework and the degree to which PCG is aligned with that framework is evaluated in Section 3 of the s 32 report.
86. I have reviewed the statutory and policy framework that is set out in the s 32 Report. In my view, there are additional matters that are, in my opinion, relevant to the evaluation of the proposed plan. I adopt the statutory and policy framework set out in the s 32 Report, with the addition of the statutory and policy matters below. Where the policy direction in the statutory and policy framework has influenced my assessment of submissions, I make reference to that in the assessment sections of this report (section 4).

#### 3.1 The Resource Management Act

87. Section 74 of the RMA sets out the matters to be considered by a territorial authority when preparing or changing its district plan. Section 75 sets out the required contents of district plans, including the statutory documents to which a district plan must give effect<sup>45</sup>. The following list summarises the relevant considerations from ss 74 and 75:
- a) the Council's functions under section 31;
  - b) the provisions of Part 2 RMA;
  - c) the Council's obligation to prepare and have regard to the s32 evaluation report;
  - d) national direction – including any national policy statement, New Zealand coastal policy statement, national planning standards or regulations;
  - e) any emissions reduction plan and any national adaptation plan;
  - f) any proposed (and operative) regional policy statement;
  - g) any proposed regional plan with respect to matters of regional significance;
  - h) any management plans or strategies prepared under other acts;
  - i) the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities;
  - j) any relevant planning document recognised by an iwi authority and lodged with the Council<sup>46</sup>.

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<sup>45</sup> Section 75(3) requires a district plan to give effect to any national policy statement, any New Zealand coastal policy statement, a national planning standard and any regional policy statement.

<sup>46</sup> Rangitāne o Manawatū have recently prepared an Environmental Management Plan ('EMP') which has been endorsed by Tanenuiarangi Manawatū Incorporated (Rangitāne o Manawatū Iwi Authority) and the Rangitāne o Manawatū Settlement Trust. I understand this document has been provided to Council since PCG was notified. See Section 4.3 of this Report.

88. In addition, the Council must not have regard to trade competition or the effects of trade competition<sup>47</sup> and a district plan must not be inconsistent with a regional plan for any matter specified in section 30(1)<sup>48</sup>.
89. Under s 76, a district plan may include rules for the purpose of carrying out its functions and achieving the objectives and policies of the plan. Section 76 sets out the scope and nature of rules that may be included. Rules may apply to all or specific parts of a district, make different provisions for different parts of the district, or for different classes of effects arising from an activity. Rules may apply all of the time, or for stated periods, be specific or general in application, and require a resource consent to be obtained for an activity causing, or likely to cause adverse effects not covered by the plan. In making a rule, the territorial authority must have regard to the actual or potential effect on the environment of activities including, in particular, any adverse effect.
90. Schedule 1 of the RMA sets out the process that must be followed in the preparation, change and review of district plans. Clause 10 requires a local authority to give a decision on the provisions and matters raised in submissions. The decision must include:
- a) the reasons for accepting or rejecting the submissions;
  - b) a further evaluation under s 32AA (and the decision maker must have regard to that evaluation in making its decision);
- and may include any consequential alterations and other relevant matters necessary and arising from the submissions.
91. The decision must be given and publicly notified no later than 2 years after the date of notification of the proposed plan change.

### 3.1.1 Section 32 – Appropriateness of provisions

92. Section 32 of the RMA sets out the duty to consider other reasonably practicable options and assess the efficiency and effectiveness of the provisions before a plan change is adopted. The s 32 evaluation report must examine the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the Act, and the efficiency and effectiveness of the provisions for achieving those objectives.
93. Effectiveness and efficiency are not defined in the RMA. It is generally accepted (based on MfE guidance<sup>49</sup>) that the following explanations apply:

**Efficiency** –measures whether the provisions will be likely to achieve the objectives at the lowest total cost to all members of society, or achieves the highest net benefit to all of society. The

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<sup>47</sup> S74(3).

<sup>48</sup> S75(4)(b).

<sup>49</sup> Ministry for the Environment. 2017. A guide to section 32 of the Resource Management Act: Incorporating changes as a result of the Resource Legislation Amendment Act 2017. Wellington: Ministry for the Environment, pg. 18.

assessment of efficiency under the RMA involves the inclusion of a broad range of costs and benefits, many intangible and non-monetary.

**Effectiveness** – assesses the contribution new provisions make towards achieving the objective, and how successful they are likely to be in solving the problem they were designed to address.

94. A s 32 analysis has been undertaken and a report summarising that analysis was published with the notified PCG. Under s 32AA, the Hearing Panel must complete a similar analysis for any changes they recommend to the notified provisions as a result of submissions. Where I recommend changes in this report, I have provided a s 32AA analysis in Section 5 of this report. The s 32AA addresses the most significant recommended amendments to the PCG provisions as identified in this s 42A Report, reflective of the scale and significance of the proposed amendments. The s 32AA is not exhaustive and does not address minor changes recommended to improve clarity or interpretation of the plan, or where amendments have been proposed that are not a significant departure from the approach that was notified.



## 3.2 National level direction

95. The relevant Statutory Documents are identified at section 3.1 of the s 32 report. In addition to the provisions identified in Table 3 of the s 32 report, I consider the following Statutory Documents are also relevant.

Table 3: Additional relevant statutory and policy documents

National Direction	Key provisions	Why they are relevant
<b>National Policy Statements</b>		
National Policy Statement on Freshwater Management (NPS-FM), updated December 2022	<p>I consider the following provisions are relevant:</p> <ul style="list-style-type: none"> <li>a. <i>Policy 1: Freshwater is managed in a way that gives effect to Te Mana o te Wai.</i></li> <li>b. <i>Policy 2: Tangata whenua are actively involved in freshwater management (including decision-making processes), and Māori freshwater values are identified and provided for.</i></li> <li>c. <i>Policy 3: Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.</i></li> <li>d. <i>Policy 4: Freshwater is managed as part of New Zealand's integrated response to climate change.</i></li> <li>e. <i>Policy 6: There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.</i></li> <li>f. <i>Policy 7: The loss of river extent and values is avoided to the extent practicable.</i></li> </ul>	<p>These provisions are particularly relevant to the protection afforded to the gully network through its vesting as Conservation and Amenity Zone, and the provisions which seek to protect, manage and restore the gully systems and natural wetlands in Aokautere. A number of the gullies contain permanent, intermittent and ephemeral waterbodies as assessed by Dr Forbes for the Council. The provisions are also relevant to the Stormwater Management Strategy discussed in the s42A report of Ms Baugham and Mr Millar.</p>

National Direction	Key provisions	Why they are relevant
	<p><i>g. Policy 9: The habitats of indigenous freshwater species are protected.</i></p> <p><i>h. Policy 12: The national target (as set out in Appendix 3) for water quality improvement is achieved.</i></p> <p><i>i. Policy 13: The condition of water bodies and freshwater ecosystems is systematically monitored over time, and action is taken where freshwater is degraded, and to reverse deteriorating trends.</i></p>	
National Policy Statement for Highly Productive Land (NPS-HPL), September 2022		The NPS-HPL took effect after PCG was notified. PCG is subject to a Council initiated plan change to zone land from rural to urban and rural lifestyle <sup>50</sup> and was notified prior to the commencement of the NPS- HPL. Therefore, while there is LUC Class 3 land within the PCG area, it is not 'highly productive land' for the purposes of the NPS-HPL, and the provisions of the NPS-HPL do not apply to PCG.
National Policy Statement on Electricity	The objective of the NPS-ET is to recognise the national significance of the electricity transmission network and facilitate the operation, maintenance and upgrade of existing and new transmission resources,	The NPS-ET is relevant because the National Grid Bunnythorpe-Milton 110KV transmission line passes through the plan change area. The PCG provisions must

<sup>50</sup> It is noted the PNCC District Plan does not yet use the zones outlined in the National Planning Standards Framework that are referred to within the NPS-HPL. I consider that the Rural Zone in the PNCC is equivalent to the General Rural zone identified in the NPS-HPL.

National Direction	Key provisions	Why they are relevant
Transmission (NPS-ET), 2008	<p>while at the same time managing adverse effects, both of the network itself and of other activities on the network.</p> <p>Policies 10 and 11 of the NPS-ET deal with managing the adverse effects of third parties on the transmission network, including avoiding reverse sensitivity effects (Policy 10) and identifying an appropriate buffer corridor within which it can be expected that sensitive activities will generally not be provided for in plans, and/or given resource consent. Policy 12 requires territorial authorities to identify the electricity transmission network on their relevant planning maps whether or not the network is designated.</p>	<p>ensure there are no adverse effects of subdivision and land use development in the plan change area on the transmission network, including ensuring the National Grid Yard and subdivision corridor is not compromised by development. The transmission line should be identified on the PCG maps.</p>
National Policy Statement for Indigenous Biodiversity (NPS-IB) – Operative 4 August 2023	<p>Relevant provisions include:</p> <p>Objective (1) The objective of this National Policy Statement is:</p> <p>(a) <i>to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity after the commencement date; and</i></p> <p>(b) <i>to achieve this:</i></p> <p>(i) <i>through recognising the mana of tangata whenua as kaitiaki of indigenous biodiversity; and</i></p> <p>(ii) <i>by recognising people and communities, including landowners, as stewards of indigenous biodiversity; and</i></p>	<p>Pursuant to s74 of the RMA must prepare or change a District Plan in accordance with a National Policy Statement. The NPS-IB directs local authorities to update their policies, plans and strategies to reflect NPS-IB requirements. Some parts, including the preliminary and implementation provisions, objectives and policies are required to be implemented immediately, while other parts do not need to be delivered until Mid-2033</p> <p>The NPS-IB became operative on the 4<sup>h</sup> August 2023 following the notification of PPG and after submissions on PCG were received by the Council. As PCG was</p>

National Direction	Key provisions	Why they are relevant
	<p><i>(iii) by protecting and restoring indigenous biodiversity as necessary to achieve the overall maintenance of indigenous biodiversity; and</i></p> <p><i>(iv) while providing for the social, economic, and cultural wellbeing of people and communities now and in the future.</i></p> <p><i>Policy 1: Indigenous biodiversity is managed in a way that gives effect to the decision making principles and takes into account the principles of the Treaty of Waitangi</i></p> <p><i>Policy 2: Tangata whenua exercise kaitiakitanga for indigenous biodiversity in their rohe, including through:</i></p> <p><i>(a) managing indigenous biodiversity on their land; and</i></p> <p><i>(b) identifying and protecting indigenous species, populations and ecosystems that are taonga; and</i></p> <p><i>(c) actively participating in other decision-making about indigenous biodiversity.</i></p> <p><i>Policy 3: A precautionary approach is adopted when considering adverse effects on indigenous biodiversity.</i></p> <p><i>Policy 4: Indigenous biodiversity is managed to promote resilience to the effects of climate change.</i></p>	<p>notified prior to the NPS-IB coming into effect, PCG does not fully implement the requirements of the NPS.</p> <p>The objective and policies of the NPS-IB are now relevant when considering the proposed approach to protection, restoration and management of the gully areas, forest remnants and natural wetlands in the plan change area as recommended by Dr Forbes for the Council. The provisions are also relevant to the Stormwater Management Strategy discussed in the s42A reports of Ms Baughan and Mr Millar.</p>

National Direction	Key provisions	Why they are relevant
	<p><i>Policy 5: Indigenous biodiversity is managed in an integrated way, within and across administrative boundaries.</i></p> <p><i>Policy 6: Significant indigenous vegetation and significant habitats of indigenous fauna are identified as significant natural areas (SNAs) using a consistent approach.</i></p> <p><i>Policy 7: SNAs are protected by avoiding or managing adverse effects from new subdivision, use and development.</i></p> <p><i>Policy 8: The importance of maintaining indigenous biodiversity outside SNAs is recognised and provided for.</i></p> <p><i>Policy 13: Restoration of indigenous biodiversity is promoted and provided for.</i></p> <p><i>Policy 14: Increased indigenous vegetation cover is promoted in both urban and non-urban environments.</i></p> <p><i>Policy 15: Areas outside SNAs that support specified highly mobile fauna are identified and managed to maintain their populations across their natural range, and information and awareness of specified highly mobile fauna is improved.</i></p> <p><i>Policy 17: There is improved information and regular monitoring of indigenous biodiversity.</i></p>	
<b>Legislation</b>		

National Direction	Key provisions	Why they are relevant
Resource Management Act 1991	The relevant provisions are discussed at section 3.1 above.	
Rangitāne o Manawatu Claims Settlement Act 2016	The Manawatu River and tributaries are within a Statutory Acknowledgement Area under this Treaty settlement legislation. The Council must have regard to this statutory acknowledgement when determining whether the trustees are affected parties in relation to an activity which is the subject of a resource consent application within, or directly adjacent to, or directly affecting the statutory area.	The plan change area includes tributaries of the Manawatu River.

### 3.3 Regional level direction - Horizons One Plan – Regional Policy Statement

96. The relevant provisions in the Regional Policy Statement are identified at section 3.2 of the s 32 report. In addition to the provisions identified in Table 2 of the s 32 report, I consider the following provisions are also relevant.

*Table 3: Additional relevant provisions in the Regional Policy Statement*

RPS Provision	Why this is relevant
Objective 3-1: Infrastructure <sup>^</sup> and other physical resources of regional or national importance	Objective 3-1 is relevant to Transpower's submission on the importance of enabling the ongoing operation of the National Grid.

RPS Provision	Why this is relevant
Have regard to the benefits of infrastructure <sup>^</sup> and other physical resources of regional or national importance by recognising and providing for their establishment, operation*, maintenance* and upgrading*.	
<p>Objective 3-2: Energy</p> <p>An improvement in the efficiency of the end use of energy and an increase in the use of renewable energy<sup>^</sup> resources within the Region.</p>	The s 32 report identifies Policy 3-7 as relevant. Policy 3-7 implements Objective 3-2 and therefore this objective is also relevant.
<p>Policy 3-1: Benefits of infrastructure<sup>^</sup> and other physical resources of regional or national importance</p> <p>a. The Regional Council and Territorial Authorities<sup>^</sup> must recognise the following infrastructure<sup>^</sup> as being physical resources of regional or national importance:</p> <p>ii. the National Grid and electricity distribution and transmission networks defined as the system of transmission lines, subtransmission and distribution feeders (6.6kV and above) and all associated substations and other works to convey electricity</p> <p>iv. the road<sup>^</sup> and rail networks as mapped in the Regional Land Transport Strategy</p> <p>viii. public or community sewage treatment plants and associated reticulation and disposal systems</p>	Policies 3-1, 3-2 and 3-3 are relevant to Transpower's submission, to consideration of Waka Kotahi's submission in relation to SH57 and to consideration of submissions and provisions addressing the stormwater management system.

RPS Provision	Why this is relevant
<p>ix. public water supply* intakes, treatment plants and distribution systems</p> <p>x. public or community drainage systems, including stormwater systems</p> <p>...</p> <p>c. The Regional Council and Territorial Authorities^ must, in relation to the establishment, operation*, maintenance*, or upgrading* of infrastructure^ and other physical resources of regional or national importance, listed in (a) and (b), have regard to the benefits derived from those activities.</p>	
<p>Policy 3-2: Adverse effects^ of other activities on infrastructure^ and other physical resources of regional or national importance</p> <p>The Regional Council and Territorial Authorities^ must ensure that adverse effects^ on infrastructure^ and other physical resources of regional or national importance from other activities are avoided as far as reasonably practicable, including by using the following mechanisms:</p> <p>a. ensuring that current infrastructure^, infrastructure^ corridors and other physical resources of regional or national importance, are identified and had regard to in all resource management decision-making, and any development that would adversely affect the operation*, maintenance* or upgrading* of those activities is avoided as far as reasonably practicable,</p>	<p>As above</p>







RPS Provision	Why this is relevant
<p>b. allow minor adverse effects<sup>^</sup> arising from the establishment of new infrastructure<sup>^</sup> and physical resources of regional or national importance, and</p> <p>c. avoid, remedy or mitigate more than minor adverse effects<sup>^</sup> arising from the establishment of new infrastructure<sup>^</sup> and other physical resources of regional or national importance, taking into account:</p> <p>d. the need for the infrastructure<sup>^</sup> or other physical resources of regional or national importance,</p> <p>e. any functional, operational or technical constraints that require infrastructure<sup>^</sup> or other physical resources of regional or national importance to be located or designed in the manner proposed,</p> <p>f. whether there are any reasonably practicable alternative locations or designs, and</p> <p>g. whether any more than minor adverse effects<sup>^</sup> that cannot be adequately avoided, remedied or mitigated by services or works can be appropriately offset, including through the use of financial contributions.</p>	

RPS Provision	Why this is relevant
<p>Objective 4-2: Regulating potential causes of accelerated erosion*</p> <p>Land^ is used in a manner that ensures:</p> <p>a. accelerated erosion* and increased sedimentation in water bodies^ (with resultant adverse effects^ on people, buildings and infrastructure^) caused by vegetation clearance*, land disturbance*, forestry*, or cultivation* are avoided as far as reasonably practicable, or otherwise remedied or mitigated, and</p> <p>b. sediment loads entering water bodies^ as a result of accelerated erosion are reduced to the extent required to be consistent with the water^ management objectives and policies for water^ quality set out in Chapter 5 of this Plan.</p>	<p>Objective 4-2 and Policy 4-2 are relevant to the consideration of submissions and provisions addressing the use, development or protection of land to avoid erosion and increased sedimentation, in particular in relation to the gully areas.</p>
<p><b><u>Policy 4-2: Regulation of land^ use activities</u></b></p> <p>a. In order to achieve Objective <a href="#">4-2</a> the Regional Council must regulate <a href="#">vegetation clearance*</a>, <a href="#">land disturbance*</a>, <a href="#">forestry*</a> and <a href="#">cultivation*</a> through <i>rules</i>^ in this Plan and decisions on <i>resource consents</i>^, so as to minimise the risk of accelerated erosion, minimise discharges of sediment to water, and maintain the benefits of riparian vegetation for water <i>bodies</i>^.</p> <p>b. <i>Territorial Authorities</i>^ may regulate, through <i>rules</i>^ in district <i>plans</i>^ and decisions on <i>resource consents</i>^, the actual or potential <i>effects</i>^ of the use, development, or protection of</p>	



RPS Provision	Why this is relevant
<ul style="list-style-type: none"> <li>iii. <u>avoided, remedied or mitigated in other areas.</u></li> <li>c. <u>Promote the rehabilitation or restoration of the natural character of the coastal environment, <i>wetlands</i><sup>^</sup>, <i>rivers</i><sup>^</sup> and <i>lakes</i><sup>^</sup> and their margins.</u></li> </ul>	
<p><b>Policy 6-1: Responsibilities for maintaining indigenous biological diversity<sup>^</sup></b></p> <p>In accordance with <a href="#">s62(1)(i) RMA</a>, local authority responsibilities for controlling <i>land</i><sup>^</sup> use activities for the purpose of managing indigenous <i>biological diversity</i><sup>^</sup> in the Region are apportioned as follows:</p> <ul style="list-style-type: none"> <li>a. <b>The Regional Council must be responsible for:</b> <ul style="list-style-type: none"> <li>i. developing objectives, policies and methods for the purpose of establishing a Region-wide approach for maintaining indigenous <i>biological diversity</i><sup>^</sup>, including enhancement where appropriate</li> <li>ii. developing <i>rules</i><sup>^</sup> controlling the use of <i>land</i><sup>^</sup> to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna and to maintain indigenous <i>biological diversity</i><sup>^</sup>, including enhancement where appropriate.</li> </ul> </li> </ul>	<p>Policy 6-1 is relevant to the consideration of the provisions and submissions received on maintaining indigenous biodiversity, as it sets out the division of responsibilities for plan making on these matters.</p>

RPS Provision	Why this is relevant
<p>b. <b><i>Territorial Authorities</i></b><sup>^</sup> must be responsible for:</p> <p>i. retaining schedules of notable trees and amenity trees in their <i>district plans</i><sup>^</sup> or such other measures as they see fit for the purpose of recognising amenity, intrinsic and cultural values associated with indigenous <i>biological diversity</i><sup>^</sup>, but not for the purpose of protecting significant indigenous vegetation and significant habitats of indigenous fauna as described in (a)(ii) above.</p> <p>c. <b>Both the Regional Council and <i>Territorial Authorities</i></b><sup>^</sup> must be responsible for:</p> <p>i. recognising and providing for matters described in <a href="#">s6(c) RMA</a> and having particular regard to matters identified in <a href="#">s7(d) RMA</a> when exercising functions and powers under the RMA, outside the specific responsibilities allocated above, including when making decisions on <i>resource consent</i><sup>^</sup> applications.</p>	
<p>Policy 6-5: <b>Pest plants and pest animals</b></p> <p>a. To the extent that they relate to the maintenance of indigenous biodiversity, the pest plant and pest animal management functions of the Regional Council will primarily target pests</p>	<p>Policy 6-5 is relevant to the consideration of submissions received on introduced weeds and pest species and to the provisions which relate to the gully networks which contain threatened/at risk habitats.</p>

RPS Provision	Why this is relevant
<p>threatening <a href="#">rare habitats*</a>, <a href="#">threatened habitats*</a> and <a href="#">at-risk habitats*</a></p> <p>b. When exercising functions and powers as set out in Policy <a href="#">6-1</a>, <i>Territorial Authorities</i><sup>^</sup> must take into account the risks of introducing pest plants or pest animals into <a href="#">rare habitats*</a>, <a href="#">threatened habitats*</a>, at-risk habitats* and nearby areas.</p>	

### 3.4 Relevant Provisions in the Operative District Plan

97. The s 32 report<sup>51</sup> identifies the overarching City-wide objectives in Section 2 of the Plan which establish the intent of the plan at a strategic level, and which provide a framework for the more specific objectives which guide development in each specific zone. I agree with the list included, with the addition of Objective 25, which relates to infrastructure and resources of regional or national significance. I consider this objective is relevant to the submission from Transpower.

<sup>51</sup> At Section 3.3, pg 24.



98. The s 32 report provides an overview of the purpose of Section 10: Residential Zone and Section 7A. Although not described specifically in the s 32 report, I consider other relevant sections of the Operative District Plan include:
- a) Section 7 – Subdivision
  - b) Section 11:10 Local Business Zone
  - c) Section 15.5 Conservation and Amenity Zone
  - d) Section 20: Land Transport and
  - e) Section 23: Utilities.

### 3.5 Rangitāne o Manawatū Environmental Management Plan 2021

99. Rangitāne o Manawatū have recently prepared an Environmental Management Plan ('EMP') which has been endorsed by Tanenuiarangi Manawatū Incorporated (Rangitāne o Manawatū Iwi Authority) and the Rangitāne o Manawatū Settlement Trust. I understand this document has been provided to Council since PCG was notified. The EMP includes a statement of Te Mana o Te Wai which applies to the Manawatū awa and its catchment, tributaries and connections, including groundwater, wetlands and lagoons. These waterbodies are taonga and valued for their traditional abundance of mahinga kai and natural resources. To give effect to Te Mana o te Wai, Rangitāne expect that land and freshwater will be managed in a way that:

*1 - protects and restores the mauri of the Manawatū Awa and its tributaries and connections. This will be achieved by ensuring:*

- *the quality and quantity of water is sufficient to support all species that would be expected to be present in that place, including plants, birds, aquatic insects, molluscs, kōura and fish*
- *rivers and streams have sufficient room on their flood plains to express their natural character, including changing course and connecting to wetlands*

- *waterbodies have natural rhythm, geomorphology, hydrology and character*
- *mahinga kai species and freshwater resources are healthy, resilient, abundant, and safe to harvest and eat.*

*2 - Recognising and providing for the relationship of Rangitāne o Manawatū with their waters by ensuring:*

- *Rangitāne o Manawatū are enabled to undertake their kaitiakitanga duties, including decision-making, management, restoration and monitoring*
- *Rangitāne o Manawatū can meaningfully exercise their mana whakahaere*
- *Rangitāne o Manawatū cultural practices and tikanga toko iho can be carried out, shared with the community and passed on to future generations, for example rāhui*
- *the mātauranga of Rangitāne o Manawatū is recognised, its development and transmission is provided for.*

*3. Recognising water as an interconnected whole by ensuring:*

- *ephemeral and permanent waterways, from the smallest creeks, puna and wetlands to the largest lakes, groundwater bodies, rivers and coastal waters are provided for*
- *when providing for social, economic and cultural well-being (2c), the way water is taken and disposed of is integrated.*

100. I consider this statement relevant to the Stormwater Management Strategy that PCG will implement in order to manage adverse impacts on downstream waterbodies in the gully networks. It is also relevant to the proposed zoning and vesting of the gully networks and natural wetlands within the PCG as public assets and the opportunity for Rangitāne to work alongside the Council and communities in restoration and management of these areas.

### 3.6 Strategies and Plans prepared under other legislation

101. I consider the following strategies and plans are relevant matters for this assessment under section 74(2)(b), (d) and (e). These documents have either not been referenced in the S32 report (for reasons of timing), or are addressed only briefly.

National Direction	Key provisions/matters addressed	Why is this relevant?
Aotearoa New Zealand's first national adaptation plan (August 2022) <sup>52</sup> (NAP)	<p>The Resource Management Amendment Act 2020 introduced a requirement for Council's to have regard to the <i>NAP</i> when preparing or changing policy statements and plans under the RMA. The NAP and ERP set out the Government's plans to meet New Zealand's climate goals, and are required to be prepared under the Climate Change Response Act (CCRA) 2002<sup>53</sup>.</p> <p>The <i>National Adaptation Plan</i> sets out the Government's strategies, policies and proposals to address the risks identified in the national Climate Change Risk Assessment.<sup>54</sup></p> <p>A recently published <i>National adaptation plan and emissions reduction plan: Resource Management Act 1991 guidance note</i><sup>55</sup> provides advice on how local government should meet the requirement to 'have regard' to these plans.</p>	The NAP was published around the same time as PCG was notified and is raised as a relevant matter in submissions.

<sup>52</sup> Ministry for the Environment. 2022. Aotearoa New Zealand's first national adaptation plan. Wellington. Ministry for the Environment. Accessed at: <https://environment.govt.nz/assets/publications/climate-change/MFE-AoG-20664-GF-National-Adaptation-Plan-2022-WEB.pdf>

<sup>53</sup> Under Section 5ZT.

<sup>54</sup> Ministry for the Environment. 2020. *National Climate Change Risk Assessment for New Zealand: Main report – Arotakenga Tūrarū mō te Huringa Āhuarangi o Āotearoa: Pūrongo whakatōpū*. Wellington. Ministry for the Environment.

<sup>55</sup> Ministry for the Environment. 2022. *National adaptation plan and emissions reduction plan: Resource Management Act 1991 guidance note*. Wellington: Ministry for the Environment.

National Direction	Key provisions/matters addressed	Why is this relevant?
	<p>When having regard to the <i>National Adaptation Plan</i>, local government should consider how they can manage activities in a way that contributes to the long-term adaptation strategy and goals, including by:</p> <ul style="list-style-type: none"> <li>a. reducing vulnerability to the impacts of climate change and natural hazards, for example by avoiding locating sensitive activities, vulnerable people and critical infrastructure in areas subject to climate hazards and risks;</li> <li>b. enhancing adaptative capacity, for example through adopting limited duration or trigger-based provisions in plans, to reflect changes to climate risk;</li> <li>c. making the built environment more resilient to the anticipated effects of climate change through the location and design of infrastructure and buildings;</li> <li>d. using the most up-to-date information to inform decision-making; including as a minimum, the best available data for the recommended climate change scenarios<sup>56</sup>.</li> </ul>	
Aotearoa New Zealand's first emissions reduction plan (May 2022) <sup>57</sup> (ERP)	The Resource Management Amendment Act 2020 introduced a requirement for Council's to have regard to the <i>ERP</i> when preparing or changing policy statements and plans under the RMA.	The ERP was published around the same time as PCG was

<sup>56</sup> The Guidance Note recommends using the middle-of-the-road scenario (Socio-economic shared pathways (SSP)2-4.5 or Representative concentration pathways (RCP) 4.5 and the fossil-fuel intensive development scenario (SSP5-8.5 or RCP8.5) as a minimum.

<sup>57</sup> Ministry for the Environment. 2022. Towards a productive, sustainable and inclusive economy Aotearoa New Zealand's first emissions reduction plan. Wellington. Ministry for the Environment. Accessed at: <https://environment.govt.nz/assets/publications/Aotearoa-New-Zealands-first-emissions-reduction-plan.pdf>

National Direction	Key provisions/matters addressed	Why is this relevant?
	<p>The <i>Emissions Reduction Plan</i> sets out the strategies, policies and actions the Government will take to achieve Aotearoa New Zealand's first emissions budget (2022–25) and keep the country on track to meet the CCRA 2050 emissions reduction target<sup>58</sup>.</p> <p>The <i>Emissions Reduction Plan</i> is based on 5 key principles: 'playing our part', 'empowering Māori', 'equitable transition', 'working with nature' and 'a productive, sustainable and inclusive economy'.</p> <p>Under principle 5 – 'playing our part', planning decisions about land use, resources and infrastructure should require, promote and support reducing emissions and increasing resilience to the effects of climate change. In practice this might mean:</p> <ul style="list-style-type: none"> <li>a. prioritising and encouraging nature-based solutions that reduce emissions and have multiple co-benefits, such as water sensitive design;</li> <li>b. supporting low-emission transport infrastructure and requiring urban form outcomes that enable people to live in communities with access to convenient, affordable and frequent public transport, and safer walkways and cycle lanes. This includes reducing the distance people need to travel for their daily needs and understanding travel required for education and employment;</li> </ul>	<p>notified and is raised in submissions.</p>

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<sup>58</sup> The CCRA requires all greenhouse gases, other than biogenic methane, to reach net zero by 2050; and to reduce biogenic methane emissions by a minimum 10 per cent by 2030, and by 24–47 per cent by 2050, compared with the level of emissions in 2017.

National Direction	Key provisions/matters addressed	Why is this relevant?
	<ul style="list-style-type: none"> <li>c. enabling mixed-use, medium- and high-density zoning that supports the efficient use of public transport, walking and cycling infrastructure;</li> <li>d. reducing or discouraging activities that can increase emissions; and</li> <li>e. supporting energy-efficient building design and appropriate building typologies.</li> </ul>	
<p><i>Long Term Plan Te Mahere Tūroa (LTP) (2021-2031)</i> (adopted 7 July 2021) (Local Government Act 2022)</p>	<p>Key aspects of the LPT are:</p> <ul style="list-style-type: none"> <li>a. Increased emphasis on lowering carbon emissions arising from new requirements for local authorities to set emissions reduction target and mitigation policies under the Climate Change Response (Zero Carbon) Amendment Act 2019. The Council has set a target of a 30% reduction in CO2 emissions in Palmerston North by 2031 [from the 2018 baseline]. To achieve this target, the LTP states that the Council needs to provide infrastructure that enables the rest of the city to make low-carbon choices, particularly for transport.</li> <li>b. Commitments in the capital new works programme to support urban growth at Aokautere, including for purchase and development of neighbourhood reserves, upgrades to sections of the wastewater gravity network in Aokautere and Pacific Drive, development and growth of the water supply, and stormwater management improvements through mitigation works in severely affected gullies. These commitments arise in part from obligations arising under the NPS UD to service land to meet projected housing demands, including a 20% buffer.</li> </ul>	<p>The Council's LTP is a relevant plan. The s 32 report makes some references to the LTP. However, I consider the aspects I have identified are particularly pertinent to consideration of submissions and provisions on carbon emissions, infrastructure provision, open space, active travel, greenfield development and the NPS FM.</p>

National Direction	Key provisions/matters addressed	Why is this relevant?
	<ul style="list-style-type: none"> <li>c. Recognition of the timing challenges for infrastructure delivery in greenfield areas - including the risks of providing infrastructure too early, and facing increased holding costs until these can be recovered through development contributions: versus providing the infrastructure too late, and discouraging new development<sup>59</sup>.</li> <li>d. The requirement to give effect to the NPS FM by managing effects of new development to ensure water quality is maintained or enhanced, including through stormwater detention, protection of waterways and natural revegetation near waterways to improve habitats and water quality. The LTP signals that the Council may need to take a more active role in co-ordinating landowner development interests in growth areas to ensure the outcomes of the NPS FM can be met<sup>60</sup>.</li> <li>e. Opportunities for investment in infrastructure to contribute to integrated city-making which follows good urban design and placemaking principles, both in the public and private domain.<sup>61</sup></li> <li>f. The commitment through the Urban Cycle Network Masterplan 2019 to create an environment and culture that encourages more people in Palmerston North to choose cycling more often, including through reducing traffic speeds around schools and shops and expanding the network of cycle lanes, including physically separated cycleways<sup>62</sup>.</li> </ul>	

<sup>59</sup> Section 5.5 Development of new infrastructure for growth, pg 178.

<sup>60</sup> Pg 178 – 179.

<sup>61</sup> Section 5.7 Application of urban design, pg 181.

<sup>62</sup> Section 5.8 Facilities to encourage walking, cycling and public transport, pg 181.

National Direction	Key provisions/matters addressed	Why is this relevant?
	g. Recognition that the Council needs to consider how it treats and prioritises space for pedestrians and cyclists within existing transport corridors, as existing urban areas are intensified. The LPT acknowledges that street design, way-finding and planning need to allow for the space and safety needs of cyclists and pedestrians <sup>63</sup> .	

### 3.7 Relevant non-statutory plans and strategies

102. The relevant Council Strategies and Plans are described in the s 32 report at pages 27-29. The s 32 report provides an evaluation of the proposals against these wider strategic planning documents.
103. In particular I note that the *The City Growth Plan (2021)* contains a number of particularly relevant goals for PCG, including:
- a) Over 50% of housing development takes place within the existing urban footprint, through redevelopment and infill subdivision.
  - b) Housing development at Aokautere is guided by a structure plan.
  - c) Developers deliver a more diverse range of housing types, such as duplexes, terraced housing, apartments and other multi-unit options, particularly in brownfield developments.
  - d) Under-utilised Council land is repurposed to provide increased housing supply.

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<sup>63</sup> Pg 181.



- e) Housing is more affordable.
- f) Council front-foots new infrastructure to support growth and is able to say 'yes' to new development.
- g) Council has clear priorities about where growth will occur and what supporting infrastructure is required.

104. I have also reviewed and consider the following plans are relevant to submissions received on community safety and wellbeing:

- a) Safe Communities Plan
- b) Connected Communities Strategy, and
- c) Connected Communities Plan<sup>64</sup>.

105. These plans focus on the social wellbeing of communities in Palmerston North, including providing a connected, welcoming, inclusive and safe city, where people have access to the housing they need and opportunities to connect with others, including through community facilities such as libraries and community centres.

106. Where submitters have challenged aspects of the PCG responses to this wider strategic planning framework in submission points, I have considered the relevant documents in my recommendations to the Hearing Commissioners on those submissions.

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<sup>64</sup> These documents can be viewed here: <https://www.pncc.govt.nz/Council/Official-documents/Strategic-direction/A-connected-and-safe-community>

## 4 Evaluation of Matters Raised in Submissions

107. This part of the report discusses the matters raised in submissions. To assist with the evaluation, the submissions have been grouped according to the following relevant topics, and where necessary, into further sub-topics:

- a) Topic 1: Preliminary Matters
- b) Topic 2: Urban Development and Intensification
- c) Topic 3: Climate Change and Emissions Reduction
- d) Topic 4: Stormwater, Flooding and Erosion
- e) Topic 5: Geotechnical Constraints and Hazards
- f) Topic 6: Transport
- g) Topic 7: Addressing Housing Needs
- h) Topic 8: Local Business Zone – Aokautere Neighbourhood Centre
- i) Topic 9: Conservation and Amenity Zone and Indigenous Biodiversity
- j) Topic 10: Cultural Values
- k) Topic 11: Visual Amenity and Landscape Effects
- l) Topic 12: Noise
- m) Topic 13: Parks and Open Space
- n) Topic 14: Community Facilities (other than recreation, parks and open space)
- o) Topic 15: Wellbeing and Safety
- p) Topic 16: Infrastructure and Services
- q) Topic 17: Zoning Matters
- r) Topic 18: General matters and submissions relating to Plan Change as a whole

108. Under each topic, I summarise the issues raised in submissions. In the analysis section, I discuss the matters raised with reference to the relevant ss 74 -76 matters, including any relevant statutory context, the supporting technical reports and additional evidence provided by the Council's technical experts. Each topic discussion concludes with my recommendations on the provisions, including any recommended changes, additions or deletions, or refinements to the PGC provisions or Structure Plan.

109. An evaluation of the recommended changes in accordance with s 32AA is provided in Section 5.
110. Where I have recommended changes to PCG I have used the following conventions:
- a) Recommendations to insert additional text to the proposed notified provisions are shown in bold ,underlined and with grey shading (Example)
  - b) Recommendations to delete text from the proposed notified provisions are shown in bold and struck through with grey shading (~~Example~~).
111. This report includes recommendations to the Hearing Panel on whether to accept or reject, either in full or in part, individual submission points and any requested amendments to PCG. A comprehensive table of the original submission and further submission points, along with my recommended decisions and a reference to where this point is evaluated in the report, is set out in Appendix 2 of this report.
112. Each submission and further submission point has a unique identifier (e.g. 05.11) with the first number referring to the submitter and the second number to the submission point. Further submissions follow a similar format, but with the additional prefix of 'FS' (further submission). For example, FS01.01.

# Topic 1 - Preliminary Matters

1. This section addresses a number of preliminary matters, including:
  - Whether the provisions of PCG extend beyond the intended scope – i.e. the Aokautere Structure Plan area, and will apply to other parts of the city.
  - The outcome of the statutory process under the Reserves Act for the Adderstone Reserve development option.
  - Submissions relating to Private Plan Change B.
  - Other matters of principle including the Structure Plan approach to the plan change.

## 1.1 Submissions on the scope of PCG

2. A number of submissions have been received that raise concern regarding the scope of the application of the proposed provisions.
3. The submissions can be summarised as those that relate to:
  - a) amendments that may have the effect of applying the proposed provisions wider than the Aokautere Structure Plan Area; and
  - b) amendments to the wording of operative provisions, that may not alter the application of the provision, but have been made to improve plan clarity, and may not solely relate to the Aokautere Structure Plan Area.
4. I have addressed these submissions below.
5. As the number of submissions which have raised concerns about the scope of PCG are extensive, for conciseness, I have collated these submission points and responded to each individual submission point in Appendix 4.

### 1.1.1 Amendments that apply provisions wider than the Aokautere Structure Plan Area

6. Submitters oppose a number of the proposed amendments in PCG because, in their view, these amendments do not relate specifically to the Aokautere Structure Plan Area. There is concern that these proposed changes may affect activities, or resource consent applications in other areas of the city, by amending or including provisions that will apply to other Greenfield Residential Areas, including Matangi (previously called Whiskey Creek), Kikiwhenua and Whakarongo. The submitters consider the implications of these proposed amendments have not been assessed in the Section 32 Report. These submissions are identified in Appendix 4.

7. In the assessment of these submissions, I have reviewed the public notice giving formal notification of the plan change (see Appendix 3). That notice states that PCG seeks to rezone a new greenfield growth area to the south-east of Palmerston North for residential development and inserts an accompanying structure plan and provisions (objectives, policies, and rules) into the District Plan. It goes on to state that:
- “... PCG plans to provide this housing supply through ... comprehensively planned development of the Aokautere area. A Structure Plan has been produced, following a masterplan process, which is carried down through PCG’s policy and rule framework to shape and guide development in the Aokautere plan change area” (underlining is my emphasis).
8. The public notice quite clearly states that the scope of PCG is limited to guiding and shaping development in Aokautere. It is not intended to apply more widely. This is also clear from the Section 32 report, which provides a consistent explanation of the purpose and scope of the plan change in sections 2 and 3 of Part 1.
9. I agree with submitters that in some cases, as identified in Appendix 4 the scope of the proposed provisions will apply outside the Aokautere Structure Plan area. For these reasons, I recommend a number of changes to the provisions to ensure that the scope of the provisions is limited to, and clearly applies only to the Aokautere Structure Plan area. The recommendations, reasons and relevant submission point numbers are contained within Appendix 4.

#### **1.1.1.1 Matangi Residential Area (Whiskey Creek) Private Plan change**

10. Flyers Investment Group wrote to the Council in September 2022 in relation to their concern, as expressed in their submission on PCG [S103.001], that it was not appropriate that PCG provisions apply to all Greenfield Residential Areas, and in particular the Whiskey Creek Residential Area. At the time, the Whiskey Creek Residential Area was the subject of a extant plan change awaiting determination. The letter sought clarification that Council did not intend to include all Greenfield Residential Areas within the new provisions, and that this should be acknowledged through a further submission.
11. The Council subsequently made a further submission [FS104.001] confirming that it was not the Council’s intent to apply the provisions to all Greenfield Residential Areas. As set out above, I have recommended amendments to the proposed provisions to limit these to the Aokautere Structure Plan area.

#### **1.1.2 RMA Schedule 1 Clause 16 changes**

12. Schedule 1 Clause 16 of the RMA allows a local authority to make amendments to a proposed plan without using the Schedule 1 process, where such an alteration is of minor effect or may correct any minor errors.
13. In the review of the submissions relating to scope, it is apparent there are a number of amendments proposed to the plan through PCG, that have been made with the intention of improving the clarity of the plan.

14. While these changes may apply more broadly than solely within the Aokautere Structure Plan area, where the alteration has only resulted in a minor effect to the operative provisions, or it is an amendment to correct a minor error in the plan (i.e a cross reference), I consider these amendments to be appropriate under Schedule 1 Clause 16 of the RMA. Where this applies, I have recommended the provisions remain as notified in PCG. The provisions to which this relates, my assessment, recommendations and relevant submission point numbers are contained within Appendix 4.

## **1.2 The outcome of the separate statutory process under the Reserves Act – Adderstone Reserve option**

15. The notified Structure Plan included an optional scenario (see Map 7A.4D – 7A.4G) which provided for approximately 14 houses to be developed on repurposed land from the Adderstone Reserve. Whether the option would be available was dependent on the outcome of a separate statutory consultation process under the Reserves Act 1977, which was notified concurrently with PCG. The option of developing part of the Adderstone Reserve for housing attracted a number of submissions on the plan change, with submissions both for<sup>1</sup> and against<sup>2</sup>.
16. Following receipt of submissions and a hearing under the Reserves Act 1977, the Council resolved in April 2023 to retain all of the Adderstone Reserve for open space/reserve purposes. The officer's recommendation report to the Council noted that there may be greater user demands on this reserve arising from development of medium density housing in Aokautere. The option to partially redevelop the Reserve for housing will no longer be progressed through PCG, which will meet the relief sought by those submitters who were against this option.
17. To reflect the Council's decision under the Reserves Act process, I recommend that the Structure Plans that show the Adderstone Reserve development option (Maps &A.4E, 7A.4F and 7A.4G) are not inserted into the District Plan.

## **1.3 Private Plan Change B**

18. Heritage Estates 2000 Ltd have made a submission [S51.002] that the timing of PCG is not in accordance with all earlier Council resolutions for urban growth in the City and that the Council has a statutory duty to hear Pioneer City West Limited on their accepted and notified Private Plan Change B.
19. My understanding is that Pioneer City West is a private plan change, which was publicly notified by the Council as Private Plan Change B on 15 August 2013. The submission period ran until 13 September 2013 and there was an opportunity to make further submissions from 14 November to 29 November 2013. I further understand that the Private Plan change seeks to rezone ruraly zoned land to enable the development of approximately 73 hectares to the west

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<sup>1</sup> Mary Morgan-Richards S13.003, Ben Somerton SS83.008, Audrey Shepherd S4.001, Scott Knowles S64.008.

<sup>2</sup> Des Waters S11.001, Elizabeth Endres S74.002, Craig Hindle S82.003, Elana Garcia S52.001, Tracey Yung S92.005, Jeff Watson S93.001, Heather Turnbull S99.001, Daniel Carrick S23.001. Heritage Estates 2000 Ltd S51.006.

of Palmerston North for residential, medium density, school, special use and commercial zonings. The area of land does not lie within the Aokautere Structure Plan area.

20. The Council's Chief Planning Officer David Murphy<sup>3</sup> and legal counsel will address this submission point in further detail.

## 1.4 Overarching Matters

21. The following section deals with several broad matters which have been raised in submissions, and which I consider it is useful to consider to before turning to a more topic based assessment. Those matters include:

- a) The prescriptive nature of the proposed Structure Plan and implementing provisions, and whether such an approach is the most effective and efficient way to achieve the desired outcomes.
- b) Spatial planning matters, including whether residential growth is appropriate in this location.
- c) Climate change adaptation and mitigation.

## 1.5 Submissions on the prescriptive nature of PCG

### 1.5.1 Issues raised in submissions

22. Submitters have raised the following matters:
- a) The Structure Plans and Precinct Plan are highly detailed, too prescriptive and consequently, prevent innovation or flexibility to propose alternative solutions.
  - b) Opposition to use of the Aokautere Masterplan as a non-regulatory method' in the District Plan.
23. CTS Investments Ltd, Woodgate Ltd and Terra Civil Ltd<sup>4</sup> who have significant interests in the plan change (as landowners and developers) and Heritage Estates 2000 Limited<sup>5</sup> (developers with interests in other parts of the city) have made submissions objecting to the directive nature of PCG. These submissions are supported by further submissions from Heritage Estates Limited [FS18.003, FS18.005, FS18.006, FS18.005], but opposed by further submissions from Waka Kotahi NZ Transport Agency [FS16.011]<sup>6</sup>.
24. The submitters consider PCG imposes a specific design solution which is not supported by the landowners and developers who will fund and implement the development. They consider the

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<sup>3</sup> Section 42A Report – Strategic Planning, pg 8.

<sup>4</sup> S58.001, S58.003, S58.057, S58.030, S58.033

<sup>5</sup> S51.008, S51.072, S51.087, S51.011, S51.015, S51.017, S51.018, S51.022, S51.032, S51.033, S51.034, S51.057

<sup>6</sup> On the basis that subdivision and development should provide for an accessible, safe and efficient transport network that is well planned and in accordance with a structure plan.

Council has provided no evidence of market demand for the different housing typologies in Aokautere compared to other city locations, or economic feasibility of the Structure Plan components. They have particular concerns about the feasibility of the neighbourhood centre (which I have addressed in more detail in Topic 8: Local Business Zone – Aokautere Neighbourhood Centre in this report) and the extent of medium density housing being directed by the plan change (which I have addressed in Topic 7: Addressing Housing Needs of this report).

25. The submitters contest that PCG represents a major shift from ‘enabling’ development, which is then designed by applicants and tested through the resource consent process, to directing and imposing a specific design solution, with little flexibility for innovative alternatives, to adapt to market demands or to the outcomes of detailed design.<sup>7</sup> They consider there is no flexibility to enable adjustment that may be required as development occurs<sup>8</sup>. This includes no mechanism in CCG to enable a review and update of the Structure Plan without a Schedule 1 process. CTS Investments Ltd, Woodgate Ltd and Terra Civil Ltd [S58.003] submit that the plan change should have been developed through a joint partnership process, to ensure agreement was reached on feasible, staged development, ahead of the notification process.
26. In the submitters view, the Structure Plan (including the Neighbourhood Centre Precinct Plan) is more akin to a detailed design Masterplan, and is being used as a vehicle for imposing ‘accordance’ with this detailed design solution. For these reasons, the submitters have made wide ranging objections to the notified maps/plans<sup>9</sup> and to majority of the proposed objectives, policies<sup>10</sup> and rules<sup>11</sup> which seek to implement the Structure Plan, particularly where these require ‘general accordance’ with the Structure Plan<sup>12</sup> and/or Precinct Plan. They also oppose the inclusion of the Aokautere Masterplan as a non-regulatory ‘method’ in the District Plan, that Council officers can consider when assessing consent applications<sup>13</sup>.
27. Further, CTS Investments Ltd, Woodgate Ltd and Terra Civil Ltd [S58.001] consider the approach in PCG is at odds with the regulatory framework for other Greenfield Residential Areas in the operative District Plan (specifically Whakarongo and Kikwhenua), which are based on ‘broad framework’ Structure Plans providing ‘indicative locations’ for development.

## 1.5.2 Analysis

28. As the nature of these concerns has resulted in wide ranging objectives to the provisions, I have set out my broad assessment of these matters below. Where there are specific issues

<sup>7</sup> S51.008.

<sup>8</sup> S51.092, S51.093, S51.099, S51.102.

<sup>9</sup> S51.059.

<sup>10</sup> For example, Section 7: Subdivision Objective 3, Policy 3.7 Section 7A: Greenfield Residential Areas Objective 5, Policies 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9, 5.10, 5.11, 5.13, 5.14, 5.15, Objective 6, Policy 6.1, 6.2, 6.3, 6.4, 6.5, 6.6, 6.7, 6.8, Policy 2.5, Section 10: Residential, Objective 15, policies 15.1 – 15.12, Policy 11.3.

<sup>11</sup> For example R7A.5.2.2, R7A.5.2.3, R7A.5.5.1, R10.6.1.5, R10.6.3.2, R10.6.3.3.

<sup>12</sup> S51.011, S51.012, S51.022, S51.032, S51.033, S51.034, S51.035, S51.036, S51.037, S51.038, S51.039, S51.040, S51.041, S51.042, S51.043, S51.044, S51.045, S51.046, S51.047, S51.048, S51.049, S51.050, S51.051, S51.052, S51.053, S51.054, S51.055, S51.056, S51.068, S51.071, S51.072, S51.073, S51.074, S51.075, S51.076, S51.077, S51.078, S51.079, S51.080, S51.081, S51.082, S51.083, S51.084, S51.085, S51.086, S51.092, S51.093, S51.099, S51.100, S58.017, S58.018, S58.019, S58.020, S58.027, S58.028, S58.029, S58.030, S58.031, S58.034, S58.035.

<sup>13</sup> S51.005, S51.057, S51.087, S58.026, S58.033.



which are more appropriately considered under the topic sections, I have addressed those detailed points in the relevant section.

29. The reasons that PCG has taken a directive approach, guided by a Structure Plan, are set out clearly in the Section 32 report, and summarised in Section 2.5 of my report.
30. The Section 32 report identifies that these resource management issues and subsequent poor development outcomes have been significantly influenced by the '*low-level regulatory approach of the first-generation District Plan*'<sup>14</sup>.
31. In recent years there has been a significant shift in the planning framework that directs how and where urban development should occur, and identifies the outcomes that urban development needs to achieve.
32. The NPS-UD directs planning decisions to, amongst other matters:
  - '*provide for well-functioning urban environments that enable people and communities to provide for their social, economic and cultural wellbeing* (Objective 1) and;
  - '*Improve housing affordability by supporting competitive land and development markets*' (Objective 2).
33. Council has determined that a more directive planning framework is required to respond to the directions in the NPS-UD, and to move away from a planning framework that has enabled and delivered poor urban development outcomes in the past.
34. In addition, the National Policy Statement for Freshwater (NPS-FM) directs outcomes for freshwater environments aimed at avoiding loss of stream extent and freshwater values, that are particularly relevant to the Aokautere gully network, and which influence how the effects of urban development on this environment must be managed. (I have addressed this issue in more detail in Topic 4: Stormwater, Flooding and Erosion of this report).
35. A master planning process and subsequent Structure Plan was used to identify how best to connect and integrate the existing built areas with new areas proposed for development, deliver a greater variety of housing types and address other legacy environmental issues. This process identified constraints and opportunities early in the process, which were factored into development of the Structure Plan. The master planning approach provided a process for 'testing' the anticipated development, in order to demonstrate that the outcomes directed by the higher level planning framework can be achieved. The masterplan and its development is discussed further in the section 42A of Mr Burns.
36. The inclusion of the Masterplan as non-statutory method in the District Plan<sup>15</sup>, provides a non-regulatory tool for Council officers to consider as part of any consenting process under s104 of the RMA. The Masterplan provides guidance to developers (and decision makers) on the intended urban design outcomes, layout and density, street design and neighbourhood character within the Structure Plan Area. Given the critical role that the Masterplan played in

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<sup>14</sup> Section 32 Report, Section 2.2, paragraph 22.

<sup>15</sup> See Section 10.4.

the development of the Structure Plan, I consider this appropriate. The Masterplan also provides a useful explanation of the key drivers and contextual information at the strategic and local level which has informed the Structure Plan.

37. I agree with the conclusion in the Section 32 report that the Operative District Plan does not provide an appropriately comprehensive framework for assessing the unique constraints and characteristics of development proposals in Aokautere. For example, under the Operative District Plan, subdivision is a controlled activity and matters of control are limited to a) existing buildings, b) lot size, c) shape factor, d) access, e) essential services f) esplanade reserves, g) Pacific Drive extension area, h) street trees and f) earthworks. These performance standards are not sufficiently responsive to the complex environmental constraints in the Aokautere area, including the topographical challenges of gullies, ravines and intervening plateaus, geo-technical hazards, history of uncontrolled fill, limited availability of readily developable land and highly erodible and unstable soils. In my view, this justifies adopting a more prescriptive planning framework in order to prevent further environmental degradation.
38. Some submitters suggest that the prescriptive approach in PCG is 'at odds' with the approach to other operative Greenfield Residential Areas. I do not agree with these submissions. The operative District Plan includes Structure Plans for the greenfield residential areas of Whakarongo, Kikiwhenua and Mātangi as a means of facilitating the development of "well designed, attractive and functional communities"<sup>16</sup>. The District Plan identifies that Structure Plans for greenfield residential areas will be used to "direct subdivision and provide for neighbourhood centres and open spaces" with "a mix of activities and densities provided for which will assist with achieving a variety of living choices and diverse communities"<sup>17</sup>. Those outcomes are just as important for Aokautere as they are for other greenfield areas. Further, I understand that the Council intends to adopt masterplanning or structure planning processes for other parts of the city earmarked for development. For example, the upcoming plan changes for Roxburgh Crescent, Kākātangiata and Ashhurst have all been progressed via urban design and structure planning processes. This approach is being advocated partly in recognition of some poor urban design outcomes across the City to date, but also in response to the national direction in the NPS-UD which requires the Council to enable and facilitate medium density housing.
39. As a greater proportion of future housing needs in the City will need to be met by infill and medium density development, the Council has recognised that a careful planning response and set of performance standards is needed to manage delivery of this type of housing in a manner which achieves well-functioning urban environments.
40. I also note that there is some flexibility built into PCG. The provisions provide for developments which are in 'general accordance' with the Structure Plan. Residential lots have not been shown on areas which are 'limited developable land' in the Structure Plan, to provide flexibility to respond to geotechnical hazards. The activity status for compliant subdivision and development is also a non-notified, restricted discretionary activity, which, in my view, adequately provides a pathway for appropriate development proposals.

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<sup>16</sup> Section 7A.1 Introduction.

<sup>17</sup> Section 7A.1 Introduction.

41. Through my analysis of the provisions and consideration of the submissions relevant to each topic I have recommended amendments to provide for further flexibility, where the submitter has provided well-reasoned arguments to support this, and where the Council's relevant experts are supportive of this approach. For example, I have recommended that lots are not shown on the final Structure Plan, and that local roads can be indicated as 'flexible' in terms of location and alignment. I have also recommended that the promontories could be brought forward for either suburban low density housing, or multi-unit housing, rather than prescribing that multi-unit housing is delivered in these locations. I have recommended greater flexibility is provided to enable any future retirement village proposal to be in 'general accordance' with the Structure Plan, rather than requiring strict 'accordance', as per the notified provisions. I note that these are just a few examples to illustrate this point, rather than an exhaustive list.
42. The Council has determined, based on the advice of its experts, that a staged approach to development is not appropriate. The Transport Assessment (and subsequent Safe System Assessment) has identified that there are safety concerns with the existing road network, and that there are several key upgrades to the local and strategic road network which must be addressed before any additional traffic is loaded onto the network from the plan change area. Given that these safety concerns relate to all of the existing connections between the plan change area and the SH57 road corridor, it is not possible to identify any particular areas that could be brought forward for development in advance of the necessary mitigation works. A non-complying activity status has therefore been proposed. This does not 'prohibit' a developer from bringing forward a development in advance of these works, provided they can satisfy the gateway tests for a non-complying activity under Section 104D of the RMA. Having said that, I have proposed amendments to this performance standard to provide some flexibility to undertake subdivision prior to these upgrades being complete. This involves a trigger for non-compliance being the occupation of new dwellings within these subdivisions, which is when traffic is likely to be generated and accessing the network during the peak hours. The provision of stormwater infrastructure to protect the gullies from erosion is another important prerequisite of enabling development, and one that must be maintained to prevent adverse effects on these sensitive receiving environments.
43. In summary, I consider that broadly, a level of prescription is necessary to deliver a successful urban extension in Aokautere. There is some scope to provide a level of flexibility in how development is delivered, provided that the desired outcomes are clearly articulated in the policy framework and subsequently met through compliance with performance standards and review against relevant assessment criteria. The changes that I have proposed to the provisions are intended to provide a clear framework for the assessment of future development proposals, without undermining the intent to provide a comprehensive and co-ordinated design outcome. Specific recommendations to address these submissions are in the topic chapters that follow.

## Topic 2 - Urban development and intensification

1. A number of submissions have been received on strategic spatial planning matters, including whether greenfield development in Aokautere is aligned with the Council's strategic spatial planning, and with national guidance on urban development.

### 1.1.1 Issues Raised in Submissions

2. Issues raised in submissions include:

#### 1.1.1.1 Strategic planning for urban growth

- a) Support for urban growth that aligns with the Council's strategic planning and is coordinated with infrastructure planning.
- b) A request to formalise Council's strategic spatial planning, via the Future Development Strategy ('FDS'), before enabling greenfield expansion, so that infrastructure delivery (e.g improvements to SH57) is coordinated with other partners, such as Waka Kotahi.
- c) A request that other areas of the city are brought forward for development before Aokautere, i.e. the Pioneer City West private plan change.

#### 1.1.1.2 Greenfield versus intensification

- d) A preference that areas close to the central city are further intensified first, before allowing for greenfield expansion.

#### 1.1.1.3 Rural-residential living

- e) Concern that productive land is used efficiently if it is to be allocated for urban growth, with a preference that rural-residential lots are replaced by denser development, or retained as rural land.

#### 1.1.1.4 Highly productive land

- f) Support for directing urban growth to the less productive soils of Aokautere.
- g) Whether the NPS-HL has been appropriately considered and given effect to, and how that interfaces with the NPS-UD.

## 1.1.2 Analysis

### 1.1.2.1 Strategic planning for urban growth

3. The submission from Horizons Regional Council [S60.001] notes its support for plan changes that provide for urban growth through a structure planning approach, and which align with strategic planning for urban growth. This approach is considered to give effect to One Plan Objective 3-3 and Policy 3-4, both of which provide for the strategic integration of infrastructure with land use. In a further submission, Heritage Estates 2000 Ltd [FS18.007] agrees that the plan change aligns with the Council's strategic growth areas signalled in non-statutory documents in the sense that this gives effect to the One Plan Objective 3-3 and Policy 3-4. However the submitter disagrees that the Aokautere Structure Plan as notified, achieves Objective 3-3 and Policy 3-4 without modification. Waka Kotahi [S63.006] submits that the Council should prepare and publish its FDS under the NPS-UD, before enabling urban expansion in greenfield areas. In Waka Kotahi's view, the FDS and associated Implementation Plan would be the most appropriate mechanism to achieve alignment between infrastructure investment and future land use outcomes, and to identify the nature and timing of necessary infrastructure improvements, including to SH57.
4. The general support from Horizons Regional Council for the Council's use of a structure planning approach to coordinate urban growth and infrastructure provision is noted. I agree with the submitter that the approach that the Council has taken is consistent with the direction in Objective 3-3 and Policy 3-4. Objective 3-3 of the One Plan requires that urban development occurs in a strategically planned manner which allows for the adequate and timely supply of land and associated infrastructure. Policy 3-4 states that:

*Territorial authorities must proactively develop and implement appropriate land<sup>^</sup> use strategies to manage urban growth, and they should align their infrastructure<sup>^</sup> asset management planning with those strategies, to ensure the efficient and effective provision of associated infrastructure<sup>^</sup>.*

5. Development of a structure plan and implementing provisions to facilitate urban growth at Aokautere is consistent with the Council's non-statutory land use strategy for urban growth<sup>1</sup>. As described in the s42A report of David Murphy, Chief Planner, the Council has a well-settled spatial planning strategy for urban growth, with Aokautere identified as a preferred growth area since 1978. PCG seeks to enable supply of land for housing in Aokautere over the medium to long term. This time period reflects the need to plan for, fund and deliver the necessary infrastructure required to facilitate development. The technical work undertaken to inform development of the Structure Plan and further technical investigations in response to submissions, has informed the Council's draft infrastructure work programmes for the Long Term Plan 2024-2034 (for three waters, the road transport network, the walking and cycling network, parks and reserves). The infrastructure necessary to support growth has been identified, along with the timing of provision, and the costs associated with design, consenting

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<sup>1</sup> City Growth Strategy 2021.

and construction of stormwater detention facilities and in-stream stabilisation and erosion protection measures. Parks and Reserves work programmes have been identified for gully restoration, construction of the walking network and for purchase and development of recreation reserves. For transport infrastructure, upgrades are required to both the local, Council controlled network, and to the strategic network, which is the responsibility of Waka Kotahi. Therefore the work programmes are a mix of Council delivered and funded infrastructure, and co-funding programmes for the strategic network. Mr Murphy addresses this matter in more detail in his s42A report.

6. I understand that the Council is in the process of preparing its FDS, and that growth in Aokautere will be part of that strategy. The NPS-UD directs that every Tier 2 authority must provide at least sufficient development capacity in its district to meet expected demand for housing in existing and new areas, for the short, medium and long terms.<sup>2</sup> Development capacity must also be plan-enabled, infrastructure-ready, feasible and reasonably expected to be realised.
7. As I have noted, Aokautere is intended to provide development capacity in the medium to long term. To be 'plan-enabled' in the medium term, the NPS-UD requires that the development capacity is on land that is zoned for housing in a proposed district plan. For the long term, either the land is zoned in proposed plan, or it is identified for future urban use in an FDS (or other relevant plan or strategy, if an FDS if the local authority is not required to have an FDS)<sup>3</sup>. The NPS-UD therefore provides flexibility as to how local authorities bring forward such areas for development, in recognition that the planning processes to identify and zone land for development take time to implement. Council is presently preparing a draft Housing and Business Needs Assessment (2023) (draft 2023 HBNA), with data collected in support of the assessment identifying that there is a shortage of infrastructure-ready land in the short-medium term that can support housing development in the city, and that this is likely to have flow on effects on the supply of medium and long term development land.<sup>4</sup> This means that the Council is not in a position to delay bringing forward PCG.
8. The Council has engaged with Waka Kotahi regarding the proposal for growth in Aokautere throughout the development of the plan change<sup>5</sup>, and has continued to engage with Waka Kotahi on these matters since notification of PCG. These discussions have centred on the effects on, and the upgrades required to the state highway network to mitigate the estimated growth in traffic (which exacerbates existing level of service issues) and associated severance issues for active transport, and how those improvements can be funded and delivered. I understand the Council is pursuing funding for the necessary improvements required to both the local and strategic transport network through the appropriate funding pathways, which include its own LTP and Waka Kotahi's funding processes. This matter is addressed in more detail in the s42A report of David Murphy, the Council's Chief Planner.

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<sup>2</sup> Clause 3.2.

<sup>3</sup> Clause 3.4.

<sup>4</sup> The 2023 HBNA is due to go to Council for adoption in October 2023 and will be available in advance of the hearing of PCG.

<sup>5</sup> Section 32 Report, pg 32.

9. As the intention to enable urban growth in Aokautere has been signalled in the Council's strategic planning documents for some time, I do not consider it is necessary to wait for the FDS process to initiate a plan change to provide for this growth. Rather, the housing situation indicates there is some urgency for this. For these reasons, I do not consider it is efficient or effective to delay bringing forward PCG before the Council publishes its FDS.
10. In response to the further submission from Heritage Estates, I have recommended some amendments to PCG to make it clearer when development in the Structure Plan area can commence, where that development is reliant on the provision of transport network and stormwater infrastructure. Those recommendations are discussed in more detail in the Transport and Stormwater sections of this report. These recommendations have been made following my analysis and consideration of the submissions, and in light of discussions with Council officers and recommendations from the Council's technical experts.
11. Heritage Estates 2000 Ltd [S51.002] submits that the timing of PCG is not in accordance with all earlier Council resolutions for urban growth in the City. The private plan change by Pioneer City West Limited referred to in the submission is subject to a separate planning process. I understand that Pioneer City West was publicly notified by the Council as Private Plan Change B on 15 August 2013, with submissions and further submission periods running through to 29 November 2013. I further understand that the Private Plan change seeks to rezone rurally zoned land to enable the development of approximately 73 hectares to the west of Palmerston North for residential, medium density, school, special use and commercial zonings. The area of land does not lie within or near the Aokautere Structure Plan area, and it is not clear to me how this submission point relates to PCG. Whether the Council has a statutory duty to hear Private Plan Change B before Aokautere is addressed by legal submissions.

### **1.1.2.2 Greenfield development versus intensification**

12. A number of submitters consider that areas closer to the city centre should be further intensified first, before allowing for greenfield expansion in Aokautere<sup>6</sup>. Chris Teo-Sherrell [S43.002] considers stronger incentives are needed to achieve such intensification. However he recognises the importance of a strong structure plan and considers PCG has considerable merit because it incorporates features that will result in greater diversity of housing stock on land that has comparatively low value for productive use. Jessica Costall [S66.001] considers rezoning such a large area of agricultural land is irresponsible from an environmental perspective, and that the Council should also investigate whether housing needs could be met within the inner city (for example within vacant commercial buildings). Barry Scott [S54.001] considers the clay soils of Aokautere are more appropriate for housing than the fertile, highly productive land north of the city, but is concerned at the degree of intensification proposed. Mr Scott considers this intensification is at a level never seen in Palmerston North before, on land that is quite distant from the city and above bush reserves of high ecological and recreational value, and he therefore seeks a reduction in the number and size of sections.

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<sup>6</sup> Daniel Carrick S23.001, Chris Teo-Sherrell S43.002, Paul and Jan Dixon S56.002, Kat Lyons S62.001, Jessica Costall S66.001.



13. I understand that the Council has also been investigating a range of options for accommodating the city's projected housing growth, including intensification of existing areas of the city and other greenfield development extensions, such as at Kākātangiata. Work undertaken in preparing the draft 2023 HBNA has identified that although overall housing demand has dropped since the last HBA was prepared, the City currently has a undersupply of development-ready sites to meet housing demand in the short term, and that medium to long term housing demands will need to be met through a combination of intensification and greenfield development. Given the identified difficulties with delivering infrastructure upgrades to enable housing growth in the short to medium term, it remains important that PCG makes a significant contribution to meeting those needs. This matter is addressed in more detail in the s42A report of Mr Murphy, Council's Chief Planner. I note that PCG provides for a range of housing typologies and preferences, including standard suburban lots, medium and high density, and rural-residential.
14. The Council is progressing a plan change to enable medium density housing (i.e. intensification) in certain areas of the city. The Council sought community feedback on the planned approach in October 2022, and on a draft plan change in November-December 2022. I understand that the Council intends to notify this plan change early in 2024. The plan change will introduce a Medium Density Residential Zone, which will enable medium density housing within certain areas which are close to schools, shopping centres, public transport and parks. An area of medium density housing is also proposed in Aokautere, centred around the proposed local business centre and suburban-scale park, with access to informal recreational opportunities in the gully areas. This will provide for ready accessibility to shops, amenities and open space. At a later date, there is the potential that the area may be rezoned to the Medium Density Residential Zone. I consider the proposed provision of medium-density housing in Aokautere is consistent with Council's proposals for other parts of the city.
15. With respect to conversions of vacant commercial buildings, the Operative District Plan already enables residential accommodation in business zones, provided that this complies with certain performance standards and does not restrict the ability of these areas to function as commercial/employment areas. Depending on the type of business zone, residential accommodation is typically regulated as a restricted discretionary activity and is predominantly restricted to above-ground floor level. The Council has recently completed a vacancy survey of commercial land and buildings as part of preparing the draft 2023 HBNA. I have been advised that this survey found that there are a number of commercial properties where the above-ground levels are vacant. While these could potentially be repurposed for housing, there does not appear to be any current market demand for conversions. These buildings are typically B or C grade space, and may require significant investment to bring them up to an appropriate level. However Council expects business demand to drive redevelopment of these spaces over time. I note the consenting process would consider the impact of any residential development on the ability of existing or future commercial activities to operate or establish without due constraint.



### 1.1.2.3 Rural-residential provision in Aokautere

16. Dennis Thomas [S22.004] and Linda Rowan [S27.001] are opposed to productive farmland being rezoned for rural-residential living (being of the view that housing should not be occupying prime productive land), and consider the land should either be zoned for residential use, or remain as rural land. The Manawatū Branch of Forest and Bird [S97.009] would like to see rural residential lots replaced by denser developments, with areas of grass restored to wetlands or native bush for biodiversity and carbon sequestration. Paul Hewitt [S101.003] would also like to see more efficient utilisation of land within the rural-residential area in the Turitea Valley, by adding this to the residential zoned growth area.
17. PCG provides for limited development of rural-residential living. The proposed zoning changes remove the Rural-Residential Overlay from a significant area of land, particularly the Waters block to the south. This is in recognition of some limits on development, including geotechnical and biodiversity constraints, and reverse sensitivity issues associated with noise from the Manawatū Rod and Rifle Club. Much of this land has challenging slopes and soils which means it is not prime productive land. The ecology assessment prepared in support of PCG<sup>7</sup> identified a number of areas (including natural wetlands and indigenous bush remnants) suitable for restoration, and these areas are proposed to be zoned Conservation and Amenity Zone. This includes a number of gully areas which are currently covered in a combination of grassland, gorse and regenerating scrubland/forest.
18. The Masterplan states that PCG provides for 79 rural residential lots<sup>8</sup>. This figure will be further reduced if the recommended changes to adopt a setback from the Manawatū Rod and Rifle Club to avoid reverse sensitivity is adopted (see the Noise section of this report). Given the existing pattern of rural-residential development in the Turitea Valley, I consider it would be unlikely that this area could be efficiently developed for residential zoning. No Council network services are provided in this area, and the District Plan sets a strong policy position of avoiding provision of network services to rural-residential subdivisions. The District Plan anticipates that such lots will have self-sufficiency in terms of on-site services<sup>9</sup>. In addition, there are constraints to growth in this area due to the presence of the Manawatū Rod and Rifle Club (due to potential reverse sensitivity), and safety and capacity constraints within the roading network, particularly Turitea Road.
19. Overall, it is my understanding that the Council does not intend to provide for significant rural-residential development in order to meet its housing bottom lines, with an expected contribution of 5% of overall housing demand to be met by rural-residential development over the period from 2024-2054<sup>10</sup>. This is reflected in the approach to PCG, which makes limited provision for

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<sup>7</sup> Appendix 7, Ecology Report & Addendum, Section 32 Report, July 2023.

<sup>8</sup> See Section 3.1, pg 50.

<sup>9</sup> See Section 7, Policy 1.2, Policy 2.7.6, Policy 2.8.5, Objective 3 and implementing policies, eg. Policy 3.1.6, Policy 3.2.a.vii.

<sup>10</sup> Draft Housing and Business Needs Assessment for Palmerston North, 2024.

rural-residential development of approximately 55ha (which would be expected to deliver around 55 lots, based on a minimum lot size of 1 ha)<sup>11</sup>.

#### **1.1.2.4 Highly Productive Land**

20. Horizons Regional Council [S60.010] have identified in their submission, that based on regional scale mapping, the plan change area is classified as LUC Class 2, 3 and 6. The One Plan Objective 3-4 and Policy 3-5 direct territorial authorities to consider the benefits of retaining Class 1 and 2 versatile soils for use as production land.
21. Heritage Estates 2000 Ltd [51.004] states that the Section 32 fails to address the pending National Policy Statement for Highly Productive Land (NPS-HL), and that there is insufficient information on how PCG responds to the pending NPS-HPL. If both are in force, then both shall be given effect to and the plan change should be amended as necessary.
22. Based on a review of mapping on the NZLRI portal<sup>12</sup>, my understanding is that the undeveloped land within the plan change area is predominantly LUC 3 and 6. The only area of LUC 2 land that I am aware of is within the Rural zone and located in the Turitea Valley. This area will retain its Rural zoning and is not proposed for further rural-residential development, although the lot pattern shows that subdivision for lifestyle block purposes has already occurred here. Therefore I consider the proposed zoning in the plan change is consistent with Objective 3-4 and Policy 3-5 of the One Plan.
23. Since PCG was notified, the NPS-HPL has come into force. As stated in section 3.2 of this report, the NPS-HPL does not apply to the plan change area (as the plan change was notified before the NPS-HPL was gazetted) and therefore there is no need to amend the provisions, or the Section 32 report in order to give effect to the NPS-HPL. No changes are recommended to the provisions as a result of this submission.

#### **1.1.3 Recommendations**

24. I do not recommend any amendments to PCG as a result of these submissions.

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<sup>11</sup> Note that this area has been reduced from that notified by approximately 8.5Ha as a result of recommendations to remove the Rural-Residential Overlay to avoid reverse sensitivity from noise associated with activities at the Manawātū Rod and Rifle Club.

<sup>12</sup> <https://iris.scinfo.org.nz/layer/48076-nzlr-land-use-capability-2021/>.

## Topic 3 - Climate change and emission reduction

### 1.1.1 Issues raised in submissions

1. A number of submitters are concerned that promoting development in Aokautere is inconsistent with national and local commitments to reduce greenhouse gas emissions. Matters raised in submissions include:
  - a) That enabling development in Aokautere will result in an urban development outcome that increases greenhouse gas emissions, due to the distance of the plan change area from the city centre and other key places of employment and services, which will exacerbate existing levels of car dependency;
  - b) Inconsistency between the plan change and national direction on intensification (NPS-UD) and reducing climate change emissions (National Emissions Reduction Plan), and the need to align PNCC's planning responses to this national direction;
  - c) Concern at the low overall density and 'suburban sprawl' facilitated by the plan change; reducing the likelihood of the success of active and public transport modes of travel;
  - d) Requests for quantification of the potential greenhouse gas emissions arising from the plan change and how these align with Councils target to reduce emissions in the city by 30% by 2031, as set out in the PNCC Climate Change Plan.

### 1.1.2 Analysis

#### 1.1.2.1 Consistency with national direction on climate mitigation and adaptation

2. A number of submitters consider PCG is inconsistent with government direction to reduce climate change emissions and adapt to future climate change impacts<sup>1</sup>.
3. Several submitters<sup>2</sup> seek that the Council pause work on PCG and place a moratorium on any further suburban 'sprawl' until the Council has responded to the recent modifications to the NPS-UD<sup>3</sup> (in May 2022) and the National Emissions Reduction Plan, and until it has checked its own Climate Plan meets current national climate targets and is best practice when benchmarked against comparative cities<sup>4</sup>. They consider this work needs to include identifying what proportions of new housing types (fringe/existing/CBD, low/medium/high density) are commensurate with climate targets. Kevin Low [S73.001] considers the council must demonstrate how it will comply with its own 30% emissions reduction target before it allows any further housing consents or proceeds with the plan change.
4. The NPS-UD provides some direction on how planning for urban environments should align with climate change mitigation and adaptation. This includes Objective 8 and Policy 1, which require that New Zealand's urban environments support reductions in greenhouse gas

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<sup>1</sup> Robert McLachlan S18.001, S18.002, Patrick Morgan S20.001, S20.002, Ralph Sims S31.001, Barry Scott S54.003, Kat Lyons S62.002, Kevin Low S73.001, Anna Berka S95.001.

<sup>2</sup> Robert McLachlan S18.001, S18.002, Patrick Morgan S20.001, S20.002, Anna Berka S95.001.

<sup>3</sup> Namely the Intensification Planning Instrument, and Objective 8 and policies 5 and 11.

<sup>4</sup> Karen Lyons S69.001 and Kevin Low S73.001.

emissions and are resilient to the current and future effects of climate change, with planning decisions to have ‘particular regard’ to the effects of climate change (Policy 6). Policy 5 requires Tier 2 authorities such as Palmerston North to enable higher density urban form in locations which reflect the level of accessibility (either current or planned) by active and public transport to commercial and community activities, or where there is high demand. For Tier 1 authorities, the NPS-UD is even more directive about enabling higher density urban form in city centres, metropolitan centres and within walkable catchments of rapid transit stops and the edges of centres, in order to maximise the benefits of intensification (Policy 3).

5. The Council is in the process of updating its housing and business needs assessment, as required by the NPS-UD (draft 2023 HBNA). It is my understanding that this work has identified that there has been a shortfall in the delivery of housing to meet its short term housing needs, which could have subsequent flow on effects in terms of meeting housing needs over the medium and longer term. The direction in the NPS-UD to address this predicted shortfall means that the Council is not in a position to place a moratorium on development until such time as it has reviewed and updated all of its plans and strategies in line with this rapidly developing national direction on climate change.
6. The Council is taking steps to address the requirements of the NPS-UD in relation to providing for housing intensification, including progressing a plan change to enable housing intensification in a new Medium Density Residential Zone. I understand that public notification of this plan change is anticipated early in 2024.
7. The Future Development Strategy required by the NPS-UD will be an important determinant of how future growth in the city aligns with emission-reduction outcomes. I understand that the Council is progressing its draft Future Development Strategy, and that this work has involved considering and testing options to deliver housing within the central city through both infill and intensification, as well as the Council’s statutory duties ‘to have regard to’ the National Emission Reduction Plan and Climate Change Adaptation Plan under the RMA. I have been advised that the Council has developed a carbon accounting model to predict the carbon impact of different spatial development scenarios, to inform selection of the preferred option for the Future Development Strategy. The Council intends to consult on a draft of its Future Development Strategy later this year.
8. The pressure on the Council to provide additional housing supply has been a primary driver in notifying this plan change. The nature of planning is that information and understanding of issues is constantly evolving, as is the policy direction around key resource management issues. Plan changes are notified at a point in time and should be a reflection of the information and policy setting at that time. As such, I do not consider that a pause in the current process to allow the FDS to be developed and other council policies in relation to climate change to be updated is efficient or appropriate. Where there are opportunities within the scope of the plan change to make improvements and to integrate current knowledge, those may be taken.
9. Robert McLachlan [S18.001, S81.002] considers the plan change will result in low density suburban sprawl due to the largely traditional urban layout<sup>5</sup>, which will increase existing car

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<sup>5</sup> The submitter provides a calculation of just over 2 dwellings per hectare, based on 1030 dwellings on 450 hectares.

dependency due to distance from the central city, and subsequently greenhouse gas emissions. His concerns are shared by others<sup>6</sup>.

10. The S32 report explains how PCG seeks to deliver a number of outcomes, including delivery of high quality transport, ecological and water management outcomes, alongside a range of housing densities with a high level of amenity<sup>7</sup>. The land forms, characteristics and topography of the plan change area result in a number of constraints which means it is not possible to develop all of the land for high density housing, and that areas need to be retained for ecological restoration, management of stormwater, and setbacks established to avoid risks from natural hazards. However, an area of medium density housing is proposed in close proximity to the amenities and services of the local business centre, consistent with the Council's intended outcomes for intensification in other parts of the city.
11. The Council's work on the draft 2023 HBNA, and to inform the development of the FDS, has identified that it is not possible to meet all of the City's housing needs within the existing urban area due to constraints in infrastructure servicing capacity and natural hazards (particularly flooding and liquefaction). Therefore, some greenfield development is required. As Aokautere is already partially developed for housing, there are opportunities to consolidate existing development and provide for a greater range of housing typologies, to improve access to services/amenities by providing for a local neighbourhood centre surrounded by a compact medium density village (to promote walking to the centre), to improve access to public transport by providing public transit corridors, to facilitate active modes of transport via development of walking and cycling networks, to provide improved roading/footpath connectivity and provide higher density of housing in close proximity to the local centre. The existing Aokautere area is already serviced by network infrastructure and roading so focusing further urban development around those existing assets maximises the benefits from the previous investment in those resources. While the density of development is not as high as it could be on a flat unconstrained site close to the City centre, in my view the density proposed in PCG is appropriate for the characteristics of the site. The PCG area provides significantly greater density and provision for active and public transport modes compared with development that could occur under the operative plan provisions.

### 1.1.2.2 Public transport and active modes

12. Several submitters<sup>8</sup> consider more evidence is needed to demonstrate how high quality active and public transport infrastructure in conjunction with provision of frequent, inexpensive and convenient bus services, will achieve the required mode shift in Aokautere. Robert McLachlan [S18.001, S18.002] considers the measures in the transport assessment to increase active and public transport amount to shifting costs and responsibility onto other parts of our society and the planning system. In his opinion, the traffic report does not quantify how the listed mitigations will achieve mode shift. He and others<sup>9</sup> consider the transport mitigation measures do not go far enough to reduce private vehicle use through safe cycling infrastructure, compact urban layout, transport demand management, integration of active travel networks and options for independent travel to school.

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<sup>6</sup> Robert McLachlan S18.001, S18.002, Patrick Morgan S50.001, S20.002, Ralph Sims S31.001, Chris Teo-Sherrell S43.003, Barry Scott S54.003, Kat Lyons S62.002, Karen Lyons S69.001, Anna Berka S95.001.

<sup>7</sup> Section 32 report, pg 2.

<sup>8</sup> Karen Lyons, Kevin Low, Barry Scott S54.003, Kat Lyons S62.002.

<sup>9</sup> Kat Lyons S62.002, Anna Berka S95.003.

13. Ms Fraser has considered these submissions and responded to them in her evidence<sup>10</sup>. Ms Fraser has recommended that the specified cross-sections for the Urban Connectors and the proposed roading layout provide the appropriate precursors to accommodate public buses. This includes providing the necessary cross-section and horizontal alignment to allow for bus stopes and routes<sup>11</sup>. Ms Fraser notes that Aokautere is within cycling distance of the city and cycle routes will be available along the Aokautere Drive/Summerhill Drive and via Cashmere Drive, Ruapehu Drive and Cliff Road<sup>12</sup>. Rule R7A.5.2.2(h) requires safety improvements for active modes through provision of a shared path between Johnstone Drive and Pacific Drive and upgrades of key intersections with Aokautere Drive to provide safe crossing points for active travel. The shared path along Aokautere Drive will connect to improved cycle facilities from Pacific Drive through to the Fitzherbert Bridge.
14. I note that the provision of bus services is the responsibility of Horizons Regional Council. The submission from Horizons indicates that the Council is actively planning to extend its bus routes into the plan change area, with a route along Pacific Drive and Atlantic Drive to be developed initially, followed by a further route once the area is more developed. More detail on these routes is provided below.
15. In response to the Horizons Regional Council submission, Ms Fraser has recommended amendments to the provisions to ensure that, when constructed, the Urban Connector routes include appropriate provision for bus stops and laybys. I cover this issue in more detail in Topic 6: Transport.
16. The Structure Plan provides for an extensive network of footpaths, cycle lanes and recreational paths to link areas of housing on adjacent plateaus, and a compact urban form with a highly permeable roading layout in close proximity to the local centre. Streets and rural roads are designed with footpaths or shared surfaces, with specified cross sections included as part of the Structure Plan. The notified new performance standard in Rule R7A.5.2.2 (i) sets out a number of transport network upgrades which must be put in place before any residential development occurs in the plan change area<sup>13</sup>. These network upgrades include improvements to facilitate cyclists and pedestrians to cross SH57 and for cyclists to travel safely between the plan change area and the city, including via dedicated cycle lanes and/or a shared path along the Aokautere Drive corridor. Rule R7A.5.2.2 provides that no residential development can occur in the plan change area until these upgrades have been delivered. The required funding and timing for these upgrades have been identified in work programmes in the LTP, and this matter is addressed in more detail in the Transport section of my report, and the strategic s42A report of Mr Murphy, Council's Chief Planner.
17. Addressing the existing severance issues for active mode users across SH57 will be important for enabling safe routes to school once the new school on Ruapehu Drive is open. Putting this infrastructure in place prior to residential development will enable people to use these transport modes from the outset, rather than having to achieve mode shift with existing residents. While the use of active and public transport options requires encouragement and facilitation over time (so as to move people from their traditional transport choices), ensuring the necessary infrastructure is in place when people make a major life change (such as moving to a new

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<sup>10</sup> See the S42A Report – Transportation, Section I – Submissions.

<sup>11</sup> See the S42A Report – Transportation, Section J Recommendations.

<sup>12</sup> See the S42A Report - Transportation, pg 46.

<sup>13</sup> I have made a number of recommendations in the Transport section of my report to improve the clarity and intent of this performance standard.



house) is likely to contribute to mode shift decisions. Ms Fraser is also of the opinion that increasing congestion will drive mode shift and she notes that there is capacity for more people to move through the transport network via active and public transport modes, especially as Aokautere is within cycling distance of the city<sup>14</sup>. While I anticipate that private vehicle use will still make up a proportion of residents' trips into the city centre due to distance and the predisposition to private car use in New Zealand, in my opinion the proposed public and active transport infrastructure, intended connectedness within the PCG area, and intended improvements in public transport services to the PCG area will significantly incentivise transport modes other than private cars. Based on the information I have available to me at this time, I do not consider that additional measures are necessary or appropriate as part of PCG.

### **1.1.2.3 Quantifying greenhouse gas emissions and Vehicle Kilometres Travelled (VKT)**

18. Ralph Sims [S31.001] seeks that the Council review the entirety of PCG from both climate mitigation and adaptation perspectives, including quantifying potential greenhouse gas emissions and how this might impact on the Council meeting its own 30% reduction target. He questions whether the Council has assessed:
  - a) the need for greater urban density to encourage active transport;
  - b) the impact of car dependence from any dwellings on the proposed new rural-residential area on the Waters block;
  - c) provision of a range of local facilities (including sports amenities) in order to avoid travel demand into the city centre;
  - d) use of standard stormwater design parameters not anticipating more frequent heavy rainfalls, and
  - e) other similar issues relating to greenhouse gas emissions and adaptation.
19. The Ministry for the Environment has produced guidance for local government on how to implement its duty to 'have regard' to the National Adaptation and Emissions Reduction Plans<sup>15</sup> when making or changing its district plan. This duty does not extend to a statutory duty to quantify emissions associated with its plan making activities<sup>16</sup>, and I consider it would be very difficult to do this in a consistent and meaningful way. This is because district plans provide direction and structure for development but do not address many elements central to the ability to accurately calculate greenhouse gas emissions such as the detailed design of buildings, vehicle movements, fuel and energy use, production of waste, construction methodology and construction materials.
20. My understanding of the Ministry's guidance is that the Council should look to manage its activities, and those of others, to the extent this falls within its duties and in a way that contributes to meeting the government's commitments to Aotearoa's climate goals. With

<sup>14</sup> See the S42A Report - Transportation, pg 46.

<sup>15</sup> Ministry for the Environment. 2022. National adaptation plan and emissions reduction plan: Resource Management Act 1991 guidance note. Wellington: Ministry for the Environment. Available at: <https://environment.govt.nz/assets/publications/national-adaptation-plan-and-emissions-reduction-plan-guidance-note.pdf>.

<sup>16</sup> Ibid, pg 6, Legislative Requirements.

respect to Aotearoa's long-term climate adaptation strategy, this includes identifying climate hazards and risks and managing the exposure of sensitive activities and vulnerable people to that risk, as well as locating and designing assets in a way that reflects the level of climate risk they will face during their lifetime, to increase resilience. PCG has sought to do this, including by identifying and adopting development setbacks to manage the risk of land instability and erosion, avoiding residential development in the gully areas which may be subject to flooding and land instability, increasing resilience through establishing greater connectivity (by providing cross-promontory roading links) and provision of a local neighbourhood centre, and revegetating and restoring native vegetation in gully areas. I also note that the Council's Engineering Standards require stormwater systems to be designed to account for the effects of climate change.<sup>17</sup>

21. With respect to emissions reductions, the national guidance identifies that local authorities can support reductions by:
- a) prioritising and encouraging nature-based solutions with multiple co-benefits, such as water sensitive design;
  - b) supporting energy efficiency building design;
  - c) integrating urban growth with transport planning and investment so that people can live in communities with access to convenient, affordable and frequent public transport, and safer walkways and cycle lanes. This includes reducing the distance people need to travel for their daily needs and understanding travel required for education and employment;
  - d) enabling mixed-use, medium and high-density zoning that supports the efficient use of public transport, walking and cycling infrastructure; and
  - e) reducing or discouraging activities that can increase transport emissions<sup>18</sup>.
22. PCG requires water sensitive design to be incorporated into the management of stormwater, and adopts low impact design principles, including roadside bioretention facilities (rain gardens) (see R7A.5.2.2(g)). The plan change also directs that roads are designed and delivered to accommodate public bus routes (on the main Urban Connectors), footpaths and cycle lanes, and requires this through specified cross-sections. The Structure Plan provides for a local neighbourhood centre centered within an area of mixed use residential development with a regular and fine grained grid pattern of local roads, to facilitate and encourage movement by foot or cycle, and to reduce the need for people to travel by vehicle to meet a reasonable proportion of their daily needs. The Ministry of Education has confirmed its plans to develop a primary school on the existing designated site on Ruapehu Drive. Although not an outcome of the plan change, this will have the benefit of reducing the length of journeys to school for any primary aged children. The transport network mitigation measures required to be delivered before residential development occurs (see R7A.5.2.2(h)) will also address the existing severance issues across SH57 to enable safer active travel to this future school.

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<sup>17</sup> See section 6.9.2.

<sup>18</sup> Ministry for the Environment. 2022. National adaptation plan and emissions reduction plan: Resource Management Act 1991 guidance note. Wellington: Ministry for the Environment, pg 19.



23. As indicated above, the plan change provides for some medium density development around the proposed local neighbourhood centre, along with mixed-use and opportunities for higher medium density housing within the centre itself. The presence of gullies, unconsolidated soils, geotechnical hazards associated with slope stability, and the need to manage stormwater so that it does not adversely impact on gully ecosystems, limits the ability to deliver this intensity of development across the entire PCG area. In my opinion, these measures are consistent with the Ministry's guidance.
24. In response to the submitter's point about rural-residential car dependency, the Structure Plan provides for walking and cycling routes to connect rural-residential areas in the Turitea Valley with the residential areas on Pacific Drive. Reflecting the lower volumes of traffic on peri-urban and rural roads serving the rural-residential areas, provision for cycling will be accommodated within the carriageway. While the dispersed nature of rural-residential development makes active transport modes less enticing to residents because of the greater distances involved, the proposed measures will provide rural-residential residents with transportation options and enable active transport modes.
25. The Council Parks and Recreation Planner (Mr Phillips) has considered the need for active sport provision<sup>19</sup>. As set out in his s42A report on Parks and Open Space, the planned reserves will accommodate flat grassed open space for larger format, casual sport and may include a public outdoor court within the Suburb Reserve. However as Mr Phillips explains in his s42A report<sup>20</sup> there is a need to balance the provision of more formal and extensive facilities to reflect the expected usage with budgets for ongoing reserve maintenance, with the Council having a preference for larger centralised facilities of a high quality, rather than a dispersed set of lower quality facilities.
26. The Stormwater Management Strategy notified in support of PCG was prepared in accordance with Council Engineering Standards requirements for stormwater design parameters to make an allowance for climate change. Since the plan change was notified, the Council's expert team has undertaken further analysis of 'over design' events and a number of changes are proposed to the Stormwater Management Strategy as a result. These changes are discussed in more detail in Topic 4: Stormwater, Flooding and Erosion of this report and, to a large degree, address the issues raised by submitters in relation to flooding and erosion hazards, including as influenced by climate change.
27. In its submission Waka Kotahi [S63.005] also seeks a more detailed analysis on how vehicle kilometres travelled (VKT) and transport emissions reductions will be achieved. Waka Kotahi supports the provision for the neighbourhood centre, but recognises that the bulk of employment opportunities for future residents will generally be beyond the growth area, signalling an assumption that people will drive in and out of the city. The submitter considers this is inconsistent with the NPS-UD direction on well-functioning urban environments, which should have good accessibility, including by way of public or active transport, and support reductions in greenhouse emissions. To achieve the outcomes sought by the Government Policy Statement on Land Transport, the submitter is of the view that behaviour change to support mode shift is required. Ms Fraser, the Council's transportation expert, notes that congestion can be one of the triggers which assists with encouraging mode shift<sup>21</sup>. Waka

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<sup>19</sup> See Appendix 13 – Parks and Reserves Servicing Memorandum.

<sup>20</sup> See Table 1 of Mr Phillips S42A Report, pg 22.

<sup>21</sup> S42A Report – Transportation, pg 45.

Kotahi's future investments will be targeted to achieving mode shift and the organisation has a strong preference for delivering additional housing within existing urban environments.

28. As set out earlier in this section, the Council has been investigating opportunities to deliver additional housing within the existing urban environment through its work on a medium density housing zone plan change, and the development of a draft FDS (yet to be released). This work has identified that it is not possible to meet all of the identified housing needs through infill or intensification. My understanding, based on my review of the Aokautere Centre Retail Report,<sup>22</sup> is that the size of the local neighbourhood centre is based on the residential catchment that it serves, and therefore, while it will provide some local employment opportunities and amenities, it would never be at a scale that would enable the bulk of employment and amenities to be met within the plan change area. Therefore, PCG anticipates commuting into the city, but seeks to facilitate mode shift so that some of those journeys will occur by public transport or active modes.
29. The proposed works to enable safe cycling routes to the city and address existing severance issues across SH57 will support mode shift, and, as identified in the Council s42A reports, including that of Ms Fraser, Council's transport expert, these works are in the process of being programmed, designed and delivered. Horizons Regional Council has recently completed a review of its bus network in Palmerston North and intends to provide two bus routes within the plan change area, with an initial route serving Pacific Drive and Atlantic Drive, and a second route to be determined and included in the mid-term service review. Ms Fraser has considered the request from Horizons to ensure the development layout enables the safe movement of public transport, and she has recommended some amendments to the provisions as a result. This is addressed in more detail in Topic 6:Transport.
30. In my view PCG incorporates a number of measures to enable efficient and effective public transport and enables alternative active transport modes while also addressing demand for housing, optimising existing network infrastructure assets, and improving the efficiency of land use compared with what is provided for in the operative district plan.
31. Kevin Low [S73.001] considers that the housing developers should be required to demonstrate a reduction in VKT by 20% by the end of the decade.
32. As discussed above, PCG has been drafted with the intention of influencing development in the plan change area in a way that enables and supports public and active transport modes. The intended outcome is that housing development within this area will integrate with these alternative transport modes to provide future residents with transport alternatives to private vehicles. While I do not consider it would be feasible to include a requirement in the plan for housing developers to achieve VKT reductions direction, in my view the plan change provisions and structure plan should contribute to that outcome.

#### **1.1.2.4 Energy efficiency**

33. Horizons Regional Council [S60.009] notes in its submission the direction in the One Plan (Policy 3-7(b) with respect to energy efficient development and that territorial authority decisions and controls on subdivision and housing, including layout of the site and layout of the

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<sup>22</sup> Appendix 12, Aokautere Centre Retail Report, Section 32 Report, July 2022.

lots in relation to other houses/subdivisions, must encourage energy-efficient house design and access to solar energy.

34. It is my understanding that the Structure Plan and accompanying (implementing) provisions which set design controls on such matters as height, height recession planes and setbacks, has been developed in order to ensure appropriate access to sunlight and thus solar energy. In addition, lot orientation has been developed to reflect good solar access. Mr Burns S42A Report identifies that this was a particular consideration in the orientation and layout of the Local Business Zone, with street frontages and balconies orientated to the north/northwest for sun, and rear service areas facing south/southeast, to ensure that commercial activities can take advantage of outdoor amenity areas. In addition, attached housing and apartments (such as that envisaged in the Medium Density Village Area) offers opportunities for greater energy efficiency through lower heating requirements, as party walls are insulated by adjoining properties and therefore have reduced heat loss.

### **1.1.3 Recommendations**

35. I do not recommend any changes to the provisions as a result of these submissions.

## Topic 4 - Stormwater, flooding and erosion

1. This section of my report addresses matters relating to the management of stormwater originating from the PCG area, including from both the area of existing development and areas proposed for new development. Associated with the management of stormwater is consideration of the effects of flooding.
2. Stormwater originating from the PCG area primarily makes its way to the existing gullies that incise the area. These gullies naturally cut down over time as water flows erode the gully floors and instigate mass movement on the gully sides. There is a close relationship between stormwater flows and gully erosion, making both the management of stormwater and mitigation of the erosion hazard key considerations for development in the PCG area.
3. PCG was notified with a comprehensive set of provisions to address stormwater management and to mitigate flood risk. This included a proposed Stormwater Management Strategy (which I discuss below) which specified key stormwater design principles to be applied, and a high level conceptual design for stormwater controls that would be appropriate for the development area. To address existing degradation of the gullies from direct overland discharges down gully slopes, the Stormwater Management Strategy was designed to intercept and manage these 'legacy' flows, alongside runoff that would be generated by future development enabled by the plan change. A key assumption was that the gully areas would be protected and indigenous vegetation restored, and that residential development would be avoided within these areas. This was with the objective, over time, of enhancing biodiversity and water quality outcomes, consistent with national statutory and regulatory direction<sup>1</sup>.

### 1.1.1 Issues raised in submissions

4. The following stormwater, flooding and erosion issues have been raised in submissions:
- a) The potential for development of housing along the promontories/edges of the gullies to increase overland flows from stormwater, causing downstream flooding, erosion and landslides/slips.
  - b) Evidence of the effects of downstream flooding and erosion from upstream development in Aokautere, and potential for these effects to be exacerbated by further development within the catchment. Effects described in submissions include downcutting and erosion of gullies, land slips, damage to existing infrastructure (stormwater and roading), damage to private property, walkways and reserves.
  - c) The adverse effects of increased sediment and stormwater flows on in-stream and terrestrial ecology in the gully areas.

<sup>1</sup> S32 Report, Why Aokautere pg 11.

- d) Concerns that the Stormwater Management Strategy notified with PCG is inadequate to manage the effects of climate-change, including increases in intensity and frequency of rainfall.
- e) Concerns that the planned stormwater detention ponds are inadequately sized, may fail in seismic events and may overtop in periods of high rainfall, causing damage to downstream properties.
- f) Concerns about the increase in impermeable surfaces from urban development, and whether PCG provides suitable controls to address increased stormwater volumes.

## 1.1.2 Overview

### 1.1.2.1 The proposed Stormwater Management Strategy for Aokautere (as notified)

5. A Stormwater Management Strategy was prepared and notified as part of the PCG bundle of documents.<sup>2</sup> The strategy presents the technical analysis undertaken to identify the potential flooding, erosion and water quality effects of development enabled by PCG. This includes:
  - a) a flood assessment to predict the impact of development on peak flow rates and potential for flooding within the receiving environment;
  - b) an erosion assessment to predict the frequency and duration of flow events that would exceed the erosion threshold of the receiving gully systems (which results in downcutting, scouring and transport of sediment); and
  - c) a water quality assessment to identify likely contaminants associated with runoff from residential development and the potential effects on the receiving environment.
6. As identified in the s42A report of Mr Bird (Council's geotechnical expert), the geology of the main development area is comprised of late Pleistocene beach sands and marginal marine gravels, which are formed into elevated flat-topped terraces bisected by incised streambeds. The streambeds are in steep sided gullies, which often exhibit slope instability.
7. Sensitivity to erosion is a particular feature of this receiving environment. The erosion assessment undertaken by GHD identified that two of the main streams that receive overland flows from development in Aokautere (Aokautere Church Stream and Moonshine Valley Reserve Stream) have very low erosion thresholds, due to the fine silt and clay soils which make up the beds and banks of these streams. This makes the streams highly sensitive to changes in flow, which is challenging for designing and achieving stormwater flow controls. The other main receiving stream (Tutukiwi Stream) is less sensitive, as it has a coarser bed material.
8. To mitigate erosion impacts from urban runoff, stormwater controls need to reduce the shear stress, velocity and duration of flow events that exceed the erosion thresholds of these streams.

<sup>2</sup> Appendix 11, Stormwater Management Strategy, Section 32 Report, July 2022.

9. Consequently, it was identified that stormwater would need to be directed to, and managed within, the existing gully network and that appropriate controls would be needed for PCG to:

- a) reduce the shear stress, velocity and duration of flow events in the streams that exceed their respective erosion threshold;
- b) prevent uncontrolled overland flows down the gully slopes as, due to their steepness and soil composition, these slopes are sensitive to erosive forces and present a potential slope instability and erosion risk if stormwater flows are not controlled; and
- c) prevent encroachment of development on critical slopes, which can cause further disturbance and impact to vegetation and slope stability.

10. The controls subsequently proposed and included within the notified PCG provisions were:

- a) A requirement for stormwater infrastructure to control post-development peak flow rates to pre-development levels, with flood control provided for the full range of ARI events, from 2-year to 100-year events. This is to be provided through provision of sufficient storage volume for peak flows, via wet and dry detention ponds.
- b) Further control of peak flows to prevent the erosion threshold being exceeded in the receiving streams, to be achieved through stormwater detention ponds with sufficient volume to hold peak flows and provide for regulated release.
- c) Identification of the preferred location of detention ponds, with the indicative location of ponds shown on the Structure Plan. Ponds were preferentially located within the gullies to maximise developable areas, with locations selected which were ecologically less sensitive. This meant avoiding high value terrestrial vegetation or wetlands, and a preference that ponds were placed off-line where possible, or if on-line, within ephemeral rather than intermittent or permanent stream reaches.
- d) A continuous perimeter swale along gully edges (to be located where slope angles were approximately 25 degrees) to intercept, collect and convey overland flows to a centralised discharge location on the gully floor, rather than allowing uncontrolled flows down gully slopes.
- e) Imposing a buffer or setback from the top of the slope, to prevent encroachment of development and provide a utility corridor of sufficient width to accommodate a perimeter swale, and safe access for maintenance.
- f) All rainfall falling on roads to be collected and contained within the roading corridor.

- g) Impervious limits set on development.
  - h) A requirement for effective treatment of potential contaminants (treatment of the 90<sup>th</sup> percentile rainfall volume) including suspended solids, metals, petroleum hydrocarbons, nutrients and other organic compounds, with flexibility to employ either a single treatment device (wetland, dry pond) or multi-device treatment train approach.
  - i) Promotion of an integrated approach to stormwater management features to achieve high amenity outcomes, such as incorporating rain gardens or wetlands into public amenity spaces.
11. In recognition of the sensitivity of the receiving environment, the Stormwater Management Strategy identified controls that would effectively mitigate the effects of stormwater from future development enabled by the plan change as well as assisting to address the effects of existing development within the Aokautere catchment. The stormwater investigations identified that runoff from current development was already having an adverse impact, and that this would need to be addressed, alongside the proposed new development. Even with this comprehensive approach, the Stormwater Management Strategy acknowledged that the Aokautere Church Stream and Moonshine Valley Reserve Stream would, regardless of whether or not any development occurred in the upstream catchment, remain sensitive to erosion in the future and would continue to erode in a manner that could create slope stability risk or water quality impacts. For that reason, some in-stream stabilisation works were anticipated.

#### **1.1.2.2 Further technical work undertaken in response to submissions recieved on the Stormwater Management Strategy**

12. Since the plan change was notified and submissions received and reviewed by Council's team, the Stormwater Management Strategy has been reviewed, with a view to identifying:
- a) whether the strategy requires modification to further reflect the sensitive geological setting;
  - b) the potential for scour/erosion to have an impact on the gullies over time, and the likely extent of erosion and downcutting of the gully floors over a time period of 100 years.
13. The outputs of this work have been used to review the geotechnical slope stability analysis (described in detail in Mr Bird's s42A report, and in the Geotechnical section of this report).
14. Following this further analysis, it was determined that additional mitigation would be required to address erosion in the gully systems. The Council's expert team have worked jointly to develop mitigation solutions that will be enduring over time. The mitigation proposed in the existing stormwater strategy has been reviewed and is considered to be sound, subject to the addition of further measures which attempt to manage stormwater at source, as far as possible.
15. In order to manage stormwater from existing and proposed residential development in Aokautere, the following package of measures are recommended to reduce the volume and velocity of runoff generated by development. The approach focuses on avoiding, reducing and

16. The stormwater management approach involves:

17. Through this process, an attempt has been made to prioritise nature based solutions as far as possible. The revised controls have been recommended in order to minimise the need for watercourse stabilisation, in recognition of the significant terrestrial and aquatic values in these ecosystems. The revised controls are reflected in the proposed amendments to the provisions, which I set out in detail in the recommendations below.

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## 1.1.3 Analysis

### 1.1.3.1 Stormwater, flooding and erosion effects arising from development that have been identified by submitters

18. A significant number of submissions have been received on matters relating to stormwater, flooding and erosion. Some submitters oppose the development of housing along the promontories and gully edges, in particular multi-unit housing. Submitters consider such development will increase the risk of overland stormwater flows resulting in flooding, erosion, and landslides/slips. The submitters consider these risks are exacerbated by the poorly draining and highly erodible soils, increased intensity and frequency of heavy rainfall events due to climate change, increases in impermeable surfaces from roading and high-density housing and inadequate stormwater controls for existing residential areas within the same catchments<sup>4</sup>.
19. Some submitters are concerned that the proposed detention ponds could overtop or fail during storms or seismic events, resulting in damage to adjacent private properties<sup>5</sup>.
20. Submissions describe the damage caused by stormwater flows from existing development, in Aokautere including flooding, erosion and downcutting in the Mangaotane stream (Bryant's Creek), Tutukiwi Reserve stream and Moonshine Valley stream<sup>6</sup>. Submitters have provided photos and described damage to carparks, public walkways and streams in Moonshine Reserve, Tutukiwi Reserve, Upper Titoki Reserve and Adderstone Reserve. Other effects described include the undermining of root systems, which is causing mature trees in rural-residential properties in Moonshine Valley to fail and fall<sup>7</sup>.
21. Anthony & Rosemary Gear [S39.006] highlight the existing damage to Council infrastructure from stormwater flows, including Bryant's Bridge on Aokautere Drive, because of increased flows down Moonshine Valley Stream and from the Woodgate subdivision into the Church gully (G1, Map 7A.4). Ben Somerton [S83.005] is concerned about the capacity of the culvert under the proposed gully crossing road (labelled 'C' on Map 7A.4), as during high rainfall, water flows over the road. He supports better management of stormwater, as in his opinion, developers have provided substandard stormwater systems to date.
22. Submitters say the increased runoff from recent housing development in Aokautere has increased sediment in the streams which is adversely affecting the species inhabiting those streams, including koura, kakahi, giant kokopu and long fin eels. Submitters are concerned this will be exacerbated by the proposed new development.<sup>8</sup> Manawatū Branch of Forest and Bird

<sup>4</sup> Inga Hunter S17.001, Prasika Reddy S21.001, Ray & Judy Stevens S34.001, Nathan Meyer S36.001, Marie Thompson S38.002, Russell Poole S68.004, Susan & Yann Le Moigne S71.003, Elizabeth Endres S74.001, Kerry Park S72.001, Gareth Orme S75.001, Wayne Phillips S78.001, Elizabeth Fisher S80.001, Gaylene Tiffin S85.001, Colin Perrin S90.002, Tracey Yung S92.002.

<sup>5</sup> Inga Hunter S17.001, Ee Kheng Ang S30.001 and supporting further submission Heritage Estates 2000 Ltd FS18.017, Ray & Judy Stevens S34.001, Anthony & Rosemary Gear S39.007, Gill Welch S49.005, Steve Welch S65.003, Wayne Phillips S78.001, Elizabeth Fisher S80.001, Colin Perrin S90.002, Tracey Yung S92.002.

<sup>6</sup> Anthony & Rosemary Gear S39.005, Sonya Park S44.001, Larry Harrison S53.001, Christine Scott S55.002, Russell Poole S68.006, Kerry Park S72.001, Wayne Phillips S78.001, Elizabeth Fisher S80.001, Sara Burgess S98.003.

<sup>7</sup> Anthony & Rosemary Gear S39.007, Gill Welch S49.005, Steve Welch S65.005, Gaylene Tiffin S85.001.

<sup>8</sup> Ray & Judy Stevens S34.001, Rosemary and Anthony Gear S39.005, Larry Harrison S53.001, Russell Poole S68.004, Elizabeth Fisher S80.001.

[S97.002] are concerned about sediment from site preparation earthworks and seek mitigation strategies such as restrictions on working areas to minimise exposed soil; and constructing more wetlands and stormwater retention systems (and other strategies) well before development commences.

23. In response to matters raised in submissions, further site visits, investigation and analysis of these issues has been undertaken, as described in the evidence of Council's stormwater, geotechnical and ecology experts. The potential for further downcutting of the streambeds has been modelled and the slope stability analysis undertaken for PCG has been revisited (see the Geotechnical section of this report). Damage to existing infrastructure has been assessed, and the Council's stormwater experts, Ms Baugham and Mr Miller, have made recommendations for repair and upgrade works. These works will be undertaken through Long Term Plan work programmes, outside of the PCG process. The location and volume of the stormwater detention ponds has been tested and checked, with several ponds relocated in response to expert advice from the geotechnical, stormwater and ecological experts. The Council's ecology expert, Dr Forbes, has considered the impacts on instream values, and has made recommendations for effects management (including by application of the effects hierarchy, restrictions on the type and extent of in-stream structures, gully restoration through planting strategies and management of residual effects through ecological offsetting) as described in his S42A report. It is now recommended that the in-gully stormwater mitigation works be installed and operational before any houses are constructed in the upstream catchment. It is anticipated that these works would need to occur at the point of subdivision. As a result of the additional analysis and technical recommendations, a suite of changes to the Structure Plan maps and the proposed provisions are recommended to provide a more appropriate planning approach. I address these recommendations in detail below.

### 1.1.3.2 Stormwater mitigation measures requested by submitters

24. Submitters have requested a wide range of relief to mitigate the effects identified, which are summarised in the following table.

**Table 4.1: Stormwater mitigation measures requested by submitters**

Relief sought by submitters	Submission references
Increase the setbacks from the boundary with Moonshine Valley (to 10-15 metres <sup>9</sup> , some seek a wider buffer <sup>10</sup> )	Susan & Yann Le Moigne S71.003, Anthony & Rosemary Gear S39.005, FS15.004, Brett Guthrie S41.008, Sonya Park S44.001, Larry Harrison S53.001, Barry Scott S54.002, Russell Poole S68.004, Kerry

<sup>9</sup> Submitters reference the operative plan provisions which provide for 10-15m setbacks on Pacific Drive, which overlooks Turitea Valley. I note that setback has been imposed for visual intrusion/overlooking reasons.

<sup>10</sup> Susan & Yann Le Moigne S71.003 request a buffer of 30 metres.

Relief sought by submitters	Submission references
	Park S72.001, Elizabeth Endres S74.001, Wayne Phillips S78.001, Colin Perrin S90.002, Sara Burgess S98.003
Exclude medium density multi storey housing from the promontories, and restrict any buildings to standalone dwellings	As above
Zone a 'transition area' with minimum lot sizes between 5000m <sup>2</sup> - 1ha for the plateaux between the gully system in the Aokautere/Summerhill area and above the Moonshine Valley area.	Anthony & Rosemary Gear S39.005, FS15.004, Brett Guthrie S41.008, Sonya Park S44.001, Larry Harrison S53.001, Barry Scott S54.002, Russell Poole S68.004, Kerry Park S72.001, Elizabeth Endres S74.001, Wayne Phillips S78.001, Colin Perrin S90.002, Sara Burgess S98.003
Reduce the size of the plan change area and the number of sections. Prevent housing between the last gully before the start of the downhill slope and the hill and make this area a stormwater reserve for water retention and disbursement.	Christine Scott [S55.002], Inga Hunter [S17.001]
Support roadside stormwater treatment and detention gardens being used to the fullest extent possible to treat and attenuate stormwater flow from public areas. These gardens should use native plant species.	Chris Teo-Sherrell [S43.001], Manawatū Branch of Forest and Bird [S97.003]
Apply further controls to limit the impermeable surface area / increase the percentage of permeable surfaces, require porous paving.	Chris Teo-Sherrell [S43.001], Michael Poulsen [S46.001], Manawatū Branch of Forest and Bird [S97.003], Christine Scott [S55.002] Horizons Regional Council S60.005
Require on-site rainwater detention eg. stormwater retention tanks, greywater tanks to improve efficiency of water demand, usage and disposal, with	Chris Teo-Sherrell [S43.001], Michael Poulsen [S46.001],

Relief sought by submitters	Submission references
water accessible for garden watering/emergency use.	Manawatū Branch of Forest and Bird [S97.003]
Other mechanisms such as infiltration trenches, sandfilters, settlement traps, tanks, ponds, and green roofs should be considered.  All stormwater drains should be clearly labelled "flows to river and sea" (or something similar). Rubbish capture devices and filters should also be used where possible.  Carwashing on the street/driveways (or anywhere water may drain to stormwater) should be prohibited in this suburb.	Manawatū Branch of Forest and Bird S97.003
Wetlands should be constructed in addition to those that are already present (if any are present).	Manawatū Branch of Forest and Bird S97.003
The width of river corridors should be maintained to allow space for streams to move naturally. Streams should not be 'stabilised' or channelised. Development in or around the floodplain/zone of any streams should be prohibited and the plan change should have designated river corridors that provide plenty of space for waterways and limit development in these areas.	Manawatū Branch of Forest and Bird S97.003, S97.006
Proactively improve water quality and river habitat, rather than monitoring and waiting for degradation to occur.	Manawatū Branch of Forest and Bird S97.004
Increase stormwater detention volumes so that detention ponds accommodate more than the 1 in 100 year event, given recent events and predicted climate change.	Michael Poulsen S46.001, Barry Scott S54.002 and Wayne Phillips S78.001
Ensure climate change is factored into the stormwater management approach, use the most up to date information and 'future-proof' the plan as far as possible, given the unpredictable nature and increased severity of climate change events.	Jill White S67.001, Gareth Orme S75.001, Bruce Wilson S105.002 and Manawatū Branch of Forest and Bird S97.001
Detention ponds should be required in the gullies to attenuate water flow and detain sediment.	Chris Teo-Sherrell S43.001

Relief sought by submitters	Submission references
Replace perimeter swales with fully piped underground drainage system across the rear of the properties, feeding directly into the closest of the four major discharge locations on the plan.	Wayne Phillips S78.001
Support for better management of earthworks effects due to the risk of erosion in the steep terrain of the reserves.	Ben Somerton S83.005
Challenge as to whether reliance on modelling rather than on-site observations is sufficient to produce a robust stormwater management strategy.	Brett Guthrie S41.008
<p>Not enough information on the actual size, design or positioning of the stormwater ponds to enable a full understanding the efficacy of this strategy. Provide further detail to mitigate peak stormwater flows.</p> <p>The technical information relied on to produce the stormwater report provides insufficient base information to enable peer review of the interrelated effects of erosion, geotechnical and stormwater and its effects on ecology; or sufficient base information to peer review the flood model. The parameters and inputs into the flood modelling have not been available to the submitter.</p>	Steve Welch S65.003, Wayne Phillips S78.001 Heritage Estates 2000 Ltd, FS18.016, FS18.017, FS18.018, FS18.019, FS18.021, FS18.022, FS18.023, FS18.024, FS18.025, FS18.042, FS18.026, FS18.027, FS18.028, FS18.029, FS18.031, FS18.033
The strategy is reliant on strict adherence by the developer, which has not been achieved in nearby developments.	Steve Welch S65.003
Support the requirement that developers must develop a plan demonstrating compliance with the stormwater plan design criteria and concepts.	Manawatū Branch of Forest and Bird S97.001
Provide better protection for the gullies than they appear to have at present, or is envisaged in the plan change, so that they are sustainable reserves.	Russell Poole S68.006 and Susan & Yann Le Moigne S71.003
Planting of gullies with natives will be insufficient to prevent ongoing and increased damage.	Anthony & Rosemary Gear S39.007
Provide an assessment of the stormwater plan against the idea of Te Mana o te Wai, and the PNCC	Manawatū Branch of Forest and Bird S97.005

Relief sought by submitters	Submission references
stormwater bylaw, which was recently updated (last year) to recognise Te Mana o Te Wai.	
Ensure no new subdivision has a detrimental effect on existing dwellings.	Anthony & Rosemary Gear S39.007, Gill Welch S49.004, Steve Welch S65.001, Gareth Orme S75.001, Tracey Yung S92.002
Prepare a technical stormwater report for the land which borders the development, and specifically Moonshine Valley and Whisky Way properties.	Prasika Reddy S21.001

25. The stormwater strategy and subsequent technical investigations have considered the potential for off-site and downstream effects, including on land and water bodies within the Moonshine Valley. The Council's geotechnical and stormwater experts undertook further site visits to specific stream reaches identified in submissions. As discussed above, the site visits identified the need for some upgrades and repairs to downstream infrastructure. These works will be undertaken via the Council's asset management programmes, which are funded through the Long Term Plan.
26. The proposal to impose a 5 metre development setback to provide for a stormwater swale along the top of the gully slopes has been reviewed by Council's expert team following submissions, including the necessary dimensions, location, functional requirements and maintenance. A 5 metre corridor enables the construction of a stormwater swale with sufficient capacity to accommodate flow generated from adjacent properties in the 1% AEP (plus climate change) event, with sufficient width on either side to provide safe and effective access for maintenance. A design concept for the swale corridor has been prepared and is recommended to be inserted into the district plan to provide guidance for developers<sup>11</sup>. I have recommended that two new policies are inserted in Section 7A to provide guidance on the necessary restrictions to be placed on activities that can be undertaken within this corridor, and on how those restrictions are to be recorded if the corridor is placed within private lots.
27. In the Addressing Housing Needs section of this report I have recommended that the promontories are developed as suburban low-density housing, with an option retained for multi-unit housing (which is what was proposed for this area in the notified PCG). The amendment to provide for suburban low density housing is not driven by stormwater concerns, but arises from other factors, including submitter concerns about visual impacts and developability. However as a consequence it is likely to reduce the extent of impermeable surfaces, which will assist with managing stormwater runoff. I have recommended amendments to the provisions to ensure a stormwater management plan is prepared for any land that will be developed for

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<sup>11</sup> See Appendix 1.

multi-unit housing, consistent with the comprehensive list of assessment and stormwater design requirements in the performance standard for greenfield subdivision (R7A.5.2.2(g)).

28. In my view, a rural-residential transition area is not required to address stormwater effects, as the Stormwater Management Strategy has demonstrated there are appropriate stormwater mitigation measures that can be adopted to address the effects of runoff from suburban density residential development.
29. The developable area within the Structure Plan has been revised by the Council's expert team to reflect updated information on potential erosion and slope stability. This has resulted in some modest reductions in the developable area. Suburban low density housing on the promontories will likely result in a reduction in the extent of impervious surfaces in these locations compared with the previously proposed multi-unit format, although I understand that both forms of development can be accommodated by the Stormwater Management Strategy.
30. The Council's reporting team has investigated opportunities to increase permeable surfaces within the proposed development areas, by testing the proposed minimum lot size, site coverage and setback standards. The extent of permeable surface area that can be achieved varies, depending on the development typology. I have recommended that a performance standard is imposed to require a minimum permeable area of 25% of net site area in the medium density housing area and 40% in suburban low density housing areas, in line with Ms Baugham's recommendation<sup>12</sup>. Ms Baugham has advised however that super-saturation of soils should be avoided in Aokautere, given their propensity for instability, so is not appropriate as a site-wide management strategy<sup>13</sup>.
31. The submitters' support for rainwater gardens and roadside stormwater treatment is noted. The Council provides non-statutory advice on the design of raingardens on its website, which includes a recommended plant list comprised of native species. I recommend these water sensitive design requirements, as set out in the notified stormwater management plan performance standard and the required cross-sections, are retained.
32. The option of requiring on-site stormwater retention tanks has been further investigated, but is not recommended by the Council's stormwater experts for the reasons set out in their evidence<sup>14</sup>. It would be problematic for the Council to monitor whether tanks within private property are being used appropriately and, given the scale of the development area, individual tanks can only make a modest contribution to the overall storage volume required. In the case of PCG, this is not regarded as a reliable, cost effective component of the formal stormwater management response.
33. Other measures proposed by submitters include detailed design matters that are best addressed through the consent process. A fully underground drainage system would be likely to be cost prohibitive, and would not be consistent with the design outcomes, which seek to take advantage of the potential benefits for recreational amenity associated with stormwater detention features. For example, the Structure Plan includes a proposal for a wetland feature

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<sup>12</sup> S42A Technical Report – Stormwater, pg 40.

<sup>13</sup> S42A Technical Report – Stormwater, pg 19.

<sup>14</sup> S42A Technical Report – Stormwater, pg 19.



adjacent to the crescent shaped park, which can be readily accessed by residents of the medium density village area.

34. The Council's stormwater experts have undertaken further modelling to test the effects of 'over-design events' as a result of climate change. They have recommended additional storage capacity is provided in the stormwater detention ponds, and this has been reflected in amendments to the Structure Plan. The location of detention ponds has been reviewed and the Structure Plan has been revised, with some ponds having been relocated in response to geotechnical and ecological constraints.
35. Support for better management of earthworks effects due to the risk of erosion in the steep terrain of the reserves is noted, and I recommend that the notified provisions are retained. This recommendation is consistent with Mr Bird's expert geotechnical advice.
36. The submitters' support for the stormwater management plan demonstrating compliance with the stormwater plan design criteria and concepts (R7A.5.2.2(g)) is noted. Given the importance of developer's stormwater management plans to the implementation of the wider stormwater strategy for Aokautere, I have recommended minor amendments to the provisions to provide greater clarity as to the design outcomes being sought, and the assessment and reporting requirements.

### 1.1.3.3 Submissions on alignment of PCG with the One Plan provisions

37. Horizons Regional Council [S60.002] has made a submission seeking alignment of PCG with relevant objectives and policies in the One Plan. This includes:
- a) That flood management within PCG should give effect to One Plan Policy 9-2, noting that the modelling shows that most of the modelled flood risk is within or near the waterways and within the gully system. The submission is supported by a further submission from Waka Kotahi [FS16.001], which seeks that, should the plan change proceed, further investigations are undertaken to better understand the potential flooding and stormwater hazards on existing infrastructure such as that associated with State Highway 57. Heritage Estates 2000 Ltd [FS18.034], also supports Horizon's requested relief that flood management gives effect to the One Plan Policy 9-2, but opposes the Structure Plan as notified and questions whether this gives effect to the One Plan Policy 9-2, based on the information available in the notified PCG technical reports. The further submitter states Horizons submission disclaims any accuracy of the flood model.
  - b) If erosion in waterways is considered a risk due to stormwater discharge, then this issue needs to be addressed prior to development, consistent with One Plan provisions including Policy 9-4, Policy 4-2; and rules in Chapter 13 and 14 for land disturbance (Rule 13-1) and control of erosion through in-stream stabilisation works (Rule R14-18). At consenting stage, the Regional Council will require an assessment of the downstream effects and compliance with the Horizons One Plan [S60.003].



- c) Since bio-retention and detention storage require maintenance works, Horizons River Management Group will also seek the creation and implementation of a maintenance strategy.
  - d) There are two key aspects to stormwater management, firstly, the effects on water quality from point-source and diffuse discharges of untreated stormwater which may contain a range of contaminants into surface water bodies and groundwater; and secondly, inundation and the potential for stormwater to become, or exacerbate, flood hazard. The Regional Council seeks that stormwater management achieves an outcome consistent with Rule R14-18 [S60.004].
38. I have reviewed the relevant provisions cited by the Regional Council and consider that PCG is consistent with the One Plan policy framework. Specifically, I note:
- a) PCG does not enable any residential development within areas that would be inundated in a 0.5% AEP event and zones the gully areas (which are likely to be subject to inundation from stormwater) as Conservation and Amenity zone. This is consistent with One Plan Policy 9-2.
  - b) The PCG provisions impose restrictions to manage future development in Aokautere (which is an area susceptible to natural hazards), so that any increase in risk to human life, property or infrastructure is avoided, or mitigated where the risk cannot be practicably avoided. For example, the provisions (as amended by my recommendations) require a geotechnical investigation to be undertaken on any land proposed to be developed, to confirm that the land is suitable for development and that any geotechnical or seismic hazards can be effectively managed. Areas with steep slopes which may be subject to instability (i.e Class E land), are proposed to be zoned Conservation and Amenity zone, to avoid placing people and property within these high-risk areas, and to avoid extensive earthworks in sensitive areas. Earthworks plans are required, and must address these risks. Stormwater detention, in-stream stabilisation works and perimeter swales are proposed, to avoid causing a significant increase in the scale or intensity of stormwater flows and subsequent erosion in large rain events. These provisions are consistent with Policy 9-4.
  - c) The Council's stormwater experts have undertaken further analysis of the risk of accelerated erosion in the receiving waterways causing downcutting and slope instability, including due to large over-design events arising from climate change, and have proposed mitigation measures that will enable the effects on the gully systems to be appropriately mitigated. The proposed mitigation measures include retention of gully vegetation and active management to achieve reforestation, and retention and protection of natural wetlands, to assist to minimise erosion and mobilisation of sediment. This is consistent with Objective 4-2, Policy 4-2 and Policy 9-5.
  - d) A resource consent will be required under the One Plan to install the recommended stormwater management mitigation controls, and consistency with the rule framework will be assessed through that consent process. However the Council's experts have been cognisant of the statutory framework, including the NPS-FM and the NES-FW

when designing the Stormwater Management Strategy, to ensure there is a feasible consenting pathway. More detailed design and further refinement of the proposed stormwater controls will occur at the consenting stage, along with specific assessment against the relevant provisions of the One Plan and higher order documents.

39. In summary, the geotechnical assessment and the stormwater strategy prepared in support of PCG have assessed and addressed the potential geotechnical and seismic risks, flood hazard and impacts of urban stormwater runoff on water quality, and proposed controls to address these. These controls have been incorporated in the proposed provisions, in particular via the geotechnical reports, earthworks plans and stormwater management plan required to support subdivision proposals (through rule R7A.5.2.2). I have recommended that these provisions are retained, subject to the further amendments I have proposed and which I discuss in more detail below. I consider the relief sought by the Regional Council to be met by the proposed approach.

#### **1.1.3.4 Specific submissions on the proposed objectives and policies which address stormwater management**

40. PCG proposes to insert new objectives and policies on stormwater management in the Aokautere Structure Plan area. This includes new objectives and policies in Section 7: Subdivision<sup>15</sup>, Section 7A: Greenfield Residential Areas<sup>16</sup>, Section 10: Residential Zone<sup>17</sup> and Section 15: Conservation and Amenity Zone<sup>18</sup>. The following section addresses the submissions received on this proposed policy framework.

##### **1.1.3.4.1 Section 7: Subdivision**

41. The Council's submission [S50.008] notes that operative Objective 3 does not explicitly address natural hazards, but the proposed policies to be inserted under it do. Therefore, a more obvious cascade link between the policies and the objective is necessary. The Council requests that the objective is amended to insert a reference to "avoiding, remedying, or mitigating the risks and effects of natural hazards".
42. This broad objective for subdivision in the rural areas contains a wide range of matters, but does not currently explicitly refer to natural hazards, despite both the operative policies, and the proposed policies in PCG addressing such matters. The initial part of the policy uses terms that naturally encompass most matters that would be considered when assessing subdivision applications, including natural hazards; 'integrated management of the use, development and protection of land and other natural and physical resources'. The presence of operative policies under this objective that explicitly refer to natural hazards is evidence of the objective intending to apply to natural hazards. However, I agree with the Council that a more obvious cascade between the objective and implementing policies is required and recommend that the following wording is inserted as a final bullet point, with amendments so that the wording is consistent with the Council's functions under s31 RMA:

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<sup>15</sup> New policy 3.7.

<sup>16</sup> Proposed Objective 4 and policies 4.6 – 4.9, Objective 6 and policies 6.1-6.8.

<sup>17</sup> Policy 11.3, Policy 15.10.

<sup>18</sup> Policy 1.6.

- **avoids or mitigates natural hazards.**

48. CTS Investments Ltd, Woodgate Ltd and Terra Civil Ltd. [S58.014, S58.015, S58.024, 58.016] oppose the proposed new policies in Section 7A: 4.6, 4.8, 4.9, and policy 5.15 which address the proposed stormwater management approach in the plan change area, due to the directive approach of the plan change. No specific relief is sought.

49. The support for the proposed amendment to Objective 4 is noted and I agree with the submitters that this amendment should be adopted. I consider the proposed amendments to the operative policies 4.3 and 4.4 are very minor and consequential changes which arise from other proposed amendments to the provisions which address stormwater. While the amendments are generic and not specific to the Aokautere Greenfield Residential Area, they do not represent more than a minor material change to the existing framework. The word “require” in Policy 4.3 is qualified by the words “wherever appropriate”. I recommend the proposed amendments to these provisions are adopted as notified.

50. The proposed new policies 4.6 - 4.9 provide a policy framework for managing stormwater in the Aokautere Residential Area which includes:

- a) Requiring an integrated approach to stormwater management, incorporating stormwater measures within roads, open space and the gullies;
- b) Stormwater infrastructure is designed to meet the specific design criteria set in the Stormwater Management Strategy, to control flooding, erosion and water quality;
- c) That the design and layout of subdivision includes the stormwater detention ponds and the 5 metre buffer area for a stormwater swale shown on the Structure Plan;
- d) That the stormwater design uses water sensitive design to manage both water quality and quantity;
- e) That the stormwater design achieves a high level of amenity, including through use of open space;
- f) That overland discharges down gully slopes are avoided; and
- g) That imperious surfaces are minimised.

51. Policies 5.6 and 5.7 are generic policies that relate to provision of adequate infrastructure. Policy 5.14 sets a requirement that stormwater infrastructure must be in place to service the entire development before residential development takes place, and that this must be secured by a consent notice registered on titles. Policy 5.15 sets out the desired outcome that stormwater measures contribute to amenity, and essentially repeats operative Policy 4.4.

52. I agree with the submitters that this suite of policies is necessary and important to set out the direction for management of stormwater in the Aokautere Residential Area. Given the sensitivity

53. Policy 4.7 refers to three streams (Aokautere Church Stream, Moonshine Valley Reserve Stream and Tutukiwi Reserve Stream) within the plan change area “as shown on the Structure Plan”. These streams represent the receiving environment for stormwater in the Structure Plan area. The streams are not currently shown on the Structure Plan but are shown on the proposed zoning map. I think annotation of the Structure Plan with these streams would assist plan users to identify the location of the streams and have made a recommendation to this effect.

54. The “stormwater management areas’ referenced in Policy 4.7 are also not readily identifiable as stormwater management measures on the Structure Plan (Map 7A.4). The Aokautere Structure Plan shows “detention ponds”, “5m stormwater buffer/no-build setbacks” and “Reserves (gully G1-G18)”. I recommend consequential amendments to the Structure Plan Map 7A.4 key to make this clearer. Specifically, reference to “stormwater detention ponds” and “stormwater perimeter swale” and amending the reference to make it clear that G1-G12 are intended to be reserves for *stormwater management purposes*, as follows:

55. I consider the Council's submission seeking relief to address any errors or inconsistencies provides scope to recommend these changes.

**4.8 To require the design and management of stormwater to incorporate the stormwater management areas and stormwater ponds shown on the Aokautere Structure Plan.**

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- Provides a perimeter stormwater swale along the gully edges and the stormwater detention ponds in general accordance with the Aokautere Structure Plan (Map 7A.4).

**4.10 When land is subdivided or developed for residential use in the Aokautere Residential Area a perimeter stormwater swale must be established in the locations**

shown on the Aokautere Structure Plan (Map 7A.4), where a residential property is adjacent to a gully edge. The swale must be designed, located and constructed:

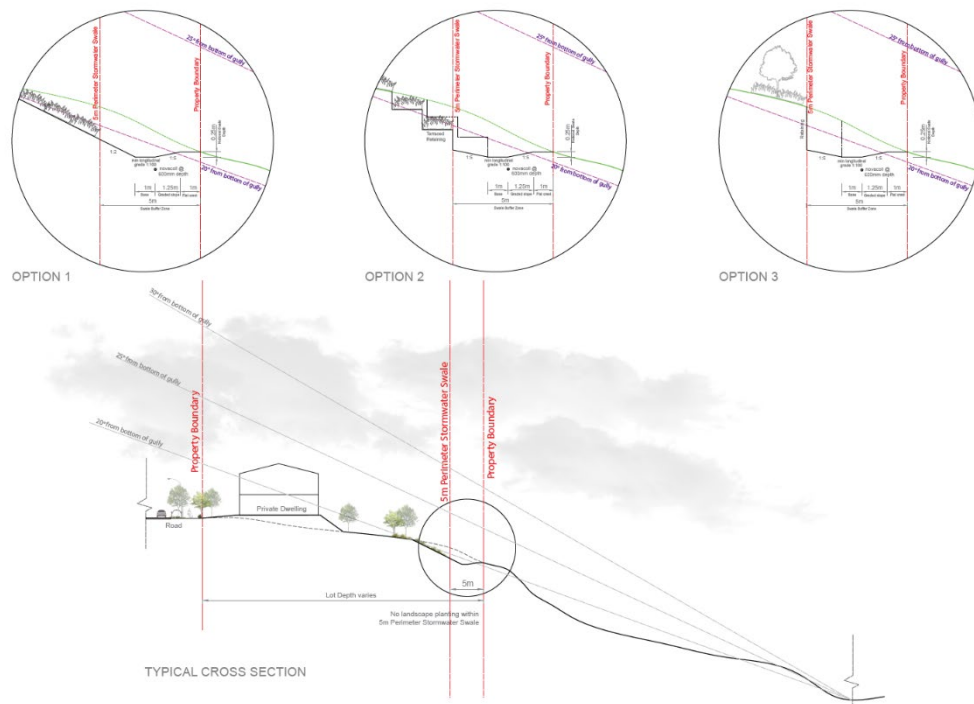
- in general accordance with Figure 7A.1:
- to intercept, collect and convey overland flows from adjacent residential properties and any contributing flows from upstream catchments;
- taking into account any site-specific geotechnical advice;
- to convey stormwater flows to identified discharge points and to protect gully slopes from erosion;
- to accommodate the 1% AEP flows, with capacity to accommodate climate change in accordance with the Palmerston North City Council Engineering Standards for Land Development;
- so that it minimises the trimming or removal of indigenous vegetation to avoid loss, damage, or disruption to the high scenic, amenity and indigenous biodiversity values associated with the gully network.

4.11 The stormwater swale required by Policy 4.10 must either:

- be vested in Council; or
- be located within a residential lot, in which case:
  - a) it must be located within a 5 metre utility corridor as shown in Figure 7A.1; and
  - b) a consent notice recording the existence of the 5 metre utility corridor and the following requirements for use and management of the specified area must be imposed on the title at the time of subdivision to ensure the ongoing functionality of the swales:
    - (i) no structures, including fences, shall be constructed or placed;
    - (ii) no planting, landscaping or earthworks may be undertaken;
    - (iii) no other activities or actions that obstruct or impact on the operation or maintenance of the swale may be undertaken;
    - (iv) the Council must be provided with unrestricted access to maintain and manage the swale.



# CROSS-SECTION OPTIONS - STORM WATER SWALE



*Figure 7A.1 – Cross-Section Options – Stormwater Swale*

63. I recommend that these new policies form the guiding framework for this component of the Stormwater Management Strategy. I have recommended a number of amendments to the performance standards in the subdivision and land use rules to reference these policies, which I set out in detail in the recommendations below.
64. There are some policies under Objective 6, which relate to the protection of the natural and ecological values of the Aokautere Greenfield Residential Area, that address matters that relate to stormwater, in particular Policy 6.1, 6.4 and 6.7. Heritage Estates 2000 Ltd conditionally supports the wording of these policies [S51.049, S51.052, S51.055] where they relate to the Aokautere Residential Area but opposes any prescriptive elements which restrict innovative alternatives or flexibility. Rangitāne o Manawātū support these policies and in particular avoidance of adverse effects on the gully system and natural features. [S77.020, S77.023, S77.026].
65. I consider the stormwater matters are more appropriately addressed under Objective 4, which addresses stormwater, and have recommended amendments to this effect, as set out in the recommendations section. Policy 6.1 covers the stormwater swale and provides direction on how the 5 metre no-build setback for this swale should be protected and managed. It also has a requirement to minimise the trimming or removal of indigenous vegetation to avoid loss of biodiversity values. This is a very important policy. I consider the direction on the stormwater swale is best set out under the objective which deals with stormwater. As discussed above, I have recommended that two new policies are included as Policy 4.10 and 4.11, to give clear



**To ensure subdivision and development contribute to the protection, restoration, and enhancement of natural features and water quality through effective stormwater management systems.**

- To require consent notices recording the existence of the 5 metre no-build setback identified on the Aokautere Structure Plan and/or any conservation lots, and any related restrictions on use of the specified area to be imposed on titles at the time of subdivision.**

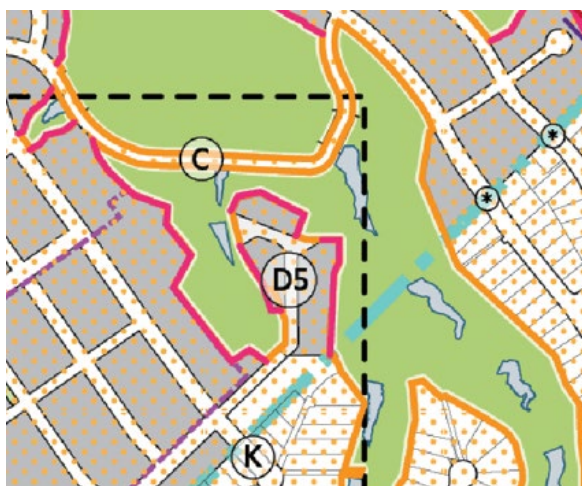
67. PCG proposes amendments to the operative subdivision and land use rules to:

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- #### 1.1.3.6 Site specific submissions

- <sup>21</sup> See Section 6.9.2.

75. During preparation of the Stormwater Management Strategy, the Council's stormwater experts identified that this area was part of a former gully and natural channel. A wetland feature has been included in the Structure Plan by the Council's urban designers, as a means of highlighting the former presence of the channel and aligning it with the adjacent Suburb Reserve, to provide a positive urban design / placemaking feature, enhancing the amenity of this area of higher density housing. During earlier design work the wetland feature was proposed to be more extensive, but was reduced in extent in response to the landowner's concerns raised during pre-notification consultation, so as to retain as much land as possible around the neighbourhood centre for housing, and to safely accommodate the proposed roading layout.
76. I consider that the wetland feature will contribute to providing a high amenity environment for the medium density housing area and nearby local neighbourhood centre and therefore recommend that the wetland feature is retained as proposed.
77. CTS Investments Ltd, Woodgate Ltd and Terra Civil Ltd. [S58.005] support gully stormwater detention but consider the main location for this for the medium density village area will be immediately behind the new gully crossing (labelled 'E' on Map 7A.4), as this combines efficient access connection with detention. They request that the Structure Plan is amended to show this location for the detention pond. Mr Miller has reviewed the location and sizing of the stormwater detention ponds and has recommended that it would be appropriate to adopt detention facilities in this location. The Structure Plan has been revised accordingly, as shown in Figure 4.1 below.



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### 1.1.4 Recommendations

78. Following review of these submissions, and on the basis of expert advice provided by the Council's stormwater experts (Reiko Baugham and Tony Miller), and geotechnical expert (Eric Bird) I have recommended a number of amendments to the notified provisions, which I summarise below.

79. I make the following recommendations:

## Section 4: Definitions

80. Insert a new definition for gully network:

**gully network – means the areas shown as ‘Reserves’ (gully networks, G1-G18) on the Aokautere Structure Plan Map 7A.4 and zoned Conservation and Amenity Zone on the planning maps”.**

81. Insert a new definition for 'primary stormwater elements'. The purpose of this definition is to describe the package of stormwater mitigation works that will be required to be in place in the gullies at the time subdivision occurs and before houses are constructed in the upstream catchment, so that the infrastructure is in place to receive stormwater being discharged from those catchments.

**Primary stormwater elements - means structures, artificial water bodies, stream stabilisation works, pipes, culverts and ancillary infrastructure that form part of a stormwater management system designed to receive stormwater from development within the Aokautere Greenfield Residential Area and intercept contaminants, manage stormwater velocity and minimise stream bed and gully erosion in the Aokautere gully reserves shown on the Aokautere Structure Plan.**

## Section 7: Subdivision

- a) Amend Objective 3 to insert an additional bullet point:
  - ...**avoids, remedies or mitigates the effects of natural hazards.**
- b) Amend proposed new policy 3.7 to delete clause (i), as it is already addressed by operative policies 2.7 – 2.10;
- c) Delete Assessment criteria (h)(vi) in Rule R7.15.2.1 to remove unnecessary duplication, as it is already covered by existing assessment criteria, which are considered to be stronger than the proposed criteria;

## Section 7A: Greenfield Residential Areas

- d) Delete proposed policies 4.6 and 4.8 to reduce unnecessary duplication, as the matters are addressed by policies 4.7 and 4.9.

- e) Amend proposed Policy 4.7 so that it provides greater clarity over the requirements that the Stormwater Management Plan must address, including by reordering and restructuring the policy and including the requirement for the stormwater swale from Policy 4.8.
- f) Amend proposed Policy 4.9 so that it provides high level guidance on the matters which the design of subdivision and development should address to achieve appropriate stormwater management. In the final version of the provisions, this policy should come before Policy 4.7.
- g) Insert new policies 4.10 and 4.11 and Figure 7A.1, to set out the parameters for the perimeter stormwater swale, including in relation to carrying capacity, function, and location. In response to submissions seeking greater flexibility, the policies provide for the swale to either be vested in Council, or located within the residential lots, in which case restrictions will be imposed on future landowners via consent notices. This will ensure that the Council is provided with access for maintenance, and that the swale corridor remains clear of any structures or landscaping, to ensure its optimum functionality. These policies replace and update proposed Policy 6.1.
- h) Amend proposed Policy 5.14 to ensure that the stormwater mitigation works that are required in the receiving gullies are in place to service any residential development (inclusive of all stages and contributing flows from the upstream catchment, where relevant) at the time of subdivision and before any dwellings are constructed on site. To provide greater clarity as to what this involves, I recommend that an accompanying definition of these works – “primary stormwater elements” is inserted in Section 4 (as set out above).
- i) Delete proposed Policy 5.15, as this is unnecessary duplication of the matters covered by Policy 4.9.
- j) Amend Policy 6.1, so that it addresses indigenous vegetation only. The stormwater swale requirement has been moved into new policies 4.10 and 4.11 under Objective 4.
- k) Amend proposed Policy 6.4 so that it has a broader application than just the outcomes that can be achieved through effective stormwater management.
- l) Amend proposed Policy 6.7 so that it relates to consent notices for conservation lots and removes duplication regarding stormwater setbacks, which are covered by new Policy 4.11.
- m) Update the performance standard in R7A.5.2.2(a) for the stormwater management plan, to remove unnecessary duplication of the matters covered more fully in the performance standard R7A.5.2.2(g) and to refer to the updated requirements for the perimeter stormwater swale, as set out in new policies 4.10 and 4.11.

- n) Update the performance standard in R7A.5.2.2 (b) to ensure residential development does not proceed until the required in-gully stormwater mitigation works have been installed and are operational.
- o) Update the performance standard in R7A.5.2.2(g) to provide a clear and comprehensive list of the matters which the Stormwater Management Plan must address. This principally involves restructuring and rearranging the relevant matters and inserting a new matter to assess the likely changes in hydrology in the catchment as a result of the proposed development. Amend the assessment criteria so that they are consistent with the amendments to the performance standards.
- p) Amend the non-complying activity Rule R7A.5.5.1 so that it refers to the perimeter swale required under new policies 4.10 and 4.11.

#### Section 10: Residential Zone

- a) Delete proposed Policy 11.3, as the requirement for the perimeter swale corridor is already addressed in other policies.
- b) Amend Policy 15.9 to clarify that the setback is not required for amenity purposes (it is imposed for stormwater purposes).
- c) Amend Policy 15.10 to provide greater certainty about what stormwater infrastructure needs to be in place before residential development can proceed, by reference to the new definition of “primary stormwater elements”.
- d) Amend the performance standard in R10.6.1.5 to require a permeable surface standard of 40% of the net site area for each dwelling unit in the suburban low-density areas.
- e) Insert a new performance standard into R10.6.1.5 requiring all new dwellings in the Aokautere Greenfield Residential Area to be located on a site for which a stormwater management plan has been prepared in accordance with R7A.5.2.2(g), and for which a perimeter swale is provided on any gully edges, in accordance with new Policy 4.10 and 4.11 of Section 7A. This standard is required in the event that land use development is undertaken without a prior subdivision consent and seeks to ensure development does not proceed in the absence of appropriate stormwater mitigation measures.
- f) Amend the assessment criteria in R10.6.3.2 so that it is consistent with the new wording regarding the requirements for the perimeter stormwater swale.
- g) Insert a new performance standard for R10.6.3.3 requiring a minimum permeable area of 25% of the notional site area within any multi-unit housing development in Aokautere.
- h) Amend the performance standard for R10.6.3.3vii stormwater design, so that the stormwater plan meets the requirements of R7A.5.2.2(g) and ensures that the perimeter swale is provided for in accordance with new Policy 4.10 and 4.11 of section

i) Amend Rule R10.7.4.6 (Retirement villages) so that the assessment criteria refer to the need for any proposal in the Aokautere Greenfield Residential Area to be supported by a stormwater plan that meets the requirements of R7A.5.2.2(g), and that the perimeter swale is provided for in accordance with new Policy 4.10 and 4.11 of section 7A.

- a) Insert a new Policy 6.10 to ensure that stormwater is managed to integrate water sensitive design for the management of runoff quality and quantity, consistent with the policy direction for the residential zone.
- b) Insert a new Policy 6.11 to ensure that the primary stormwater elements are in place before development in the Aokautere Neighbourhood Centre proceeds.
- c) Insert a new permitted activity performance standard into Rule R11.10.2.2 (construction, alteration or addition to buildings in the Local Business Zone) to ensure that a stormwater management plan has been prepared for any land on which new buildings are proposed in the Aokautere Neighbourhood Centre, which is consistent with the requirements in R7A.5.2.2(g), and add this standard to the restricted discretionary rule in R11.10.3.1, where compliance is not achieved.

a) Insert a reference to R7A.5.2.2(g) in the assessment criteria for Rule R15.5.4.1 which provides for roading and essential services in the Aokautere Structure Plan.

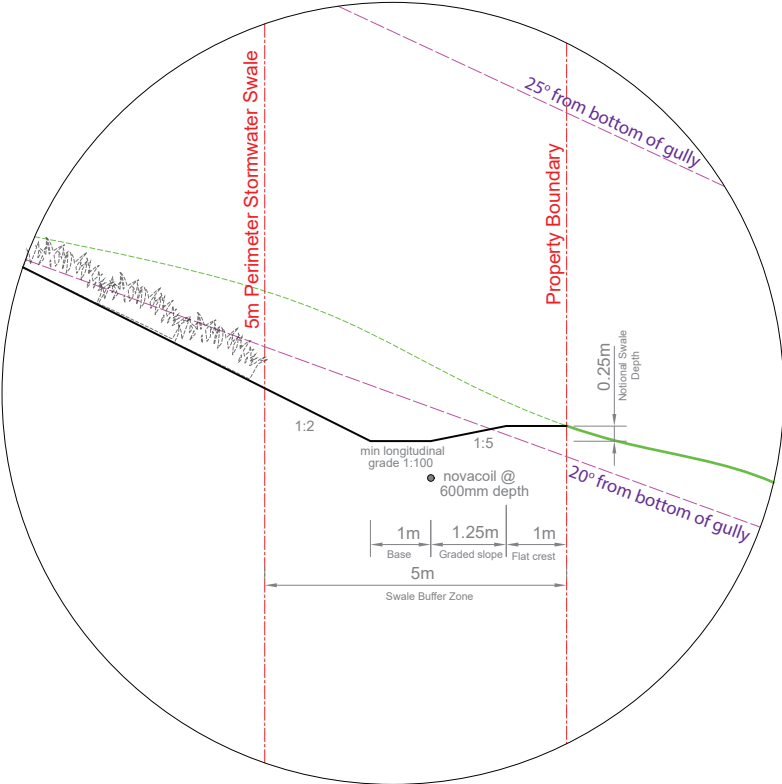
**Reserves (gully, networks for stormwater management G1-G128). (G13-18 indicate bush and wetland features recommended for reservation. Actual reserve boundaries would be broader in these areas.**

- b) Update the Structure Plan Map 7A.4 key to refer to “stormwater detention ponds” and “stormwater perimeter swale”.
- c) Update the Structure Plan to show the location of the Aokautere Church Stream, Moonshine Valley Reserve Stream and Tutukiwi Reserve Stream.

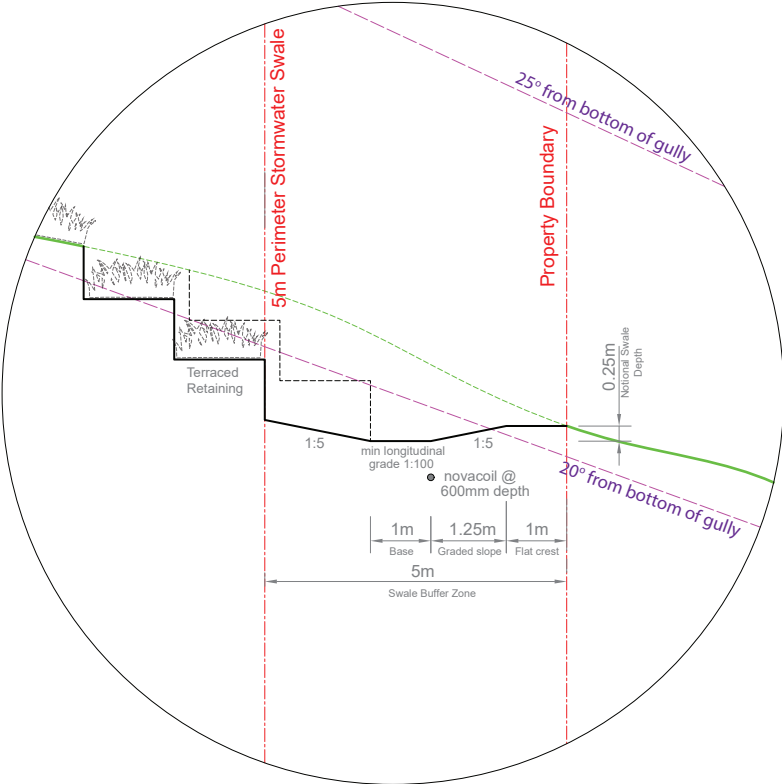
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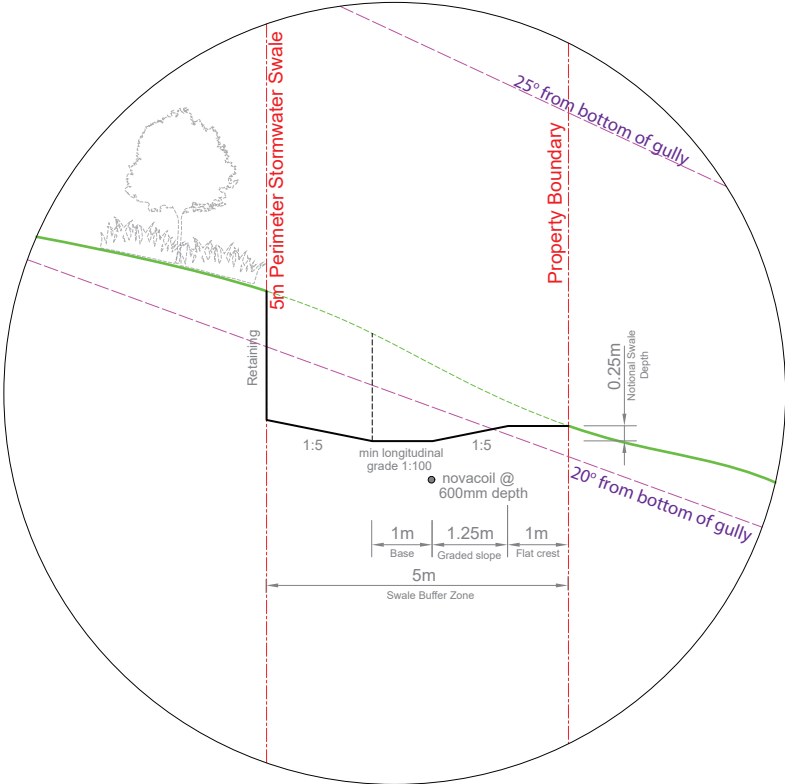
CROSS-SECTION OPTIONS - STORM WATER SWALE



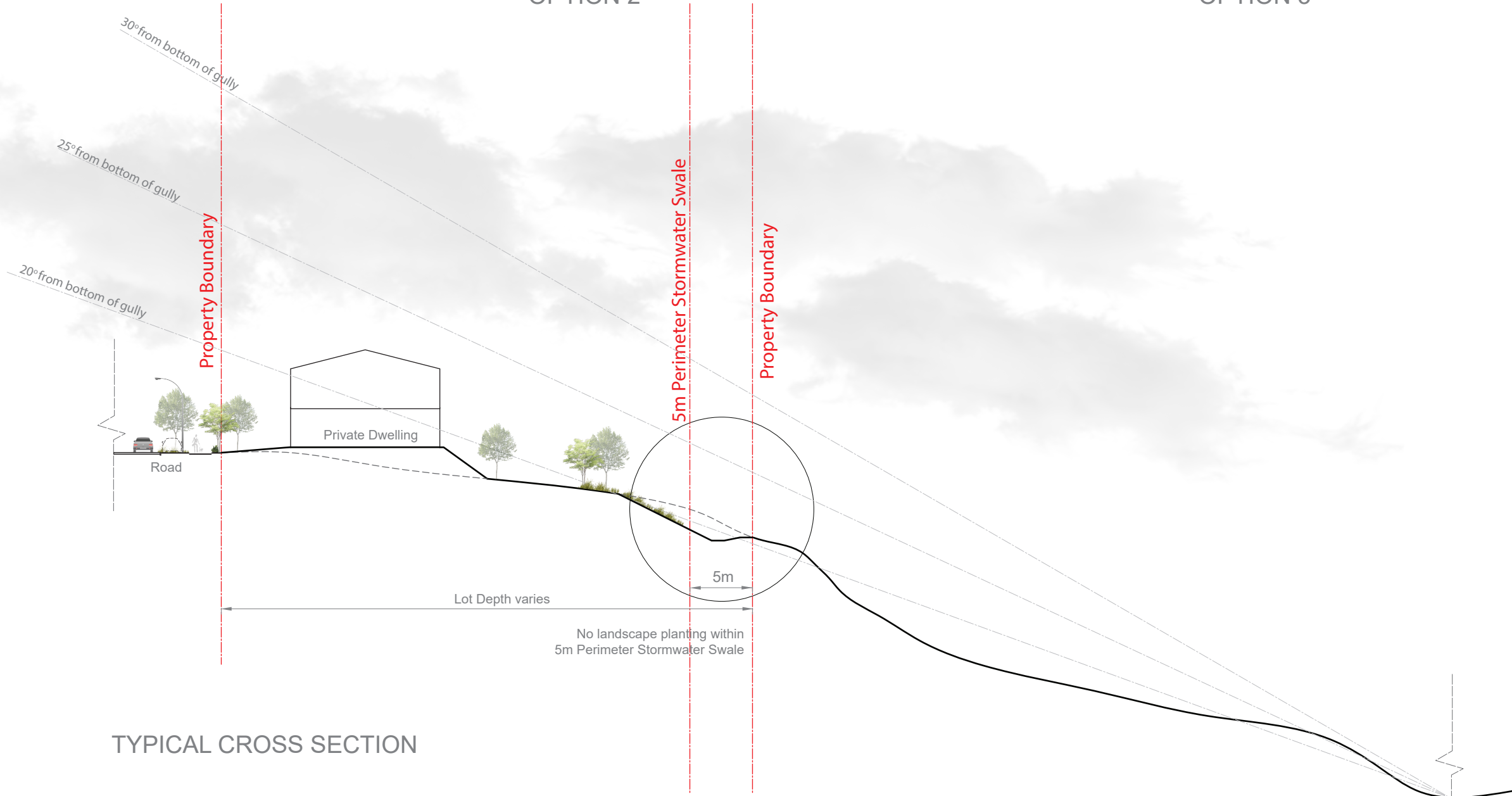
OPTION 1



OPTION 2



OPTION 3



TYPICAL CROSS SECTION



# Topic 5 - Geotechnical constraints and hazards

1. This section of the report addresses the submissions and provisions which relate to geotechnical issues including liquefaction, lateral spread, uncontrolled fill, slope and land instability. The stormwater, erosion and flooding section of my report also touches on issues that have geotechnical implications, given the relationship between overland stormwater flows and the potential for gully erosion to cause slope failure.

## 1.1.1 Issues raised in submissions

2. The following issues have been raised in submissions:
  - a) A request for a geotechnical assessment of how stormwater and erosion/slippage from development on adjacent land could affect neighbouring properties in Moonshine Valley and Whisky Way;
  - b) A request for details as to how the gully/low-lying areas behind Johnstone Drive will be filled and made into buildable areas.
  - c) Opposition to the retention of Map 10.1 Aokautere Development Area in the District Plan, as this is considered to be superseded by proposed Map 10.1A. Map 10.1 identifies areas of 'Developable Land' and 'Limited Developable Land' in Aokautere on the basis of geotechnical constraints.
  - d) Opposition to the proposed amendments to the provisions which insert requirements for geotechnical investigations and reporting on geotechnical constraints and potential hazards as part of subdivision and development proposals in Aokautere.

## 1.1.2 Analysis

3. A geotechnical assessment was prepared by geotechnical experts (Tonkin & Taylor) to inform the plan change.<sup>1</sup> This assessment initially included a site walkover and identification of geo-hazards within the plan change area, followed by a preliminary slope angle analysis to derive the associated potential for slope instability. The report included recommendations for managing geotechnical hazards within the plan change area.
4. The preliminary slope angle analysis was a high level screening exercise aimed at identifying the potential for geotechnical hazards associated with topography, as an initial basis for identifying the extent of site specific analysis that would likely be required at the point of development. The methodology is described in section 2.1 of Appendix 9 in the Section 32 Report, and in the s42A report of Eric Bird, geotechnical expert for the Council. A digital elevation model was used to predict the presence of land with slopes of 20 degrees or more, and the results were subsequently depicted on a map of the plan change area, similar to operative Map 10.1, which covers the existing Aokautere area.

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<sup>1</sup> Appendix 9. Section 32 Report, July 2022.

5. Tonkin & Taylor's recommended approach to managing slope stability hazards in Aokautere can be summarised as follows:

**Table 5.1: Recommended approach to managing slope stability hazards in the Aokautere Greenfield Residential Area**

Likelihood that land can be developed	Proposed slope stability classification	Associated slope angle	Geotechnical recommendations for managing potential slope stability hazards (taken from Appendix 9)	Classification in Map 10.1A in PCG
Land that is likely developable	Class A, B	Slope angles less than 11 degrees	<ul style="list-style-type: none"> <li>Should not require geotechnical slope stability assessment for resource or building consent.</li> <li>Some sites may still require geotechnical input for other matters, such as soft soils or uncontrolled fill.</li> </ul>	'Developable Land'
	Class C	Slope angles between 11 and 20 degrees	<ul style="list-style-type: none"> <li>Erosion or slippage is not considered likely to occur, and no erosion or mass movement is evident.</li> <li>Land is considered sensitive to erosion or slippage due to cutting and/or filling and/or site disposal of stormwater and/or effluent waste water.</li> <li>Accordingly, applications for development should be accompanied by a geotechnical report which summarises the results of a walk-over survey and a geological/geomorphological assessment (which describes how the landform has been formed, what it is made up of and what slope processes are, or are likely to be, active) and provides an informed opinion on the suitability of the land for the intended purpose.</li> </ul>	'Developable Land'

Likelihood that land can be developed	Proposed slope stability classification	Associated slope angle	Geotechnical recommendations for managing potential slope stability hazards (taken from Appendix 9)	Classification in Map 10.1A in PCG
Land that is possibly developable	Class D	Slope angles between the 20 – 30 degree lines	<ul style="list-style-type: none"> <li>Due to the steepness of the slope(s), applications for subdivision, building or other development (such as excavation, filling, removal of vegetation, disposal of stormwater or domestic wastewater into or over the area) should be supported by a geotechnical report which includes a stability assessment demonstrating that the proposed development will not accelerate, worsen or result in the land being subject to, or likely to be subject to, erosion or slippage, to the satisfaction of Council.</li> <li>In certain areas, there may be design solutions which allow the land to be developed. The specific design solutions that are appropriate will not be known until site-specific investigation and analysis is carried out.</li> </ul>	'Limited Developable Land'
Land that is unlikely to be developable	Class E	Slope angles of over 30 degrees	<ul style="list-style-type: none"> <li>This land exhibits evidence of past or present erosion or slippage, or has a slope gradient over 30 degrees and/or is subject to processes (e.g. removal of toe support), such that erosion or slippage is considered likely to occur in future.</li> </ul>	'Limited Developable Land'

Likelihood that land can be developed	Proposed slope stability classification	Associated slope angle	Geotechnical recommendations for managing potential slope stability hazards (taken from Appendix 9)	Classification in Map 10.1A in PCG
			<ul style="list-style-type: none"> <li>Accordingly, development of this land presents an identifiable hazard to property and could also, in some circumstances, threaten life.</li> <li>On, above and below this land, it is unlikely that subdivision, building or other development (such as excavation, filling, removal of vegetation, disposal of stormwater or wastewater) could be carried out without substantial topographic modification of the existing slopes to ensure stability. As such, Class E land is unlikely to be able to be cost-effectively developed into residential lots.</li> <li>Any proposed development would require substantial geotechnical engineering input and analysis, significantly more than the requirements listed above for Class D land. The requirements for geotechnical engineering input will vary depending on the proposed development and should be tailored to address the slope stability aspects that are critical for the proposed development.</li> </ul>	

6. With respect to rural-residential land within the PCG area, the Tonkin & Taylor report noted that, despite slope analysis indicating that much of the land is Class E land, there was likely to

be potential to develop that land due to the larger lot sizes (1ha) providing greater flexibility to select building platforms. The report records that larger lots provide greater flexibility when carrying out earthworks and other work to create stable building platforms. There is also the likelihood that there may be areas of lower slope angles present within lots that were not identified by the high-level slope analysis that was conducted by Tonkin & Taylor (as the accuracy of the model is reliant on the identification and accurate positioning of the base of the slope, which is less accurate where there are many complex slopes in close proximity)<sup>2</sup>.

7. The geotechnical recommendations were reflected in the following proposed changes to the District Plan:
  - a) Insertion of text in proposed new policy 3.7 in Section 7: Subdivision and amendments to the subdivision rule for rural-residential development (R7.15.2.1(c)), to insert requirements for geotechnical investigation and reporting before subdivision. The reporting must confirm that the land is suitable for development, including in particular, addressing cut slope behaviour and slope stability analysis in order to develop appropriate setback distances for building platforms; with consent notices imposed on titles to record any required works to achieve land stability. The proposed performance standards also require submission of an earthworks plan, identifying any restructuring of land, earthworks or other works necessary to enable development of building platforms, services and access ways (R7.15.2.1(f)).
  - b) Insertion of a new policy 3.4 in Section 7A: Greenfield Residential Areas, setting out the requirement for geotechnical investigations and reporting to be completed before subdivision, recording limitations through consent notices, and with recommendations arising out of the technical assessment to be implemented in advance of development.
  - c) Amendments to the restricted discretionary subdivision rule (R7A.5.2.2) applicable to the Aokautere Greenfield Residential Area, to insert details of the geophysical investigations and reporting required for Developable and Limited Developable Land (although there is an error in the notified version, which does not distinguish which requirements relate to Developable Land), and for assessment of areas of uncontrolled fill, as part of the Comprehensive Development Plan required for subdivision applications (R7A.5.2.2 (xix)). Similar to the rural-residential rule, an earthworks plan is required (clause xx) to identify any works necessary to create land with improved slope and stability for the development of house sites, services and access ways.
  - d) A new clause inserted into the Comprehensive Development Plan performance standard (R7A.5.2.2(a)(v)), which indicates that any land use consents required for development should be applied for concurrently with the subdivision consent, or should have already been obtained.
  - e) Insertion of assessment criteria (R7A.5.2.3 (d)), that subdivision design and layout in the Aokautere Greenfield Residential Area implements the findings of any relevant technical reports.

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<sup>2</sup> Memo from T&T: Slope analysis methodology for Aokautere Development Area – Rev 2, dated 27 July 2023.

- f) A new permitted activity performance standard for the Aokautere Greenfield Residential Area (R10.6.1.5) which requires new dwellings, minor dwellings and accessory buildings to be located on Developable Land, as shown on Map 10.1A. Where this is not the case, an amendment to Rule R10.6.3.2 at (x) makes this a restricted discretionary activity;
  - g) Insertion of Map 10.1A (into Section 10: Residential Zone), which maps land hazard classes (A-C) and set back lines of 20 and 30 degrees from the base of slopes (to represent Class D and E land respectively) for the plan change area;
  - h) New assessment criteria for restricted discretionary applications in Rules R10.6.3.2 (new dwellings, minor dwellings and accessory buildings that do not comply with the permitted activity performance standards in R10.6.1.5) and R10.6.3.3 (for multi-unit residential development) which address how the development manages adverse effects and responds to geotechnical constraints and natural hazards, and whether any geotechnical or engineering recommendations have been carried through into the design.
  - i) Configuration of the Structure Plan so that no Class E land is shown as being located within the areas proposed for residential development. Limited areas of Class D land have been included within areas proposed for development, as depicted on Map 7A.4B Lot Pattern & Density. Reflecting the constraints that these slopes represent for development, no indicative lots have been shown on Class D land.
8. Following notification, and in response to submissions, Tonkin & Taylor have further reviewed the potential for erosion due to stormwater discharges within the gullies. Stormwater modelling of the cumulative effects of multiple discharges from the detention ponds in storm events identified the potential for the erosion of stream beds in gullies to accelerate the downcutting that was already occurring. This would have the effect, over time, of increasing the severity of the angle of the slopes of the gully sides. In turn, this would impact on the vulnerability of land to instability hazards and therefore the classification of land as 'Developable or 'Limited Developable'.
9. Further work was undertaken by GHD (Mr Millar and Ms Baugham) to predict the potential extent of downcutting over a time period of 100 years, and to test how mitigation options would reduce the quantum and rate of erosion. The resulting data was then used to review the slope stability analysis and update Map 10.1A, as described in the s42A report of Mr Bird. An updated version of Map 10.1A is appended to this report. The updated map adopts the minimum predicted future downcutting values, on the basis that stormwater mitigation controls will be in place in the gullies to limit future downcutting. The mapping shows modest changes to the location of the setback lines (which represent the 30 degree and 20 degree slopes) from the original mapping that was undertaken to prepare the notified Map 10.1A. The setback lines show the areas of land with Class E (30 degrees or steeper) and Class D (between 20 - 30 degrees).
10. In light of the further slope analysis, Mr Bird has also revisited the notified PCG provisions in managing the various geotechnical constraints and land instability risks within the plan change area. Mr Bird has recommended changes to ensure that the provisions provide appropriate

direction as to the geotechnical investigations and reporting that should be undertaken for different types of development within the plan change area. Taking into account his expert advice, alongside that of the Council's stormwater experts, and in consideration of the submissions, I have recommended a number of changes to the provisions so as to provide comprehensive reporting and controls on subdivision and development.

11. In particular, my recommended amendments are focused on ensuring that development does not proceed without a geotechnical report having confirmed the appropriateness of the land for development and any recommendations arising out of that technical assessment having been implemented. I have recommended imposing this as a requirement on any future development, independently of whether development has been preceded by subdivision. I have also identified and recommended amendments in the notified provisions, to ensure the recommendations given by Tonkin & Taylor in Appendix 9 are carried over correctly. The changes include:

- a) Amending proposed new policy 3.7 to clarify, rationalise and reorder the requirements for geotechnical assessment, reporting and use of consent notices for rural-residential subdivision, and to insert a new requirement to assess the risk of liquefaction and lateral spread prior to subdivision. This is consistent with Mr Bird's advice in his s42A report that there is potential for the Turitea Stream valley area to be subject to liquefaction, given that the underlying geological units (late Pleistocene river deposits and Holocene river deposits) are known to have liquefiable soils, but no geotechnical investigations are available for this valley area in the New Zealand Geotechnical database<sup>3</sup>.
- b) Amending the geotechnical investigation and reporting requirements in R7A.5.2.2 (a)(xix) to ensure it reflects the complete list of geophysical investigations and reporting required in the Tonkin & Taylor Report<sup>4</sup> for Developable and Limited Developable Land;
- c) Updating Map 10.1A so that it is consistent with operative Map 10.1 in the way that it depicts Developable and Limited Developable Land, and updating Map 10.1 so that it is clear where this map should apply, and where Map 10.1A should be used instead;
- d) Inserting policies, performance standards and assessment criteria for residential and commercial development into Section 10: Residential Zone and Section 11: Local Business Zone to ensure that no development in the Aokautere Structure Plan area proceeds unless a geotechnical report has confirmed the suitability of the land for development and any recommendations arising out of that technical assessment having been implemented. This is a change in approach from the operative provisions, which assumes that development can proceed without a geotechnical assessment, as a permitted activity on 'Developable Land'. Based on Mr Bird's advice, the amended approach is best practice, and more appropriate than relying on the high level classification of land to identify and address any geotechnical risks.

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<sup>3</sup> S42A Report - Geotechnical, section H – Assumptions and Methodology - Liquefaction

<sup>4</sup> Appendix 9, Section 32 Report, July 2023.

- e) Inserting a requirement for a geotechnical assessment to inform any works in gully areas in the Conservation and Amenity Zone, given that these works will likely take place on Class E land, which is very steep (through insertion of a new performance standard in Rule R15.5.4.1).
12. I consider the amendments I have proposed reflect Mr Bird's advice. The provisions will allow potential geotechnical risks to neighbouring land to be identified and appropriately addressed.
13. Turning to the submissions, Prasika Reddy [S21.002] requests a geotechnical assessment of the potential off-site effects of development within the plan change area on adjacent land in Moonshine Valley and Whisky Way, from overland stormwater flows and the associated risk of slippage.
14. As described above, further assessment has been undertaken to identify the potential for off-site effects from stormwater and the associated risks for slope stability, with the results of these investigations reported in the evidence of Ms Baugham, Mr Miller, and Mr Bird. Where subdivision and subsequent development is proposed within the plan change area, including on land bordering the Moonshine Valley, any application will need to be accompanied by a geotechnical investigation, which is required to address potential effects on 'adjoining land', as directed by R7A.5.2.2.(a)(xix) and to identify any required mitigation measures. Subdivision applications will also need to be accompanied by a stormwater management plan to demonstrate that there will be no increase in stormwater effects, including erosion, on surrounding areas (R7A.5.2.2(a)(xv)). Map 10.1A has been updated accordingly. On the basis of these requirements, I consider the potential off-site effects should be appropriately identified and addressed through the resource consent application process.
15. CTS Investments Ltd, Woodgate Ltd and Terra Civil Ltd [S58.006] request that Map 10.1 is removed from the District Plan as part of the plan change, as it is superseded by the notified Map 10.1A and is therefore out of date.
16. Map 10.1 identifies Limited Developable Land and Developable Land in the Aokautere Development Area. Much of the Developable Land within operative Map 10.1 has already been subject to development. The intention of inserting Map 10.1A is to extend this high level geotechnical mapping of potential land instability to cover any proposed development in the area within the Aokautere Structure Plan. I acknowledge that there is an area of overlap between the two maps and therefore Map 10.1 may seem largely extraneous. However, I consider it is necessary to retain both maps in the event that there is any future redevelopment in the operative Aokautere Development Area.
17. To avoid potential confusion, I recommend that Map 10.1 is amended to clearly show that it only applies up to the boundary with the Aokautere Structure Plan area, beyond which Map 10.1A applies (by showing a 'blanked out' area where Map 10.1A applies, and inserting an explanation "see Map 10.1A" on that map). An updated map has been prepared and is attached to this report at Appendix 1.
18. Prabandha Samal [S107.004] is concerned about impact on surrounding landforms, soil leveling and construction activities, and associated dust and noise pollution. The submitter



requests details as to how exactly the gully/low lying areas behind Johnstone Drive will be filled and made into buildable areas.

19. The provisions of PCG seek to avoid any built development in the gully areas, other than for roading and essential services. These areas will be zoned Conservation and Amenity Zone. The plan change also seeks to prevent any further uncontrolled fill and unmanaged earthworks, and to minimise any adverse effects on the gully systems. Any proposed subdivision within the Aokautere Greenfield Residential Area will need to comply with the proposed geotechnical and earthworks reporting requirements set out in rule R7A.5.2.2. Details of any proposed earthworks and cut and fill will therefore be provided at the time of subdivision consent.
20. I note that, as currently worded, the proposed provision in R7A.5.2.2 (a)(xix) requiring an assessment of areas of uncontrolled fill would apply in all greenfield areas, not just in Aokautere. This appears to be a drafting error. Elsewhere in this report I have recommended a minor amendment to limit the application of this clause to the plan change area (in response to a submission from Heritage Estates 2000 Ltd [S51.060, S51.061]), and I recommend making the same amendment here.
21. Heritage Estates 2000 Ltd [S51.013, S51.014, S51.015, S51.017] object to the proposed amendments which introduce the new geotechnical investigation, reporting and assessment requirements for rural-residential subdivision in Policy 3.7 and Rule R7.15.2.1, and seek more appropriate text. The submitter does not provide any indication as to what might be more satisfactory. However Heritage Estates supports the amendments in Rule R10.6.3.3 which address natural hazards [S51.103] and support the relevant amendments to Policy 3.4 in Section 7A [S51.024]. CTS Investments Ltd, Woodgate Ltd and Terra Civil Ltd. object to the amendments to R10.6.1.5 [S58.034] and R10.6.3.3 [S58.036].
22. On the basis of Mr Bird's advice that no development should proceed without at least the benefit of a basic geotechnical assessment, I consider these reporting requirements should be retained, subject to the amendments I have proposed above. For the avoidance of doubt, the amendments are intended to ensure a geotechnical assessment is undertaken prior to construction of buildings but not to require unnecessary duplication. The standards are intended to ensure that if a report applicable to the relevant land and proposed development is available, this can be relied on at the stage of commencing construction. Mr Bird explains in his s42A report that it is more efficient and more likely to result in a consistent and coordinated (i.e. effective) approach, if these investigations are undertaken as part of a subdivision consent process rather than relying on Building Act processes. It also prevents the unsatisfactory scenario whereby subdivision of lots is approved for land that is subsequently unable to be built on.
23. Heritage Estates 2000 Ltd has also made a submission [S51.065, S51.066] opposing the proposed amendments to Rules R7A.5.2.2 and R7A.5.2.3 because the submitter has concerns in relation to the flood modelling and land stability presented in the technical reports. The submitter considers the effects are unclear. This submission point appears to relate partly to the submitters wider concern that PCG extends the scope of these assessment and reporting requirements to areas outside Aokautere. My understanding is that amendments to the

provisions were based on the recommendations in Appendix 9 to the Section 32 Report, and were proposed to address the land instability risks in the plan change environment.

24. As identified above, since the technical reports were published, further work has been undertaken to identify the potential effects. Additional recommendations are set out in the s42A reports of Ms Baugham and Mr Miller (stormwater) and Mr Bird (geotechnical). Mr Bird has also revisited the notified provisions and, on the basis of his advice, I have recommended a number of amendments which further address geotechnical issues. This additional information and the proposed amendments may address the submitters concerns.

### 1.1.3 Recommendations

25. I recommend that the following amendments are made:

#### Section 7: Subdivision

- a) Amend proposed new policy 3.7 to clarify, rationalise and reorder the requirements for geotechnical assessment, reporting and use of consent notices, and to insert a new requirement to assess the risk of liquefaction and lateral spread prior to subdivision. This is consistent with Mr Bird's advice in his s42A report that any proposal for rural-residential development in the Turitea Stream valley area should assess the potential for liquefaction, at the point of subdivision.
- b) Amend the earthworks performance standard for the subdivision rule for rural-residential development (R7.15.2.1) so that it cross-references the requirements of amended Policy 3.7 and performance standard c – Natural Hazards. Amend the assessment criteria to reflect advice from Mr Bird that no increased exposure to natural hazards should be enabled. Amend the advice note, so that it refers to the technical report from Tonkin & Taylor that informed development of the Structure Plan (and which was notified with PCG).

#### Section 7A: Greenfield Residential Areas

- a) Amend new Policy 3.5 to provide greater clarity that geotechnical investigations and reporting must be completed and any recommendations arising from the technical assessment implemented before subdivision. This reflects Mr Bird's expert advice that it is not appropriate for individual landowners to bear the responsibility of undertaking this investigation.
- b) Amend the restricted discretionary subdivision rule (R7A.5.2.2) applicable to the Aokautere Greenfield Residential Area, to correct errors in the notified version, so that this reflects the complete list of geophysical investigations and reporting required for Developable and Limited Developable Land (as recommended by Mr Bird) and distinguishes which requirements relate to Developable Land. A minor amendment to the earthworks plan standard (clause xx) is recommended to widen its application beyond just 'restructuring' works.

#### Section 10: Residential Zone

- a) Amend the new permitted activity performance standard for the Aokautere Greenfield Residential Area (R10.6.1.5) which requires new dwellings, minor dwellings and accessory buildings to be located on Developable Land. The amendment provides for buildings to also be located on Limited Developable (Class D) land, and requires that a geotechnical assessment and report (consistent with the requirements of R7A.5.2.2 (a)(xix)) must have confirmed the suitability of the land and any recommendations arising from the technical assessment must have been implemented, at the previous subdivision stage. A minor consequential amendment to Rule R10.6.3.2 is recommended, so it is consistent with this approach.
- b) Amend the performance standard for multi-unit developments R10.6.3.3 to provide a cross reference to the performance standard in R10.6.1.5, so that a consistent approach is adopted to any residential development in the Aokautere Structure Plan area.
- c) Replace Map 10.1A with an updated map, which is consistent with Map 10.1 in terms of presentation of Developable and Limited Developable land, and which shows the revised set back lines of 20 and 30 degrees from the base of slopes (to represent Class D and E land respectively), following the updated slope analysis by Tonkin & Taylor.
- d) Amend Map 10.1 to clearly show that this map only applies up to a certain boundary, beyond which Map 10.1A applies (by placing an opaque layer over the relevant area and including a notation to refer to Map 10.1A). This recommendation is a consequential amendment of inserting new Map 10.1A. An updated map to this effect is attached to this report at Appendix 1.
- e) Insert a new assessment criteria for R10.7.4.8 for Retirement Villages in the Aokautere Structure Plan area, so that a consistent approach to geotechnical reporting is adopted for any residential development in the Aokautere Structure Plan area.

#### Section 11: 10 Local Business Zone

- a) Insert a new permitted activity performance standard into R11.10.2.2. (construction, alteration or addition to buildings in the local business zone) requiring that all buildings within the Aokautere Neighbourhood Centre are located on land that has been confirmed as appropriate for development in a geotechnical report (consistent with the requirements of R7A.5.2.2 (a)(xix)) and any recommendations arising from that report have been implemented prior to development of buildings, so as to adopt a consistent approach to any development in the Aokautere Structure Plan area. A consequential amendment is required to R11.10.3.1 to make non-conformance with this new standard a restricted discretionary activity, and to insert an assessment criteria that is consistent with the criteria applied in the residential zone.

#### Section 15.5: Conservation and Amenity Zone

- a) Insert a new performance standard, assessment criteria and explanatory note to restricted discretionary rule R15.5.4.1 to require any application for roading or essential services in the gully areas in Aokautere to be supported by a geotechnical assessment,

given that these services are likely to be located on Class E land. This standard reflects Mr Bird's expert advice that such works should be informed by site specific geotechnical assessment and advice.

- b) Amend Rule R15.5.6.1 to clarify that any earthworks that do not comply with the performance standard in R15.5.4.1 will be a non-complying activity.

#### Structure Plan

- a) Amend the Structure Plan to reflect the revised slope stability analysis.

# Topic 6 - Transport

## 1.1.1 Issues raised in submissions

1. A large number of submissions have been received on transport matters, raising a wide range of transportation issues. The key issues addressed in this topic section include:
  - a) Concern that the development of PCG will generate additional traffic volumes on the eastern side of the city that will result in congestion of the road network, efficiency impacts on the strategic freight network, and safety and severance effects on road users, particularly vulnerable users.
  - b) Requests for various mitigation to address the above safety and efficiency effects, including speed limit reductions, intersection and corridor upgrades and improvements to the State Highway and local road network, walking and cycling infrastructure, and public transport routes servicing the plan change area.
  - c) Concerns about how transport network improvements will be funded and the timing and implementation of these improvements. Submissions were received both supporting and objecting to the requirement that transport network infrastructure upgrades must be completed before any development can take place in the PCG area.
  - d) The internal roading layout shown on the Structure Plan, including the roading connections to and within the proposed Aokautere Neighbourhood Centre, roading connections with Turitea Valley, the proposed cross gully and gully edge streets and roading cross-sections.
  - e) Mode shift and whether PCG sufficiently facilitates uptake of active travel and public transport.

## 1.1.2 Analysis

### 1.1.2.1 Increased traffic flows and congestion

2. The Transportation Assessment report<sup>1</sup> identifies that there is potential for PCG to result in significant additional vehicle traffic on the road network, based on existing travel mode share behaviours. This increase in traffic is predicted to affect the level of service and safety of road users at some intersections and on some road corridors. The Transportation Assessment identified that existing levels of service are already compromised in places and will be made worse by additional vehicles on the network. The Transportation Assessment recommends a suite of mitigation measures to address these effects, including road infrastructure

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<sup>1</sup> Appendix 5, Section 32 Report, July 2022.

improvements to support mode shift towards active and public transport modes, and improvements, particularly to several intersections, to ensure the network is safe for all users.

3. The mitigation measures recommended in the Transportation Assessment are set out in proposed performance standard (h) in Rule R7A.5.2.2 - Transport Network Requirements for Aokautere Structure Plan. This performance standard applies to subdivision applications for residential development within the Aokautere Greenfield Residential Area. Some of these upgrades will be required before any development can occur within the PCG area, which is reflected in the performance standard, with subdivision a non-complying activity if identified infrastructure is not to be provided and certified by the Council before development.
4. With recommended mitigation measures in place, the Transportation Assessment concludes that the plan change area can be developed for residential and local business uses in a way that is consistent with the District Plan traffic and transportation related objectives and policies, and with the national and regional strategic direction on land transport.
5. Submitters are concerned that additional traffic generated as a result of development of the PCG area will result in congestion and delays, particularly on routes into the City over the Fitzherbert Bridge, and further, will impact on the safety of road users. Submitters' suggestions for addressing these concerns range from avoiding further development of the area altogether, through to requesting various infrastructure improvements<sup>2</sup>. Paul Hewitt [S101.006] is also concerned about how traffic generated by development in the PCG area will interact with traffic on the new Te Ahu a Turanga highway once this becomes operational.
6. Consistent with the submissions, the Transportation Assessment identifies that most existing traffic from the Aokautere area travels to and from the City via Summerhill Drive and the Fitzherbert Bridge and any new traffic is expected to have a similar desire line<sup>3</sup>. However, the peak hour traffic capacity of this corridor is largely determined by the intersection capacity of Fitzherbert Avenue and Te Awe Awe Street, not by the Fitzherbert Bridge<sup>4</sup>. Notably, while there are constraints on the peak hour capacity for vehicle access to the City, there remains significant capacity for an uptake in public transport and cycling for commuter trips.
7. Since PCG was notified, the Council has commissioned an independent Safe System Audit of key intersections and corridors within the existing road network that will be affected by additional traffic associated with PCG. The purpose of this audit was to assist with reviewing the need for, and nature of, the transport mitigation measures identified in the Transportation Assessment included with the plan change. In broad terms, the Safe System Audit corroborated the existing and anticipated safety issues identified in the Transportation Assessment, along with some additional safety issues that need to be addressed. Ms Fraser provides a detailed explanation of the scope and findings in her s42A report on Transport matters, at Section H, on which I rely.

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<sup>2</sup> Mark Currin S2.002, Warren Sara S8.001, Linda Rowan S27.003, Heather and Grant Morgan S40.001, Craig Hindle S82.002, Shaun Henry S25.001, Tracey Yung S92.004, Prahandha Samal S107.003, Karen Wilton S9.005, David Prisk S91.001, Gareth Orme S75.002, Jayne Hewson S86.002, Alan Smeaton S7.002, Dennis Thomas S22.001, S22.003, Colin Perrin S90.004, Robyn Johnston S28.001, Barry Scott S54.004.

<sup>3</sup> Aokautere Structure Plan Transportation Assessment, Background, pg 1.

<sup>4</sup> Section 42A Technical Report - Transportation, pg 14.

8. As a consequence of (and in line with) the Safe System Audit, Ms Fraser has recommended several changes to the proposed mitigation measures. Ms Fraser remains of the opinion that the effects of additional traffic associated with the development of the PCG area can be mitigated provided the specified roading network upgrades are in place.
9. Based on Ms Fraser's expert assessment and revised recommendations, it is my understanding that the effects of the additional traffic associated with PCG can be mitigated by the specified infrastructure upgrades being implemented. Therefore, I do not agree with the submitters who consider that the transport effects are of a level that would preclude development in the plan change area.
10. Following Ms Fraser's advice, I have recommended some amendments to the relevant performance standards in *Rule R7A.5.2.2(h) Transport Network Requirements for the Aokautere Structure Plan*, which apply to subdivision applications in the Aokautere Greenfield Residential Area. This includes restructuring this performance standard so it is clearer as to which upgrades are required before any development can occur in the PCG area (typically these upgrades are required to parts of the network outside PCG), and which upgrades are not expected to be required until traffic volumes within the plan change area reach a certain level.
11. I have also recommended some changes to the proposed policies under Objective 5 of Section 7A of the District Plan to ensure that decision-making on resource consent applications within the PCG area has clear policy guidance.
12. I recommend the following amendments to the performance standard.

#### **h) Transport Network Requirements for Aokautere Structure Plan**

**(i) All of the following transport network upgrades must be completed, and certified by the relevant road controlling authority, before any dwellings within the Aokautere Greenfield Residential Area are occupied:**

- **Upgrade of the intersection of Summerhill Drive/Ruapehu Drive/Mountain View Road to traffic signals;**
- **Upgrade of the intersection of SH57 Old West Road/Aokautere Drive/Summerhill Drive to traffic signals or a roundabout;**
- **Upgrade of the intersection of SH57 Aokautere Drive/Pacific Drive to traffic signals or a roundabout;**
- **Upgrade of the intersection of SH57 Aokautere Drive/Ruapehu Drive to traffic signals or a roundabout.**

**(ii) Unless the required upgrades in Table 7A.1 have been completed, a transport assessment must be prepared by a suitably qualified person experienced in traffic engineering and transport planning that:**

1. predicts whether the traffic threshold at the applicable intersections/road corridor identified in Column 1 of Table 7A.1, arising from traffic generated by the proposed development will be exceeded; and
2. if the prediction in 1 identifies that the traffic threshold will be exceeded, the transport assessment must provide details of how the upgrades in column 3 of Table 7A.1 will be delivered, and certified by the relevant road controlling authority, before the development triggering the upgrade occurs.

<b>Table 7A.1: Transport Network upgrades for the Aokautere Structure Plan Area</b>		
<b><u>Intersection/road corridor</u></b>	<b><u>Traffic threshold</u></b>	<b><u>Required upgrade once the traffic threshold has been exceeded</u></b>
<b><u>Aokautere Drive</u></b>		
<b><u>SH57 Aokautere Drive from the intersection with Johnstone Drive to the intersection with Pacific Drive</u></b>	<b><u>Weekday evening peak hour two-way traffic flows on SH57 Aokautere Drive reach a total count of 1,000vph or greater, when measured at a location on SH57 between Johnstone Drive and Cashmere Drive.</u></b> <b><u>(See Note 1)</u></b>	<b><u>Safety improvements for active modes through provision of a active mode shared path between Johnstone Drive and Pacific Drive which provides access to Adderstone Reserve from both directions</u></b>
<b><u>Intersection of SH57 Aokautere Drive/Johnstone Drive</u></b>	<b><u>Weekday evening peak hour two-way traffic flows on SH57 Aokautere Drive reach a total count of 1,000vph or greater, when measured at a location on SH57 between Johnstone Drive and Cashmere Drive.</u></b> <b><u>(See Note 1)</u></b>	<b><u>Signals or roundabout with safe provision for active modes</u></b>
<b><u>SH57 Aokautere Drive between the Adderstone Reserve entry and Silkwood Drive</u></b>	<b><u>Weekday evening peak hour two-way traffic flows on SH57 Aokautere Drive reach a total count of 1,000vph or greater, when measured at a location on SH57 between Johnstone Drive and Cashmere Drive.</u></b> <b><u>(See Note 1)</u></b>	<b><u>Active mode crossing facility, including a pedestrian/ cyclist refuge, of SH57 between the Adderstone Reserve entry and Silkwood Drive</u></b>



	<u>Note 1: For the purposes of ascertaining the traffic threshold for each of the above, the traffic count should be undertaken on a weekday that does not fall within school holidays. For the avoidance of doubt, the 'total count' is the two-way traffic flows.</u>	
<b><u>Pacific Drive</u></b>		
<b><u>Intersection of Pacific Drive/Abby Road</u></b>	<b><u>Average traffic delays of more than 35 seconds per vehicle for vehicles turning either left or right from Abby Road during weekday peak times.</u></b>	<b><u>Signals or roundabout with safe provision for active modes</u></b>
<b><u>Intersection of Pacific Drive/Johnstone Drive</u></b>	<b><u>Average traffic delays of more than 35 seconds per vehicle for vehicles turning either left or right from Johnstone Drive during weekday peak times.</u></b>	<b><u>Signals or roundabout with safe provision for active modes</u></b>
<b><u>Intersection of Pacific Drive /Activity Street A (Map 7A.4D)</u></b>	<b><u>Average traffic delays of more than 35 seconds per vehicle for vehicles turning either left or right from Activity Street A during weekday peak times</u></b>	<b><u>Signals or roundabout with safe provision for active modes</u></b>
<b><u>Intersection of Pacific Drive /Urban Connector F (Map 7A.4D)</u></b>	<b><u>Average traffic delays of more than 35 seconds per vehicle on vehicles turning either left or right from Urban Connector F during peak times.</u></b>	<b><u>Signals or roundabout with safe provision for active modes</u></b>

**iii. Any subdivision that does not comply with (i) or (ii) is a non-complying activity.**

**Explanatory note**

**The requirement in (i) can be met by the applicant offering a condition of consent secured by a consent notice on titles, that imposes restrictions on the occupancy of dwellings until the upgrades have been completed.**

13. The following sections of my report, provide more detailed analysis of submissions, and expert evidence relating to each of the identified networks upgrades.

### 1.1.2.2 The intersection of Summerhill Drive with Ruapehu Drive and Mountain View Road

14. The proposed performance standard in R7A.5.2.2(h) requires implementation of the following before any development can take place in the Aokautere Greenfield Residential Area:

*Improvements to facilitate a left in/left out at Ruapehu Drive/Summerhill Drive, with the right turn continuing out of Mountain View Road, and an opportunity for u-turns to be created further to the south along Summerhill Drive.*

15. This reflects the conclusion in the Transportation Assessment; that there is an existing safety concern at this intersection during the weekday traffic peaks, which should be addressed prior to traffic from the plan change area being introduced to the network.
16. A number of submitters are concerned about potential traffic volumes, congestion and safety issues on Summerhill Drive<sup>5</sup> arising from traffic in the plan change area. Some submitters do not support the proposed mitigation<sup>6</sup> and various alternative mitigation has been sought, including, upgrades to the intersection to signals or a roundabout<sup>7</sup>, support and opposition for the potential option of a roundabout at Williams Terrace, a median strip for vehicles turning right off Summerhill Drive, speed limit reductions, and footpaths on both sides of the road<sup>8</sup>. Some submitters consider further improvements are needed on this corridor, including signalisation or other improvements where traffic from Summerhill connects with Tennent Drive and the link road leading to Atawhai and Massey.
17. I have reviewed these submissions, the Safe System Audit findings and Ms Fraser's further review and subsequent recommendation in her s42A report. I rely on Ms Fraser's expert advice and revised recommendation. Ms Fraser identifies that although either a roundabout or signals would address the adverse safety effects associated with the additional traffic, given the topography in this location, signals should be preferred to a roundabout. I have recommended amendments to the performance standard to reflect this advice. The relevant extract is:

**(i) All of the following transport network upgrades must be completed, and certified by the relevant road controlling authority, before any dwellings within the Aokautere Greenfield Residential Area are occupied:**

- Upgrade of the intersection of Summerhill Drive/Ruapehu Drive/Mountain View Road to traffic signals;**

### 1.1.2.3 Safe travel for cyclists from the northern end of Ruapehu Drive

18. As explained above, most of the existing and future traffic from the Aokautere area will need to access the central city via Summerhill Drive, including those travelling by bicycle. Ms Fraser

<sup>5</sup> Jayne Hewson S86.002, Sue Cooper S32.003, S32.001, Joy Vanderpoel S89.001, David Prisk S91.001, Jessica Costall S66.003, Gert Starker S94.001.

<sup>6</sup> David Basire S5.003, Paul Hewitt S101.006.

<sup>7</sup> Gert Starker S94.001, Sue Cooper S32.003, Joy Vanderpoel S89.001, Gareth Orme S75.003, Chris Teo-Sherrell S43.018.

<sup>8</sup> Jessica Costall S66.002, S66.005, S66.003, Sue Cooper S32.003, Joy Vanderpoel S89.001, David Prisk S91.001, Ashok Poduval S87.001, James Irwin S19.001, David Basire S5.003, Paul Hewitt S101.004

identified (in the Transport Assessment) the need for an option to safely accommodate cyclists travelling between the northern end of Ruapehu Drive and the central city, and that this might include introducing a crossing facility across Summerhill Drive or alternatively, accommodating two-way cycle traffic along the eastern side of Summerhill Drive. This recommendation was reflected in the proposed performance standard R7A.5.2.2(h)(i) as follows:

(i) *Implementation of improvements at the following locations before any development:*

...

- *An option for safely accommodating cyclists travelling between the northern end of Ruapehu Drive and the City.*

19. A number of submitters have raised concerns regarding the safety of the cycle lane on Summerhill Drive for those travelling to and from the plan change area by bicycle<sup>9</sup>. A number of mitigation measures have been requested, including physically separated cycle lanes on Summerhill Drive and Aokautere Drive<sup>10</sup>, and a cycleway completely separated from the main vehicle commuting routes (for example connecting with the road to Te Motu o Poutoa (Cliff Road))<sup>11</sup>. Chris Teo-Sherrell [S43.018] considers that the potential option of two-way cycle flows on the east side of Summerhill Drive will create problems for cyclists on Fitzherbert Bridge (unless that is also widened) and would not provide for pedestrians. He prefers getting both pedestrians and cyclists to the west side of Summerhill Drive and that signals with Ruapehu Drive are therefore needed<sup>12</sup>. Other submitters also support improvements to the intersection of Summerhill Drive with Ruapehu Drive, to accommodate cyclists more safely, provided these also enable vehicles to continue to turn right out of Ruapehu Drive<sup>13</sup>.
20. I understand, based on Ms Fraser's advice, that the recommendation for installation of signals at the Ruapehu Drive/Mountain View Road/Summerhill Drive intersection will address the safety concerns raised by the submitters in relation to cyclists safely negotiating this intersection. I also understand that the Council has funding under the Transport Choices programme to complete the cycleway between Tennent Drive and Pacific Drive, which will include Summerhill Drive. I understand the Council consulted with the community to seek input as to the key concerns and how these should inform a proposed design in March/April 2023, and that the proposed design is currently being consulted on before a final design is confirmed later this year. The Council's intention is to commence construction of the upgrade in 2024. I consider these works should assist to address the concerns raised by the submitters.<sup>14</sup>
21. The combination of a signalised crossing facility at the intersection of Ruapehu Drive/Summerhill Drive/Mountain View Road, and the proposed cycleway, should provide an

<sup>9</sup> Anne Ridler S96.001 and others.

<sup>10</sup> Jessica Costall S66.002, S66.005, James Irwin S19.001, Anna Berka S95.002, Sara Burgess S98.001.

<sup>11</sup> James Irwin [S19.001], Anna Berka [S95.002] and Ben Somerton [S83.007], Anne Ridler S96.001.

<sup>12</sup> Signals also supported by Jessica Costall S66.005, Sara Burgess S98.001.

<sup>13</sup> David Basire S5.004, Anna Berka S95.002, Sara Burgess S98.001.

<sup>14</sup> <https://www.pncc.govt.nz/Council/What-were-doing/Major-capital-projects/Summerhill-Drive-cycleway-and-safety-improvements>.

option for safely accommodating cyclists travelling between the northern end of Ruapehu Drive and the City

#### 1.1.2.4 Intersection of Old West Road (SH57) with Summerhill Drive and Aokautere Drive (SH57)

22. The proposed performance standard in R7A.5.2.2(h)(i) requires implementation of the following before any development can take place in the Aokautere Greenfield Residential Area:

(i) *Implementation of improvements at the following locations before any development:*

...

- *Improvements to facilitate safe right turns at SH57 Old West Road/Aokautere Drive/Summerhill Drive.*

23. The Traffic Assessment identified an existing safety issue with the Old West Road intersection with Summerhill Drive and Aokautere Drive whereby right-turning traffic tends to wait until there is a gap in traffic from both directions rather than entering the median area once there is a gap in the city-bound lane. The recommendation to address this issue included potentially widening the central median and lengthening the merge lane, as well as signalling the intersection. Signalisation was considered necessary primarily for safety rather than capacity improvements, particularly to provide safe transit through the intersection for cyclists.<sup>15</sup>
24. Submitters are concerned about the increase in traffic using this intersection and the resultant increased waiting times and reduction in safety for vehicles and cyclists<sup>16</sup>. Submitters support junction upgrades at this location<sup>17</sup>, including signalisation of this junction<sup>18</sup> or construction of a roundabout<sup>19</sup>. David Basire [S5.001] considers a merging lane for traffic turning right out of Old West Road will assist but would only be a minor improvement, and a longer-term solution is needed.
25. The Safe System Audit considered and recommended that this intersection should be upgraded to either a roundabout or signalisation. A roundabout would be an alternative way to achieve the required upgrade and is additional to the recommendation in the Transportation Assessment (signalisation only). Ms Fraser has subsequently updated her advice to align with the Safe System Audit recommendation.
26. Taking into account the submissions, the Safe System Audit findings and Ms Fraser's review and subsequent recommendation that the safety concerns at this intersection could be addressed by either installation of traffic signals or a roundabout, I have recommended

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<sup>15</sup> Aokautere Structure Plan Traffic Assessment, 22 July 2022, pg32.

<sup>16</sup> Brian Hewson S16.002, Chris Teo-Sherrell S43.016.

<sup>17</sup> Ben Somerton S83.003, Colin Perrin S90.004, Chris Teo-Sherrell S43.016.

<sup>18</sup> Joy Vanderpoel S89.001, Sue Cooper S32.001, Sara Burgess S98.001.

<sup>19</sup> Jessica Somerton S6.002, Alan Smeaton S7.002, Colin Perrin S90.004, Chris Teo-Sherrell S43.016.

amendments to the performance standard and to the Structure Plan (Map 7A.4) to reflect this, as follows (note the wording below has been simplified to improve readability):

**All of the following transport network upgrades must be completed, and certified by the relevant road controlling authority, before any dwellings within the Aokautere Greenfield Residential Area are occupied:**

...

- **Upgrade of the intersection of SH57 Old West Road/Aokautere Drive/Summerhill Drive to traffic signals or a roundabout:**

#### **1.1.2.5 Severance issues on Aokautere Drive (SH57) between Cashmere Drive and Johnstone Drive and intersection upgrades to Pacific Drive/Aokautere Drive**

27. Several submitters support the proposed signalisation of the intersection of Pacific Drive with Aokautere Drive SH57, as, among other reasons, it would allow for safe crossing facilities for pedestrians and cyclists<sup>20</sup>. Ashok Poduval [S87.001] would prefer a roundabout over signals, as the sequencing of signals would favour the state highway traffic. Dennis Thomas [S22.003] considers signalisation of SH57/Pacific Drive will assist commuters during peak hours but will be a hindrance at other times of the day, including for those exiting onto SH57 from the Summerhill Shopping Centre or IPC.
28. A number of submitters are concerned about severance across Aokautere Drive/SH57 and the safety of vulnerable road users accessing the Summerhill Shopping Centre and future school on Ruapehu Drive.<sup>21</sup> As a result, some submitters are supportive of the proposed dedicated pedestrian/cycle crossing in this location, as shown on the Structure Plan<sup>22</sup>.
29. Gareth Orme [S75.003] and Audrey Shepherd [S4.002] consider the proposed location of the pedestrian/cycle crossing to be less than ideal due to the restricted sight lines for vehicles coming from the city. Gareth Orme suggests an alternative with better visibility would be between Cashmere Drive and Silkwood Place. A number of submitters have commented on the specific design of the proposed crossing, with various requests for an underpass, overpass, or raised crossing point with on-demand signals.
30. Sport Manawatu [S57.005] consider a safe school travel route to the new school on Ruapehu Drive is required before development can proceed and that additional assessment is required to determine the impact of the new school on traffic flows and risks for pedestrians and cyclists. They recommend a reduction in speed limits at school travel times for any crossings on Aokautere and Summerhill Drives which are provided for the purpose of travelling to school, and also at the intersections of Ruapehu Drive with Aokautere and Summerhill Drives<sup>23</sup>.

<sup>20</sup> Douglas Pringle S35.002, Rob Campbell S79.001, David Basire S5.002, Ben Somerton S83.003.

<sup>21</sup> Douglas Pringle S35.002, Sue Cooper S32.003, Jayne Hewson S86.002, Chris Teo-Sherrell S43.021, Susan and Yann Le Moigne S71.002, Sport Manawatu S57.001.

<sup>22</sup> Ben Somerton S83.003, Gareth Orme, Jessica Costall S66.003, S66.002, S66.005, Chris Teo-Sherrell S43.021.

<sup>23</sup> Supported by a Further Submission from Waka Kotahi FS16.004.

31. Waka Kotahi [S63.004] acknowledge the existing active mode severance across SH57 and identify that works to address this are being considered under their walking and cycling programme. At the time of writing their submission, Waka Kotahi was unable to confirm a solution and sought further information on how the worsening active mode severance would be mitigated via PCG, including how future development would fund any upgrades required to the state highway network.
32. The Transport Assessment identifies that there is currently no infrastructure to assist pedestrians and cyclists crossing SH57 Aokautere Drive in the vicinity of Pacific Drive. This raises concerns with regard to the safety of vulnerable road users, severance between the communities on each side of the road, and ongoing reliance on vehicle travel if the active mode options are not considered to be safe. The Transport Assessment explains that the lack of safe pedestrian crossing places over SH57 Aokautere Drive is already an existing problem that is getting worse as traffic flows on SH57 increase, including as a consequence of the growth of the residential catchment accessed via Pacific Drive<sup>24</sup>.
33. Along with the Safe System Audit, the Council has engaged further with Waka Kotahi on the existing severance issues. I note these severance issues are also acknowledged in the Palmerston North Integrated Traffic Initiative (PNITI) Business Case. The Safe System Audit included consideration of the safety implications of the proposed new school. Based on the findings of the Safe System Audit, Ms Fraser's has recommended upgrading the intersection of Pacific Drive with Aokautere Drive to either a signalised intersection<sup>25</sup> or a roundabout, which would mitigate the severance issues by providing crossing facilities for pedestrians and cyclists. As recorded in Ms Fraser's s42A technical report, a speed limit review of SH57 by Waka Kotahi to support safe pedestrian crossing options is necessary to address the existing safety risk<sup>26</sup>.
34. I have recommended amendments to the performance standard and to the Structure Plan (Map 7A.4) to reflect Ms Fraser's advice, as follows:

**(i) All of the following transport network upgrades must be completed, and certified by the relevant road controlling authority, before any dwellings within the Aokautere Greenfield Residential Area are occupied:**

- **Upgrade of the intersection of SH57 Aokautere Drive/Pacific Drive to traffic signals or a roundabout:**

#### **1.1.2.6 Shared pathway to the south side of Aokautere Drive/SH57 between Johnstone Drive and Pacific Drive and providing access to Adderstone Reserve**

35. Plan standard R7A.5.2.2(h), as notified in PCG, requires:

**(v) *Safety improvements for active modes through a shared path along the southern side of SH57 Aokautere Drive to connect Johnstone Drive and***

<sup>24</sup> Transport Assessment, pg 15.

<sup>25</sup> Section 42A Technical Report – Transportation, pg 32.

<sup>26</sup> Section 42A Technical Report – Transportation, pg 24.

*Pacific Drive and to provide access to Adderstone Reserve from both directions, prior to the traffic associated with the northeast area of the Structure Plan being loaded onto the network*

36. Ben Somerton [S83.003] and others<sup>27</sup> support the shared pathway shown on the Structure Plan. Chris Teo-Sherrell [S43.021] opposes a shared path because he considers they provide an inferior experience for pedestrians, especially when cyclists are moving quickly. He requests separated provision for cyclists and pedestrians, with access through to Adderstone Reserve. Dennis Thomas [S22.002] considers the pathway will be of limited utility until the northbound cycle lane on Summerhill Drive is made safer. Susan and Yann Le Moigne [S71.002] ask that the shared pathway is physically separated from the road and moved to the northern side of SH57 from Ruapehu Drive to the Adderstone Reserve entrance, as that side is wider (and therefore safer) and has better visibility of traffic coming from the east. In addition, more safe crossings are considered by the submitters to be needed for active transport.
37. I understand, based on Ms Fraser's technical advice, that a combination of the existing road corridor constraints, topography and existing development limit the ability to provide separated provision for cyclists and pedestrians through this corridor, or to provide this facility on the northern side of the corridor<sup>28</sup>. While providing separate pedestrian and cycle paths through this area may be preferred by submitters, the constraints identified by Ms Fraser and the minimal additional benefit to user safety are also relevant considerations. I have already addressed works to the cycleway on Summerhill Drive earlier this section.
38. Ms Fraser has provided further assessment of the need for this active mode facility in her s42A report. She continues to be of the view that this facility is required. However, she has provided further advice on the trigger or threshold at which this upgrade will be required. I have therefore recommended changes to the relevant standard (R7A.5.2.2 (h) to reflect her advice and make clearer the timing of this requirement (see recommended text in the section above that addresses increased traffic flows and congestion).

#### **1.1.2.7 Intersection of Aokautere Drive (SH57) and Ruapehu Drive**

39. Submitters have requested signalisation of the intersection of Ruapehu Drive with Aokautere Drive/SH57, or a roundabout/signalisation design incorporating the intersection of Ruapehu Drive with SH57 and SH57 with Pacific Drive<sup>29</sup>, or a hard median protected merging bay for the right turn from Ruapehu Drive to SH57<sup>30</sup>. Due to existing traffic concerns, several submitters support this mitigation being installed before any new housing is allowed to be built<sup>31</sup>.
40. The southern end of Ruapehu Drive intersects with SH57/Aokautere Drive adjacent to the Summerhill Shopping Centre. Ruapehu Drive runs approximately parallel with Summerhill Drive and then intersects with Summerhill Drive approximately 300m southeast of Tennent Drive.

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<sup>27</sup> Jessica Costall S66.005, Paul Hewitt S101.004.

<sup>28</sup> Section 42A Technical Report – Transportation, pg 37.

<sup>29</sup> Joy Vanderpoel S89.001, Jessica Costall S66.002, Gareth Orme S75.003, Chris Teo-Sherrell S43.017.

<sup>30</sup> Gareth Orme S75.003.

<sup>31</sup> Douglas Pringle S35.002, Sue Cooper S32.003, Jessica Costall S66.002.



41. The Transportation Assessment identified that the intersection of Ruapehu Drive and Aokautere Drive/SH57 has existing issues for right-turning traffic. The assessment explained that right-turning traffic must wait for significant periods for gaps in traffic, resulting in drivers entering SH57 when only small traffic gaps are available, increasing risk. The recommendation was for the intersection to be changed to left in and left out only, with provision made for existing traffic to be able to do a u-turn further along SH57/Aokautere Drive to head into the city. This upgrade recommendation was reflected in the performance standard R7A.5.2.2(h) Transport Network Requirements for Aokautere Structure Plan in the notified PCG provisions.
42. Subsequent to notification of PCG, the Safe System Audit was undertaken, which reaffirmed the safety issues with the Ruapehu Drive/SH57 intersection. The Ministry of Education has also confirmed that it will build a full primary school on its site at the southern end of Ruapehu Drive. Ms Fraser has considered the issues and requested mitigations raised in submissions along with the findings of the Safe System Audit and the new proposal for development of the school. She has revisited her recommendation as to the improvements necessary to both address existing safety issues and to mitigate effects arising from development of the PCG area. Her revised recommendations are:

*The SSA has shown that either a roundabout or signals would be able to mitigate the adverse safety effects associated with the additional traffic resulting from the development facilitated by PCG. Given the topography in this location signals will be preferred to a roundabout and I recommend that the Structure Plan is annotated with 'signalisation of intersection' in this location with the timing as previously recommended.*

*The performance standard in R7A.5.2.2 (h) Transport Network Requirements for Aokautere Structure Plan should be updated accordingly.<sup>32</sup>*

43. Taking into account the submissions, the Safe System Audit findings and Ms Fraser's review and subsequent recommendations, I have recommended amendments to the performance standard and to the Structure Plan (Map 7A.4) to reflect this. Consequently, I recommend that the submissions seeking safety improvements to this intersection should be accepted in part.

#### **1.1.2.8 Intersection of Aokautere Drive (SH57) with Johnstone Drive**

44. Several submitters consider junction upgrades are required at this location<sup>33</sup>. Rob Campbell [S79.001] and Ashok Poduval [S87.001] request that the intersection is upgraded to a roundabout.
45. The Transportation Assessment has identified the safety issues for pedestrians and cyclists travelling along SH57 between Johnstone Drive and Pacific Drive, however, no specific recommendations were made for specific mitigations for the Johnstone Drive intersection.
46. The Safe System Audit has since confirmed that additional traffic activity is likely to cause deterioration in pedestrian and cyclist safety and therefore reduced alignment with safe system

<sup>32</sup> Section 42A Technical Report – Transportation, pg 32.

<sup>33</sup> Ben Somerton S83.003, Rob Campbell S79.001, Ashok Poduval S87.001.



principles at the Johnstone Drive intersection. The Safe System Audit found that either the introduction of a roundabout or traffic signals would mitigate the reduction in safety for pedestrians and cyclists at this intersection<sup>34</sup>.

47. Ms Fraser's review of submissions and the findings of the Safe System Audit have resulted in her recommending that, *when weekday peak hour two-way traffic flows are 1,000vph or greater, when measured at a location on SH57 between Johnstone Drive and Cashmere Drive, upgrade the SH57 Aokautere Drive/ Johnstone Drive intersection to either signals or a roundabout*.<sup>35</sup>
48. Taking into account the submissions, the Safe System Audit findings and Ms Fraser's review and subsequent recommendation that the safety concerns at this intersection should be addressed by either installation of traffic signals or a roundabout once the specified traffic flows are reached, I have recommended amendments to the performance standard (see my recommended amendments in the section above that addresses increased traffic flows and congestion) and to the Structure Plan (Map 7A.4) to reflect this.

#### **1.1.2.9 Intersection of Aokautere Drive (SH57) and Cashmere Drive**

49. A number of submitters are concerned about how traffic associated with PCG will affect traffic turning into and out of Cashmere Drive from SH57. Concerns include visibility sight lines due to the curved alignment of SH57 and the lack of dedicated right turning bays on the state highway<sup>36</sup>. Various mitigation measures have been requested, including upgrading the intersection to a roundabout<sup>37</sup>, dedicated right turning bays on Aokautere Drive/SH57 and a merge lane/right turn bay for those turning right from Cashmere Drive<sup>38</sup>, installation of a stop sign<sup>39</sup>, and an underpass for cyclists<sup>40</sup>.
50. Ms Fraser has reviewed these submissions in light of the Safe System Audit findings. In her s42A report, she identifies that there are a number of safety concerns at the intersection that should be addressed by Council and Waka Kotahi as part of their maintenance and safety improvement activities. These maintenance and safety improvements are not triggered by additional traffic generated by development within the PCG area. The Safe System Audit also recommends a speed limit reduction for this part of SH57, and implementation of a speed limit review by Waka Kotahi is discussed below.
51. Ms Fraser has not recommended any additional mitigation measures necessary to mitigate the effects of development in PCG on this intersection. As noted the maintenance and safety improvements should be addressed as part of other work programmes. In reliance on her advice, I have not recommended any changes to the provisions in response to these submissions.

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<sup>34</sup> Summarised in the Section 42A Technical Report – Transportation, pg 22

<sup>35</sup> Section 42A Technical Report – Transportation, pg 52.

<sup>36</sup> Audrey Shepherd S4.003, Brian Hewson S16.002, Lynne Rea S15.001, Anne Ridler S96.001, Robert Gardner S102.001, Jessica Costall S66.005.

<sup>37</sup> Lynne Rea S15.001 and Gareth Orme S75.003.

<sup>38</sup> Robert Gardner S102.001, Stewart Davies S14.001.

<sup>39</sup> Ashok Poduval S87.001.

<sup>40</sup> Anne Ridler S96.001.

#### 1.1.2.10 Reduction in speed limit for Aokautere Drive (SH57)

52. A number of submitters request a reduction in speed limit (to 50 or 60 kph<sup>41</sup>) on the section of the Aokautere Drive (SH57) between the intersections with Old West Road and Johnstone Drive.
53. Waka Kotahi is the Road Controlling Authority for SH57 and is the agency responsible for setting speed limits on New Zealand's state highways. I understand that under the new *Land Transport Rule: Setting of Speed Limits 2022*, Waka Kotahi is required to develop a Highway Speed Management Plan every three years, using a 'whole of network approach' which combines speed management (i.e. setting of speed limits) with investment in safety infrastructure. The process of reviewing speed limits is therefore a process initiated by Waka Kotahi,<sup>42</sup> rather than a matter that can be addressed through PCG.
54. While speed limit review process is beyond the scope of PCG, I understand, based on the Council's recent conversations with Waka Kotahi, that Waka Kotahi is planning a speed limit review and a phased transition to an urban speed limit, commencing in 2024. I also understand that Waka Kotahi is intending to coordinate this review with the proposed changes to the physical layout of the SH57 corridor (i.e. investment in intersection modifications, installation of speed management controls), which will assist to modify user speeds.
55. It is therefore likely that the submitters relief will be met by this future process, which will include public consultation on proposed speed limits.

#### 1.1.2.11 Valley Views and Turitea Road

56. Some submitters are concerned about the potential for increased traffic on Valley Views and Turitea Road, including from new residents using these routes to enter/exit the Aokautere Greenfield Residential area and in terms of access to these roads from SH57<sup>43</sup>. Submitters are concerned about the narrowness of Turitea Road and the potential safety conflicts between increased vehicle traffic and other road users<sup>44</sup>.
57. Various mitigation measures have been requested by submitters including replacement of the single lane bridges with double lane bridges, road widening on the section of Turitea Road between the intersections with Old West Road and Ngahere Park Road<sup>45</sup>, off-carriageway provision for pedestrians<sup>46</sup>, upgrade to a roundabout at the intersection of Turitea Road with Old West Road (SH57)<sup>47</sup> and a speed reduction to 50 km/h<sup>48</sup>. Waka Kotahi has made a further submission [FS16.007] on Tabitha Prisk's submission, agreeing that further consideration of

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<sup>41</sup> Jessica Somerton S6.002, Jessica Costall S66.002, Ashok Poduval S87.001, David Basire S5.002, Lynee Rea S15.001, Chris Teo-Sherrell S43.021.

<sup>42</sup> This process is set out under the Land Transport Act 1998

<sup>43</sup> Brian Hewson S16.002, Mary-Ann Bailey S88.001, Catherine Sims S106.001, David Prisk S91.002, Tabitha Prisk S84.001.

<sup>44</sup> Mary Morgan-Richards S13.002, Ralph Sims S31.002, David Prisk S91.002, Tabitha Prisk S84.001.

<sup>45</sup> Mary-Ann Bailey S88.01, Douglas Pringle S35.003, Tabitha Prisk S84.001 and David Prisk S91.002.

<sup>46</sup> Douglas Pringle S35.003, Tabitha Prisk S84.001.

<sup>47</sup> Catherine Sims S106.001.

<sup>48</sup> Ralph Sims S31.002.

the effects and required mitigation measures is required on Turitea Road. David Prisk [S91.002] would also like similar improvements to Ngahere Park Road.

58. Ms Fraser identifies in her s42A report that some improvements are already planned to this intersection, partly as a result of a consented 30 lot subdivision at the end of Valley Views, and partly to support additional rural-residential growth within the Turitea catchment<sup>49</sup>.
59. The Transportation Assessment considered the potential implications on Valley Views and Turitea Road. A set of safety improvements was recommended and PCG included a performance standard in R7A.5.2.2(h) to implement the recommendations in the Transportation Assessment:

*As part of any subdivision within the Aokautere Residential Area the following infrastructure requirements must be completed and certified by Council before development...*

- (ii) *Implementation of safety improvements at Turitea Road/Valley Views, as scheduled under the 10-Year Plan 2021-2031.*

60. I understand that Council has also allocated funding via the 10-Year Plan 2021-2031 for improvements to the Turitea Road and Valley Views intersection. The improvement works are to support additional rural-residential growth within the Turitea catchment and are programmed for implementation in 2023/2024.
61. Ms Fraser identifies in her s42A report that the volume of additional traffic expected to be generated on Valley Views and Turitea Road by development in the PCG area is modest (up to 45 vehicles per day) and will not trigger the need for road widening or two-laning of bridges on either of the roads. Nor will the additional traffic result in any significant change to the level of road-user amenity experienced by recreational users of the road.
62. I understand Ms Fraser's recommendations on this matter rely on the proposed roads that link Turitea Road and Valley Views to the south-eastern end of the Aokautere Greenfield Residential Area not providing vehicle access. Ms Fraser's view is that additional upgrades to the Turitea Road/Valley Views intersection are necessary before additional traffic can be safely provided for. Ms Fraser recommendation is:

*The Structure Plan allows for 13 more lots to be connected to Valley Views in addition to those that are already consented. A pedestrian and cyclist connection to the wider PCG area is included. A future road connection between Valley Views and the wider PCG area is reliant on further assessment and review of the safety and performance of the Valley Views intersection with Turitea Road.<sup>50</sup>*

63. Development of the linking roads is only able to occur by way of subdivision consent within the rural-residential area. I have therefore recommended removing the clause from rule R7A.5.2.2(h) and adding it as an additional assessment criterion to Rule R7.15.2.1, which relates to rural-residential development. In this location, the criterion will trigger specific

<sup>49</sup> Section 42A Technical Report – Transportation, pg 33.

<sup>50</sup> Section 42A Technical Report – Transportation, pg 36.

consideration of the appropriateness of enabling a vehicle linkage at the time of subdivision if the necessary intersection upgrade has not been completed (see the following section of my report). This will ensure that Ms Fraser's recommendations are able to be carried out/met.

64. Mr Murphy explains in his s42A report<sup>51</sup> that the draft 10-Year Plan 2024-2034 is expected to contain funding to undertake the additional intersection upgrade at Valley Views/Turitea Road.
65. With respect to Ngahere Park Road, Ms Fraser's advice is that little if any additional traffic can be expected to be generated on this road as a result of PCG.
66. On the basis of Ms Fraser's advice, I recommend that the wording of this clause remains unchanged but that this clause be moved to Rule R7.15.2.1(f), as it relates primarily to development in the rural-residential area of the plan change (rather than the residential area to which Rule R7A.5.2.2(h) relates). I therefore recommend that performance standard Rule R7.15.2.1(f), be amended as follows:

**f) Subdivision in the Aokautere Rural-Residential Area on the Aokautere Structure Plan**

- (i) **Subdivision must be in general accordance with the Aokautere Structure Plan.**
- (ii) **The roading network identified on the Aokautere Structure Plan must be provided.**
- (iii) **The safety improvements at Turitea Road/Valley Views intersection scheduled under the 10-Year Plan 2021-2031 must be implemented before any rural-residential development occurs.**

**1.1.2.12 Valley Views link road to the new residential areas**

67. The Structure Plan provides for a link road connecting an extension of Valley Views Road to the new rural-residential area and, possibly in the future, to the residential area on Pacific Drive. The link road is shown as peri-urban road 'A' on Map 7A.4D, which forms part of the Structure Plan. The Council's intention is for the link road to initially provide only a pedestrian and cycling linkage between the Turitea Valley and the residential area of the Aokautere Structure Plan Area, but that it could, in the future, also provide for vehicle access. The primary reason for not providing a vehicle linkage initially is that surrounding roading upgrades, in particular the intersection of Valley Views and Turitea Valley Road, are necessary from a transportation safety perspective before additional traffic would be appropriate. The link road includes a 'break' indicated at 'Q' on Map 7A.4, which is intended to allow for the carriageway to be formed to vehicular standard on either side of the break, however, vehicles would not be able to pass through until the wider road network upgrades are completed. The break could be readily designed to allow for vehicular access during emergencies by incorporating a removable barrier such as bollards or a gate.
68. Some submitters support this proposed link road, whilst others object to it. Russell Poole [S68.002] considers a linking road from Valley Views Road will provide resilience in the event of an emergency, but considers the layout appears 'tortuous'. He also notes that bottlenecks

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<sup>51</sup> Section 42A Report – Strategic Planning, pg 18-19.

are likely to be generated where traffic has to exit via Old West Road and then Summerhill Drive. The submitter considers in practice that this will mean most drivers prefer to use Pacific Drive. Mary Morgan-Richards [S13.002], Jayne Hewson [S86.001] and Ralph Sims [S31.002] are concerned about the increased risk of accidents with vulnerable users if vehicles are able to use the link at 'Q'. They would prefer to see this connection be for cyclists/pedestrians only, given that Turitea Road is frequented by visitors (it forms part of the Te Araroa Trail), and locals and residents further afield for recreational use (dog walking, cycling, running, walking, horse riding). Jayne Hewson is concerned the route will attract boy racers and criminals and detract from the rural-residential nature of the area.

69. PN Industrial and Residential Developments Ltd are concerned that landowners are required to give effect to and fund the roading layout shown on the Structure Plan, prior to undertaking any development within the PCG area. The submitter opposes both the timing of the construction requirement, and the configuration of the roading shown and seeks the following:
  - a) that the break in Valley Views shown on the Structure Plan ('Q') is amended to provide for through flow of traffic from the plan change area, as this proposed break is at odds with the environmental outcomes sought by PCG for connectivity and avoidance of long cul-de-sacs. [S45.005];
  - b) the inclusion of a notional road connection to Turitea Road from land owned by Brian Green, rather than relying solely on a connection being provided by another landowner, from the southernmost block (i.e from the Waters land) [S45.004]; and
  - c) modification of the layout of the connecting road to Pacific Drive, to reconfigure the dog-leg and provide a straight alignment, due to concerns around the safety of this alignment arising from the road geometry and rural speed environment. [S45.002].<sup>52</sup>
70. Ngawai Farms Ltd [S61.005] submits that acquisition of the land required for this link road is detrimental to the current farming operation and that the structure plan should be revised to include provision for an alternative roading network outside Mr Waters' property, due to limited residential development potential within his land holdings. The submitter suggests that the revised structure plan could explore the option for a direct connection to Turitea Road from Mr Green's property and an alternative route that diverts away from connecting to Designation No. 106. If Council seek to require this land to provide the proposed roading network, Mr Waters requests details of the process Council will use to acquire this land.
71. In terms vehicle access, I understand that the Council's intention is that vehicle access on the link road would primarily be as an emergency link for resilience purposes, rather than a route for daily vehicle movements. This could be achieved by various means including road carriageway design or the use of physical barriers that prevent regular vehicle access. In my opinion, it is not necessary for the link road to be used by vehicle access to achieve connectivity outcomes within the plan change (and wider) area. The link road would serve a predominantly

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<sup>52</sup> Supported by a Further Submission by Heritage Estates 2000 Ltd FS18.035.

low-density rural and rural-residential area, which has less need for high levels of connectivity compared with more dense residential areas.

72. While the link road would provide an option for people to access the eastern areas of the Aokautere Greenfield Residential Area via Valley Views, it would not be the most efficient travel route for people going to and from the city centre (which is expected to make up the majority of vehicle trips). There would be some benefits for residents of the Turitea Valley in terms of having a more direct driving route to access the proposed Aokautere Neighbourhood Centre, however, in terms of vehicle travel distance and time, there would be minimal difference between the link road and travelling via Turitea Road/SH57/Pacific Drive. The primary opportunity the link road would provide for Turitea Valley residents wishing to access the Aokautere Greenfield Residential Area would be as a shorter cycling and walking route, which the link road would provide from the outset of its formation.
73. I understand that the position and alignment of the proposed link road is directed by the topography of the area and the existing road alignment of Turitea Road, including consideration of intersections with other rural roads such as Ngahere Park Road. The terrace edge that the road needs to traverse is relatively steep, and it is unlikely that a straight route up the face of the slope would be viable. Notably, however, the provisions in PCG provide for development to be in general accordance with the Structure Plan, which allows for some flexibility to provide for constructability and design efficiency.
74. In the section of this report dealing with Noise, I discuss how some of the land shown as Rural-residential Overlay in PCG (as notified) is recommended to be changed to Rural zone to avoid reverse sensitivity impacts on the Manawātū Rifle Rod and Gun Club (Gun Club). This has an effect on the amount of rural-residential zoned land in the vicinity of the link road. Additionally, the structure plan roading layout was developed on an incorrect assumption of a 0.5ha minimum lot area rather than the District Plan's 1.0 ha minimum (which in some cases justified additional roading to provide for the higher density of lots). Based on the recommended zoning changes, the Council's expert team has given further consideration to the location and alignment of the link road and has recommended some reconfiguration. These changes are shown in the updated Structure Plan maps. To summarise, the changes include:
- a) Removing the spur of Valley Views beyond the intersection with the link road. The corrected design assumption in minimum lot area to 1.0 ha means this section of road is no longer required;
  - b) Removing the section of road (shown as 'I' on notified Map 7A.4) that connected the link road to the road running from Turitea Road to the existing water tank; and
  - c) Relocating the 'break' (shown as 'Q' on notified Map 7A.4) further along the link road to approximately the point where the gradient changes at the base of the terrace escarpment. This would prevent the link road from being used for vehicle access to/from the upper terrace while allowing the rural-residential land on the valley floor to use the link road for access, rather than relying on a new road further south (and on land owned by another party) needing to be developed to provide access.



75. As well as responding to recommended changes to the extent of rural-residential zoned land near the Gun Club, these changes also address the concerns of some submitters in regard to the impacts on road safety. They also address issues raised around the roading design 'encouraging' this as a preferred route over Pacific Drive.
76. The delivery of the link road will be enabled by development of land in the Turitea Valley for rural residential purposes. The road will be established by the developer for the land through which it runs. For this reason, the Council does not presently intend to acquire the land. The option remains available to the Council should it be necessary to establish the link in the future. If that option eventuated, the normal land acquisition processes would be followed.
77. I have also considered submitters' concerns regarding the approach to addressing the 'break' in the link road. I am of the view that it is a matter best addressed in detail at the time of subdivision (rather than attempting to be prescriptive in the plan provisions). In my view, the need for, and design of the 'break' is most effectively provided for as part of the assessment criteria in Section 7 of the District Plan. This allows for appropriate consideration of the circumstances at the time of subdivision, including whether the necessary road safety improvements have been made. This approach also allows for the consideration of the most appropriate methods for controlling vehicle use of the break. I recommend the following wording for an additional assessment criterion to Rule R7.15.2.1:
- v. Whether there is a need for physical measures to prevent vehicles using the peri-urban road labelled 'A' on the Aokautere Structure Plan Map 7A.4D Street Types until the transport network upgrades, including ***at the intersection of Turitea Road and Valley Views Road, have been completed.***
78. The proposed link road will not impact on the continued existing use of the land prior to its construction. In the event that the road is developed, it would most likely be in association with a change in the use of the surrounding land (from farming to lifestyle block) so impacts on farming operations would be inherently resolved.
79. Mr Waters is also concerned that there is no provision for access to the rest of the Ngawai Farm property, adjoining to the northeast of the proposed PCG area. He requests amendment of the Structure Plan to provide road access to the remainder of his property to the north-east, potentially via a roading extension from Council Designation No. 106 - Aokautere Water Supply leading to the east and the remainder of Mr Waters property.
80. At the point in the future when the existing unsealed track to the water supply reservoir is upgraded, access will be provided to enable Mr Waters to continue his farming operation on the land he owns to the north-east. Formation of the road to the water supply reservoir will likely only occur in the event the land through which it runs is subdivided. This will provide the submitter (landowner) with control over timing and, to a large degree, design of the subdivision and road alignment. By assessing future subdivision consent applications, the Council will be able to ensure that any potential severance/land-locking of adjoining property is addressed through the subdivision design. In the interim, the existing access to Ngawai Farms can continue to operate as it currently does.

81. PN Industrial and Residential Developments Ltd [S45.005] also requests that the Structure Plan is updated to reflect the scheme plans for Stage 9 of the Valley Views subdivision and Stage 8 of Pacific Drive (Ref SUB 6267).
82. My understanding is that Stage 9 of the Valley Views subdivision is not yet the subject of a live subdivision application. It is not appropriate to incorporate a scheme plan which does not have resource consent. Should the proposal receive resource consent during the Schedule 1 process for PCG, then it would be appropriate to update the Structure Plan to reflect this change. As Stage 8 of Pacific Drive has received resource consent, it is appropriate to update the Structure Plan to include it, and I have made a recommendation to that effect.

#### **1.1.2.13 Pacific Drive, including the intersections of Pacific Drive/Johnstone Drive and Pacific Drive/Abby Road**

83. Pacific Drive is the primary access route into the PCG area and currently forms a central spine road for the existing residential development in the area. Abby Road is a no-exit street on the northern side of Pacific Drive. Further to the southeast, Johnstone Drive connects to Pacific Drive and runs north to connect to Aokautere Drive/SH57.
84. The Transportation Assessment identified the need for upgrades to both the Abby Road and Johnstone Drive intersections with Pacific Drive. These upgrades are recommended to happen when the level of service at those intersections declines to a Level of Service rating 'E' at peak travel times. Peak travel times were identified as the periods of key impact at the intersections in terms of wait times. The Transportation Assessment recommends upgrading these intersections to either roundabouts or signalised intersections.
85. The proposed performance standard R7A.5.2.2(h) was included in PCG to trigger the intersection upgrades at the appropriate times:

*As part of any subdivision within the Aokautere Residential Area the following infrastructure requirements must be completed and certified by Council before development, or in the case of (iii), (iv) and (v) below, completion and certification of the infrastructure requirements at the identified level of service thresholds must be provided for as part of the staging of the subdivision and development:*

...

*(iii) Improvements at the existing Abby Road and Johnstone Drive intersections with Pacific Drive when the Level of Service for side road traffic declines to a level of service of E at peak times, with either a change of control to roundabouts or traffic signals.*

86. Ben Somerton [S83.003] and Chris Teo-Sherrell [S43.020] support the proposed upgrade to the intersection of Pacific Drive with Johnstone Drive. Dennis Thomas [S22.007] and Chris Teo-Sherrell consider a roundabout would be a better solution to address the needs of peak hour flows and cyclists and pedestrians. Ben Somerton and Chris Teo-Sherrell also support the proposed upgrade of the intersection of Pacific Drive with Abby Road, while others consider



this is not necessary<sup>53</sup>. Chris Teo-Sherrell considers lowering the speed limits would make all three of these roads safer for all users.

87. Stephen and Carole Sorsby [S10.002] are concerned at the volumes of traffic that will be directed to and from the plan change area via Pacific Drive, and note that this was once a quiet, short suburban road. They request that the proposed road network provide alternative routes onto SH57 to reduce flows on Pacific Drive.
88. Ms Fraser has reviewed these submissions and remains of the view that upgrades to either signals or roundabouts will be required at these intersections once a certain volume of traffic is reached. Ms Fraser has recommended minor changes to the performance standard to make it clear what the trigger for upgrade should be.
89. I rely on Ms Frasers advice. I have also recommended restructuring this performance standard to make it clearer where and when it will apply (as I set out earlier in this section).
90. In relation to Stephen and Carole Sorsby's submission regarding the increase in traffic, Pacific Drive is currently labelled a Minor Arterial Road in the District Plan and a 'Urban Connector' in the Structure Plan (Map 7A.4D)<sup>54</sup>. The corresponding classification for an Urban Connector in the District Plan is a 'Minor Arterial' Road<sup>55</sup>. 'Minor Arterial Roads' provide access between Collector and Major Arterial Roads and have a "*dominant through vehicular movement and carry the major public transport routes*"<sup>56</sup>. In an urban context, these roads will typically carry between 8,000 - 20,000 vehicles per day, with a higher proportion of heavy vehicles<sup>57</sup>. The Average Annual Daily Traffic count (AADT) for Pacific Drive is currently 2,957, and this is projected to rise to 8500 AADT once the PCG area is fully developed<sup>58</sup>. This is well within the range cited above given its function as a minor arterial road.
91. The upgrades to the intersections of Pacific Drive with Abby Road and Johnstone Drive, and the recommended upgrade to the intersection of Johnstone Drive and SH57, may assist to meet the relief sought by the submitter. Additionally, the proposed extension of Abby Road to connect with Johnstone Drive will allow traffic from that area to travel to SH57 via Johnstone Drive rather than back through Pacific Drive.

#### 1.1.2.14 Measures for cyclists

92. A large number of submissions were received on safe cycling measures and submitters were supportive of improvements to infrastructure for cyclists<sup>59</sup>. Some felt that more detail was needed.<sup>60</sup> Sport Manawatū [S57.004, S57.001] requests cycling infrastructure of a higher standard given analysis of census and crash data indicates there is extra risk for cyclists. Sport

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<sup>53</sup> Dennis Thomas S22.007 and Ashok Poduval S87.001.

<sup>54</sup> The Structure Plan adopts Waka Kotahi's ONF classification system. Ms Fraser includes comparison tables of the two classification systems at pg 49-50 of her s42A report.

<sup>55</sup> Section 20.6 of the District Plan explains the Roading Hierarchy which is adopted in the Plan.

<sup>56</sup> See Section 20.6 (ii), pg 20.

<sup>57</sup> Ibid.

<sup>58</sup> Aokautere WTP Upgrade Stage 2 SSA: Schematic Level Safe System Audit, WSP, 20 June 2023, Section 3.2, Tables 1 and 2.

<sup>59</sup> Mary Morgan-Richards S13.002, David Basire S5.004, Sport Manawatū S57.001.

<sup>60</sup> Sara Burgess S98.004.

Manawatū and others<sup>61</sup> consider much improved active transport infrastructure is needed to reverse the declining rates of cycling in the city and that the proposed increase in houses will reinforce existing barriers unless active travel is prioritised<sup>62</sup>.

93. Several submitters requested physically separated cycle lanes<sup>63</sup>. Sport Manawatu and Chris Teo-Sherrell [S43.023] recommend a separated cycle route is developed that connects Johnstone Drive with Pacific Drive (shared path as proposed), a separated cycle lane for Pacific Drive (rather than the proposed painted lane), and a separated path from Pacific Drive to Fitzherbert Bridge, with no roundabouts constructed on this route (or a convenient cycle route is provided to avoid the roundabouts). They cite Waka Kotahi guidance that roundabouts are the most dangerous type of intersection for cyclists. Dennis Thomas [S22.002] and Susan and Yann Le Moigne [S71.006] would like to see dedicated safe cycle and micro-transport routes, ideally off-road (shared) paths specifically incorporated in the designs, particularly from the major residential areas to the proposed local centre and SH57.
94. Sport Manawatū [S57.002] have provided commentary on the street cross-sections in terms of provision for cyclists. It considers the Urban Connector cross sections (A & B) do not meet best practice guidelines and that wider on-road cycle lanes are needed to encourage more people to cycle<sup>64</sup>.
95. As notified, PCG included a number of specific measures to provide for cyclists within the PCG area, as well as requirements for wider transportation network upgrades outside of the plan change area to improve safety for cyclists. As discussed, elsewhere in this section of my report, Ms Fraser has provided updated recommendations, including for upgrades to provide for cycling, based on her consideration of the Safe System Audit, matters raised in submissions and her own further analysis/assessment.
96. In relation to submitter requests for separate pedestrian and cycle paths, and for cycle paths to be physically separated from vehicular traffic, Ms Fraser advises that *'the choice to include shared paths is a result of the topography associated with the gully systems and minimising earthworks and structures associated with wider road cross-sections in these environments. Where on-road cycle lanes are shown there may be options for these to have some protection from vehicle traffic depending on the parking and access arrangements. Along SH57 Aokautere Drive there are cross-section constraints that make it unlikely that a separate footpath and cycle facility can be achieved along the southern side.'*<sup>65</sup>
97. A comprehensive analysis of the adequacy of road cross sections for cyclists and provision for additional upgrades and modifications to the wider transportation network is provided in Ms Fraser's s42 Report.<sup>66</sup> Ms Fraser outlines the suite of improvements and upgrades already planned by the Council and Waka Kotahi, which I anticipate will address a number of the issues

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<sup>61</sup> James Irwin S19.001.

<sup>62</sup> Supported by a further submission from Waka Kotahi FS16.002.

<sup>63</sup> Jessica Costall S66.002, and S66.005, Sport Manawatū S57.004.

<sup>64</sup> Supported by Further Submission from Waka Kotahi FS16.003.

<sup>65</sup> Section 42A Technical Report – Transportation, pg 37.

<sup>66</sup> See, in particular, pg 43-44.

raised by submitters. Ms Fraser also considers submissions seeking specific changes to elements of the Structure Plan.

98. Based on Ms Fraser's analysis and advice, I have recommended that R7A.5.2.2(i) is amended to provide for an active mode crossing facility, including a pedestrian/cyclist refuge, of SH57 between the Adderstone Reserve entry and Silkwood Drive.

### **1.1.2.15 Public transport services**

99. A number of submissions were received on public transport services. Jessica Costall [S66.002, S66.004] considers frequent express bus services with heavily subsidised fares are required to offset increases in vehicle movements on the network associated with the plan change<sup>67</sup>. Robyn Johnston [S28.001] and Chris Teo-Sherrell [S43.022] consider public transport and active transport links to central Palmerston North, Massey and the Fitzherbert science centres need to be in place before there is further development in Aokautere, including to ensure people have the option to choose these facilities right from the start. Their view is that current transport options, other than private vehicles, are unsafe or inconvenient. A network that encompasses Turitea Road would be most effective, as there has been substantial residential growth there in recent years.
100. Chris Teo-Sherrell [S43.015] would like to see provision for public transport routes, including the locations for installation of shelters. He suggests a route from Aokautere Drive via Johnstone Drive and the urban connector streets to the top of the Structure Plan area, returning via Pacific Drive, or occasionally, as an alternative, via Valley Views and Turitea Road. The submitter considers the route should go close by the neighbourhood centre, but not directly through the commercial centre. Anthony and Rosemary Gear [S39.003<sup>68</sup>] consider bus services will be ineffectual in mitigating the additional traffic movements, and will not be patronised by future residents, as the submitter considers that 'people do not wish to walk 500m to 1km to catch a bus'. Further, that the narrow shared Local Streets and dead ends of the promontory clusters will not be readily accessible to buses and the volume of passengers will not be economically viable.
101. Horizons Regional Council [S60.007<sup>69</sup>, S60.008] indicate in their submission that the recently completed review of the bus network provides for a future route down Pacific Drive, making use of the turnaround point on Atlantic Drive. A second bus route will be made available once the area is more developed and will also provide improvements in coverage to residents along Ruapehu Drive and Summerhill Drive, which is not able to be properly serviced with a single bus route. To enable this, Horizons submits that street cross-sections and roading layouts should be designed to enable safe future provision of public transport, including aligning the location of infrastructure with higher density areas and community facilities, including the neighbourhood centre, and enabling multi-modal connections. Horizons recommends that this

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<sup>67</sup> Also Christine Scott S55.003, Ben Somerton S83.007, Chris Teo-Sherrell S43.022.

<sup>68</sup> Supported by Further Submission from Heritage Estates 2000 Ltd FS18.041.

<sup>69</sup> Supported by a Further Submission from Waka Kotahi FS16.005.

be provided for through plan change provisions which align with the strategic direction of the Regional Land Transport Plan and Regional Public Transport Plan.

102. Ms Fraser has considered the matters raised in submissions and has made several recommendations to amend the PCG provisions in response<sup>70</sup>.
103. She acknowledges the bus route additions and improvements described in Horizons' submission. Ms Fraser observes that the Summerhill Drive/ Ruapehu Drive intersection upgrades will also add future route options as a result of improved safety for right-turning buses.
104. Ms Fraser considers that the Connector Roads should be capable of accommodating buses so that there is flexibility in bus route options in the future. To reinforce this, Ms Fraser recommends the strengthening of provisions to ensure that, *'as well as the cross-sections, the horizontal and vertical alignments of the Connector Roads should provide for buses to be safely and comfortably accommodated'*. Ms Fraser also recommends that roads should be designed with the potential to accommodate bus stops, albeit that bus stops do not need to be constructed unless a bus route has been confirmed. I agree with Ms Fraser's recommendations and have recommended changes to the plan provisions accordingly. I recommend Policy 5.8 in Section 7A makes specific reference to this requirement, as follows:

*To ensure that the design and layout of any subdivision and development provides for the transport network roads identified on the Aokautere Structure Plan in a manner which:*

...

*Provides Urban Connector roads with sufficient width and horizontal and vertical alignments to safely accommodate bus routes and facilitate convenient bus stops, including to facilitate access to the Aokautere Neighbourhood Centre.*

105. Ms Fraser also notes that the key for Map 7A.4D includes the label 'Transit Corridor' for SH57 Aokautere Drive. She considers this description to be misleading and recommends that it should instead be labelled 'State Highway Corridor' so there is no confusion that SH57 and all the Connector Roads should have the potential to accommodate bus routes. I agree with Ms Fraser and have recommended amending the key.

#### **1.1.2.16 Funding, implementation and timing of transport network mitigation measures**

106. Waka Kotahi [S63.003] has made a submission requesting further clarity as to how the transport mitigation measures on the state highway network, which have been identified as necessary to support development in the PCG area, will be funded. The submission states that the Transportation Assessment does not identify an existing Level of Service deficit along the core State Highway 57 intersections (with Summerhill Drive, Johnsonville Drive or Pacific Heights Drive), which would indicate there is no existing capacity issues on State Highway 57. Waka

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<sup>70</sup> Section 42A Technical Report – Transportation, pg 42- 43.

Kotahi suggests that any drop in level of service would be attributed to development within the PCG area, and any required mitigation should be identified, along with funding.

107. The submission also indicates that the safety issues identified in the Transport Assessment<sup>71</sup> are “minor” and that “non-injury crashes which do not indicate a current priority for safety treatments in the area”.
108. Waka Kotahi seeks that the plan change does not proceed unless the provisions are amended to demonstrate how the consequential infrastructure upgrades will be funded. The submission signals that the National Land Transport Fund is unlikely to be able to provide sufficient funding.
109. Ms Fraser does not agree that there are no pre-existing level of service concerns on this part of the network, or that there is not an existing need for safety improvements. Following submissions, the Safe System Audit was also commissioned by the Council to obtain a third party assessment of any safety issues associated with the network. The results of that assessment are summarised in Ms Fraser’s s42A report (a copy of the Safe System Audit is appended to Ms Fraser’s report). The Safe System Audit also identified a number of existing safety concerns with the road network. It also reinforced Ms Fraser’s view that there would be adverse traffic effects from the PCG development that would need to be mitigated.
110. The Council has engaged further with Waka Kotahi since submissions closed, with a view to further understanding the nature of their concerns. The primary issues of discussion were:
- a) existing severance caused by the combination of traffic speeds and volumes on SH57 Aokautere Drive;
  - b) the scope and findings of the Safe System Audit;
  - c) initiating a Business Case for the upgrading of transport infrastructure along SH57;
  - d) the review of speed limits along SH57 Aokautere Drive; and
  - e) the alignment of the proposed transport mitigation measures with the outcomes sought through PNITI.
111. I understand that discussions with Waka Kotahi on this matter are ongoing and that Waka Kotahi and the Council are continuing to work together to agree on which agency will be responsible for undertaking the various elements of safety and level of service improvements on the State Highway network, and how those improvements will be funded.
112. The issue of how the road upgrades and improvements are to be funded is addressed by Mr Murphy in his evidence. I understand that the Council is putting forward work programmes for the draft 2024-2034 Long Term Plan to support this work programme.
113. Bruce Wilson [S105.001] would like further consultation with user groups (pedestrians, cyclists and motorists) on the nature and timing of the proposed mitigation measures in the Transport

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<sup>71</sup> At Section 3.6.

Assessment, before these are confirmed. A number of submitters support the approach taken in PCG to prevent development until the proposed mitigation measures are implemented<sup>72</sup>.

114. The principal landowners/developers within the PCG area are opposed to proposed provisions which require a number of transport infrastructure mitigation measures to be implemented before any subdivision or development can take place<sup>73</sup>. Other submitters however are supportive of the approach the Council has taken<sup>74</sup>. PCG makes subdivision and development within the Structure Plan area a non-complying activity in the event this mitigation is not in place before development (see Rules R7A.5.5.1, R10.6.5.6, R10.7.5.3). This approach is also signalled in the proposed objectives and policies, including 7A:Objective 5, and implementing Policies 5.9, 5.10 and in Section 10, policies 15.11.
115. Heritage Estates 2000 Ltd [S51.065] opposes the proposed amendments to Rule 7A.5.2.2 to insert performance standards for transport network requirements. It also opposes changes to Rule R7A.5.2.3 [S51.066] which set out the Assessment Criteria for these subdivision activities (subdivision design and layout). The submitter opposes undefined terms and any prescriptive detailed Structure Plans with supporting text in the District Plan. Waka Kotahi has made a further submission [FS16.017] in opposition to submission [S51.066], opposing the removal of the assessment criteria. If PCG proceeds, Waka Kotahi consider it essential that appropriate transport infrastructure is required to be provided prior to development.
116. Heritage Estates 2000 Ltd [S51.090] opposes the changes to R10.6.3.2 that relate to transport matters. They say PCG should enable landowner or developer led roading, and pedestrian and cycling infrastructure, provided it promotes the safe and efficient operation of the roading network and pedestrian/cycling connectivity. This submission is opposed by Waka Kotahi in a further submission [FS16.018]. Again, Waka Kotahi consider that should PCG proceed, appropriate transport infrastructure is required to be provided prior to development.
117. In response to these various submissions, and with the assistance of Ms Fraser, I have reviewed the provisions of PCG that control the level of development that can occur prior to specified transportation network improvements having been made. As a result, I have recommended a number of refinements to improve the clarity of the provisions and to ensure that the provisions apply to the appropriate activities. The key changes I recommend are:
- a) Refining the way, the upgrade requirements are expressed to improve clarity and certainty of interpretation for plan users.
  - b) Limiting application of the provisions restricting development to subdivision. This recognises that in most cases some form of subdivision will be required to enable development. I have recommended deleting rules R10.6.5.6 and R10.7.5.3, which will mean that some land use activities (such as development of a retirement village) may be able to be undertaken before these works are in place (if they do not require prior

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<sup>72</sup> Sue Cooper S32.001, Dennis Thomas S22.001.

<sup>73</sup> CTS Investments Ltd, Woodgate Ltd and Terra Civil Ltd S58.013, S58.032, S58.023, PN Industrial and Residential Developments Ltd S45.006, S45.007, S45.008, S45.009.

<sup>74</sup> Dennis Thomas S22.001, Scott Knowles S64.007, Waka Kotahi FS16.008, FS16.009, FS16.010, FS16.014, Robyn Johnston S28.001, Sport Manawatu S57.001.



subdivision), subject to consideration of their effects on the transport network (retirement villages are a discretionary activity).

- c) Refining the standards that restrict development to focus on the occupation of dwellings, which is the point at which traffic generation occurs and where safety and level of service effects will become apparent. Focussing on dwelling occupation also allows developers to progress subdivision and land development works (which themselves are unlikely to generate particularly high traffic movements) in parallel with roading upgrades rather than having to undertake those works sequentially. Developers will need to consider the risk to their project of proceeding prior to safety upgrades being completed, but the provisions provide for more flexibility in approach.
118. I do not agree with submitters that wish to have the restrictions on development removed. As evidenced by Ms Fraser's assessments and the findings of the Safe System Audit, there are significant existing and potential adverse effects and risks to transportation network users that must be addressed prior to development exacerbating those effects.
119. Given the existing capacity and safety issues within the wider network and the likely effects beyond the immediate PCG area, it is appropriate to control the characteristics of development through plan provisions rather than leaving those matters to be addressed on a case-by-case basis through separate resource consent decisions. Mitigation of the combination of existing and future effects requires, in my view, a comprehensive and integrated planning response. I therefore recommend that the provisions controlling development within the PCG area until certain transportation network upgrades have been completed are retained, subject to the refinements outlined above.

#### **1.1.2.17 Alignment with the strategic roading network - Palmerston North Integrated Transport Initiative (PNITI)**

120. The PNITI is a 'blueprint' of improvements to the city's transport network to increase accessibility, safety and support growth over a long-term period. The programme of improvements includes upgrades to existing road corridors and intersections for safety and increased accessibility, as well as safer speeds, placemaking (removing freight traffic from local roads) and works to support future economic growth (eg. the KiwiRail Freight Hub).
121. Waka Kotahi [S63.001] is concerned that PCG will generate growth on the network which is inconsistent with the strategic direction established by the PNITI business case and Accessing Central NZ (ACNZ) business case. The PNITI business case identifies specific routes through the city as regionally significant transport connections. Improvements to the routes identified in the business case are planned to support several large-scale projects in the region, which will be dependent on Palmerston North's central location in the New Zealand transport distribution network.
122. In particular, Waka Kotahi consider PCG will undermine the route preservation of State Highway 57 as an inter-regional freight connection. The PNITI and ACNZ business case identify that State Highway 56 should be detuned, with heavy vehicles redirected on to State Highway

57 over a period of approximately 20 to 30 years. Waka Kotahi submit that PCG would result in expansion of development along State Highway 57, ultimately requiring the speed limit to reduce from the current 70km/h to 50km/h from Albany Drive to Aokautere School and to 30km/h from Summerhill Drive to Pacific Drive, due to the pedestrian risk. PNITI identifies this section of SH 57 as reducing to 80km/h, only as part of the long term actions in the 30-year programme. Waka Kotahi is concerned the resultant increase in travel time will likely decrease the desirability of this route for interregional travel. Waka Kotahi aims to minimise the segment of SH 57 impacted by reduced speeds in order to reduce severance and conflict with inter-regional freight and increase freight efficiency. Waka Kotahi seeks PCG be declined in its current form, or otherwise, adapted to coordinate with PNITI outcomes.

123. Heritage Estates 2000 Ltd have made a further submission seeking that the statutory weight of PNITI is confirmed prior to the call for evidence.
124. The issue of alignment with PNITI, including the need for the City to meet the needs of housing demand at the same time as providing for efficient transportation and freight movement, is addressed in the s42A report of Mr David Murphy, the Council's Chief Planner.
125. Ms Fraser has also considered the potential effects of the PCG development on the SH57 corridor where it interacts with traffic moving to and from Aokautere. Ms Fraser observes that the section of SH57 that forms part of the PNITI route and is directly affected by her recommended safety improvements is only a 1.1km long (Old West Road to Johnstone Drive). She notes that there are existing delays for traffic turning right out of Old West Road onto Aokautere Drive and that, while the addition of signalised intersections at Old West Road, Pacific Drive and Johnstone Drive would increase the potential delays for through-traffic, this impact could be minimised by appropriately sequencing the traffic lights. Ms Fraser has also analysed travel times to Te Ahu a Turanga via SH3/Napier Road and SH57, as this will route will likely see an increase in traffic once Te Ahu a Turanga is open. She found that the travel times are similar via both routes, with potential time savings of 2-3 minutes via SH3.
126. Based on the analysis of Ms Fraser and the evidence of Mr Murphy, it does not appear that there will be a significant impact on the implementation and operation of the PNITI route as a result of the recommended roading upgrades proposed as part of PCG, or from the additional vehicle movements likely to be generated from the development of the PCG land.

#### **1.1.2.18 An additional bridge over the Manawatū River**

127. A number of submitters<sup>75</sup> consider an additional bridge over the Manawatu River is required to mitigate congestion associated with development within the PCG area on key routes into the city; and to provide resilience in the event of a major natural disaster.
128. PNITI identifies an additional bridge over the Manawatū River in the vicinity of Longburn to Linton as part of a long-term intervention to establish a 'ring road' around the city, to improve freight movement efficiency and remove freight traffic from the central city. The timing of

<sup>75</sup> Mark Currin S2.002, Shaun Henry S25.001, Maher Fuad S26.001, Lev Thomson S37.002, Tracey Yung, S92.004, Karen Wilton S9.005, David Prisk S91.001, Gareth Orme S75.002, Jayne Hewson S86.002, Catherine Sims S106.001, Jessica Costall S66.002.



delivery of a new bridge would be determined by a Detailed Business Case but would not be delivered for at least 20 – 30 years. PNITI explains that the need for the bridge will be driven by the long-term operational requirements of SH56 and SH57. The amount of traffic generated by development in PCG is not of the scale that would trigger bringing forward such a major infrastructure investment.

### 1.1.3 Other submissions on the internal roading layout

#### 1.1.3.1 Extension of Abby Road through to Johnstone Drive

129. The Structure Plan shows an extension of the existing Abby Road to connect with Johnstone Drive. At present, Abby Road is a no-exit street accessed from Pacific Drive.
130. Rob Campbell [S79.001] and Susan and Yann Le Moigne [S71.001] are not in favour of extending Abby Road through to Johnstone Drive. Rob Campbell considers this link will adversely affect the natural features of the existing gully through which this road will pass and the benefits to a few residents do not outweigh these impacts. The submitter requests removal of this link and asks that Abby Road be marginally widened instead, with the junction with Pacific Drive amended to include a roundabout to ensure reasonable traffic flow. Susan and Yann Le Moigne request that Abby Road become a cul-de-sac and traffic from the new development area between Pacific Drive and Johnstone Drive be directed to Johnstone Drive, with a shared off-road pathway created to link this new development area, Adderstone Reserve and Abby Road. Heather Turnbull [S99.002] considers Abby Road is not wide enough to cater for additional traffic.
131. CTS Investments Ltd, Woodgate Ltd and Terra Civil Ltd. [S58.010] note that the connection has already been the subject of a Notice of Requirement to designate the work and support this link in principle.
132. My understanding is that the Notice of Requirement for this connection has been confirmed, and an appeal to overturn this decision was declined by the Environment Court on 1 March 2023. The designation provides for a two-lane local road, with a T-intersection to Johnstone Drive, and for access to the eastern side of Adderstone Reserve, connecting to the Manga o Tane Reserve.
133. Ms Fraser has responded to points raised in relation to Abby Road in her s42A report.<sup>76</sup> In summary, Ms Fraser notes the confirmation of the designation providing for the connection through to Johnstone Drive and that management of traffic flows and parking along Abby Road can be addressed through carriageway design and methods such as no-parking lines.
134. I do not recommend any changes to the PCG provisions in response to these submission points.

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<sup>76</sup> At page 36-37.

### 1.1.3.2 Cul-de-sacs

135. Sue Cooper [S32.002] would like as many cul-de-sacs included in the Structure Plan as possible. The submitter considers these foster community traffic and discourage rat-running. Connectivity for pedestrians can be provided by walkways. This submission is opposed by Waka Kotahi [FS16.006] due to the resultant lack of connectivity. Ashok Poduval [S87.001] considers the existing cul-de-sacs should be retained because this was a factor in the purchase decisions of residents.
136. The Section 32 report identifies that PCG provides an opportunity to intervene to rectify the poor urban form outcomes evident in Aokautere, which are due to the extensive use of cul-de-sacs and right of ways, and non-integration between landowners/developers, which creates poor connectivity throughout the existing built areas<sup>77</sup>. The importance of connected neighbourhoods and the role that through-roads and transport network integration play in achieving good urban environments is also addressed in the evidence of Mr Andrew Burns, the Council's urban design expert<sup>78</sup>. Mr Burns has specifically addressed the respective submission points from an urban design perspective in his evidence.
137. The outcomes for the Aokautere area, in terms of connectivity, are clearly established in the objectives and policies of PCG. Changes to the Structure Plan and roading design sought by the submitters would not be consistent with achieving those outcomes. Continued proliferation of cul-de-sacs would not be consistent with government direction (such as the NAP) to build in resilience to natural hazard events and would be unhelpful for emergency vehicle access.

### 1.1.3.3 Roothing layout within the Aokautere Neighbourhood Centre

138. Chris Teo-Sherrell [S48.008] considers it is inappropriate to funnel vehicles through the local commercial centre and requests that the status of the road marked 'A' in Map 7A.4C is changed from an Urban Connector Road to a 'Local Access Road' and redesigned so that the village centre becomes a 'village square'. If vehicles are allowed to pass through the local commercial centre, the approach roads should be treated as local access streets and designed to keep speeds down to 30 k/ph and to be shared by people on wheels<sup>79</sup>. An urban connector road leading into the local centre is unnecessary and inappropriate.



<sup>77</sup> Section 32 Report. Section 2.2 Why Aokautere? Pg 10.

<sup>78</sup> Section 42A Technical report – Urban Design, pg 54.

<sup>79</sup> S43.008.

*Figure 6.1: Extracts from the structure plan maps showing street hierarchy and street types*

139. It's not clear if the submission refers to the centrally located Activity Street A & B – elsewhere designated as an Urban Connector – or to Urban Connector F on the southern edge of North Village. This may be a matter the submitter can clarify at the hearing.
140. Mr Mike Cullen, Council's urban economics expert, has considered this submission with regard to the viability of the commercial centre. Mr Cullen explains that a considerable amount of traffic through the centre is necessary for the local centres viability. Enabling through traffic encourages the local centre to become the focus of everyday activities such as picking up grocery items or buying a coffee. Preventing access is likely to significantly reduce the willingness of people to regularly use the businesses and facilities in the local centre, with a consequential impact on the economic viability of those businesses.
141. Andrew Burns, the Council's urban design expert, has also considered this submission and provides analysis of it in his s42A report<sup>80</sup>.
142. The Urban Connector is part of a dedicated cycle route. In the 'core' version of the Structure Plan (Map 7A.4D), each thoroughfare has a number of Local Streets as tributaries. These attributes and relationships suggest that both streets should retain Urban Connector status.
143. Also relevant is that the Activity Street provides a potential bus loop, cycle way, parking, and an opportunity for wider footpaths. Overall, the Activity Street in question provides multiple roles, of which traffic movement is an important element.
144. For the above reasons, I do not recommend making any changes to the PCG provisions in response to the submission.

#### **1.1.3.4 Cross Sections**

145. Scott Knowles [S64.004] supports the design of the 'Gully Edge streets' and requests that these are retained. The submitter considers the natural areas of gullies, slopes and streams should be enjoyed by everyone, not just homeowners with fortunate back yard views. CTS Investments Ltd, Woodgate Ltd and Terra Civil Ltd. [S58.009] object to the gully edge road to Gully 3 because of the extent of undeveloped road frontage. They submit a more nuanced approach is required that provides access to the gully with viewing points at that location and some breaks in the built form along this edge<sup>81</sup>.
146. I acknowledge this support and agree with the submitter that such streets are consistent with the stated design outcomes, which include addressing the lack of public connection to the gully reserves<sup>82</sup>.

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<sup>80</sup> Section 42A Report – Urban design, pg 46.

<sup>81</sup> This submission is supported by a Further Submission from Heritage Estates 2000 Ltd FS18.035.

<sup>82</sup> Section 32 Report. Section 2.2 Why Aokautere? Pg 10.

147. There are also concerns in submissions around the amount of road that does not directly adjoin land to be developed for lots. Submitters note that long sections of road with limited direct access to lots makes the road construction costly, due to the limited ability to recover those costs through section sales. In response, the Council's expert team have reviewed both the Structure Plan design and the level of rigidity that should be applied to the alignment of some roads. Mr Burns and Ms Fraser have subsequently recommended that Local Streets can be flexible in their alignment, and the Structure Plan maps have been updated to reflect this (as attached to the s42A report of Mr Burns).
148. I have also recommended amendments to the policies to direct that roads should still provide access to reserves and provide views into the gullies, but with increased flexibility in how this is achieved. I consider these amendments retain the key design outcomes intended for these roads but allow for alternative ways of achieving those outcomes.
149. PN Industrial and Residential Developments Ltd [S45.003] requests that the 'boulevard' like cross section within the suburban low-density area is removed from the Structure Plan and replaced with a conventional local road cross section. It is not clear which cross-section the submitter is referring to, but it may be Local Street cross section A.
150. Chris Teo-Sherrell [S43.009] believes that the urban connector streets have been designed for a speed of 50 k/ph which is inappropriate both from a safety perspective, a health perspective (higher emissions of particulates and NOx) and as a major discourager of cycling. He requests these be designed with speed limits of no more than 40km/h and a carriageway intended for motor vehicles of no more than 6m. The Urban Connector A cross-section should be adjusted to increase the footpath width to a minimum of 1.8m; increase the cycle lanes to 2.0m width plus a 0.5m buffer where adjacent to parking; and decrease the carriageway allocation to motor vehicles to no more than 6.3m<sup>83</sup>.
151. Ms Fraser addresses this matter in her s42A report,<sup>84</sup> noting that the Urban Connector A cross-section reflects the existing situation on Pacific Drive. Pacific Drive, including the 1.8m wide footpath, was developed prior to current best practice design guidelines being developed. Ms Fraser observes that there is likely to be sufficient room within the road reserve for improvements in the future if necessary.
152. Chris Teo-Sherrell requests that the local streets be designed for speed limits of 30km/h or lower and the activity streets A and B be designed for speed limits of 10km/h, as there are likely to be higher numbers of pedestrians in the vicinity of the local centre. The submitter considers that speed limits should be set at these design speeds. Where speed limits are 30km/h or less, riders of bikes and micromobility devices should be required to ride on the carriageway and the carriageway surface texture should be suitable for small wheeled vehicles (i.e. fine chip or asphaltic concrete)<sup>85</sup>.

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<sup>83</sup> S43.011.

<sup>84</sup> At pg 37.

<sup>85</sup> S43.012, and supported by a Further Submission from Heritage Estates 2000 Ltd FS18.039.

153. Ms Fraser has considered the matter of appropriate speed limits for the various roading types within the PCG area and has recommended within her s42A report, a range of amendments to the speed limits indicated on the Structure Plan.<sup>86</sup>
154. Chris Teo-Sherrell [S43.010]<sup>87</sup> also requests that the shared paths are replaced with separated footpaths and cycle lanes/paths. The submitter considers shared paths to be poor practice that deters pedestrians due to the excessive speeds that too many cyclists and riders of micro-mobility devices travel at. Instead, Mr Teo-Sherrell submits that the streets should be designed, and speeds managed, to provide safe passage for riders on the roadway, or separated from the roadway but separate from footpaths. Footpaths should be no less than 1.8m in width to accommodate pedestrians and people dependent on mobility devices<sup>88</sup>.
155. As discussed above, the ability to provide separated facilities is significantly constrained by topography associated with the gully networks in the area, particularly when taking into account the amount of additional earthworks and structures that would be required<sup>89</sup>.

### 1.1.4 Miscellaneous traffic matters

156. The Council has made a submission [S50.018<sup>90</sup>] requesting that an explanation (in the form of Note to Plan Users) be inserted into the plan provisions. The note would set out how the road typologies in the Structure Plan should be matched to the terminology used in Section 20: Land Transport of the Operative District Plan, with the text now outdated and needing to be updated through a future plan change. The submission explains this has potential implications for how Vehicle Access provisions are assessed under R10.6.1.1(g) and that it is beneficial to provide for a transitional approach until such time as the operative District Plan provisions can be brought into alignment with the new Waka Kotahi One Network Road Classification (ONRC).
157. I agree with the submitter that guidance to assist plan users to understand the different terminology and typologies would be helpful until such point as a future plan change update the terminology in the Operative Plan. Ms Fraser has commented on this submission in her s42A report. She recommends that this advice is provided in a table on the Structure Plan itself. Ms Fraser has recommended some wording. I support her recommendation.
158. The Council [S50.013]<sup>91</sup> has also requested an amendment to the proposed policy addressing transport network requirements within the Structure Plan Area (Section 7A. Policy 5.8) to incorporate proposed policy 5.12. There is a concern for potential repetition between these policies. They have requested the following wording:

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<sup>86</sup> At page 54-56.

<sup>87</sup> Supported by a Further Submission from Heritage Estates 2000 Ltd FS18.038.

<sup>88</sup> S43.012, and supported by a Further Submission from Heritage Estates 2000 Ltd FS18.039.

<sup>89</sup> Section 42A Technical report – Transportation, pg 37.

<sup>90</sup> Supported by a Further Submission by Waka Kotahi FS16.016.

<sup>91</sup> Supported by a Further Submission by Waka Kotahi FS16.012.

**To ensure that the design and layout of any subdivision and development provides for roads the transport network identified on the Aokautere Structure Plan in a manner which:**

- **Achieves an accessible and permeable grid like pattern of development as shown on the Aokautere Structure Plan**
- **Delivers a safe, legible and effective movement network which conforms to the One Network Framework and reflects Aokautere's hierarchy of street types (Map 7A.4A) and cross-sections (Map 7A.4D)**
- **Avoids or minimises adverse effects on the safe and efficient operation, maintenance and access to network utilities and the transport network**
- **Produces a fine-grained network of streets that provide:**
  - a. permeable and connected neighbourhoods;**
  - b. a choice of pathways; and**
  - c. access from two directions for most households.**
- **Complements the street network with a web of trails in the gully reserves**
- **Provides circuits of varying length for walking, jogging and cycling**
- **Encourages active travel modes**
- **Provides a highly connected street layout which integrates with the surrounding transport network and includes pedestrian access, cycleways and recreational trails which link to open space corridors.**

159. I agree with the Council that there is a level of repetition in these policies and have recommended a number of changes to the policies in this section to reduce duplication. A number of other changes provide greater flexibility as to how design outcomes are delivered. I have also adopted the Council's preferred reference to "transport network".
160. Douglas Pringle [S35.006] is concerned with the robustness of road safety signage along Ngahere Park and other nearby roads and seeks that signs are constructed or installed to withstand strong winds. Brian Hewson [S16.003] requests that potholes are filled.
161. I consider these submissions are on matters beyond the scope of the plan change.
162. Douglas Pringle [S35.005] has made a submission regarding vehicle access and Rule R20.4.2 in the District Plan, and seeks that kerb crossing widths to commercial centres in the PCG area are increased to allow trucks to do a left-hand turn without entering the opposing traffic lane. A cross reference to R20.4.2 is in R11.20.2.2 of the PCG provisions, which will apply to the Aokautere Neighbourhood Centre as a Local Business Zone.

163. Amending that rule would have implications on a city-wide scale and is beyond the scope of PCG. Based on Ms Frasers advice, I understand that this is a matter best resolved on a case-by-case basis, depending on the predicted types of vehicles likely to be using specific sites.
164. Jason Raman [S3.001] is concerned about the proposals to extend Pacific Drive southward, as he lives adjacent to the point at which the road will be extended. The submitter wants to understand what compensation rights he has with regard to PCG, how construction effects will be managed and what the timelines are for construction to commence.
165. These matters are largely beyond the scope of the plan change. The timeframes will be dependent on the developer. Construction effects will be assessed (which may provide some reassurance to the submitter) at the point of a future resource consent application.
166. Chris Teo-Sherrell [S43.019] sought clarification as to which intersection was being referred to in the Technical Summary document, so that submitters can provide comment. The Technical Summary document did not provide any new information relating to PCG, but merely provided a summary of the Transportation Assessment. The Transportation Assessment was available to the submitters alongside the Technical Summary.

## 1.1.5 Recommendations

167. I make the following recommendations for amendments to the provisions. For brevity reasons, the provisions are abbreviated to show the transport matters only.

### Section 7: Subdivision

168. I recommend Policy 3.7 is amended as follows:

#### **3.7 To enable subdivision within the Aokautere Rural-Residential area identified on the Aokautere Structure Plan where it is demonstrated that:**

- a. **It is in general accordance with the Aokautere Structure Plan;**
- b. **The ~~road~~ network street hierarchy, street types and street cross sections, and upgrades identified on the Aokautere Structure Plan is-are provided for;**
- c. **There is connectivity with existing and future developments;**
- d. **The transport network upgrades, including those outside of the Aokautere Structure Plan area, that are necessary to provide for a safe and efficient transport network have been completed and are operational Subdivision and development will not occur in advance of the availability of operational transport infrastructure;**
- e. \_\_\_\_\_;
- f. \_\_\_\_\_;



- g. It satisfies Objective 6 and related policies in Section 7A Greenfield Residential Areas and protects the gully system and significant natural areas and wetlands in Aokautere;
- h. It provides a safe and legible internal transport network road hierarchy that achieves a highly connected street layout which integrates with the surrounding transport network and provides pedestrian access, cycleways and recreational trails which link to open space corridors;
- i. There is appropriate infrastructure available to service the development, including on-site wastewater and stormwater servicing, which ensures there is no increase in effects on surrounding areas;<sup>92</sup>

Rule R7.15.2.1

***R7.15.2.1 Any Subdivision within the Aokautere Rural Residential Area, the Moonshine Valley Rural Residential Area and the Rural Residential Overlay (as shown on the Planning Maps) that complies with the Performance Standards below, is a Restricted Discretionary Activity, with regard to the following matters:***

...

**(f) Subdivision in the Aokautere Rural-Residential Area within the Aokautere Structure Plan**

- i. Subdivision must be in general accordance with the Aokautere Structure Plan.
- ii. The ~~road~~ network street hierarchy, street types and street cross sections, and upgrades identified on the Aokautere Structure Plan are must be provided within the area to be subdivided.
- iii. The design principles contained within Policy 3.7 must be implemented through the subdivision and development.
- iv. The safety improvements at Turitea Road/Valley Views intersection scheduled under the 10-Year Plan 2021-2031 must be implemented before any rural-residential development occurs.

...

Assessment criteria:

**(h) Rural-Residential Development within Aokautere Structure Plan**

- i. How the subdivision is in general accordance with the Aokautere Structure Plan.
- ii. How the subdivision design and layout create allotments which are reflective of landscape and neighbourhood character and demonstrate

<sup>92</sup> S50.025.



connectivity with adjoining developments, including street and pedestrian access, cycleways and recreational trails which link to open space corridors.

iii. How the proposal ~~incorporates~~ provides for the design principles matters outlined in Policy 3.7.

v. Whether ~~all operational~~ the transport network upgrades, including those outside of the Aokautere Structure Plan area, that are infrastructure necessary to provide for a safe and efficient transport network have been completed and are for the subdivision will be constructed are operational prior to development.

vi. ...

vii. ...

viii. ...

ix. Whether there is a need for physical measures to prevent vehicles using the peri-urban road labelled 'A' on the Aokautere Structure Plan Map 7A.4D Street Types until the transport network upgrades, including at the intersection of Turitea Road and Valley Views Road, have been completed.<sup>93</sup>

#### Section 7A: Greenfield Residential Areas

##### Policy 5.4

To ensure that subdivision and development within the Aokautere Greenfield Residential Area achieves the following design principles:

- Connectivity with existing and future developments in a manner which is responsive to landform and the proximity of any local centre
- Makes Aokautere's elevated and incised terrain visible and accessible to the public, including through:
  - ☐ streets that provide views of the gullies and the wider landscape,
  - ☐ public access to a network of cycleways and recreational trails; and
  - ☐ linear access to the gully reserves with residential lots on one side only.
- Varies the arrangement of streets, lots and dwellings in response to gullies, plateaus and promontories; and retains key views along identified corridors
- Clustered development on elevated sites at the plateau ends, with neighbouring

<sup>93</sup> S13.002, S86.001, S31.002.

- ~~sites separated with areas of restored vegetation~~
- Minimises the number of rear lots;
- ~~Ensures that medium-density residential areas have good access to amenity and associated public or communal areas with significant vegetation~~
- ~~Ensures that development on the plateaus:~~
- Retains natural or near-natural contours;
- ~~Includes single-loaded gully edge streets that provide:~~
  - ~~views of the gullies and the wider landscape;~~
  - ~~public access to a network of cycleways and recreational trails; and~~
  - ~~linear access to the gully reserves with residential lots on one side only frontage on the edges of the reserves.~~
- Forms a well-connected, accessible and permeable urban block structure to maximise connectivity and provide road access from two directions for most households.
- ~~as shown on the Aokautere Structure Plan.~~
- Ensures that development on the promontories:
  - a) Clusters lots and arranges buildings and roads to:
    - i. frame views of the gully reserves; and
    - ii. create well-defined communal spaces at the plateau ends
  - b) ~~Utilises central communal spaces to:~~
    - i. provide safe, attractive cul-de-sac terminations; and
    - ii. indicate provide legible and integrated public access to recreational trails.

#### Policy 5.8

To ensure that the design and layout of any subdivision and development provides for the transport network roads identified on the Aokautere Structure Plan in a manner which:

- ~~Achieves an accessible and permeable grid-like pattern of development as shown on the Aokautere Structure Plan;~~
- Delivers a safe, legible and efficient effective movement network which conforms to the One Network Framework and reflects Aokautere's the street hierarchy, of street types (Map 7A.3A) and street cross-sections (Map 7A.3D) in the Aokautere Structure Plan.
- ~~Avoids or minimises adverse effects on the safe and efficient operation, maintenance and access to network utilities and the transport network.~~
- Encourages active travel modes and provides for circuits of varying length for walking, jogging and cycling.

- Provides Urban Connector roads with sufficient width and horizontal and vertical alignments to safely accommodate bus routes and facilitate convenient bus stops, including to facilitate access to the Aokautere Neighbourhood Centre.
- Produces a fine-grained network of streets that provide:
  - c) permeable and connected neighbourhoods;
  - d) a choice of pathways; and
  - e) access from two directions for most households.
- Complements the street network with a web of trails in the gully reserves.
- Provides circuits of varying length for walking, jogging and cycling.
- Encourages active travel modes.

#### Policy 5.9

To avoid subdivision and development occurring in advance of the availability of operational transport infrastructure the transport network upgrades, including those outside of the Aokautere Structure Plan area, that are necessary to provide for a safe and efficient transport network.

#### Policy 5.10

To require, where appropriate, consent notices recording the restrictions on development set out in R7A.5.2.2(h), (iii)-(iv) and or (v) to be imposed on titles at the time of subdivision.

#### Policy 5.11

5.2 To avoid subdivision where significant adverse effects on the transport network are likely to occur.

#### Policy 5.12

5.3 To require a highly connected street layout which integrates with the surrounding transport network and includes pedestrian access, cycleways and recreational trails which link to open space corridors.

#### R7A.5.2.2 Performance Standards for Restricted Discretionary Activity

(a) Comprehensive Development Plan

...

(ix) within the Aokautere Structure Plan area<sup>94</sup> the availability of all operational the transport network upgrades infrastructure necessary to provide for a safe and efficient transport network for the development and how R7A.5.2.2(h) has been or

<sup>94</sup> S51.059, S51.062, S51.007, S51.134.

will be satisfied

169. I recommend performance standard R7A.5.2.2(i) is replaced in its entirety with the following wording:

**(i) Transport Network Requirements for Aokautere Structure Plan**

**(i) All of the following transport network upgrades must be completed, and certified by the relevant road controlling authority, before any dwellings within the Aokautere Greenfield Residential Area are occupied:**

- **Upgrade of the intersection of Summerhill Drive/Ruapehu Drive/Mountain View Road to traffic signals;**
- **Upgrade of the intersection of SH57 Old West Road/Aokautere Drive/Summerhill Drive to traffic signals or a roundabout;**
- **Upgrade of the intersection of SH57 Aokautere Drive/Pacific Drive to traffic signals or a roundabout;**
- **Upgrade of the intersection of SH57 Aokautere Drive/Ruapehu Drive to traffic signals or a roundabout.**

**(ii) Unless the required upgrades in Table 7A.1 have been completed, a transport assessment must be prepared by a suitably qualified person experienced in traffic engineering and transport planning that:**

- 1. predicts whether the traffic threshold at the applicable intersections/road corridor identified in Column 1 of Table 7A.1, arising from traffic generated by the proposed development will be exceeded; and**
- 2. if the prediction in 1 identifies that the traffic threshold will be exceeded, the transport assessment must provide details of how the upgrades in column 3 of Table 7A.1 will be delivered, and certified by the relevant road controlling authority, before the development triggering the upgrade occurs.**

**Table 7A.1: Transport Network upgrades for the Aokautere Structure Plan Area**

<b><u>Intersection/road corridor</u></b>	<b><u>Traffic threshold</u></b>	<b><u>Required upgrade once the traffic threshold has been exceeded</u></b>
<b><u>Aokautere Drive</u></b>		
<b><u>SH57 Aokautere Drive from the intersection with Johnstone Drive to</u></b>	<b><u>Weekday evening peak hour two-way traffic flows on SH57 Aokautere Drive reach a total count of 1,000vph or greater, when</u></b>	<b><u>Safety improvements for active modes through provision of a active mode shared path between</u></b>

<u>the intersection with Pacific Drive</u>	<u>measured at a location on SH57 between Johnstone Drive and Cashmere Drive.</u>  <u>(See Note 1)</u>	<u>Johnstone Drive and Pacific Drive which provides access to Adderstone Reserve from both directions</u>
<u>Intersection of SH57 Aokautere Drive/Johnstone Drive</u>	<u>Weekday evening peak hour two-way traffic flows on SH57 Aokautere Drive reach a total count of 1,000vph or greater, when measured at a location on SH57 between Johnstone Drive and Cashmere Drive.</u>  <u>(See Note 1)</u>	<u>Signals or roundabout with safe provision for active modes</u>
<u>SH57 Aokautere Drive between the Adderstone Reserve entry and Silkwood Drive</u>	<u>Weekday evening peak hour two-way traffic flows on SH57 Aokautere Drive reach a total count of 1,000vph or greater, when measured at a location on SH57 between Johnstone Drive and Cashmere Drive.</u>  <u>(See Note 1)</u>	<u>Active mode crossing facility, including a pedestrian/ cyclist refuge, of SH57 between the Adderstone Reserve entry and Silkwood Drive</u>
	<u>Note 1: For the purposes of ascertaining the traffic threshold for each of the above, the traffic count should be undertaken on a weekday that does not fall within school holidays. For the avoidance of doubt, the 'total count' is the two-way traffic flows.</u>	
<u>Pacific Drive</u>		
<u>Intersection of Pacific Drive/Abby Road</u>	<u>Average traffic delays of more than 35 seconds per vehicle for vehicles turning either left or right from Abby Road during weekday peak times.</u>	<u>Signals or roundabout with safe provision for active modes</u>
<u>Intersection of Pacific Drive/Johnstone Drive</u>	<u>Average traffic delays of more than 35 seconds per vehicle for vehicles turning either left or right from Johnstone Drive during weekday peak times.</u>	<u>Signals or roundabout with safe provision for active modes</u>

<u>Intersection of Pacific Drive /Activity Street A (Map 7A.4D)</u>	<u>Average traffic delays of more than 35 seconds per vehicle for vehicles turning either left or right from Activity Street A during weekday peak times</u>	<u>Signals or roundabout with safe provision for active modes</u>
<u>Intersection of Pacific Drive /Urban Connector F (Map 7A.4D)</u>	<u>Average traffic delays of more than 35 seconds per vehicle on vehicles turning either left or right from Urban Connector F during peak times.</u>	<u>Signals or roundabout with safe provision for active modes</u>

**iii. Any subdivision that does not comply with (i) or (ii) is a non-complying activity.**

#### **Explanatory note**

**The requirement in (i) can be met by the applicant offering a condition of consent secured by a consent notice on titles, that imposes restrictions on the occupancy of dwellings until the upgrades have been completed.**

Section 10:

Policy 15.11

**Ensure that new dwellings are not occupied before residential development does not occur in advance of the availability of operational transport infrastructure necessary to service the development. the transport network upgrades, including those outside of the Aokautere Structure Plan area as set out in Table 7A.1, that are necessary to provide for a safe and efficient transport network for the development, have been completed and are operational.**

Rule R10.6.5.6

#### **R10.6.5.6 Transport Infrastructure (Aokautere Residential Area)**

**Notwithstanding the activity status set out in R10.6.1.5 and 10.6.3.2, all development that occurs before the completion and certification of the works identified in R7A.5.2.2(l), within the stipulated timeframes, shall be a Non-Complying Activity.**

R10.7.4

**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 unless R10.7.5.2 applies, or in the case of Retirement Villages in Greenfield Residential Areas, R10.7.5.3 applies.**

...

### Assessment criteria

In respect of R10.7.4.6, and where they are proposed in the Aokautere Greenfield Residential Areas, how any activity:

- Is in general accordance with the located as shown on any relevant structure plan and/or precinct plan;
- provides for the roading and street layout as shown on the relevant structure plan and/or precinct plan;
- positively fronts, and integrates with, any Local Business Zone, including as directed by any relevant structure plan and/or precinct plan;
- is consistent with the relevant design principles described for the Greenfield Residential Area in section 7A of the District Plan;
- ...
- is supported by the transport network upgrades that are necessary to provide a safe and efficient transport network to service the activity, including the relevant upgrades in R7A.5.2.2. available operational transport infrastructure necessary to service the activity, and in the case of the Aokautere Residential Area, the transport network requirements set out in R7A.5.2.2 are met.

### Structure Plan

170. I recommend that the Structure Plan is updated to reflect the roading alignment of the consented subdivision for Stage 8 of Pacific Drive (SUB6267).
171. I recommend the Structure Plan key is updated to include the junction upgrades listed in Ms Frasers evidence.

## Topic 7 - Addressing housing needs

1. Aokautere is a peri-urban area with available land for greenfield development<sup>1</sup>, and forms part of the Council's long-term strategy for accommodating housing needs in the city. The key purpose of PCG is to deliver development capacity for housing in Palmerston North in the medium-long term<sup>2</sup>.
2. A Structure Plan has been prepared to guide this development and to ensure that new housing areas are effectively integrated with existing urban areas and other proposed urban activities such as a neighbourhood centre and open space areas. The Structure Plan also allows issues of poor connectivity and urban form within the existing local urban area to be addressed<sup>3</sup>. The Structure Plan provides for a range of housing typologies to increase housing choice, including:
  - a) high density (apartments) within, and in close proximity to, the planned neighbourhood centre;
  - b) a medium density 'village' concentrated around the neighbourhood centre;
  - c) clusters of multi-unit housing on the ends of the promontories;
  - d) suburban low-density housing across the plateaus, and
  - e) rural-residential living within the Turitea Valley.
3. The Structure Plan also includes an option for an area of land within the medium density village to be developed as a retirement village.
4. The Structure Plan provides for a number of distinct character areas within the overall development area, enabling a greater diversity of dwelling types, sizes and price points. This diversity will cater to a wider choice of living options than has been provided for to date. The Masterplan Report<sup>4</sup> provides a detailed breakdown of the anticipated yield by dwelling typology<sup>5</sup>. The Structure Plan includes a Lot Pattern & Density Map (Map 7A.4B) and this is implemented by proposed objectives, policies and rules in Section 7: Subdivision, Section 7A: Greenfield Residential Areas and Section 10: Residential Zone.

### 1.1.1 Issues raised in submissions

5. This section of the report deals with submissions received on housing matters. This includes submissions on;
  - a) the Medium Density Village;

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<sup>1</sup> S32 Report: Why Aokautere?, pg 10.

<sup>2</sup> S32 Report, pg 10.

<sup>3</sup> S32 Report: Why Aokautere, pg 10.

<sup>4</sup> Appendix 4, Section 32 Report, July 2022.

<sup>5</sup> Masterplan Report: 3.1 Concepts and Development Content, pg 50.



- b) the medium density housing on the promontories;
- c) rural residential subdivision;
- d) the residential development controls contained within Chapter 10 – Residential zone;
- e) the option to include a Retirement Village.

6. Submitters raised a wide variety of housing related issues including:

#### **Addressing housing needs**

- Ensuring that a variety of price points and dwellings sizes are provided for within the plan change area, not just larger homes and those at the top end of the price scale;
- Support for repurposing of Adderstone Reserve to enable more housing to be delivered.

#### **Addressing housing needs for rental properties**

- Making specific provision for rental properties, including through Kainga Ora, build to rent (e.g. Simplicity Living), Council housing, and a Pacific housing provider (to meet the housing needs of Pasifika communities);
- Asking the Council to take an active role in assisting Pasifika communities to access housing opportunities in Aokautere.

#### **Medium density and multi-unit housing**

- Endorsement for higher density areas and multi-unit housing, as a more efficient, affordable option for smaller households, and those on lower incomes;
- Support for the proposed placement of medium density and multi-unit housing near the town centre and public open spaces;
- Suggestions for alternative locations for multi-unit housing, such as the portion of Adderstone Reserve which adjoins Pacific Drive, or on vacant land currently owned by IPU;
- Opposition from developers to the quantum of medium density housing required by the plan change, including the prescriptive nature of the provisions and the structure plan;
- Requests for more medium and high-density housing, including by removing rural-residential and larger lifestyle lots;
- Developer concerns as to whether multi-unit housing is feasible on the promontory clusters;
- Concern about the visual effects of medium density housing on promontory clusters, and effects on the special character of the Moonshine Valley.

## Retirement Village

- Support for a retirement village option;
- Opposition from landowners/developers to the prescriptive nature of the proposed provisions that would apply to a retirement village within the plan change area;
- Concern that the retirement village provisions should not apply beyond the Aokautere Greenfield Residential Area.

## 1.1.2 Analysis

### 1.1.2.1 Meeting housing needs

7. Several submitters<sup>6</sup> support the intent to provide additional housing in Aokautere. Christine Scott [S55.001] is supportive of additional housing because using unproductive land in the Aokautere area for urban land uses is a better option than using good agricultural land in other greenfield locations.
8. I note the support and agree that providing for Palmerston North's housing needs on land that is not identified as highly productive land under the National Policy Statement for Highly Productive Land (NPS-HPL) is preferable where that land is available and integrates well with the existing urban environment. Delivering housing in this location is considered to be consistent with the policy direction of the NPS-HPL.
9. Several submitters<sup>7</sup> support the Council repurposing reserve land within the Adderstone Reserve for housing purposes. As set out in Topic 1: Preliminary matters, the Council has resolved (as part of a separate statutory process) to retain Adderstone Reserve as open space, therefore this land will not be available for housing.
10. PN Industrial and Residential Developments Ltd [S45.001] supports the overall intent of the plan change to release immediate housing supply in a way which creates a vibrant, well-connected community that is sensitive to the unique Aokautere landscape. Heritage Estates 2000 Ltd [FS18.001] supports this submission in part but does not consider that PCG provides an 'immediate' supply of housing. Heritage Estates opposes the imposition of the Structure Plan as it seeks to embed an urban design-led outcome that is likely to require revisiting during the life of the District Plan. The submitter considers there is benefit in enabling both developer-led and/or private-public partnerships to deliver infrastructure and modification to the Structure Plan to deliver better outcomes.
11. I note the general support from PN Industrial and Residential Developments Ltd but agree with the assessment by Heritage Estates that the provisions do not provide for immediate release of housing supply. There are a number of infrastructure works (in particular to establish downstream stormwater infrastructure in the gully areas and to upgrade the local and state highway roading networks) that will need to be delivered before development can occur in the

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<sup>6</sup> Ben Somerton S83.002, Rangitāne o Manawatū S77.011, S77.012, Karen Wilton S9.001, Scott Knowles S64.001.

<sup>7</sup> Mary Morgan-Richards S13.003, Ben Somerton SS83.008, Audrey Shepherd S4.001, Scott Knowles S64.008.

plan change area. The Council has planned for this land to be developed within the medium-long term timeframe (i.e. not within the next five years). I consider there are opportunities for developer-led and private-public partnerships to deliver the required stormwater and roading infrastructure. I do not consider the Structure Plan to be an impediment to this. I also note that the Housing Capacity Assessment 2021 identified that Aokautere is a medium to long term housing option due to its infrastructure requirements. I understand that the draft Housing and Business Needs Assessment 2023 presently being developed by Council confirms this timing.<sup>8</sup>

12. With respect to the point that the Structure Plan imposes an urban design led outcome that prevents innovation or flexibility, I have reflected on this submission, alongside the Council's urban design expert, Mr Burns. I agree with the submitter that some of the prescriptive aspects of the plan change could be moderated by providing greater clarity in the provisions around required design outcomes without necessarily directing the way in which those outcomes should be achieved. Mr Burns agrees with me on this. I have made a number of recommendations to amend the Structure Plan and provisions to reflect this approach. I address these in more detail below.

### 1.1.2.2 Addressing housing need for rental properties

13. Karen Wilton [S9.006] considers that care needs to be taken to ensure a mix of housing types are delivered within Aokautere. The submitter requests that the Council work with Kainga Ora to deliver a new-build development in this area. Scott Knowles [S64.006] supports the inclusion of well-planned rental accommodation and would like to see opportunities for people to live in Aokautere without having to become homeowners. He suggests build-to-rent models should be considered, such as that provided by Simplicity Living.
14. The Pasifika Reference Group [S47.001, S47.003] supports the potential for new homes, schooling and work opportunities for Pacific families within Aokautere. The Pasifika Reference Group and Epenesa Faaiuas [S70.001] would like the Council to recognise the difficulty that Pacific people experience in accessing housing in new growth areas and request that the Council create equitable opportunities for Pacific people to access housing in Aokautere. The submitters suggest this could be done by building Council owned properties tailored to the needs of Pacific families, providing assistance for Pacific families to apply for the properties (legal/financial advice/support, interpreters etc) or alternatively, identifying an area in the Structure Plan for a Pacific developer to develop housing which meets the needs of that community.
15. As identified in the Aokautere Masterplan<sup>9</sup>, the majority of land in the plan change area is privately owned by three major landowners. The only land currently in Council ownership is gazetted for reserve purposes, and for the water reservoir. As the Council has recently resolved to retain the Adderstone Reserve for reserve purposes, I am not aware of any land that might be available or suitable for development by the Council or Kainga-Ora. Any future delivery of such housing models would be dependent on the current landowners being willing to sell land.

<sup>8</sup> The draft Housing and Business Needs Assessment 2023 is due to go to Council in the latter part of the year, and will be available as part of Council's reply prior to the hearing commencing in December 2023.

<sup>9</sup> Section 1.4.

16. I agree that a range of housing models are required to meet housing need and consider that the PCG provisions direct a range of housing typologies to be delivered, including rural residential, suburban low density and medium density housing. I do not consider it within the scope of a District Plan to 'require' Council or Kainga Ora to lead developments, or require rent-to-own models to be delivered. Equally, PCG does not preclude such developments occurring, and the requirement for a diversity of housing typologies will create multiple opportunities for a mix of pricing, ownership and renting outcomes. I have not recommended any changes to PCG.

### **1.1.2.3 Medium density housing**

#### **1.1.2.3.1 Submissions**

17. Three submitters<sup>10</sup> support higher density housing around the neighbourhood centre and multi-unit housing on the promontories, as it is a more efficient use of land. Ben Somerton [S83.002] considers multi-unit housing will be important to provide cheaper and more easily maintained options for small families or singles/couples. Karen Lyons [S69.002] considers that provision should be made for housing in a range of economic brackets, not just upper end homes. Linda Rowan [27.002] requests that low density housing is removed from PCG and replaced with higher density sections to better utilise subdivided land. Anna Berka [S95.001] thinks the provision of suburban standalone houses is at odds with Council's projections for increased demand in single and double occupant housing in Palmerston North.
18. Rangitāne o Manawatū [S77.003, S77.013] identify that development to date in Aokautere has typically delivered larger sections and houses at premium prices, which has excluded parts of the community, particularly the Māori community, due to lack of affordability. Developers have not provided smaller homes, in particular, one or two-bedroom homes suitable for young or small families, singles or the elderly. Rangitāne support the principles of connected communities, a range of lot sizes, housing choices and mixed density which is directed and required by PCG through Section 7A Policy 5.3. Rangitāne also seeks the retention of higher density housing around the village and recreational areas which is supported by street connectivity, open space connectivity and the recreation network.
19. Other submitters oppose the provision of medium density housing on the promontories and consider that it is best suited to areas in closer proximity to the city centre, which are well served by public transport, rather than the "fringes of town" adjoining lifestyle properties in Moonshine Valley<sup>11</sup>. Russell Poole [S68.003] supports multi-unit housing but submits that a better location would be beside Pacific Drive, rather than at the furthest reaches of the suburb on the promontories which are remote from the arterial route. The submitter notes that multi-unit housing residents are likely to be those most receptive to using local shops and public transport if it were available, and that the promontory locations do not readily support this type of access to amenities. The submitter considers the local street layout on the promontories will be difficult for buses to negotiate. He suggests the Pacific Drive portion of Adderstone Reserve would be a good location and/or alternatively, some of the vacant land on the east side of Pacific Drive, which is owned by IPU International Tertiary Institute.

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<sup>10</sup> Linda Rowan S27.002, Dennis Thomas S22.006, Ben Somerton S83.002.

<sup>11</sup> Gill Welch S49.002, Steve Welch S65.002, Brett Guthrie S41.002.

20. Steve Welch [S65.002] is concerned that a 'ghetto' effect will arise from the segregation of the promontory blocks from the predominant single storey dwellings and that this will drive up prices on other land, in order to pay for this "affordable housing".
21. Brett Guthrie [S41.004]<sup>12</sup> considers there is no local precedent for this level of intensification in any of the other outlying areas proposed for greenfield development<sup>13</sup>. The submitter is of the view that this approach conflicts with the aim of limiting the effects of climate change by reducing travel (Eco-City Strategy 2021-31) and is counter to the intention of the NPS-UD. He seeks that PCG is amended to exclude medium density multi-storey housing from the promontories. In support, Rosemary and Anthony Gear [FS15.001, FS15.003] identify that multi-unit and multi-storey housing on the promontories does not fit with the Council's proposed criteria for determining appropriate areas for medium density housing. They note that the promontories are not:
- a) within 800m of the city centre – the proposed dwellings are about 3.5km from the city centre;
  - b) within easy walking distance of any future community centre, due to topography and distance;
  - c) within 800m of any existing or planned public schools;
  - d) readily accessible by public transport - there is insufficient room for bus access and turning, and economic viability of public transport is questionable.
22. CTS Investments Ltd, Woodgate Ltd and Terra Civil Ltd. [S58.008] are opposed to the extent of medium density and multi-unit residential housing that is being directed by PCG. The submitters say that the plan change is imposing a specific design solution without any evidence of the market demand for different housing types in this location compared to other City locations, or economic feasibility. The submitters consider that the quantum of medium density needs to match a careful assessment of market demand (which they say should have been undertaken at the outset). The submitters are of the view that the promontory clusters also need to be tested for feasibility given the road access development costs to these sites. For these reasons, the submitters object to the proposed amendments to Section 10 including Objective 15<sup>14</sup>, Policy 15.1<sup>15</sup>, and to operative Rule R10.6.3.3, which provides for multi-unit residential housing in the multi-unit housing areas [S58.036].

### **1.1.2.3.2 Analysis**

23. Together with other experts in the reporting team, I have considered the above submissions as they relate to:
- a) The quantum of medium density housing required by PCG;

<sup>12</sup> This submission is supported by his own further submission [FS17.003] and by Rosemary and Anthony Gear FS15.003.

<sup>13</sup> Brett Guthrie has also made a further submission FS17.001 in support of his own submission. Rosemary and Anthony Gear FS15.001 have made a further submission in support of Brett Guthrie's original submission.

<sup>14</sup> S58.030, see also Heritage Estates S51.072.

<sup>15</sup> S58.031, see also Heritage Estates S51.073.

- b) The village medium density area; and
- c) The medium density clusters on the promontories.

#### The quantum of medium density housing

24. Structure Plan 7A.4B proposes medium density housing around the local neighbourhood centre in an area identified as the Medium Density Village on Map 7A.4B. The Structure Plan also identifies five promontories (D1-D5 on Structure Plan 7A.4) where clusters of medium density housing is proposed in these high amenity areas (Medium Density Clusters on Map 7A.4B).
25. The NPS-UD directs planning decisions to:
  - *'provide for well-functioning urban environments that enable people and communities to provide for their social, economic and cultural wellbeing (Objective 1) and;*
  - *'improve housing affordability by supporting competitive land and development markets' (Objective 2).*
26. One of the components of a well-functioning urban environment is *'a variety of homes that meet differing households needs in terms of type, price and location'*.<sup>16</sup> The NPS-UD directs Councils to plan to provide for development capacity for a range of housing types, including at different price points, and this includes medium density housing where there is good accessibility to services, employment and amenities, or good access to high amenity environments. High amenity environments are those that are expected to generate greater demand for housing, relative to other areas within the urban environment.<sup>17</sup> The NPS-UD also directs that greater heights and higher density are to be enabled where there is a level of accessibility to existing or planned active or public transport and to a range of commercial activities and community services; or where there is high demand for housing and business use in that location.<sup>18</sup>
27. The plan change provides for medium density housing in both these types of locations – close to the amenities of a future local business zone (the neighbourhood centre), and close to the high amenity environments that result from elevated positions on the promontories, with the benefit of immediate access to the gully areas for amenity and recreation purposes.
28. Palmerston North is experiencing a high demand for housing. As identified in the evidence of the Council's Chief Planner David Murphy, the Council's adopted 2021 housing bottom lines identify a housing need of 3,523 houses in the short to medium term (2021-2031) and 7,925 in the long term (2031-2051)<sup>19</sup>. Work to update the Housing and Business Needs Assessment in 2023 has identified that there is a significant shortfall in development capacity in the short

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<sup>16</sup> Policy 1.

<sup>17</sup> Objective 3, NPS-UD<sup>17</sup> S58.030, see also Heritage Estates S51.072.

<sup>17</sup> S58.031, see also Heritage Estates S51.073.

<sup>17</sup> Policy 1.

<sup>17</sup> Objective 3, NPS-UD.

<sup>18</sup> Policy 5, NPS-UD.

<sup>19</sup> These targets are similar to those identified within the Horizons Regional Policy Statement where (Objective 3-3 Table 1) identifies the need to provide for housing bottom lines of 5,045 houses in the short to medium term (2021-2031) and 7,925 in the long term (2031-2051).

term.<sup>20</sup> One of the Council's actions to address this will be to notify a plan change to deliver further capacity through infill and multi-unit housing (i.e. a medium density housing zone).

29. I understand that data collated for the purposes of preparing the draft 2023 Housing and Business Needs Assessment shows:

- a) The majority of new builds<sup>21</sup> in the City, including in greenfield locations, are three- or four-bedroom homes (77%), as is the majority of the City's existing housing stock (68.8%);
- b) Household projections indicate one person and two person households in Palmerston North will make up 63% (23% and 40% respectively) of total households, with little to no change to these projections over the next 30 years;
- c) 80% of those in need on the social housing register for Palmerston North request a one- or two-bedroom home, compared with only 4% requesting a four-bed or larger home<sup>22</sup>;
- d) Council's population projections show that the average household size in the city is 2.6 people. This was expected to decline to 2.1 by 2051, but the latest projections indicate this will stay at 2.6 by 2053<sup>23</sup>. Contributing factors include increasing immigration, which has seen an increase in larger/multi-generational families residing in the city, as well as overcrowding due to the housing shortage;
- e) While it is more affordable to own a home in Palmerston North relative to the rest of New Zealand, housing unaffordability in Palmerston North is expected to continue due to inflation, rising interest rates and rent prices<sup>24</sup>.
- f) Small scale multi-unit developments are uncommon in the City, and this type of development tends to be delivered by retirement and social/community housing providers, in particular Kainga Ora<sup>25</sup>; and
- g) The proportion of multi-unit housing developments (which are typically medium to high density) as a percentage of overall new builds has fluctuated considerably in recent years, from 39% in 2020, to just 8% in 2021 and 22% in 2022<sup>26</sup>.

30. This data points to a continued need for smaller dwellings for those households who do not require, or cannot afford, to buy or rent detached 3-4 bedroom dwellings. This need is not

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<sup>20</sup> The assessment concluded 982 homes are needed over the short term and there are currently 175 lots readily available for development (as at May 2023).

<sup>21</sup> Based on building consent data from 2021 and 2022.

<sup>22</sup> Draft Housing and Business Needs Assessment, May 2023.

<sup>23</sup> The Draft Housing and Business Needs Assessment explains that the Statistics NZ high population projection has been employed as a starting point for the 2024-2034 LTP, with the Infometrics medium growth scenario (annual percentage growth) applied over the 30-year planning period.

<sup>24</sup> Draft Housing and Business Needs Assessment, May 2023.

<sup>25</sup> Draft Housing and Business Needs Assessment, May 2023.

<sup>26</sup> See section 1.6.3.



currently being met by the supply of new residential builds. There has been little market-led innovation in the types of new houses being built to meet changing demographics and needs<sup>27</sup>.

31. The plan change provides a significant opportunity to increase capacity to meet housing needs for one and two bedroom homes in the medium-long term and to provide greater choice of housing typology. As identified by several of the submitters, medium density housing provides for more housing to be delivered and is an efficient use of land (in appropriate locations). As directed by the NPS-UD, and as illustrated by the recent housing data, the Council needs to ensure a variety of dwelling types are brought forward to meet the needs of different households who have differing financial capacity and housing preferences.
32. In response to the submission of CTS Investments Ltd, Woodgate Ltd and Terra Civil Ltd. [S58.008], I consider that the quantum of medium density housing proposed to be provided through PCG will contribute to meeting the overall housing needs of the City. In addition, provision of medium density housing will ensure that a mixture of typologies is provided, in a manner which is reflective of identified need and consistent with the direction of the NPS-UD. I do not consider it necessary to recommend any changes in response to the submissions. I address the point about development feasibility below.

#### Medium Density Village

33. CTS Investments Ltd, Woodgate Ltd and Terra Civil Ltd. [S58.008] argue that there will be no market demand for medium density housing in Aokautere and medium density housing in this location will not be feasible.
34. The NPS-UD requires that development capacity must be “feasible and reasonably expected to be realised”<sup>28</sup> and that local authorities must support “choice and competitiveness” in housing land markets.<sup>29</sup> Development capacity must be provided for both standalone and attached dwellings.<sup>30</sup> Any Housing and Business Needs Assessment must include analysis of how a local authorities’ planning decisions and provision of infrastructure affects affordability and competitiveness of the local housing market<sup>31</sup> and test the feasibility of development capacity using a feasibility model.<sup>32</sup>
35. PCG provides development capacity for both standalone and attached dwellings (i.e. medium density) in order to support housing choice and competitiveness. The Council has commissioned feasibility testing of several medium density typologies that could be delivered in the Aokautere medium density village under the notified PCG provisions. The outcomes of this testing are explained in the s42A report of Ms Allen and Mr Nicholl. This testing demonstrates that while current market conditions in 2023 do not support financially feasible

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<sup>27</sup> City Growth Plan 2021, Pg 4.

<sup>28</sup> Clause 3.2, NPS-UD.

<sup>29</sup> Clause 3.22, NPS-UD.

<sup>30</sup> Clause 3.2, NPS-UD.

<sup>31</sup> Clause 3.23, NPS-UD.

<sup>32</sup> Clause 3.26, NPS-UD.



residential development opportunities in Aokautere (medium or low density)<sup>33</sup> the financial viability of medium density development typologies (such as apartments and terraced housing) is likely to improve as the market recovers. This is especially the case in light of the expected high demand for new homes into the future. Given the instability of current market conditions, viability of three different development densities (16dph, 50 dph and 80 dph) at three points in time (2021, 2023 and 2033) was modelled to demonstrate past, present and future financial feasibility, as described in detail in Ms Allen and Mr Nicholl's s42A report. The modelling found that the higher medium density 80(dph) (and low density – 16dph) development would have been viable in 2021 and is expected to be viable in 2023, when costs/sales are projected out to 2033<sup>34</sup>. The choice of future year (2033) reflects the likely time period for delivery of this type of housing.

36. The evidence of Mr Cullen identifies that the Structure Plan will broaden the range of housing typologies that have been delivered to date in Aokautere. Mr Cullen's s42A report discusses 'supply side distortion' where there is a focus on supply trends to determine housing needs or market. Mr Cullen identifies the clear mismatch between the recent housing supply data (informing the draft 2023 Housing and Business Needs Assessment) and housing that matches need, demographics and lifestyle preferences that is evident in the data. Mr Cullen considers that Palmerston North is 'out of step with the rest of the country' with regard to housing diversity and that by making provision for higher density housing options, PCG better responds to the range of potential market demand reflected in the city's demographics.<sup>35</sup>
37. I understand from Mr Cullen's reporting on PCG that there is an integral relationship between a successful local neighbourhood centre (which relies on a certain consumer catchment size to succeed) and delivery of higher density housing. Mr Cullen's s42A report explains how the success of local centres is strongly linked to the percentage of medium to high density (specifically attached housing) within and in proximity to the centre. The neighbourhood centre is referred to as being "crucial inspiration for the [Structure Plan's] proposed higher density housing and diversity" within Mr Cullen's s42A report.<sup>36</sup> Mr Cullen does not accept that there is no market desire for diverse housing typologies around the proposed local centre, and considers there will be "large latent demand for diverse and attached/medium density housing in Palmerston North – especially housing within an easy walk of a centre". In addition, Mr Cullen notes that higher density housing is more energy efficient<sup>37</sup>
38. Based on Mr Cullen's advice and my review of submissions, I do not recommend any changes to the provisions in response to this submission.

#### Section 10: Objective 15 and implementing policies 15.1-15.12

39. Heritage Estates 2000 Ltd [S51.072] and CTS Investments Ltd, Woodgate Ltd & Terra Civil Ltd [S58.030] oppose proposed Objective 15. CTS Investments Ltd, Woodgate Ltd & Terra Civil

<sup>33</sup> The s42A Report explains that the current challenging market conditions are not unique to Aokautere and is primarily due to an increase in construction costs and declining residential market values across most areas in New Zealand since 2021.

<sup>34</sup> The development typology at 50dph was not found to be financially feasible at any of the three chosen development years as yield was insufficient to cover construction costs.

<sup>35</sup> Section 42A, Urban Economics, Michael Cullen, 15 September 2023, at para 1(b) and (e).

<sup>36</sup> Section 42A, Urban Economics, Michael Cullen, 15 September 2023, at para 26.

<sup>37</sup> s42A Report – Economics, pg 18.

Ltd [S58.031, S58.032] opposes Policy 15.1 and Policy 15.11 due to the directive nature of the plan change and its implementing provisions. Heritage Estates 2000 Ltd opposes all the proposed policies to implement this objective, that is Policy 15.1 – Policy 15.12, due to the prescriptive nature of these provisions<sup>38</sup>. I address the submission points in relation to the referenced objective and each policy below.

#### Objective 15

40. Proposed Objective 15 is:

*To ensure a high quality, integrated, and safe built form environment in the Aokautere Greenfield Residential Area that reflects the scale, form and density of use and development within the Aokautere Structure Plan and is compatible with the surrounding environment.*

41. The submitters do not provide alternative wording. I do not agree that this objective is overly prescriptive and consider that Objective 15 appropriately captures the Council's desired outcomes for the area, as stated in the s32 Report<sup>39</sup>, and shown spatially on the Structure Plan. I do not recommend any changes to this objective in response to the submissions.

#### Policy 15.1

42. Policy 15.1 states:

*15.1 Require diversity of built form and density within areas identified on the Aokautere Structure Plan in a manner which provides for:*

- *Detached houses with front setbacks and side yards in identified Suburban Low Density areas.*
- *Semi-detached two and three-storey townhouses and apartments in identified Medium Density areas.*
- *Short runs of fully attached two and three-storey townhouses at the promontories in identified Medium Density areas.*

43. With respect to Policy 15.1, I agree with the submitters that there is a level of prescriptiveness which may not be sufficiently flexible to promote and enable a range of housing typologies. While I consider it is useful to provide direction as to what types of housing would be appropriate in the different character areas, there should be some flexibility as to what is able to be delivered, given developer preferences, market demands and individual site characteristics. Therefore, I recommend that Policy 15.1 is modified so that it is more outcome focused. This will ensure the policy is able to be flexible and reflective of the different character areas. I discuss this issue in more detail later in this section. The revised wording would be as follows:

**Require Achieve a diversity of built form and density within areas identified on the**

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<sup>38</sup> S51.073, S51.074, S51.075, S51.076, S51.077, S51.078, S51.079, S51.081, S51.082, S51.083, S51.084, S51.085, S51.086

<sup>39</sup> See pg 1-2, and 10-11.

**Aokautere Structure Plan Area, including by in a manner providing for:**

- **Detached houses with front setbacks and side yards in identified Suburban Low Density areas.**
- **Attached or semi-detached two and three-storey townhouses and apartments in identified the Medium Density Village areas.**
- **Short runs of Fully attached two and three-storey townhouses at the promontories in identified Medium Density Cluster areas.**

**Policy 15.2**

44. Policy 15.2 reads:

*15.2 Avoid establishing non-residential activities that are of a nature and scale that would undermine the vibrancy and vitality of any neighbourhood centre in close proximity to the activity.*

45. The policy wording could be clearer; however, I understand it is directed at ensuring that any retirement village that might establish in close proximity to the neighbourhood centre does not have an adverse impact on the centre's viability. Such effects might arise through the provision of private amenities and services (hairdressers, café etc) within the retirement village. This would likely attract customers that would otherwise have used businesses in the neighbourhood centre. Based on Mr Cullen's centre assessment in support of PCG,<sup>40</sup> I understand that the residential population in Aokautere is unlikely to be of sufficient size to support two neighbourhood centres without a dilution of services and amenities. Therefore, protecting the function of the centre is critical to its success. I therefore recommend that the policy is retained.

**Policy 15.3**

46. Policy 15.3 reads:

*15.3 The size and scale of buildings and structures must be compatible with the locality including the proximity of amenities such as open space and any Local Business Zone.*

47. One of the guiding urban design principles for the Structure Plan was to ensure a high amenity residential environment which takes advantage of widespread access to open space and to local commercial facilities. In this regard, the Structure Plan directs that higher density housing should occupy advantageous locations, such as in close proximity to the neighbourhood centre and on the promontories<sup>41</sup>. There is also a strong connection with open space. I consider this policy direction is important to articulate these design outcomes. For these reasons, I recommend the policy is retained. It also assists in giving effect to the NPS-UD.

**Policy 15.4**

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<sup>40</sup> Appendix 12, Section 32 Report, July 2022.

<sup>41</sup> See the Masterplan Report, Plan principles - 03 Life in the Big Outdoors, pg 53 and 06 It takes a Village to Raise Density, pg 54.

48. Policy 15.4 reads:

*15.4 Ensure development contributes to high quality built form.*

49. This policy direction is already covered by operative District Plan Policies 2.1-2.3. In my view, the operative policies provide more assistance (than the proposed provision) to the plan user on how high-quality built form should be achieved and why it is important. I recommend proposed Policy 15.4 is deleted, with scope in the from Heritage Estates submission.

#### Policy 15.5

50. Policy 15.5 reads:

*15.5 Ensure residential sites adjacent to public spaces achieve visual and physical connectivity to these areas.*

51. This policy is partly addressed by operative Policy 9.2<sup>42</sup>, however that policy relates specifically to fencing, so has a narrower focus. The policy provides direction for the performance standards that require dwellings sharing a property boundary with public open space to contain windows from a main living area<sup>43</sup>, provides direction on fencing<sup>44</sup>, and assists with assessment of development proposals against *Rule R10.6.3.2 Buildings or Structures within a Greenfield Residential Area that do not comply with Performance Standards for Permitted or Controlled Activities* (restricted discretionary rule). For these reasons I recommend the policy is retained.

#### Policy 15.6

52. Policy 15.6 reads:

*15.6 Ensure engagement between public and private domains for dwellings fronting a street.*

53. This policy provides direction that is implemented by proposed performance standards requiring habitable rooms to face the street<sup>45</sup>, setbacks from front boundaries<sup>46</sup> and restricting the height of fences at street frontages<sup>47</sup>. While these matters are partly addressed by operative Policy 9.2, that policy is specifically about fencing<sup>48</sup>. Therefore, I consider this policy useful to signal the purpose of the performance standards and to assist in the assessment of any development proposals against *Rule R10.6.3.2 Buildings or Structures within a Greenfield Residential Area that do not comply with Performance Standards for Permitted or Controlled Activities*. I am of

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<sup>42</sup> Policy 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."

<sup>43</sup> R10.6.1.5 Dwellings, Minor Dwellings & Accessory Buildings in the Greenfield Residential Areas (f) On-site Amenity iii.

<sup>44</sup> R10.6.1.5 Dwellings, Minor Dwellings & Accessory Buildings in the Greenfield Residential Areas (g) Fencing.

<sup>45</sup> R10.6.1.5 Dwellings, Minor Dwellings & Accessory Buildings in the Greenfield Residential Areas See Performance Standard (f) On-site Amenity xi.

<sup>46</sup> R10.6.1.5 Dwellings, Minor Dwellings & Accessory Buildings in the Greenfield Residential Areas See Performance Standard (b) Separation distances and R10.6.3. – setback requirements in the Aokautere Greenfield Area

<sup>47</sup> R10.6.1.5 Dwellings, Minor Dwellings & Accessory Buildings in the Greenfield Residential Areas See Performance Standard (g) Fencing ii.

<sup>48</sup> Policy 9.2 reads: "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."

the view that this policy could be readily combined with Policy 5.5, however the submission does not provide scope for this change. I therefore recommend the policy is retained.

#### Policy 15.7

54. Policy 15.7 reads:

*15.7 Require active street frontages through design controls for new dwellings, garaging and fencing.*

55. This policy addresses matters covered in the proposed performance standards for fencing<sup>49</sup>, garages and dwelling setbacks<sup>50</sup>. In my view, this policy direction is already adequately addressed by operative Policy 2.1. I consider that the operative policy provides clearer direction on these matters. The proposed policy does not provide any specific direction for Aokautere. I recommend proposed Policy 15.7 is deleted.

#### Policy 15.8

56. Policy 15.8 reads:

*15.8 Ensure building platforms are located in a manner which responds to gullies, plateaus, and promontories.*

57. A guiding urban design objectives for the Structure Plan was that Aokautere's special landscape character is protected and enhanced and that development 'fits in' with the natural pattern of gullies and plateaus. The Masterplan Report<sup>51</sup> notes that Aokautere's plateaus provide ready-made building platforms and, if streets and lots are carefully configured, little re-grading is required to prepare development sites. When natural contours remain unaltered, there is less disruption to drainage and vegetation, which helps reinforce the distinctive identity of this area<sup>52</sup>. The policy seeks to articulate this. I recommend the policy is retained.

#### Policy 15.9

58. Policy 15.9 reads:

*15.9 Require a high-amenity interface between residential development and the existing natural edges of the gully network including through provision of a 5 metre no-build setback where lot boundaries adjoin gully edges.*

59. In the Stormwater section of this report, I have recommended that this policy (Policy 15.9) is revised to remove the reference to provision of a 5 metre no-build setback. The primary purpose of the setback is to enable a stormwater swale to be constructed, not to address amenity or other matters (for example geotechnical matters which are addressed separately). Other than this amendment, I consider the policy is appropriate. The policy reflects two of the guiding principles for the Structure Plan; to protect and enhance Aokautere's special landscape

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<sup>49</sup> R10.6.1.5 Dwellings, Minor Dwellings & Accessory Buildings in the Greenfield Residential Areas (g) Fencing.

<sup>50</sup> R10.6.1.5 Dwellings, Minor Dwellings & Accessory Buildings in the Greenfield Residential Areas (b) Separation Distances and R10.6.3.3 Height, recession and setback requirements in the Aokautere Greenfield Residential Area.

<sup>51</sup> Masterplan Report: Plan Principles – 01 Nature is the Mother of Invention, pg 52.

<sup>52</sup> Masterplan Report: Plan Principles – 01 Nature is the Mother of Invention, pg 52.

character<sup>53</sup> and to take advantage of opportunities for residents to have direct access to off-road pathways and areas of regenerating bush<sup>54</sup>. As noted in the PCG s32 Report, the purposes of the plan change are to rectify the lack of public connection to the gully reserves<sup>55</sup> and avoid adverse effects on the gully network<sup>56</sup>. While the policy could perhaps be better articulated, the submission does not give scope to do this. I recommend the policy is retained.

#### Policy 15.10

60. Policy 15.10 reads:

*15.10 Ensure that residential development in the Aokautere Residential Area does not proceed in the absence of stormwater infrastructure with the capacity to service the development in a manner which ensures there is no increase in effects on surrounding areas.*

61. This is an important policy that sets up a framework for the rules which require that residential development does not proceed without the necessary infrastructure in place to intercept, collect and convey stormwater in an effective and efficient manner. In the Stormwater section of this report, I have recommended amendments to this policy to provide greater clarity and certainty over what the policy is trying to achieve, including through use of the term “primary stormwater elements”. This term has a corresponding definition proposed to be included in the Definitions section of the District Plan. The amended policy reads:

**Ensure that residential development in the Aokautere Residential Area does not proceed until in the absence of the primary stormwater elements infrastructure which are necessary to with the capacity to service the development is in place to in a manner which ensures there is no increase in effects on surrounding areas or the gully network.**

62. Managing stormwater discharges from development across the Aokautere greenfield residential area requires an integrated and comprehensive response that is unlikely to be achieved through piecemeal, site-centric solutions. I therefore recommend this policy (as amended) is retained.

#### Policy 15.11

63. Policy 15.11 reads:

*15.11 Ensure residential development does not occur in advance of the availability of operational transport infrastructure necessary to service the development.*

64. This is (again) an important policy that sets up the framework for the proposed rules that require that residential development does not occur in the Structure Plan area until the necessary safety and efficiency upgrades to the transport network have been undertaken. This matter is discussed in detail in Topic 6: Transport of my report, and in the s42A report of Ms Fraser. A

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<sup>53</sup> Masterplan Report: Plan Principles - 01 Nature is the Mother of Invention, pg 52.

<sup>54</sup> Masterplan Report: Plan Principles – 03 Life in the Big Outdoors, pg 53

<sup>55</sup> See section 2.2 of the S32 Report, pg 10.

<sup>56</sup> Section 32 report, pg 41.

number of safety and efficiency issues have been identified within the existing network that will be exacerbated by more development through PCG. Proactively addressing these constraints before adverse effects on the health, safety and well-being of the community can actually occur is, in my view, consistent with sustainable management.

65. In Topic 6: Transport in my report I have recommended amending this policy so that it provides greater clarity and certainty as to what is required before development can occur. The amendments also ensure that the policy is consistent with amendments I have proposed to rules to provide some flexibility to proceed with preparatory works prior to completion of the transport network upgrades. The amended policy is:

**Ensure that new dwellings are not occupied before residential development does not occur in advance of the availability of operational transport infrastructure necessary to service the development, the transport network upgrades, including those outside of the Aokautere Structure Plan area as set out in Table 7A.1, that are necessary to provide for a safe and efficient transport network for the development, have been completed and are operational.**

I recommend this policy (as amended) is retained.

#### Policy 15.12

66. Policy 15.12 reads:

*15.12 Avoid adverse effects on the gully network.*

67. This policy ensures an avoidance approach is adopted where residential development may have adverse effects on the gully network in the Aokautere Structure Plan area. The S32 report explains that one of the purposes of the plan change is to remedy and prevent further environmental issues caused by current patterns of development in Aokautere, such as environmental degradation and/or damage, particularly to the gully network. This policy therefore sets out one of the key outcomes that the plan change seeks to achieve<sup>57</sup>. I recommend that the policy is retained.

#### Rule 7A.5.2.2 and Rule R10.6.3.3

68. The Operative District Plan provides for subdivision (thereby enabling subsequent development) of Greenfield Residential Areas as a restricted discretionary activity, under Rule R7A.5.2.2. Development of the land is then subject to rules in Section 10: for the Residential Zone. There is a degree of overlap and interaction between these two sections of the Plan. Within Section 10 there are specific rules for development of dwellings in Greenfield Residential Areas, which are distinct from the rules for more established residential areas (although many of the same performance standards apply). Section 10 includes a rule to provide for multi-unit housing (which is a defined term in the Plan) within certain areas of the city shown on 'overlay'

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<sup>57</sup> Section 32 Report, pg 10 and pg 41.



maps in Section 10, as restricted discretionary activity. These developments are a full discretionary activity outside of these 'intensification' areas shown on Maps 10.6.3.3(a)-(i).

69. PCG uses the existing District Plan structure to provide for the various housing typologies within the Structure Plan, with medium and high density housing to be delivered via the multi-unit housing rule. This is established via the notified amendments to the provisions, as described below.
70. Subdivision Rule 7A.5.2.1 establishes that any subdivision in a Greenfield Residential Area is a restricted discretionary activity (where it is not a controlled activity, but that activity status is reserved for subdivision for network utilities).
71. Rule 7A.5.2.2 sets out the performance standards for restricted discretionary Greenfield Residential subdivisions. Amended Performance Standard 7A.5.2.2(d) (as notified) states:

*(d) Lot size*

*(i) 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>, **except in the Aokautere Greenfield Residential Area where (iii) applies to residential development in the areas identified on the Aokautere Structure Plan or in the case of multi-unit development in Area I as shown on Map 10.6.3.3(i) where R10.6.3.3 applies.***

***(iii) In the Aokautere Greenfield Residential Area, no single lot shall be:***

***• Less than 400m<sup>2</sup> of contiguous developable land within the Suburban Density Areas shown on the Aokautere Structure Plan, with the average area of lots available for residential purposes being at least 600m<sup>2</sup>. In calculating the average lot area, no lots over 1000m<sup>2</sup> shall be included.***

***• Less than 150m<sup>2</sup> within the Medium Density Areas shown on the Aokautere Structure Plan, with the average minimum number of dwellings being 25 per hectare.***

*(iv) No single lot shall exceed 1000m<sup>2</sup> (excluding balance lots).*

*(v) In calculating the lot sizes in (i) to (iii) above, no balance lot, public open space lot, or road parcel shall be included; and the lot sizes shall be exclusive of the acoustic setbacks required by the provisions of R10.6.1.5(e)(i) and (ii).*

72. In the Aokautere Greenfield Residential Area Medium Density Village, both Rule 7A.5.2.2(d)(ii) and (iii) apply as follows;



- Clause (ii) applies to multi-unit housing development in Area I on Map 10.6.3.3(i). (Map 10.6.3.3(i) includes the Medium Density Village area and the Medium Density Cluster areas on the promontories); and
- Clause (ii) applies to housing development, that is not multi-unit housing, in the Medium Density Village area.

73. Multi-unit residential development is defined within the operative District Plan as:

*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.*

74. By its definition, multi-unit housing excludes standalone dwellings and duplex (semi-detached) housing.

75. If a developer seeks to provide multi-unit housing in the Aokautere Medium Density Village (or on the promontories), R7A.5.2.2(d)(ii) directs the plan user to Rule 10.6.3.3. As stated above, Rule 10.6.3.3 is an operative restricted discretionary activity rule for multi-unit housing. The rule is subject to a number of performance standards, including a notional site area of 150m<sup>2</sup> and minimum unit sizes.

76. If a developer intends to develop detached or semi-detached housing in the Medium Density Village area, then:

- An application for subdivision requires a 150m<sup>2</sup> minimum lot area, with an average minimum number of dwellings of 25 per hectare (under R7A.5.2.2.(d)(iii) as a restricted discretionary activity); and
- for the development itself, the proposal is directed to R10.6.3.3 by Rule 10.6.1.5, with Rule 10.6.3.3 stating:

*Any dwelling, Minor 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)(j). **The exception are dwellings, minor dwellings and accessory buildings in medium density areas identified on the Aokautere Structure Plan, which must comply with the performance standard in R10.6.3.3 for multi-residential development.***

77. In my opinion, the existing architecture of the Plan is not readily adaptable to the medium density housing typologies envisaged by the Structure Plan. The various cross references across the two different chapters are not straight forward to follow, and the existing definition of “multi-unit housing” is problematic where a developer intends to develop semi-detached housing. In light of the submissions received,<sup>58</sup> I recommend a number of amendments to R7A.5.2.2(d), to improve the structure of the rule and provide greater clarity and flexibility for plan users around medium density requirements. This includes:

<sup>58</sup> Including Council's submission [S50.025]

- a) restructuring of the provision so that minimum and average lot size standards are grouped more logically;
  - b) providing an exclusion to the specified maximum lot size for the Medium Density areas identified on the Structure Plan, to enable larger lots for multi-unit development; and
  - c) providing flexibility to develop either standalone detached housing typical of the suburban low density areas, or multi-unit housing on the promontory clusters.
78. These changes do not prevent the need to work across multiple sections of the plan nor do they remove all of the complexity with the multi-unit housing provisions. Those issues reflect the architecture of the operative District Plan framework and will not be fully resolved until Council's upcoming plan change to implement a medium density zone<sup>59</sup>. In my view, this 'intensification' plan change represents the most efficient way to achieve simplification of a higher (medium) density approach.
79. The changes I recommend read as follows:

Rule 7A.5.2.2

(d) Lot Size **and Density**

- (i) Unless 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) In the Aokautere Greenfield Residential Area the average lot size of lots available for residential purposes must be at least 600m<sup>2</sup> and any lots over 1000m<sup>2</sup> shall be assumed to have an area of 600m<sup>2</sup> for the purposes of calculating the average lot area.**
- (iii) No single lot shall be less than 350m<sup>2</sup>, **except in the Aokautere Greenfield Residential Area where (iv) (iii) applies to residential development in the areas identified on the Aokautere Structure Plan or in the case of multi-unit development in Area I-H as shown on Map 10.6.3.3(i)(h) where R10.6.3.3 applies.**
- (iv) In the Aokautere Greenfield Residential Area, no single lot shall be:**
  - a) Less than 400m<sup>2</sup> of contiguous developable land within the Suburban Low Density Areas shown on the Aokautere Structure Plan (Map 7A.4B), with the average area of lots available for residential purposes being at least 600m<sup>2</sup>. In calculating the average lot area, no lots over 1000m<sup>2</sup> shall be included.**

<sup>59</sup> As explained in the Section on Urban Design and Intensification, Council is progressing a plan change to introduce a Medium Density Zone to the District Plan which will provide for medium density housing within certain areas close to employment opportunities and community facilities and amenities.

**b) Less than 150m<sup>2</sup> within the Medium Density Village Areas shown on the Aokautere Structure Plan (Map 7A.4B) with the average minimum number of dwellings being 25 per hectare.**

- (iv) No single lot shall exceed 1000m<sup>2</sup> (excluding balance lots), **except in the Medium Density Village Area shown on the Aokautere Structure Plan (Map 7A.4B), where no maximum lot size applies.**

**(viii) Within the Medium Density Village Area shown on the Aokautere Structure Plan (Map 7A.4B), the average minimum number of dwellings shall be 25 per hectare net.**

#### Rule 10.6.3.3

80. I am concerned that it may be confusing to have a rule for 'multi-unit housing' which may in some cases apply to development that does not meet the definition of 'multi-unit housing' (for example, duplex housing). I have therefore recommended the following amendments to Rule 10.6.3.3, to improve plan interpretation:

R10.6.3.3 Multi-unit residential development in the multi-unit housing areas identified on Maps 10.6.3.3(a) **(g)(h)(i) and dwellings, minor dwellings and accessory buildings in Medium Density Areas identified on the Aokautere Structure Plan are is a** Restricted Discretionary Activities **sy** with regard to:

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81. Submissions are concerned with the Structure Plan's prescription around the types and densities of housing within particular locations. As notified, I agree there is a high level of prescription in PCG as to the type of housing and where it is to be delivered. I appreciate a need for a level of prescription, as I understand, based on the evidence of Mr Cullen, that the success of the local centre is reliant on its proximity to high density (and particularly attached high density) housing (and vice versa). In that case however, I consider that the provisions, as notified, do not readily enable higher density housing to be delivered. Greater flexibility is needed to enable medium or high-density housing typologies within the Medium Density Village area to readily comply with the performance standards for multi-unit developments.
82. For example, the notified provisions require a minimum notional site area of 150m<sup>2</sup> and a minimum unit size of 45m<sup>2</sup> or 60m<sup>2</sup> (it is not clear which one of these applies). Having conferred on this matter with the Council's urban design expert, Mr Burns, I recommend that the performance standards for notional site area and minimum unit size in Rule R10.6.3.3 do not apply in the Aokautere Medium Density Village (or to the promontories). Mr Burns has advised that these standards would not provide appropriate flexibility to enable walk up apartments or multi-storey town houses to be developed and he recommends these standards not apply.
83. I agree that it is appropriate to provide sufficient flexibility to enable a variety of typologies to be readily brought forward. Removing the notional site area and unit size standard for Aokautere will enable studios and smaller apartments to be developed, and apartment buildings or town houses of more than one storey (up to 3 storeys) as a restricted discretionary activity under

R10.6.3.3, rather than these dwelling typologies being a full discretionary activity under Rule R10.6.4.3 (as they would be under the notified provisions).

84. I also recommend removal of the requirement for a 3m rear yard setback. I rely on Mr Burns advice, who explains the rationale for this change in his s42A report.<sup>60</sup> This setback initially was to provide for planting to contribute to visual amenity and privacy, however, it has become apparent that it is difficult to achieve on complex shaped sites or rear lots, and (in any event) is often achieved in practice as a result of applying other standards such as outdoor living space, site coverage and height recession planes (i.e. without having to specify a setback). Removing the 3m rear yard setback standard will mean a 1m set back applies to any boundary (other than with a public road). Some minor numbering and structural changes are also required to reflect the now operative standards for the Matangi Greenfield Residential Area.
85. Those changes would read as follows:

#### **Performance Standards**

- i. Notional Site Area for Each Unit
  - a) No minimum notional site area applies if the development site is located within Areas A or C;
  - b) A minimum notional site area of 150m<sup>2</sup> applies if the development site is located within Areas B, D, or G, ~~or H.~~
- ii. Minimum Unit Size
  - a) Each unit must have a gross floor area greater than 45m<sup>2</sup>, if the site is located within Areas A or C, ~~or H.~~
  - b) Each unit must have a gross floor area greater than 60m<sup>2</sup>, if the site is located within Areas B or D or G, ~~or H.~~

#### **(c) Any dwelling (including with garages) within Area I H must be at least:**

- **1.5m from the road boundary where the lot has frontage with any public road;**
- **1m from any other side yard boundary; and**
- **3m from any rear yard boundary.**

86. I consider that the required minimum lot area and density requirement specified in Rule 7A.5.2.2(d), in combination with the performance standards in R10.6.3.3 (subject to the amendments I propose above), will enable the development outcomes sought by the NPS-UD. They also assist with implementing Policies 5.1 and 5.3 in Chapter 7A, and Residential Zone Policy 15.1. The revised plan provisions would allow flexibility for developers to construct either

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<sup>60</sup> At pg 32.

semi-detached or some form of attached (i.e. multi-unit) housing within the village area, subject to obtaining consent as a restricted discretionary activity.

87. Small standalone dwellings could also potentially be developed in these areas, although this would be more difficult and likely costly given the density per hectare specification, in combination with the residential zone performance standards. I understand, based on conversations with Mr Burns, that small standalone dwellings would not be an optimum outcome in this area.

#### Medium Density Promontories

88. PCG also directs that multi-unit housing should be delivered on the promontories, via Rule 10.6.3.3. The intention was for development to take advantage of the high amenity environments. Considering submitters concerns about the potential for visual intrusion of these larger scale and higher buildings on neighbouring properties in Moonshine Valley, and advice on this matter from the Council's landscape expert (Mr Hudson), I have concluded that it would be appropriate to provide for flexibility in the housing typologies enabled on the promontories.
89. I recommend the provisions are amended to enable multi-unit housing to be delivered in these locations, rather than 'directing' it as an outcome under the Structure Plan. Such development would be subject to additional assessment of visual effects, a matter which I address in more detail in Topic 11: Visual amenity and landscape in my report. As an alternative, suburban low density housing would be provided for at these promontory locations, provided they meet the design outcomes set out in the policies. This approach would be consistent with the enabling approach that has been adopted in the District Plan to multi-unit housing in other high amenity environments in the City. I understand, based on the advice of Council's urban design expert (Mr Burns), that most of the intended urban design outcomes for these high amenity locations (including retention of public amenity), could be met by either multi-unit or detached housing. I have subsequently recommended changes to both the policy framework and the relevant provisions to enable either of these housing types to be developed on the promontories. I note that if these areas are developed as suburban low density housing, there would be a commensurate reduction in overall yield (a reduction of approximately 40 dwellings).
90. The changes I recommend include rewording Policy 15.1 in Section 10 so that certain housing typologies are enabled, rather than required, along with changes to the performance standards in R7A.5.2.2 to enable either low density or multi-unit housing (as shown above).
91. As set out earlier, Policy 15.1 would read as follows:

**15.1 ~~Require~~ Achieve a diversity of built form and density within areas identified on the Aokautere Structure Plan Area, including by in a manner providinges for:**

- **Detached houses with front setbacks and side yards in ~~identified~~ Suburban Low Density areas.**
- **Attached or ~~s~~Semi-detached two and three-storey townhouses and apartments in ~~identified~~ the Medium Density Village areas.**

- ~~Short runs of fully attached two and three-storey townhouses at the promontories in identified Medium Density Cluster areas.~~

92. The following amendment to R10.6.1.5 is required. Rule 10.6.1.5 enables dwellings, minor dwellings and accessory buildings in the Greenfield Residential Areas as a permitted activity, subject to a number of performance standards. I recommend that it is reworded as follows:

R10.6.1.5 Dwellings, **Minor Dwellings** & Accessory Buildings in the Greenfield Residential Areas

Any dwelling, **Minor 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)(j), **except that:**

- a) ~~The exception are~~ **Dwellings, minor dwellings and accessory buildings in the Medium Density Village Areas identified on the Aokautere Structure Plan (Map 7A.4B) which must comply with the performance standards in R10.6.3.3 for multi-unit residential development; and**
- b) **Dwellings, minor dwellings and accessory buildings in the Medium Density Clusters identified on the Aokautere Structure Plan (Map 7A.4B) must comply with either the performance standards in R10.6.3.3 for multi-residential development, or with the Performance Standards detailed in Clauses (a) – (j).**

93. A consequential amendment is also required to update Map 7A.4B Lot Pattern and Density, to show how the promontories (which are described as Medium Density Cluster Areas) could be developed as either suburban low density or multi-unit housing. A revised Structure Plan has been prepared to reflect this change and is attached to my report.

94. I do not anticipate that multi-unit housing on the promontories will become part of the future Medium Density zone (for which a plan change is expected to be notified early in 2024). This higher density is prompted by proximity to a high amenity environment, rather than to employment and community facilities. However, the medium density area around the proposed village centre (the Medium Density Village Area) will benefit from these amenities. I understand consideration is being given to including the village area (for consistency purposes) in a new Medium Density Zone at a future date. I do not consider this upcoming plan change (Plan Change 'I') to be an impediment to rezoning the land to residential purposes now, through PCG.

#### 1.1.2.4 Minimum and average lot sizes

95. Heritage Estates 2000 Ltd [S51.062] opposes the amendments to R7A.5.2.2 (which sets out the performance standards for subdivision in a Greenfield Residential Area) with respect to specifying the minimum and average lot size at (d) in the Aokautere Greenfield Residential Area.

96. R7A.5.2.2(d) (ii) requires that in the Aokautere Greenfield Residential Area no lots shall be less than 400m<sup>2</sup> in the suburban density areas (bullet point 1), and no lot shall be less than 150m<sup>2</sup> in the Medium Density areas (bullet point 2).

97. As outlined in the s32 Report<sup>61</sup> providing a minimum lot size for conventional and medium density areas will ensure specific outcomes in terms of delivery of dwelling sizes and housing typographies. There will be economic and social benefits from ensuring delivery of the projected housing yield that would be achieved by development that meets the stipulated lot size and density. Delivery of smaller homes will also assist in addressing the recent mismatch between housing supply and needs in the City over the medium term.
98. The submitter has not provided any indication of how they would like the standard to be modified, or reasons for not supporting the proposed amendments. For these reasons I have not recommended any changes (other than the structural changes I refer to above).

### 1.1.2.5 Retirement Village

99. PCG provides an option for an area of the Medium Density Village to be developed for a retirement village (Map 7A.4). This option has been included as a consequence of discussions with the landowner and a retirement village developer with an interest in this area.
100. Operative Rule R10.7.4 provides for a number of 'non-residential' activities in the Residential Zone as discretionary activities, including retirement villages and residential centres. PCG proposes amendments to Rule R10.7.4, and inclusion of a new Rule R10.7.5.3 that makes any new retirement village in the Aokautere Greenfield Residential Area which is not located and developed in accordance with the Aokautere Structure Plan, a non-complying activity.
101. A number of submitters<sup>62</sup> support provision for a retirement village in the plan change area in principle. The support for a retirement village is noted.
102. The retirement village option provides for the projected housing needs of an ageing population<sup>63</sup> in Palmerston North and for this reason, I recommend that this option is retained.
103. Scott Knowles [S64.003] considers that there is a risk that a retirement village development could be an 'uninspiring focus' of the central area, with 'repetitive design elements' and 'homogenous construction' and could give the 'unwelcoming feel of a privileged enclave or prison'. I understand that the Council's urban design experts had similar concerns during development of the Structure Plan. For this reason, a number of specific urban design assessment criteria were inserted that apply to any retirement village in Aokautere, under Rule R10.7.4. I address those assessment criteria in more detail below.
104. CTS Investments Ltd, Woodgate Ltd and Terra Civil Ltd [S58.038] and Heritage Estates 2000 Ltd [S51.109, S51.106 and S51.107] oppose the non-complying activity status for a retirement village development that is not located and developed in accordance with the Structure Plan. The submitter considers there may be good reasons to relocate the position of this activity

<sup>61</sup> S32 Report Pg 68.

<sup>62</sup> Prabandha Samal S107.006, Dennis Thomas S22.005, Karen Wilton S9.003, Scott Knowles S64.003 and CTS Investments Ltd, Woodgate Ltd and Terra Civil Ltd S58.007

<sup>63</sup> As illustrated by the population projections in the Draft Housing and Business Needs Assessment 2023. Those population projections are based on a model that applies the Statistics NZ high population projection as a starting point for the 2024-2034 period, with the Infometrics medium growth scenario (annual percentage growth) applied over a 30-year planning period.



relative to the Structure Plan, and that non-complying activity status should not be triggered in this manner, particularly where the effects of the activity can be mitigated in any location.

105. In his evidence, Mr Burns identifies the need for the layout of the retirement village to integrate with the proposed neighbourhood centre, and the surrounding neighbourhood, to ensure that the vibrancy and vitality of the neighbourhood centre is not undermined. Mr Burns identified a need to ensure that buildings within the retirement village did not turn their back on the local centre and that an appropriate level of connectivity and permeability within the roading and block structure would still be achieved<sup>64</sup>. The importance of the location and layout of such development is recognised in PCG by the use of a non-complying activity rule for development not in accordance with the Structure Plan (R10.7.5.3).
106. While I consider that it is important that the retirement village integrates with neighbouring areas, I am not convinced that the intensity, character or scale of effects of a retirement village in this location would be significantly greater than those in any other neighbourhood in the city. I have therefore considered whether a non-complying activity status is necessary (compared with the discretionary activity status that applies elsewhere in the city). In terms of location, my understanding is that a retirement village proposal typically requires a considerable area of land (between 7 and 9 hectares), and, given the existing development constraints (topography, land ownership, existing development), potential locations for a retirement village within the plan change area are limited. The layout of the retirement village still remains important, however, particularly the need for connectivity and a positive relationship with the local centre. I consider matters of location and layout can be appropriately addressed via assessment against the proposed Objective 15 and supporting policies 15.1-15.7, as a discretionary activity under Rule R10.7.4, without triggering a non-complying activity status if a retirement village proposal was not located and developed in strict accordance with the Aokautere Structure Plan.
107. I recommend that Rules R10.7.4 is amended and Rule R10.7.5.3 is deleted. This has the effect of making a retirement village in the PCG area a discretionary activity. Proposed wording is set out below.

#### Rule R10.7.4

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 **unless R10.7.5.2 applies, or in the case of Retirement Villages in the Greenfield Residential Area, R10.7.5.3 applies.**

**[Note: The following activities are also subject to R10.7.5.2 Non-Complying Activities:]**

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#### Assessment criteria for R10.7.4

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<sup>64</sup> Section 42A Report – Urban Design, pg 58-59



108. PCG proposes to insert a number of Assessment Criteria in Rule R10.7.4 (at k) for Retirement Villages and Residential Centres. The assessment criteria address the level of compliance with any relevant structure plan and/or precinct plan - including proposed location, roading and street layout, consistency with the specified design principles for that greenfield area, positive streetscape outcomes, availability of operational transport infrastructure necessary to service the activity, and in the case of the Aokautere Greenfield Residential Area, the transport network requirements in R7A.5.2.2.
109. Submissions have been received<sup>65</sup> seeking that the design related assessment criteria be deleted. Alternatively, if the provision is retained in any form, Flyers Investment Group Ltd [S103.001] and Avida Group Ltd [S104.001] and Heritage Estates [S51.107] request that the rule is amended so that its application is confined to the Aokautere Greenfield Residential Area. The submitters are concerned that the provisions may apply more broadly to other Greenfield Residential Areas. The Council by way of a further submission [FS14.001]<sup>66</sup> has confirmed that the proposed assessment criteria (k) under Rule 10.7.4.6 were only intended to apply to the Aokautere Greenfield Residential Area and any extension in scope was unintentional.
110. I agree that the provision appears to extend the scope of the rule beyond the Aokautere Greenfield Residential Area. As the plan change is only intended to apply to the Aokautere Greenfield Residential area, I have recommended amendments to the wording to ensure this is clear.
111. The submissions received on the assessment criteria included Rule R10.7.4 (at k) raised the following matters;
- that the proposed assessment criteria duplicate, in part, aspects of the operative assessment criteria (a)-(i)<sup>67</sup>
  - some of the design criteria would be inappropriate for the environments that retirement villages seek to create and dictate prescribed solutions with the language used (“as shown on the relevant structure plan”) that is inconsistent with other amendments in PCG, which refer to “general” accordance with the relevant structure plan” (e.g. Rule R7A.5.2.1)<sup>68</sup>.
  - a decision-making framework should enable the consideration of appropriate deviations and/or alternatives to the Structure Plan, where it is consistent with and/or achieves the relevant design principles<sup>69</sup>.
  - that the assessment criteria under Rule 10.7.4.6 (k) should apply to the Aokautere Greenfield Residential Area only where development is informed by a Masterplan.

<sup>65</sup> CTS Investments Ltd, Woodgate Ltd and Terra Civil Ltd [S58.037, S58.012], Flyers Investment Group Ltd [S103.001] and Avida Group Ltd [S104.001].

<sup>66</sup> On the Avida Group submission S104.001.

<sup>67</sup> Heritage Estates 2000 Ltd [S51.107].

<sup>68</sup> CTS Investments Ltd, Woodgate Ltd and Terra Civil Ltd [S58.038] and Heritage Estates 2000 Ltd [S51.109, S51.106 and S51.107].

<sup>69</sup> CTS Investments Ltd, Woodgate Ltd and Terra Civil Ltd [S58.038] and Heritage Estates 2000 Ltd [S51.109, S51.106 and S51.107].

112. The Assessment Criteria for retirement villages requires assessment against the Assessment Criteria for multi-unit housing in Multi-unit Housing Areas outlined in operative Rule R10.6.3.3 (j), as well as a sub-list of proposed new criteria (R10.7.4 Assessment Criteria (k)). I agree with the submitters that there is a degree of overlap/duplication between the existing assessment criteria contained in the Plan (R10.7.4.6(a-j) and R10.6.3.3). I also agree that some of the design prescription is unnecessary when considering the broader plan framework, particularly in relation to the relationship between the retirement village and the neighbourhood centre, which can be managed via the operative and proposed provisions for the Local Business Zone (should a retirement village proposal extend into that zone), and by a focus on design principles or outcomes. In response to the final bullet point, I note the assessment criteria have been informed by development of the Aokautere Masterplan.
113. For the above reasons, I recommend several modifications to the assessment criteria, as shown below (at paragraph 116).
114. CTS Investments Ltd, Woodgate Ltd and Terra Civil Ltd [S58.012] do not agree that the prerequisite transport requirements set out in the Assessment Criteria are necessary in all circumstances. This submission point is opposed by Waka Kotahi [FS16.015], on the basis that it is essential that appropriate transport infrastructure is required to be provided prior to development.
115. In response to this submission and others, I have recommended a number of amendments to the performance standard that sets out the transport infrastructure requirements, to provide for some degree of staging of those upgrades. This is to reflect the priority with which they are required to address the effects of development within the plan change area. This is discussed in detail in Topic 6: Transport in my report. I appreciate that a retirement village development may not trigger the same level of traffic movements on the network during peak hours as a standard residential development, however, it is difficult to predict the effects at the plan change stage. Therefore, I consider this matter is best addressed through the consent application process, and note that this requirement is a 'assessment criteria' rather than a specified standard. As I have recommended that the rule triggering non-complying status for a retirement village that is not located and developed in accordance with the Structure Plan be deleted, this should at least partially meet the relief sought by the submitter.
116. The revised assessment criteria will read as follows:

Assessment Criteria

**k. In respect of R10.7.4.6, and where they are proposed in the Aokautere Greenfield Residential Areas, how any activity:**

- **Is in general accordance with the located as shown on any relevant structure plan and/or precinct plan;**
- **provides for the roading and street layout as shown on the relevant structure plan and/or precinct plan;**
- **positively fronts, and integrates with, any Local Business Zone, including**

~~as directed by any relevant structure plan and/or precinct plan;~~

- is consistent with the relevant design principles described for the Greenfield Residential Area in section 7A of the District Plan;
- contributes to positive streetscape outcomes in the Greenfield Residential Area, including any Local Business Zone. This includes, but is not limited to;
  - active frontages with visible entrances onto streets
  - ~~dwelling fronting internal routes and throughfares and where relevant, public streets~~
  - consistent front-to-front and back-to-back relationships amongst dwellings
  - fronting of Activity Streets by communal buildings
  - ~~visually interesting street-facing elevations of communal buildings~~
  - ~~coherent built active edges along any Activity Street within a neighbourhood centre, part of which must include a publicly accessible commercial activity~~
  - ~~horizontal and vertical scale of communal buildings complements mixed use development in any neighbourhood centre~~
  - landscaping
  - avoidance of blank walls fronting the public realm
  - integration with the surrounding road and path network including with well distributed on-site connections to the surrounding public road network
  - ~~layout of internal routes and throughfares, including paths, generally integrating with the layout of the Greenfield Residential Area Street layout~~
  - high amenity interface with connections to open space and reserves including coordinated design of communal buildings and open spaces
  - ~~garage setbacks.~~
- is supported by the transport network upgrades that are necessary to provide a safe and efficient transport network to service the activity, including the relevant upgrades in R7A.5.2.2. available operational transport infrastructure necessary to service the activity, and in the case of the Aokautere Residential Area, the transport network requirements set out in R7A.5.2.2 are met.

- is supported by a stormwater management design that is consistent with the requirements of the Stormwater Management Plan prepared under R7A.2.2(f), and
  - which provides for a perimeter stormwater swale where residential lot boundaries adjoin a gully edge identified on the Aokautere Structure Plan (Map 7A.3), and
  - avoids buildings, structures and landscaping being located within the 5 metre perimeter swale corridor, and
  - provides access to the swale for maintenance purposes, in accordance with Policy 4.9 and 4.11 of Section 7A.
- manages potential adverse effects associated with the geotechnical constraints and natural hazards within the Aokautere Greenfield Residential Area through implementation of any geotechnical and engineering recommendations, including the level of geotechnical investigation carried out and the level of analysis and specific design requirements arising from the investigation with particular reference to:
  - cut slope behaviour and slope stability analysis to develop appropriate set back distances from the crest of slopes for building platforms;
  - whether building platforms should be restricted in certain areas;
  - whether specific foundation designs are required in certain locations; and/or
  - the management of earthworks and recontouring of land.

117. I note that two new assessment criteria are recommended to address stormwater management and geotechnical requirements, consistent with the requirements for any development within the Aokautere Structure Plan area, as discussed in the Stormwater and Geotechnical sections of my report.

#### Location of the Retirement Village

118. CTS Investments Ltd, Woodgate Ltd and Terra Civil Ltd [S58.007] seek that the site identified for the retirement village on the Structure Plan (Map 7A.4) is extended southeast to the existing residential edge. If this was to occur, the road access through 153 Pacific Drive shown on the Structure Plan (as an Urban Connector) would be in the form of a secondary access to the retirement village only. See Figure 7.1 below.



Figure 7.1: Urban Connector that would be impacted by extension of a Retirement Village

119. My understanding, based on the advice of Mr Burns, is that in principle there is no reason why the retirement village cannot extend to meet the edge of existing residential development. However, if this was to occur there would need to be a sympathetic transition in size /scale between the retirement village and the existing residential area. Ms Fraser has advised that the urban connector roads to the south and east of the retirement village could be downgraded to Local Streets so that they continued to provide connectivity, but in recognition they would carry less through traffic. Notably, this street network configuration would still allow for a bus route, which could be directed through the Urban Connector that traverses the neighbourhood centre.
120. It therefore appears that the submitters request could be accommodated in a way that does not impact on connectivity of the surrounding neighbourhoods. In response to this submission, I have recommended that the Retirement Village Variation on Map 7A.4A Street Hierarchy be amended. I provide an updated Map 7A.4A in Appendix 1.
121. Finally, a minor consequential amendment to the structure of R10.7.4 is also proposed in order to reference that R10.7.5.2 may apply<sup>70</sup>. Heritage Estates 2000 Ltd [S51.105] supports this minor amendment. This support is noted. I agree that the minor amendment improves the structure and readability of the rule. I recommend this amendment is retained.

#### 1.1.2.6 Subdivision within the Aokautere Greenfield Residential Area

122. PCG proposes to insert new objectives and policies into Section 7A of the District Plan to provide for the development of the Aokautere Greenfield Residential Area. Proposed Objective 5 sets out the desired outcomes for residential development within the Aokautere Structure Plan area, as follows:

*Objective 5: Subdivision in the Aokautere Greenfield Residential Area provides for comprehensively designed development incorporating a range of residential areas with high-quality and diverse living environments, which are integrated with surrounding communities, landscape and natural gully systems, and supported by a local centre capable of meeting the day to day needs of the immediate neighbourhood*

<sup>70</sup> This operative rule refers to non-residential buildings in the Inner or Outer Contour (for airport noise).

123. Proposed policies 5.1 to 5.15 implement this objective and covers a range of matters, including the need for development to be in general accordance with the Structure Plan and that the subdivision layout provides for the range of lot sizes and densities in the Structure Plan.
124. Submissions have been received on this Objective and implementing policies from PN Industrial and Residential Developments Ltd<sup>71</sup>, Heritage Estates 2000 Ltd<sup>72</sup> and CTS Investments Ltd, Woodgate Ltd & Terra Civil Ltd<sup>73</sup>. The submitters object to the prescriptive and directive nature of these policies, which they say restrict innovative alternative and flexibility. I have reviewed the Objective and policies. I consider, on the whole, that the provisions provide appropriate policy direction to:
- achieve the range of housing densities and residential yield proposed by PCG,
  - ensure that subdivision design and layout responds to the unique landscape character and topography of Aokautere, as set out in the Plan Principles in the Masterplan Report;
  - achieves better urban form outcomes, by avoiding long cul-de-sacs and extensive rear lots,
  - provides for new areas to be better integrated and connected with the existing urban fabric and topography, increasing permeability and recreational amenity.
125. I have recommended some amendments to these policies to reduce duplication with both operative and the proposed policies. I have also attempted to focus the policies on the intended outcomes, rather than being too directive as to how these outcomes are to be achieved. Other changes to these policies are discussed further in the Stormwater, Geotechnical, Transport sections of my report. The amended policies are set out below:<sup>74</sup>

### **5.3 To ensure subdivision layout and development in the Aokautere Greenfield Residential Area:**

- **Provides neighbourhoods with regular lot patterns and with a sufficient range of lot sizes to encourage diversity in the types of houses to be built**
- **Lot size and housing density reflects intended neighbourhood character shown on the Aokautere Structure Plan (Map 7A.4B)**
- **Varies lot size and housing density to reflect the proximity of amenities including open spaces and any Local Business Zone**
- **Contributes to the achievement of any identified residential yield**

<sup>71</sup> S45.006, S45.007.

<sup>72</sup> S51.032, S51.033, S51.034, S51.035, S51.036, S51.037, S51.038, S51.039, S51.040, S51.041, S51.042, S51.043, S51.044, S51.046, S51.047.

<sup>73</sup> S58.017 S58.018, S58.019, S58.020, S58.021, S58.022, S58.023, S58.024.

<sup>74</sup> Note that I have only set out the policies where I have recommended amendments.

requirements over time.

**5.4 To ensure that subdivision and development within the Aokautere Greenfield Residential Area achieves the following design principles:**

- ~~Connectivity with existing and future developments in a manner which is responsive to landform and the proximity of any local centre~~
- Makes Aokautere's elevated and incised terrain visible and accessible to the public, including through:
  - streets that provide views of the gullies and the wider landscape,
  - public access to a network of cycleways and recreational trails; and
  - linear access to the gully reserves with residential lots on one side only.
- Varies the arrangement of streets, lots and dwellings in response to gullies, plateaus and promontories; and retains key views along identified corridors
- ~~Clustered development on elevated sites at the plateau ends, with neighbouring sites separated with areas of restored vegetation~~
- Minimises the number of rear lots;
- ~~Ensures that medium-density residential areas have good access to amenity and associated public or communal areas with significant vegetation~~
- ~~Ensures that development on the plateaus;~~
- Retains natural or near-natural contours;
- ~~Includes single-loaded gully edge streets that provide:~~
  - ~~views of the gullies and the wider landscape;~~
  - ~~public access to a network of cycleways and recreational trails; and~~
  - ~~linear access to the gully reserves with residential lots on one side only frontage on the edges of the reserves.~~
- Forms a well-connected, accessible and permeable urban block structure to maximise connectivity and provide road access from two directions for most households.

- ~~as shown on the Aokautere Structure Plan.~~
- Ensures that development on the promontories:
  - a. Clusters lots and arranges buildings and roads to:
    - i. frame views of the gully reserves; and
    - ii. create well-defined communal spaces at the plateau ends
  - b. ~~Utilises central communal spaces to:~~
    - i. provide safe, attractive cul-de-sac terminations; and
    - ii. indicate provide legible and integrated public access to recreational trails.

~~5.6 To provide an adequate level of infrastructure and services for the proposed development.~~

~~5.7 To ensure the capacity, efficiency, performance, and sustainability of the wider infrastructure network is not compromised.~~

5.8 To ensure that the design and layout of any subdivision and development provides for the transport network roads identified on the Aokautere Structure Plan in a manner which:

- ~~Achieves an accessible and permeable grid like pattern of development as shown on the Aokautere Structure Plan;~~
- Delivers a safe, legible and efficient effective movement network which conforms to the One Network Framework and reflects Aokautere's the street hierarchy, of street types (Map 7A.3A) and street cross-sections (Map 7A.3D) in the Aokautere Structure Plan.
- ~~Avoids or minimises adverse effects on the safe and efficient operation, maintenance and access to network utilities and the transport network.~~
- Encourages active travel modes and provides for circuits of varying length for walking, jogging and cycling.
- Accommodates bus routes and convenient bus stops on Urban Connector Roads, including to facilitate access to the Aokautere Neighbourhood Centre.
- Provides sufficient access, and enables efficient movement throughout the transport network, for emergency service vehicles.



- ~~Produces a fine-grained network of streets that provide:~~
  - ~~iii. permeable and connected neighbourhoods;~~
  - ~~iv. a choice of pathways; and~~
  - ~~v. access from two directions for most households.~~
  - ~~vi. Complements the street network with a web of trails in the gully reserves.~~
  - ~~vii. Provides circuits of varying length for walking, jogging and cycling.~~
  - ~~viii. Encourages active travel modes.~~

~~5.9 To avoid subdivision and development occurring in advance of the availability of operational transport infrastructure the transport network upgrades, including those outside of the Aokautere Structure Plan area, that are necessary to provide for a safe and efficient transport network.~~

~~5.10 To require, where appropriate, consent notices recording the restrictions on development set out in R7A.5.2.2(h), (iii)-(iv) and or (v) to be imposed on titles at the time of subdivision.~~

~~5.11 To avoid subdivision where significant adverse effects on the transport network are likely to occur.~~

~~5.12 To require a highly connected street layout which integrates with the surrounding transport network and includes pedestrian access, cycleways and recreational trails which link to open space corridors.~~

~~5.13 To provide a high-quality public realm with improved visual and physical connections to open space, waterways, existing biodiversity corridors and natural gully systems.~~

~~5.14 To ensure stormwater infrastructure is in place to service the entire development (inclusive of all stages) before residential development. In the Aokautere Greenfield Residential Area the in-gully mitigation works required to service for any the residential development (inclusive of all stages and contributing flows from the upstream catchment, where relevant) in the Aokautere Residential Area must be installed and operational before any dwellings are constructed or placed on the site development. This requirement shall be secured by a consent notice registered on the titles of all relevant lots to ensure that development does not proceed before the necessary infrastructure is in place.~~

~~5.15 To ensure stormwater management contributes to the recreational and~~

~~visual amenity of the development.~~<sup>75</sup>

### 1.1.2.7 Rural-residential subdivision within the Aokautere Structure Plan Area

126. PCG inserts a new policy 3.7 under Objective 3 of Section 7: Subdivision, that provides for rural-residential subdivision within the Aokautere Structure Plan Area. PCG also inserts amendments to the rules that provide for rural-residential subdivision within the Rural-Residential Overlay as a restricted discretionary activity. These apply to areas of the Structure Plan, particularly in the Turitea Valley, and on rural land to the south (the Waters block) (R7.15.2.1). Non-compliance with the performance standards in that rule will make the activity a non-complying activity (R7.15.4.1).

#### Policy 3.7

127. Heritage Estates 2000 Ltd have made a submission in opposition to Policy 3.7 [S51.012]. The submitter raises concerns over whether the mitigation of effects through Policy 3.7 will achieve the purpose of the RMA. The submitter is also concerned that there is no ability to review and update the Structure Plan through a 'general accordance' approach. I have reviewed this policy, and in my opinion, it provides important direction as to how rural-residential subdivision should align with the required outcomes in the Aokautere Structure Plan area.
128. I have recommended a number of amendments to this policy as a result of my assessment in the Stormwater, Geotechnical and Transport sections of my report. I discuss the rationale for those changes in those sections. I have also recommended minor changes to address the submitter's concerns about the inflexibility of this policy and to remove duplication with existing policies (deletion of clause i). Finally, I have recommended deletion of clause (e) requiring certain design principles to be achieved. I consider those principles are overly onerous, and unlikely to be necessary, given the low-density nature of rural residential subdivision, particularly with a minimum 1ha lot size. The revised policy reads as follows:

#### **3.7 To enable subdivision within the Aokautere Rural-Residential area identified on the Aokautere Structure Plan where it is demonstrated that:**

- a. **It is in general accordance with the Aokautere Structure Plan;**
- b. **The ~~road~~ing network street hierarchy, street types and street cross sections, and upgrades identified on the Aokautere Structure Plan is-are provided for;**
- c. **There is connectivity with existing and future developments;**
- d. **The transport network upgrades, including those outside of the Aokautere Structure Plan area, that are necessary to provide for a safe and efficient transport network have been completed and are operational. ~~Subdivision and development will not occur in advance of the availability of operational transport infrastructure;~~**
- e. **It incorporates the following design principles:**
  - **lots are rectangular or simple shapes;**
  - **a continuously built-up skyline is avoided;**

<sup>75</sup> S58.024.

- development positively fronts or connects to the gully network.
- f. It maintains, and where possible enhances, existing amenity values.
  - g. It satisfies Objective 6 and related policies in Section 7A Greenfield Residential Areas and protects the gully system and significant natural areas and wetlands in Aokautere;
  - h. It provides a safe and legible internal transport network road hierarchy that achieves a highly connected street layout which integrates with the surrounding transport network and provides pedestrian access, cycleways and recreational trails which link to open space corridors;
  - i. There is appropriate infrastructure available to service the development, including on-site wastewater and stormwater servicing, which ensures there is no increase in effects on surrounding areas;<sup>76</sup>
  - j. Earthworks avoid adverse effects on the gully network;
  - k. The risk of liquefaction and lateral spread is adequately mitigated, prior to subdivision through site specific geotechnical investigations with suitable foundation design and/or ground improvement options implemented before development;<sup>77</sup>
  - l. Subdivision and development is managed so that development of resulting lots will to avoid new or exacerbated existing natural hazards, or an increase in exposure to natural hazards by:
    - Investigating the risk of liquefaction, lateral spread, and slope instability through site specific geotechnical investigations prior to subdivision;
    - an accredited Chartered Professional Engineer experienced in soil mechanics or geotechnical matters preparing a report before subdivision to confirm that the land is suitable for development and that there are technically appropriate building platforms;
    - identifying and implementing ground improvement and slope stabilisation works that are required to avoid or mitigate the risk of liquefaction, lateral spread or slope instability;
    - undertaking earthworks and recontouring of land is being undertaken in accordance with a design plan by an accredited Chartered Professional Engineer experienced in soil mechanics or geotechnical matters.
    - imposing consent notices on titles outlining the measures required to implement recommendations from any technical reports to address land instability, risk of liquefaction or lateral spread and/or to address any other natural hazards (including suitable foundation design requirements, earthworks and setbacks from areas of geotechnical risk).
    - with the design providing for predicted improvements to soil slope and stability through the development and the impact on existing vegetation and landscape values;

<sup>76</sup> S50.025.

<sup>77</sup> S50.025.

~~Consent notices are imposed on titles outlining the measures required to implement recommendations from any technical reports to achieve land stability (including earthworks and setbacks from areas of geotechnical risk) and/or address natural hazards in advance of development.~~

Rule R7.15.2.1 and R7.15.4.1

129. Heritage Estates 2000 Ltd have made submissions [S51.015, S51.017, S51.018] in opposition to the proposed amendments to Rule R7.15.2.1 and R7.15.4.1.4.
130. Rule R7.15.2.1 provides for any subdivision within the Rural Residential Overlay (shown on the Planning Maps) as a Restricted Discretionary Activity, subject to a number of performance standards. PCG inserts new performance standards for subdivision in the rural-residential area identified on the Aokautere Structure Plan. Amongst other matters, these require subdivision to be in general accordance with the Structure Plan, the roading network in the Structure Plan to be provided, an earthworks plan to be submitted and the design principles in Policy 3.7 to be implemented. Additional assessment criteria are also inserted to provide further guidance as to how the performance standards should be met.
131. The proposed insertion in Rule R7.15.4.1.4 makes any subdivision which does not comply with the Performance Standards for Subdivision in the Aokautere Rural-Residential Area (R7.15.2.1(f)<sup>78</sup>) a Non-Complying Activity. Heritage Estates opposes all of these amendments “in their current form” and seeks “more appropriate text”.
132. The submitter has not provided any indication of how they would like the text to be modified. However, I have recommended some changes to this provision, reflecting my recommendations under other topics. Consistent with the reasons I have set out above, I have also recommended deletion of the reference to the ‘design principles’ in Policy 3.7. The revised performance in R7.15.2.1(f) would read as follows:

**(f) Subdivision in the Aokautere Rural-Residential Area within the Aokautere Structure Plan**

- i. **Subdivision must be in general accordance with the Aokautere Structure Plan.**
- ii. **The ~~roading network~~ street hierarchy, street types and street cross sections, and upgrades identified on the Aokautere Structure Plan are must be provided within the area to be subdivided.**
- iii. **The ~~design principles contained within Policy 3.7~~ must be implemented through the subdivision and development.**
- iv. **The ~~safety improvements at Turitea Road/Valley Views intersection scheduled under the 10-Year Plan 2021-2031~~ must be implemented before any rural-residential development occurs.**
- v. **Any subdivision must be accompanied by an earthworks plan identifying**

<sup>78</sup> This rule has restricted discretionary activity status.

any restructuring of land, earthworks, or other works to create land with improved slope and soil stability necessary to enable the development of building platforms, services, and access ways. The plan must address:

- the management of archaeological discoveries, including how tangata whenua involvement and cultural monitoring will be accommodated; and
- any recommendations as to the location, design and construction of building sites, foundations and infrastructure arising out of technical reports prepared under Policy 3.7 and performance standard c.

133. I have also recommended deletion of the reference to the 'design principles' in the assessment criteria.

134. In my opinion, the amendment to Rule R7.15.4.1.4 is important to ensure the necessary infrastructure is in place to enable subdivision and subsequent development to be safely accommodated, particularly in relation to geotechnical and transport network requirements. I recommend that the amendment to Rule R7.15.4.1.4 be retained as notified.

## **1.2 Residential design controls**

135. A number of submissions were received on the design controls for residential areas contained within Chapter 10: Residential Zone.

### **1.2.1 Issues raised in submissions**

136. The following issues have been raised in submissions:

- a) Front fences should be restricted to a height of no more than 800mm.
- b) Garages should be setbacks from front boundaries by at least 7m and dwellings should be setback by up to 3m.
- c) New dwellings should be provided with sufficient garden and private amenity spaces.
- d) The Structure Plan should adopt co-housing principles and make provision for shared storage in each street or group of dwellings for shared amenities (vehicles, gardening equipment etc).
- e) Sufficient off-street parking should be provided for household units in medium density and multi-unit housing.
- f) Objection to the proposed design controls that impose a directive/prescriptive approach within the plan change area, including the proposed amendments to Rule R10.6.1.5.

- g) Support and opposition to the proposed design controls in Rule R10.6.3.3.

## 1.2.2 Analysis

137. Karen Wilton [S9.004] would like to ensure that the new suburb has environmentally and socially successful spaces, by ensuring minimum section sizes are enforced, so that residents have decent private gardens and amenity spaces.
138. Rule R10.6.1.5 in the Operative District Plan (which provides for any dwelling, or accessory building as a permitted activity in Greenfield Residential Areas) sets performance standards for on-site amenity, which includes minimum dimensions for outdoor amenity areas. Where compliance with these dimensions is not achieved, the activity becomes a restricted discretionary activity.
139. The proposed amendment to this rule via PCG will apply the existing outdoor amenity standards in Rule 10.6.1.5(f) On-site Amenity to dwellings, minor dwellings and accessory building in the Aokautere Greenfield Suburban Density areas. In addition, an amendment is proposed to provide a new performance standard<sup>79</sup> to require dwellings sharing a property boundary with the street or public open space, to contain windows from a main living area facing that street or open space. This standard is intended to assist to achieve a sense of spaciousness. I discuss this performance standard in more detail later in this section.
140. Dwellings, minor dwellings and accessory buildings in the Medium Density Areas identified on the Aokautere Structure Plan will be required to meet the operative restricted discretionary activity performance standards for on-site amenity in Rule R10.6.3.3. The dimensions in these standards are slightly less than those in suburban residential areas, reflecting the higher densities of such areas. An amendment to these operative performance standards is proposed for units which have less than two bedrooms, where those units are on the first floor and do not have a connection at ground level to a private amenity outdoor area. That amendment is to allow for a reduced outdoor amenity area of 5m<sup>2</sup> in area (as opposed to 8m<sup>2</sup>).
141. This change reflects the assumption that units with less than two bedrooms are unlikely to serve families and therefore the extent of open space provided can be in proportion to the scale of the dwelling. I note this amendment is supported by Heritage Estates 2000 Ltd [S51.096].
142. I have recommended a minor amendment to this wording to make it clear how this standard is to be applied in the event a dwelling unit is located fully above ground level. The amendment is consistent with the advice of Mr Burns. While modest in scope I am of the view that the amendment will assist to meet the relief sought by the submitter. I agree with the submitter that private amenity is important in ensuring socially and environmentally successful places and therefore I recommend that this minor amendment is adopted. As follows:

- b) Each dwelling unit located ~~above on~~ the ~~ground first~~ floor, ~~and/or any terraced dwelling in the Aokautere Greenfield Residential Area which does not have a principal living room or dining room at ground level, which does not have~~

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<sup>79</sup> R10.6.1.5 (f) On-site Amenity (iii).

connection at ground level, shall be provided with an above ground private outdoor amenity area which can meet the following requirements:

- a) Is accessed directly off the living, dining or kitchen areas, and located at the same level,
- b) A minimum of 8m<sup>2</sup> is in area, unless a unit in the Aokautere Greenfield Residential Area has less than two bedrooms in which case a minimum of 5m<sup>2</sup> applies.
- c) Is orientated to the north, west or east.

143. The submission from Karen Wilton [S9.004] also identifies a wider concern to ensure that there is adequate green spaces for people and wildlife. I consider that the proposed PCG approach to protect and restore the gully areas and provide public walkways in these areas will ensure that there is interaction between dwellings and the public realm. The Council has undertaken a Parks and Reserves Servicing Assessment for PCG,<sup>80</sup> with a number of neighbourhood reserves being provided in the Structure Plan. Mr Phillips has confirmed that these neighbourhood reserves will include the necessary amenities and be of the appropriate size and distribution to provide accessible opportunities for open space informal play<sup>81</sup>.
144. Kevin Lowe [S73.005] would like the plan provisions to enable co-housing principles, such as shared spaces for storage of shared amenities.
145. The performance standards in the operative District Plan are largely configured to the traditional dwelling model of individual units with private amenities (garages, on-site amenity space etc). Substantial modification to these standards would potentially be necessary to enable co-housing developments as a permitted activity, depending on how they are configured. I am of the view that these developments could be brought forward under the operative and proposed provisions of the District Plan; most likely requiring consent as a restricted discretionary activity. I consider co-housing developments would be appropriate, particularly in the Aokautere Medium Density Village Area, but such development is likely to require assessment to enable the consideration of the activity on the surrounding area. The submitter has not provided any details on how the standards should be amended to provide for such developments. The submitter is welcome to provide more details through evidence so that these can be considered.
146. Scott Knowles [S64.005] is concerned that the elegance of the Structure Plan could be lost over time and questions whether consideration has been given to enduring covenants over the sections.
147. I am mindful that a number of submissions have been received on PCG which also object to the prescriptive nature of the Structure Plan and implementing provisions. I consider the intended design outcomes and principles have been appropriately articulated in the proposed objectives and policies, and through the performance standards. Covenants would impose an even greater level of prescription through the District Plan, and I am not persuaded that the

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<sup>80</sup> Appendix 13, Section 32 Report, July 2022.

<sup>81</sup> s42A Report: Parks and Recreation, Table 1, pg 21.



submitter has provided evidence that this is necessary. It is also not clear what issues the covenants would manage, over and above the matters controlled by the District Plan provisions.

#### Rule R10.6.1.5

148. Rule R10.6.1.5 provides for dwellings, minor dwellings and accessory buildings in the Greenfield Residential Areas as a permitted activity, subject to a number of performance standards. PCG proposes amendments to the standards for Aokautere including (b) height and recession planes, (c) separation distances – for garages, (d) site area and coverage, (g) on-site amenity, (h) fencing and (j) Developable Land.
149. Heritage Estates 2000 Ltd [S51.088] opposes the proposed amendments to the clauses of this rule where these are non-specific to Aokautere. CTS Investments Ltd, Woodgate Ltd and Terra Civil Ltd [S58.034] oppose all amendments to this rule due to their prescriptive nature.

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

150. I have recommended structural amendments to this standard to improve clarity as to how the operative rule is applied to Aokautere. I consider this amendment is within the scope of the Council's submission to provide for such changes (S50.025) but does not materially change the requirement. The proposed amendment would be as follows:

##### b) Maximum Building Height, Height Recession Planes and Overlooking

- a) Compliance with R10.6.1.1(a) and (b) **except that in the Aokautere Greenfield Residential Area R10.6.1.1(a) Height Recession Planes (iii) c. does not apply to boundaries common with the gully reserves shown on the Aokautere Structure Plan.**
- b) No building within the Kikiwhenua Residential Area...
- c) **No building within the Aokautere Greenfield Residential Area shall exceed a maximum height of 9m in the Suburban Low Density Areas.**
- d) ~~**In applying the height recession plane to properties in the Aokautere Residential Area adjoining the gully network, the plane shall commence from the 5 metre no-build setback boundary identified on the Aokautere Structure Plan.**~~

#### (c) Separation Distances

151. Chris Teo-Sherrell [S43.014] requests that the non-garage part of a building should be able to be built up to 3m from the front boundary, to increase private amenity space to the rear of dwellings and improve connectivity with the street. He requests that garages are setback at least 7m from front boundaries, to avoid visual dominance of the streetscape and vehicles overhanging property boundaries and obstructing footpaths<sup>82</sup>.

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<sup>82</sup> Heritage Estates 2000 Ltd [FS18.040] opposes this submission due to the specific design solution it imposes.



152. The operative standard (i) directs any dwelling on a lot with frontage to a public road to be located a minimum of 3m from the boundary with any road. This applies unless the lot contains a garage or carport facing the road, in which case the minimum separation distance is 6m and 1.5m from any other boundary.<sup>83</sup> Within the proposed medium density area identified on Map 10.6.3.3(i), a smaller setback is proposed for dwellings, that is 1.5m from the road boundary where there is frontage to a public road (Rule R10.6.3.3(c)). I understand this is to maximise rear yard private amenity areas.
153. I consider the submitter's requested relief with respect to dwelling setbacks is met by the operative District Plan provisions.
154. PCG provides for garages to be placed closer to the road boundary in the Aokautere Greenfield Residential Area than is requested by the submitter. As follows:

**iii. Any garage in the Aokautere Greenfield Residential Area must be located:**

**• with the garage face 1m behind the frontage of the dwelling served;**

**• not less than 5.5m from the front boundary if there is an on-site parking space in front of the garage door; and**

**• without occupying more than half the width of the frontage of the dwelling it serves.**

155. I understand, based on the advice of Council's urban design expert (Mr Burns), that this provision was intended to be applied in the Medium Density Village area, and it was an error in the notified version that this standard was inserted into this rule. I therefore recommend that this provision is deleted. Instead it has been incorporated into Rule R10.6.3.3, which applies to the medium density areas. (I address this standard further in my analysis of that rule). While this does not meet the relief sought by Mr Teo-Sherrell, I consider that the operative District Plan provisions provide sufficient depth (6m) to adequately accommodate a large vehicle without overhanging the property boundary (on the basis that a large SUV is typically 4-5m in length and the length of a utility vehicle is around 5 – 5.3m in length).
156. I have recommended that clause iv. of this standard is deleted as a consequential amendment of other amendments that I have proposed to address the perimeter stormwater swale. I have discussed the swale and related changes in more detail in Topic 4: Stormwater in my report.

**(d) Site Area and Coverage**

157. In the Stormwater section of this report, I have recommended that the percentage area for permeable surface is increased to 40% in the Suburban Low Density Areas of the Aokautere Structure Plan. This increase is proposed to further address the effects of stormwater runoff.

**(g) On-site Amenity**

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<sup>83</sup> R10.6.1.1 Dwellings and Accessory Buildings. Performance Standards – (c) Separation Distances.

158. PCG insert a new performance standard intended to ensure a level of engagement between the street and dwellings. I am concerned that this standard may be difficult to achieve with narrower, south facing lots. There is also the potential for conflict with operative policy requirements to orientate dwellings to achieve a north facing orientation for living areas to benefit from solar gain. Therefore, I consider this performance standard should be retained, but with a minor amendment to replace the word “main living area” with “habitable room”.
159. ‘Habitable room’ is defined in the District Plan as follows: “*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*”. The term ‘main living area’ is not defined in the Plan. My recommended change is intended to provide more certainty and flexibility to orientate dwellings so that main living areas are best positioned to take advantage of sunlight.
160. The revised standard would read:
- iii. **Any dwellings on lots sharing a property boundary with a street or public open space in the Aokautere Greenfield Residential Area must contain windows from a habitable room-main living area facing the street or open space.**
161. Scope for this amendment is provided by the submission from CTS Investments Ltd, Woodgate Ltd and Terra Civil Ltd [S58.034].
- (h) Fencing
162. Chris Teo-Sherrell [S43.013] requests that front fences are restricted to a height of no more than 0.8m above ground level. The submitter considers this will increase visual surveillance, pedestrian safety and connection between dwellings and the street. Mr Teo-Sherrell notes that this fence height is shown on the cross section Urban Connector F (Map 7A.4D).
163. I understand that there is an inconsistency between the notified cross section and the performance standard for fencing, but it is the performance standard that should be relied on.
164. My understanding of the design intent behind such a standard is that low front fences contribute to greater safety of both the public and private realm and ensures that drivers exiting the lot can view the footpath, which minimises potential conflict with pedestrians. Fences of this height also retain visual connection between private and public space<sup>84</sup>. I note that in a number of other greenfield residential areas in the city, a similar height limit of 1.1m is adopted where a fence is erected along a property boundary directly adjoining a road frontage or public open space (for example in the Hokowhitu Lagoon Residential Area, Napier Road Residential Area and Napier Road Residential Extension Area<sup>85</sup>). Those provisions provide some flexibility for ‘open construction’ fencing to be of a greater height, up to 1.8m, provided it does not extend over more than one third of the frontage width.

<sup>84</sup> See Explanation for Rule R10.6.1.7, Section 10: pg 30-31.

<sup>85</sup> See Rules R10.6.1.4 Dwellings in the Napier Road Residential Area and the Napier Road Residential Extension Area – Performance Standard d) fencing and R10.6.1.7 Dwellings within the Hokowhitu Lagoon Residential Area – Performance Standards (c) and (d).

165. Given that the direction of change appears to be to accommodate slightly higher fences in new residential areas, I consider it is appropriate to retain the notified height limit at 1.0m. I recommend that the cross-section height reference is removed from Map 7A.4D to avoid inconsistency with the performance standard.
166. I recommend that proposed clause (iii) is deleted as a consequential amendment of my recommended changes to provide for the perimeter stormwater swale (addressed in detail in the Stormwater section of this report). If this recommendation is adopted, fencing restrictions will be imposed on rear yards which adjoin gully edges in order to provide for access to the required perimeter stormwater swale, and therefore this clause becomes unworkable.
167. Clause (iv) relates to fencing adjoining commercial lots. In my view, fencing not being allowed on this boundary could potentially have an adverse impact on the privacy and amenity of the residential lot. I therefore recommend this clause is deleted.
168. Scope for these amendments is provided by the submission from CTS Investments Ltd, Woodgate Ltd and Terra Civil Ltd [S58.034].
169. The revised wording of this performance standard would read as follows:

#### h) Fencing

- a) 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.

- b) Where a fence is erected on the road frontage, a maximum height of 0.9m applies, **unless located in the Aokautere Greenfield Residential Areas, in which case a maximum height of 1m within 3m of the front boundary applies.**

- ~~c) **Where a boundary interfaces with a gully in the Aokautere Residential Area, the rear boundary must not include a fence unless it is a rear yard side boundary where fencing must be of open construction and is restricted to one third of the rear yard closest to the rear face of the dwelling.**~~

- ~~d) **No fencing shall occur at the boundary of any allotment for commercial use.**~~

#### (j) Developable Land

170. In the Geotechnical section of this report, I have recommended amendments to provide greater flexibility for land to be developed as a permitted activity provided that a geotechnical report is available that satisfies the requirements of R7A.5.2.2(a)(xix) and any recommendations arising from that report have been implemented. I consider this amendment will partially meet the relief sought by CTS Investments Ltd, Woodgate Ltd and Terra Civil Ltd [S58.034].

(k) Stormwater Management in the Aokautere Greenfield Residential Area

171. In the Stormwater section of this report, I have recommended a new standard requiring that a stormwater management plan is in place to service the development, prior to development.

Rule R10.6.3.3

Height, recession and setback requirements

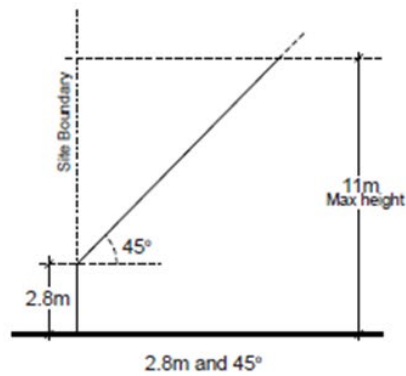
172. Heritage Estates 2000 Ltd [S51.098] supports the amendment to Rule R10.6.3.3 to apply specified height, recession, and setback requirements in the Aokautere Greenfield Residential Area. This support is noted. I understand that these standards have been developed in conjunction with the Council's urban design experts and that they are intended to achieve good urban form outcomes by avoiding excessive overshadowing, visual dominance or bulk. These matters are explained further in the evidence of Mr Burns. I have recommended minor amendments to this standard to provide greater clarity as to how to apply those setbacks, and when the operative setback should be applied. The revised wording will read as follows:

**x. ~~Additional~~ Height, recession and setback requirements in the Aokautere Greenfield Residential Area**

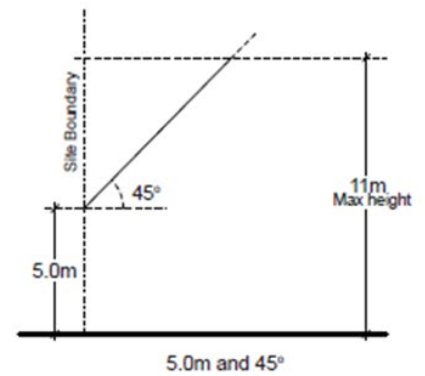
**(a) No building shall exceed 11m within Area I H.**

**(b) All buildings within Area I H shall ~~be contained within a~~ comply with R10.6.1.1(a) Height Recession Planes except that for the front two thirds of the side boundary a recession plane of 45° plane commencing at 5m above ground level inclined inwards at right angles in plan applies for the front two- thirds of the side boundary and a recession plane of 45°commencing at 2.8m above ground level applies for the rear one-third of the side boundary (See Figure 10.2); unless it is located at the boundary of a Suburban Low Density allotment in which case the recession plan shown in Figure 10.1 applies.**

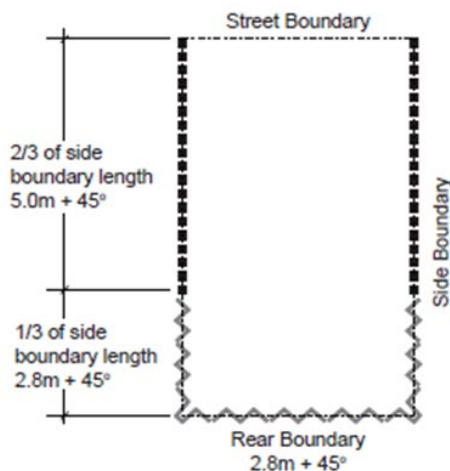
**Figure 10.2**



[HIRB AT REAR]



[HIRB AT FRONT]



173. Heather and Grant Morgan [S40.002] are concerned to ensure that sufficient off-street resident parking is provided in medium density housing areas, with purpose-built parking allocated for visitors and extra family cars.
174. I have recommended that the performance standard for garages (that was erroneously included in R10.6.5.1) is inserted in this rule. This will ensure that sufficient off-street parking space is available to serve multiunit (medium density) housing in Aokautere. Mr Burns has advised that the setback of the garage face from the dwelling can be reduced to 0.5m to provide greater flexibility, and I have recommended this minor change is incorporated into this standard.
175. I recommend that the revised standard read as follows:

- (d) **Any garage or carport, including any garage or carport which is contained within a dwelling, in the Aokautere Greenfield Residential Area must be located:**
- a) **so that the garage face is setback at least 0.5m behind the façade of the dwelling it serves;**
- b) **not less than 5.5m from the front boundary if there is an on-site parking space in front of the garage door; and**

- c) **so that it does not occupy more than half the width of the frontage of the dwelling it serves.**

176. I note that Policy 11 and subpart 8 of Part 3 of the NPS-UD has resulted in a requirement to remove minimum car parking requirements from district plans. The intention behind this requirement is to enable more housing and commercial developments to be delivered, particularly in higher density areas where people do not necessarily need to own or use a car to access jobs, services, or amenities<sup>86</sup>. Car parking may still be provided, but the number of car parks provided is at the discretion of developers. Any car parking standards that remain in the District Plan are limited to addressing minimum requirements for accessible parking spaces, or vehicles other than cars (buses and bikes), short term parking (loading bays and drop off areas) and the necessary dimensions of any provided parking spaces<sup>87</sup>.
177. I consider the proposed setback for garages of 5.5m from front boundaries provides sufficient depth to allow a typical private vehicle to park within a lot without overhanging the footpath. (As I note above a large SUV is typically 4-5m in length and the length of a utility vehicle is around 5 – 5.3m in length). The specified street cross-sections also provide for on-street parking, which can accommodate visitor parking, or extra family cars. I understand, based on the evidence of Mr Burns, that a depth of 5.5m is intended to facilitate more of the site to be used for quality outdoor space rather than vehicle dominated space and encourages larger rear yards where privacy and amenity are typically greater. It also improves the visual relationship between public and private space by providing stronger street-edge definition<sup>88</sup>.

### 1.2.3 Recommendations

178. Due to the extensive nature of my recommended changes under this topic, I have taken a different approach in this section, and have set out my recommended changes as I deal with each substantive issue above. I provide a tracked change version of the provisions as Appendix 1: Recommended changes to PCG provisions (including Structure Plans) to this report. The Appendix provides the full set of changes I have recommended.

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<sup>86</sup> National Policy Statement on Urban Development updated January 2021: Car Parking Fact Sheet. Ministry for the Environment. Available here: <https://environment.govt.nz/assets/Publications/Files/car-parking-factsheet.pdf>.

<sup>87</sup> Ibid Pg 2.

<sup>88</sup> s42A Report – Urban Design, pg 55.

## Topic 8 - Local Business Zone – Aokautere Neighbourhood Centre

1. PCG provides for a neighbourhood centre, zoned Local Business Zone, to be located in the Aokautere residential area (referred to as the neighbourhood centre or local centre). The purpose of the neighbourhood centre is to provide a convenient destination, readily accessible by foot or cycle to most residents in the area, where a range of goods, services and amenities are available, along with opportunities for social interaction. The centre is intended to provide for a reasonable range of everyday necessities but is of a smaller scale than the Summerhill shopping centre, which is located on the corner of Ruapehu Drive and Aokautere Drive.
2. The neighbourhood centre is centrally positioned in the Aokautere Structure Plan area with part frontage to Pacific Drive. The location of the neighbourhood centre was determined by considering existing development pattern and constraints, the need for the centre to be surrounded by housing (both suburban low density and medium density), and the need to have frontage to Pacific Drive, to support the development, vitality and viability of the centre.
3. The Structure Plan includes a Precinct Plan for the Neighbourhood Centre (Map 7A.4C). The Precinct Plan identifies the desired centre layout, activities, roading and parking outcomes which are supported by the policies, rules and performance standards contained within Section 7A and Section 11.

### 1.1.1 Issues raised in submissions

4. Submissions received in relation to the proposed Aokautere Neighbourhood Centre and Local Business Zone raised the following matters:
  - a) Support for development of the neighbourhood centre to provide access to local shops and amenities;
  - b) Objection to the prescriptive nature of the Precinct Plan and design controls set out in the proposed provisions;
  - c) Opposition to the neighbourhood centre being a mandatory requirement;
  - d) The location of the neighbourhood centre, with requests that the centre should be relocated so that it is all on Pacific Drive, or on one side of the road;
  - e) Requests for flexibility to accommodate light commercial activities at other locations within the PCG area outside the neighbourhood centre, and to provide an additional village centre, to increase accessibility by biking or walking;
  - f) Requests to turn the neighbourhood centre into a village square, without any motorised traffic or parking;
  - g) Objection to the proposed controls which make residential activities on the ground floor within the neighbourhood centre a non-complying activity.

## 1.1.2 Analysis

5. Several submitters [Karen Wilton S9.003, Dennis Thomas S22.005, Ben Somerton S83.001] have indicated their support for the neighbourhood centre, which is noted.

### 1.1.2.1 Local Business Zone Precinct Plan

#### Number of centres and commercial uses

6. Chris Teo-Sherrell [S43.005] and Kevin Low [S73.004] consider there should be flexibility to accommodate light commercial activities at other locations within the plan change area, so that more people can walk or cycle to access amenities without having to drive. One suggested location by submitters is upslope from the intersection of Pacific and Atlantic Drive. Alternatively, Kevin Low considers two village centres should be incorporated.
7. The Operative District Plan provides for some small-scale commercial activities to be accommodated in residential areas as a permitted activity, subject to compliance with the relevant performance standards (e.g. small health facilities, home occupations and motels)<sup>1</sup>. Where the activity is one not provided for, and the nature or extent of effects need to be assessed, the activity becomes a restricted discretionary or discretionary activity. Permitted commercial activities in the residential zone are limited to ensure that, for the most part, such activities are directed to the centres in accordance with the hierarchy of business zones.
8. The Council's urban economist Mike Cullen has considered the potential catchment for the neighbourhood centre in his report *Aokautere Comments on Current Development Framework & Potential for a Village Centre*.<sup>2</sup> Mr Cullen's report states that the estimated overall catchment of around 1620 households<sup>3</sup> will only generate enough retail purchasing power to support one meaningful neighbourhood centre<sup>4</sup>. Providing for two centres would change the function of those centres to one of a "top up" only and would compromise their likely success. The local centre is also expected to provide a range of other services besides retail, including health, personal and professional services.
9. Based on the above analysis, I do not consider that making provision for multiple neighbourhood centres would be an appropriate planning response where there is likely to be insufficient customer demand to support viable commercial activities. Spreading a small number of commercial activities across multiple locations is also likely to reduce the vibrancy and variety of offerings that would be available in a single location. In turn, this is likely to reduce the attractiveness of the centre to customers and create additional distance for people to travel to benefit from the full range of local services. Having said that, I consider commercial activities within residential dwellings (i.e. 'home occupations' as defined in the District Plan) on the fringe of the neighbourhood centre and within easy walking distance of the centre would remain appropriate, especially during the formative stages of the centre's development.

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<sup>1</sup> See Section 10:7 Non-Residential Activities.

<sup>2</sup> Appendix 12 to the Section 32 Report for PCG, July 2022.

<sup>3</sup> This figure includes existing dwellings, of which there are approximately 300 within the catchment, approximately 1,130 additional lots to be developed and some additional dwellings beyond the immediate plan change area.

<sup>4</sup> See pg 5 of Appendix 12 to the Section 32 Report for PCG.



#### Location of the centre

10. Ben Somerton [S83.001] is supportive of the location of the neighbourhood centre. His support is noted.
11. Chris Teo-Sherrell [S43.007] considers that the proposed neighbourhood centre should be re-designed as a village square, without any motorised traffic or vehicle parking within it. The submitter considers parking should be restricted to:
  - a) the local street labelled B on Map 7A.4C, and
  - b) the activity streets labelled A and B on Map 7A.4D (Street types map).
12. Mr Teo-Sherrell also considers the area marked 'C' 'Activity Street' on Map 7A.4D should be off limits to motor vehicles (with provision for mobility parking in the first available positions outside this area), and that if this was the case, there would be no need for the street marked 'A' on Map 7A.4C to be an 'urban connector'. This submission is supported by a further submission by Heritage Estates 2000 Ltd [FS18.037].<sup>5</sup>
13. CTS Investments Ltd, Woodgate Ltd and Terra Civil Ltd [S58.002] are concerned about the feasibility of the neighbourhood centre and consider this should be relocated so that the entire centre is positioned on Pacific Drive, not just one corner of one site, as is currently proposed. Paul Hewitt [S101.005] considers the centre should be repositioned to be on one side of the road to reduce conflict between pedestrians and traffic.
14. Mr Cullen considered the location of the neighbourhood centre and its connectivity with the local transport network in his original assessment<sup>6</sup> and addresses this further in his s42A report. Mr Cullen identifies the need for the centre to address Pacific Drive, however he does not consider that the entire centre is required to be located along Pacific Drive<sup>7</sup>.
15. Having reviewed Appendix 12 of PCG and Mr Cullen's evidence, I consider that making the neighbourhood centre a vehicle free 'village square' could threaten the viability of this centre, which will draw some of its trade from residents passing by the local centre (predominantly by vehicle) on their way to and from other destinations. In addition, the development of the local centre off Pacific Drive allows the development of an urban centre that can be surrounded by medium density housing, which in turn supports the viability of the centre. It would be difficult to achieve this via a more linear town centre configuration that would occur if the centre was positioned along Pacific Drive. In addition, the lots fronting Pacific Drive in this location are already occupied by housing, with only one vacant lot available. Locating the neighbourhood centre entirely on Pacific Drive would mean acquiring and demolishing existing dwellings.

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<sup>5</sup> Submission S43.007 is also addressed in the Transport section of this report.

<sup>6</sup> See Appendix 12, pg 4-8.

<sup>7</sup> Section 42A – Urban Economics, pg 11.

16. My understanding is that it is important to obtain a 'presence' on Pacific Drive, to draw passers-by in, but that a more intimate scale and off-line layout is required to facilitate a high-quality public realm attractive to journeys by foot or cycle. By reconfiguring the proposed access road<sup>8</sup> so that this passes through a vacant lot on 129 Pacific Drive, the Precinct Plan design provides for commercial frontage of approximately 36m with Pacific Drive, with a north facing aspect. This exposes the neighbourhood centre to movement from traffic returning to Aokautere along Pacific Drive. The neighbourhood centre would provide a level of convenience for both those commuting past the local centre, and those living in close proximity, who could walk and cycle to the centre. The neighbourhood centre's north facing positioning ensures some outdoor commercial uses (for example food and beverage) could take advantage of the sun.
17. For these reasons I consider the proposed location of the Aokautere Neighbourhood Centre is appropriate and should be retained as proposed.

#### Precinct Plan (Map 7A.4C)

18. Heritage Estates 2000 Ltd<sup>9</sup> and CTS Investments Ltd, Woodgate Ltd and Terra Civil Ltd.<sup>10</sup> are opposed to the inclusion of the Aokautere Neighbourhood Centre Precinct Plan (the Precinct Plan) and the level of design prescription associated with the implementing provisions. Heritage Estates consider there should be flexibility to deliver a different outcome without needing to trigger a Schedule 1 process. For this reason, the submitters are largely opposed<sup>11</sup> to the proposed amendments to Section 11.10 Local Business Zone to insert Objective 6 and implementing policies 6.1-6.9, which set out the intended outcomes and design controls for the Aokautere Neighbourhood Centre. Neither submitter has proposed any alternative wording to these provisions.
19. The notified amendments to Section 11.10 seek to ensure that the Aokautere Local Neighbourhood Centre provides a high amenity, safe and walkable environment which is integrated with the road network, creating a centre that is both viable and has vitality. The Precinct Plan identifies the location of the local centre and layout required to achieve the above outcomes. The policies, rules, performance standards and assessment criteria proposed in Chapter 11 introduce the design controls to achieve those outcomes. The Precinct Plan and design controls work in tandem.
20. It is my understanding, based on the expert advice from Mr Cullen (urban economics) and Mr Burns (urban design) that a level of layout prescription is required to deliver a feasible neighbourhood centre which achieves the desired social and economic outcomes<sup>12</sup>. Prescriptiveness in terms of the centre layout is necessary due to the constraints of existing development (i.e. residential development has already established along both sides of Pacific Drive and there are limited vacant lots), land being in private ownership, and the need to work with the existing street layout. There is a risk that key factors for the viability of the local centre

<sup>8</sup> There is currently an unsealed access road in the location of 131 Pacific Drive, which provides access to land currently being developed.

<sup>9</sup> S51.111, S51.112, S51.113, S51.114, S51.115, S51.116, S51.128.

<sup>10</sup> S58.002 (supported by FS18.004), S58.039, S58.040, S58.041, S58.042, S58.043, S58.044, S58.045, S58.046, S58.047, S58.048.

<sup>11</sup> Heritage Estates supports proposed Objective 6 and does not oppose proposed Policies 6.2, 6.4, 6.5, 6.8.

<sup>12</sup> Section 42A – Urban Economics, Section J

will not be delivered if site development is piecemeal and occurs without the Precinct Plan to guide development. The evidence of Mr Burns identifies existing town centre locations in Palmerston North, namely Highbury, Awapuni and Kelvin Grove, where limited design prescription has resulted in poor urban design outcomes. This is particularly the case in relation to building frontage design and interface with streets<sup>13</sup>.

21. The Precinct Plan seeks to provide for the convenience of daily commutes by vehicle, whilst also providing a layout and urban form which is attractive and safe for trips by foot, cycle or public transport. The centre is intended to deliver more than just retail facilities, but to enable good social and economic outcomes, consistent with a well-functioning urban environment. Mr Cullen advises that a retail element is necessary to secure a level of footfall, which then attracts other businesses to want to locate in that centre<sup>14</sup>. This brings a diversity of employment and economic opportunities, that contribute to a “well-functioning urban environment”.
22. Based on the expert evidence of Mr Cullen, Mr Burns, and Mr Murphy delivering ‘well-functioning urban environments’ in greenfield areas require a high level of design prescription because the new development does not have the contextual drivers such as existing urban features that are present in an in-fill or redevelopment site. Within a contextual vacuum, development needs to be directed by provisions that promote and will deliver the outcomes being sought. An urban environment with quality urban design will attract people to the area, which is particularly important in establishing a local centre that has vitality and is viable.
23. While the PCG area has some existing urban fabric for context, that development is only in the form of residential sections served by long cul-de-sacs that restrict connectivity and efficient interactions between different areas. The limited existing urban context combined with a substantial greenfield development area means that a prescriptive planning response to achieve a viable neighbourhood centre is necessary.
24. A well-functioning urban environment includes the requirement to enable a range of types, prices and locations for homes as well as sites for business<sup>15</sup>. The delivery of a local centre in the PCG area will assist with providing good accessibility between housing, jobs and community services, including by way of public or private transport. It supports reductions in greenhouse gas emissions by providing access to services without the need for private vehicle trips and provides a level of resilience in the event of a major disaster, by providing a local source of essential everyday items. The prescriptive approach protects the site from the effects of incompatible development that could compromise the opportunity for the neighbourhood centre to be delivered in the future, whether that is by a private developer, or by the Council.
25. This approach is consistent with the operative Local Business Zone objectives and policies in the District Plan. Operative Objective 5 directs that “*The Local Business Zone has a high level of visual amenity, safety and comfort*”. The supporting policies require high quality building design which “*acknowledges and responds to the context of the site and surrounding environment and contributes positively to the image of the neighbourhood and quality of*

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<sup>13</sup> Section 42A – Urban Design, Topic 15: District Plan Provisions, pg 54

<sup>14</sup> Section 42A Report – Urban Economics, section F

<sup>15</sup> NPS on Urban Development, May 2022, Policy 1.

*experience of adjacent streets and other public open spaces” (Policy 5.1). The Operative District Plan directs that neighbourhood centres help to define the identity of a neighbourhood, and that “Good quality environments, including a good mix of activities, attract people and encourage them to stay. Conversely, utilitarian centres tend to be used only for essential activity, and where people have no option. The visual amenity of buildings and the spaces around and between buildings contributes to their attractiveness and functional amenity”<sup>16</sup>.*

26. I have reviewed the proposed Local Business Zones objectives and policies and consider them appropriate to ensure a high amenity environment which will contribute to a viable local centre.
27. For these reasons I have not recommended any amendments to the proposed Local Business Zones objectives and policies in response to these submissions.

### 1.1.2.2 Centre Development

28. CTS Investments Ltd, Woodgate Ltd and Terra Civil Ltd [S58.002] consider medium density housing will not be delivered without the early development of the neighbourhood centre. They consider that the number of households necessary to enable the local centre requires a high level of medium density, but the medium density is unlikely to be successful without the early development of the centre.
29. My understanding, based on the evidence from Mr Cullen, is that it is unlikely that the neighbourhood centre will be an early component of development in the PCG area<sup>17</sup>. It is unrealistic that a centre will ‘pop up’ overnight and attract medium density housing around it in the short term. Centre development is more likely to be gradual and always evolving and will most likely begin with a series of mostly independent buildings, in which contain one or two shops. A centre also requires the evolution of supporting activities around and within walking distance of the centres. These activities include medium density housing and the establishment of other supporting business uses (ie home occupations) and other non-residential (health, education facilities) within the centre or within the immediately surrounding residential zone. I note that operative provisions in the Residential Zone section of the District Plan encourage commercial activities in a Greenfield Residential Area to locate within a neighbourhood centre (Policy 10.1) and Policy 10.2 seeks to ensure any commercial activities within a greenfield residential area are consistent with the policy framework of the Local Business Zone. I consider these provisions acknowledge and provide for the evolution of the Aokautere local neighbourhood centre.
30. I agree that there is a symbiotic relationship between the neighbourhood centre and the nearby medium density residential activities. The plan provisions enable a range of possible responses and the adaptability of a centre is a key to its success over time. I consider that the Local Business Zone provisions will support the development of a successful local centre over time by:
  - a) Protecting the location of the local business zone in a central location.

<sup>16</sup> Explanation to Objective 5 and supporting policies, pg 88 of the Local Business Zone.

<sup>17</sup> Section 42A – Urban Economics – Section I, pg 23.

- b) Ensuring commercial use is provided at ground floor level.
  - c) Providing for development of one to three stories, that allows the ability to build density in the centre over time.
  - d) Providing for a range of commercial uses.
  - e) Requiring medium density housing to be provided around the town centre but allowing a range of housing typologies to be delivered.
  - f) Enabling supporting business to locate in the surrounding residential zone (ie home occupations and some non-residential activities permitted by the operative provisions in the residential zone.)
31. I consider that the proposed provisions appropriately balance the prescriptiveness needed to achieve high quality urban design outcomes (as outlined in the section above), with flexibility to enable the gradual evolution of the local centre in a manner responsive to the development of the surrounding area. For these reasons I have not recommended any amendments to the proposed Local Business Zones objectives, policies, or rules in response to this submission.

### **1.1.2.3 Residential activities in the Aokautere Neighbourhood Centre**

32. Heritage Estates<sup>18</sup> and CTS Investments Ltd, Woodgate Ltd and Terra Civil Ltd.<sup>19</sup> are opposed to the proposed amendments to the rules in Section 11.10<sup>20</sup>. In particular, Heritage Estates is opposed to the amendments which would make residential activities on the ground floor level within the Aokautere Neighbourhood Centre a non-complying activity. The submitter considers that the nature and scale of business has changed due to the Covid 19 pandemic and a combination of a ground floor rear flat and ground floor front business should not be excluded from the local centre under the PCG provisions. The submitter is of the view that the provisions should restrict business to the street frontage but not exclude residential activities entirely.
33. The operative rules in the District Plan make residential accommodation on the ground floor level in a Local Business Zone a non-complying activity (see R11.10.2.1 and Rule 11.10.5). The District Plan recognises that residential accommodation in local business zones provides for a level of mixed use, but that this should be provided at a scale which will not compromise the primary intent of the Zone to provide a convenient service to, or employment for, the surrounding community. Residential accommodation above the ground floor level is welcomed because taller buildings contribute a sense of visual presence and scale to a centre, residents provide natural surveillance and residential activity provides visual interest after dark while remaining in keeping with the surrounding residential areas<sup>21</sup>. The proposed amendments in PCG are consistent with this approach.

<sup>18</sup> S51.110, S51.117, S51.119.

<sup>19</sup> S58.049, S58.050, S58.051, S58.052.

<sup>20</sup> E.g Rule R11.10.5, R11.10.2.1 and R11.10.2.2, R11.10.3.1, R11.10.3.2.

<sup>21</sup> See the Explanation to Rule R11.10.2.1.

34. Mr Burns and Mr Cullen have considered the above submissions and have addressed the matters raised in their evidence.
35. Based on Mr Cullen's report, the commercial aspect of the neighbourhood centre must be of a sufficient size to act as a destination for much, but not all, daily and weekly shopping needs. Mr Cullen confirms that the ideal size of the centre is around 1,500m<sup>2</sup> gross leasable area in total, including an 800-900m<sup>2</sup> supermarket or similar anchor tenant. This leaves 700-800m<sup>2</sup> of floorspace for other retail uses. If the available area for retail is compromised (because of residential accommodation on the ground floor), Mr Cullen notes the capacity for viable retail activity will be reduced and the local centre will be unlikely to act as a draw or destination.
36. I understand that there is a desire to ensure that buildings within the neighbourhood centres are adaptable and versatile, such that building use can respond to changing needs without becoming vacant. This expectation is reflected in the District Plan in Section 11.10: operative Policy 1.8 which states: *"To promote the ability to change the use of buildings by ensuring regular entry points are provided at the street edge and the provision of ground level stud heights that are sufficient to allow for retrofitting for other uses."* If the flexibility of ground floor space in buildings was restricted by the presence of residential activity at the rear, the adaptability of the buildings could be compromised both in terms of scale and incompatibility with residential activity.
37. Most commercial premises require access from the front (customers) and rear of the property (servicing). Allowing ground-floor residential accommodation at the rear of the building is likely to reduce functionality and potentially create conflicts between the different types of use. The layout of the Aokautere Neighbourhood Centre provides block depths of approximately 20-22 meters. The blocks provide building frontage onto the local centre, with rear service lanes providing rear service access to the ground floor commercial tenancies. Mr Burns has advised (from an urban design perspective) that this arrangement establishes a clear distinction between front and back orientation, with the lanes providing a buffer to the residential zones. If ground floor residential was provided for at the rear, this would create a 'front to back' relationship with adjacent residential land, where the front of residential lots would be located amongst commercial service areas and would face onto the rear of adjacent residential blocks. This arrangement will create an area that is unlikely to have the character and amenity expected of a residential address.
38. In the Aokautere Neighbourhood Centre the proposed provisions provide for a building height of 11m (Rule 11.10.2.2.(b)), allowing up to two stories to be constructed above any commercial ground floor use. The proposed PCG provisions provide for residential or commercial activities to occur on upper floors within the neighbourhood centre. In my opinion this approach provides flexibility for developers considering upper floor uses and allows for adaptability/change of uses over time as the centre develops, while providing for good amenity outcomes and functionality.

#### Rule R11.10.2.1(g)

39. Rule 11.10.2.1(g) directs that (i) no residential activities shall be located at the ground floor level in the Aokautere Neighbourhood Centre, and that (ii) residential activities shall not be the dominant activity on site. As outlined above, residential activities at ground floor level in the Aokautere Neighbourhood Centre are identified in Rule 11.10.2.1 and Rule 11.10.5(a) as a

non-complying activity. For this reason, I consider that there is no need to include 11.10.2.1(g)(i) as standard for a permitted activity, given plan users are already directed that this activity is a non-complying activity.

40. I am concerned that performance standard 11.10.2.1(g)(ii) may discourage the use of upper floors for residential use by requiring commercial use to be the dominant use of the site. It is foreseeable that a 11m building height could provide an additional 2 floors above ground floor, and that those floors could be used as residential activities. In this case residential activities could be considered the dominant activity on the site (using 2 of the 3 floors) and trigger non-compliance with this standard. For this reason, and those in paragraph (33) above, in my view the standard is not consistent with achieving the mixed-use outcomes intended for this area.
41. I consider that the standard contained in Rule 11.10.2.1(g) (ii) is unnecessary to achieve the development outcomes sought in the Aokautere Neighbourhood Centre and I recommend that R 11.10.2.1(g) (ii) is deleted.
42. I consider that the standards contained in Rule 11.10.2.1(g) are unnecessary to achieve the development outcomes sought in the Aokautere Neighbourhood Centre and I recommend that Rule 11.10.2.1(g) is deleted in its entirety.
43. I note that the Operative District Plan provisions refer to 'residential accommodation', while the proposed PCG provisions insert new provisions that refer to 'residential activities'. I understand the definition reflects the National Planning Standard definition. The definition of 'residential activity' in the National Planning Standards Definition Standard provides:
- 'residential activity' as 'means the use of land and building(s) for people's living accommodation'*
44. I consider this term has the same meaning as 'residential accommodation' in the Operative District Plan, although there is no definition of this term in Section 4: Definitions. In my opinion, it would be confusing to use two different terms to describe the same activity. For this reason, I recommend the language in the Operative District Plan be retained until such point as the Council adopts the National Planning Standards in a more comprehensive manner.

### 1.1.3 Local Business Zone - Objective 6 and Policies 6.1 - 6.9

45. Heritage Estates 2000 Ltd [S51.0111] reject and CTS Investments Ltd, Woodgate Ltd & Terra Civil Ltd [S58.039] oppose proposed Objective 6. CTS Investments Ltd, Woodgate Ltd & Terra Civil Ltd<sup>22</sup> opposes Policies 6.1 – 6.9 due to the directive nature of the plan change and its implementing provisions. Heritage Estates 2000 Ltd opposes Policies 6.1, 6.3, 6.6 and 6.7 due to the prescriptive nature of these provisions<sup>23</sup>. I address these matters below.

#### Objective 6

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<sup>22</sup> S58.040, S58.041, S58.041, S58.042, S58.043, S58.044, S58.045, S58.046, S58.047, S58.048.

<sup>23</sup> S51.112, S51.113, S51.114, S51.115, S51.116.



46. Proposed Objective 6 is:

**To provide for an attractive, high amenity, pedestrian focused Neighbourhood Centre that will service the Aokautere Greenfield Residential Area and help to create a sense of place, while being well integrated with the surrounding landscape, roading network, and pedestrian and cycle access.**

47. Neither submitter provides alternative wording [S51.111, S58.039]. I disagree with the submitters that this objective is overly prescriptive and consider that Objective 6 appropriately captures the Council's desired outcomes for the neighbourhood centre, as stated in the s32 Report for PCG, and as shown spatially on the Structure Plan.

48. To ensure that Objective 6 only applies to the Aokautere Greenfield Residential Area, and not more widely to the Aokautere Residential Area, I recommend the following minor amendment to the objective.

**To provide for an attractive, high amenity, pedestrian focused Neighbourhood Centre that will service the Aokautere Greenfield Residential Area and help to create a sense of place, while being well integrated with the surrounding landscape, roading network, and pedestrian and cycle access.**

#### Policy 6.1

49. Proposed Policy 6.1 reads:

**To provide for local serving retail and commercial activities in specific locations as identified on the Aokautere Neighbourhood Centre Precinct Plan (Map 7A.3C).**

50. Neither submitter provides alternative wording [S51.112 and S58.040]. I disagree with the submitters that this Policy is overly prescriptive. As outlined above, the Precinct Plan requires a level of layout prescription to deliver a feasible neighbourhood centre which achieves the desired social and economic outcomes (as well described in Mr Cullen's s42A report).

51. PNCC [S50.023] has highlighted that Policy 6.1 contains reference to providing for "retail and commercial activities"; however, retail activity has a specific definition in the District Plan which relates to the 'Fringe Business Zone' only. PNCC requests that Policy 6.1 be amended to provide for "local business activities" so as to avoid confusion with the specific definition applying to the Fringe Business Zone. I agree with this submission and recommend that Policy 6.1 is amended in line with the submission. A minor change is also recommended to reflect the updated map numbering.

**To provide for local ~~serving retail and commercial~~ business activities in specific locations as identified on the Aokautere Neighbourhood Centre Precinct Plan (Map 7A.43C).**

#### Policy 6.2

52. Proposed Policy 6.2 reads:



**To ensure an anchor tenant and a mix of smaller scale activities provide a diverse range of goods and services to the local catchment.**

53. CTS Investments Ltd, Woodgate Ltd & Terra Civil Ltd [S58.041] have provided no alternative wording, or reasons as to why they consider the Policy overly prescriptive. I recommend that the Policy is retained as notified.

**Policy 6.3**

54. Proposed Policy 6.3 reads:

**To require integration of the Aokautere Neighbourhood Centre with roading and transport connections as identified on the Aokautere Structure Plan.**

55. The submitters [S58.042 and S51.113] have provided no alternative wording, or reasons as to why they consider the Policy overly prescriptive. To improve readability of the policy, and to highlight the importance of the integration of the local centre within the surrounding neighbourhood, I recommend the following minor amendments to the Policy.

**To require integration of the Aokautere Neighbourhood Centre with the surrounding neighbourhood by providing the roading and transport connections as identified on the Aokautere Structure Plan**

**Policy 6.4**

56. Proposed Policy 6.4 reads:

**To create a high amenity and safe, walkable environment.**

57. The submitter [S58.043] has provided no alternative wording, or reasons as to why they consider the Policy overly prescriptive. However, on review of the Policy I consider that the outcomes intended by the Policy are achieved through other policies in the Plan, namely Section 11 - Policy 1.4, Policy 1.9, Policy 2.1, Policy 2.3 and Policy 5.1. For this reason and to remove unnecessary repetition, I recommend that Policy 6.4 is deleted.

**~~To create a high amenity and safe, walkable environment.~~**

**Policy 6.5**

58. Proposed Policy 6.5 reads:

**To ensure that buildings and tenancies are built entirely to the front boundary to create a continuous street frontage that encourages pedestrian activity at ground floor level.**

59. The submitter [S58.044] has provided no alternative wording, or reasons as to why they consider the Policy overly prescriptive. I recommend that the Policy is retained as notified.

**Policy 6.6**

60. Proposed Policy 6.6 reads:

**To restrict all residential activities within the Aokautere Neighbourhood Centre to above ground floor level.**

61. The submitters [S58.045 and S51.114] have provided no alternative wording, or reasons as to why they consider the Policy overly prescriptive. However, on review of the policy I consider that the outcomes intended by the Policy are achieved through operative Policy 1.7. For this reason and to remove unnecessary repetition, I recommend that Policy 6.6 is deleted.

~~**To restrict all residential activities within the Aokautere Neighbourhood Centre to above ground floor level.**~~

Policies 6.7, 6.8 and Policy 6.9

62. Proposed Policies 6.7 – 6.9 read:

**6.7 To ensure that all residential accommodation within the Aokautere Neighbourhood Centre is designed with a high level of amenity.**

**6.8 To promote commercial street frontages with the following characteristics:**

- **Doors and windows provide passive surveillance of, and visual and physical connection to, the street and public spaces.**
- **Narrow storefronts with frequent entries at the street edge.**
- **Primary building access from public footpaths.**

**6.9 To require service access to be provided at the rear of the buildings as identified on the Aokautere Neighbourhood Centre Precinct Plan (Map 7A.43C).**

63. The submitters [S58.046, S58.047, S58.048 and S51.115 and S51.116] have provided no alternative wording, or reasons as to why they consider the policies overly prescriptive. I recommend that the policies are retained as notified.

64. A minor change is recommended to Policy 6.9 to reflect the updated map numbering.

**6.9 To require service access to be provided at the rear of the buildings as identified on the Aokautere Neighbourhood Centre Precinct Plan (Map 7A.43C).**

65. I have proposed that three additional policies, namely Policy 6.10, 6.11 and 6.12 are included under Objective 6 to address stormwater and natural hazard management. I have provided reasons and analysis to support my recommendation in this regard, within the Stormwater and Geotechnical chapters of this s42A report.

## 1.1.4 Local Business Zone activity controls

66. Rule R11.10.2.1 in the District Plan provides for any activity in the Local Business Zone to be a permitted activity, provided the performance standards are complied with and the activity is not captured under another activity class.
67. PCG inserts amendments to the performance standards in R11.10.2.1 which address signage and parking.

### Signage - R11.10.2.1(c)

68. Heritage Estates 2000 Ltd [S51.118] oppose the amendment to performance standard (c) that requires that no signage shall be located above the fascia level of a building, and that only one fascia sign be permitted per tenancy. The submitter questions why this level of design control is being pursued in Aokautere, and consider it is at odds with the provisions elsewhere in the City. They consider absolute design control affects design innovation and may adversely affect businesses establishing in this location, particularly franchise businesses. Further, the submitter notes the current signage provisions of the District Plan often require resource consent and are suitable to ensure that signage makes a positive contribution to the city.
69. My understanding, based on the expert evidence of Mr Cullen and Mr Burns, is that the success of the Aokautere Neighbourhood Centre is dependent on a high amenity environment, and that controls on signage contribute to achieving this outcome<sup>24</sup>. Signage can have a considerable effect on the perceived quality of both a building's frontage and adjoining streetscape / public realm. In particular, signage can dominate the façade of a building and/or veranda and reduce the visual quality of a frontage, adversely affecting the visual coherence and appeal of the local centre. In neighbourhood centres where road frontage and visibility to potential customers traveling in vehicles is important, signs are designed to be read by motorists passing at speed. The simplest way to achieve this is to have large letters in elevated locations. In circumstances where visibility from roads is of lesser importance and where a pedestrian environment is dominant, the pedestrian environment benefits from smaller signs at lower levels on buildings that are integrated with other streetscape features. The performance standard seeks to achieve signage that is appropriate for a pedestrian friendly environment.
70. The intention of the standard is to ensure that signs are integrated into the overall design of the building and are not an overly dominant feature of the building form. This ensures the signs make a positive contribution to the creation of a high amenity environment. Where the standard cannot be met, there is an option to apply for resource consent, where objectives, policies and assessment criteria provide guidance for decision-making. I consider that the proposed standard will help to ensure that the urban design outcomes for the local centre are achieved.
71. While I support the inclusion of this standard, I consider that its intent could be better conveyed with minor amendments to the wording, and substitution of a figure which better illustrates the intended design outcome. I consider use of the word 'fascia' could be confusing in this context, particularly without the term being defined in the District Plan (and having more than one meaning). I recommend that this word is replaced with 'veranda'. I also anticipate that there

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<sup>24</sup> Section 42A – Urban Economics, Section J, pg 22 and Section 42A – Urban Design, Submissions, Topic 15, pg 54.

may be a need for more than one sign per commercial tenancy and therefore agree with the submitter that this element should be deleted. I have made a recommendation to this effect:

**(ii) No signs shall be located above the veranda fascia level of a building (see Figure 11.5), with only one fascia sign per tenancy within the Aokautere Neighbourhood Centre.**

Parking - R11.10.2.1(h)

72. Heritage Estates 2000 Ltd [S51.127] are neutral to the proposed change removing the requirement for parking, loading and access to comply with R11.10.2.1(h). I note this change is driven by the requirement in the NPS-UD which requires councils to remove minimum car parking requirements.

#### **1.1.4.1 Local Business Zone building design controls**

73. Rule R11.10.2.2 in the District Plan provides for the construction, alteration of, or addition to buildings and structures in a Local Business Zone as a permitted activity, subject to compliance with the performance standards.
74. PCG proposes a number of amendments to the performance standards, which have prompted detailed submissions from Heritage Estates 2000 Ltd [S51.122]. This submitter is opposed to the level of prescriptiveness imposed by the Precinct Plan and the performance standards. The submitter considers there should be greater flexibility to adjust these controls without having to amend them through a formal Schedule 1 plan change/variation process. The following discussion addresses the detailed submission points on this rule.

R11.10.2.2 (a) Maximum floor area

75. PCG proposes the inclusion of clause (ii) to R11.10.2.2 (a) that reads:

**(ii) In respect of residential activities in the Aokautere Neighbourhood Centre (Map 7A.4C), a minimum average of 50 dwellings per hectare shall be achieved**

76. Heritage Estates [S51.120] oppose the standard. The submitter is concerned that the standard is a prescriptive design outcome which may not be achievable for a variety of reasons. Heritage Estates is also concerned around the monotony of form that may result, and that it would not be supported by the market.
77. I understand that the intention of clause (iii) is to achieve residential activities above ground floor level (up to 2 levels) within the neighbourhood centre at a density that would support the development and viability of the local neighbourhood centre. In addition, this standard encourages buildings of a scale that provide a sense of place, creating buildings of a height greater to or equal to the medium density housing that will surround the local centre.
78. My concern, as highlighted though the submitters' concerns around centre viability, is that the density per hectare standard may in fact discourage upper floor residential development. I understand from discussions with McIndoe Urban that, to achieve the 50 dph requirement, at least two floors of residential accommodation would need to be above ground floor commercial

space. I also understand, based on the Mr Cullen's s42A report, that it may take time for the local centre to evolve to the extent that demand triggers an increase in density that would deliver multi-floor development<sup>25</sup>. Removing this standard will therefore allow greater flexibility to deliver residential accommodation on upper floors in the centre, at the point there is demand for this.

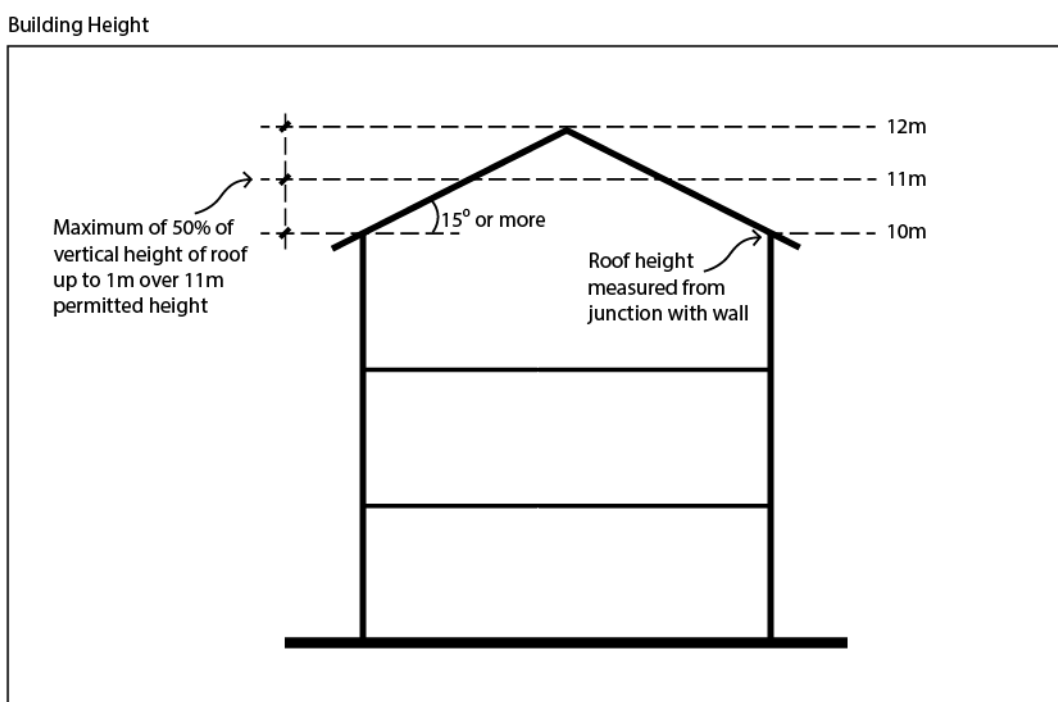
79. For these reasons I consider that this standard should be removed so that the District Plan enables residential development on upper floors, but does not stipulate a required density.
80. I therefore recommend that R11.10.2.2 (a) is deleted in its entirety.

R11.10.2.2 (b) Building Height:

81. Heritage Estates 2000 Ltd [S51.121] is concerned with the proposed amendment to performance standard (b)(ii) Building Height, which requires that the height of structures in the Aokautere Neighbourhood Centre must not exceed 11m. The submitter is concerned that this change limits the depth to building frontage ratio available for providing natural light into interiors and for energy efficiency. They seek that flexibility is provided to enable more interesting roof forms and inhabitation of roof space, by increasing height by an additional metre.
82. Mr Burns has considered this submission and is of the view that this would be an acceptable design outcome. Mr Burns has recommended an amendment to the performance standard to allow for "rooftop features" to exceed the 11m height restriction by an additional metre, where those features occupy no more than 50% of a building's roof in elevation, (measured vertically from the junction between wall and roof), and where the entire roof slopes 15° or more. Mr Burns has also provided a figure to demonstrate the application of this standard.
83. On the basis of Mr Burns's expert advice, I have recommended a modification to the standard to this effect, and the inclusion of the figure below as Figure 11.5B.

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<sup>25</sup> Section 42A – Urban Economics, Section I, pg 22.



**Figure 11.5B**

**R11.10.2.2 (e) Building Frontages:**

84. Heritage Estates 2000 Ltd [S51.122] oppose the amendments to R11.10.2.2(e) as they consider a combination of street frontage business and rear residential living could provide an excellent design outcome.
85. I note that Rule R11.10.2.1 restricts residential activities at ground floor level and makes these a non-complying activity (rather than this rule). It is not clear from the submission what relief is sought in relation to this standard. I have considered the flexibility to locate residential activities to the rear of a commercial frontage earlier in this section of my report.
86. On review of performance standard R11.10.2.2(e)(ii)(a), I note that this standard applies to Large Neighbourhood Centres. Chapter 4 of the District Plan defines a 'Large Neighbourhood Centre' as 'for the purpose of the Local Business Zone are limited to the following centres:
  - g) *Any Greenfield development containing more than 10 tenancies, or a large anchor tenant with associated tenancies...*
87. The Aokautere Neighbourhood Centre is a greenfield development intended to contain more than 10 tenancies, and as such would fall within the definition of a 'Large Neighbourhood Centre'. R11.10.2.2(e)(ii)(a) requires that '*all buildings are to be built to the front boundary of a site along no less than 50% of the street boundary*'. This outcome will conflict with the outcomes sought in the Aokautere Neighbourhood Centre, in particular Policy 6.5 that seeks to '*ensure building and tenancies are built entirely to the front boundary to create a continuous street frontage that encourages pedestrian activity at ground floor level*'.

88. To ensure the standard is consistent with the policy framework (and intent) for the neighbourhood centre within PCG, I recommend that the R11.10.2.1(e)(ii)(a) is amended to exclude the Aokautere Neighbourhood Centre, and that the standard directs plan users to standard R11.10.2.1(e)(ii)(b), that requires that buildings shall be built entirely to the front boundary. This amendment is recommended to improve the clarity and consistency of the District Plan. I note it also reflects the relief sought in PNCC's own submission [S50.025].

R11.10.2.2 (f) Verandas:

89. While Heritage Estates support the minor amendment to clause i. which requires verandas to be integrated with the shop frontage<sup>26</sup>, they oppose<sup>27</sup> the proposed amendment to R11.10.2.2(f)(iv) which reads:

**iv. "Within the Aokautere Neighbourhood Centre (Map 7A.4C) lettering shall not dominate the canopy area by being secondary to the veranda."**

90. The submitter considers this is a prescriptive design outcome and questions why this level of design control is being promoted in Aokautere. The submitter considers it is at odds with the provisions for signage in other parts of the City.
91. I understand that the intention of the standard is to achieve a high level of urban design, however I consider the standard is subjective, is difficult to interpret and lacks clarity around how compliance would be achieved.
92. In most cases it is likely that a building constructed within the Aokautere Neighbourhood Centre will trigger resource consent as a Restricted Discretionary Activity (as a building over 50sqm under R11.10.2.2(a)). In this case, an assessment of the proposal would be required against the policies and assessment criteria that relate to the Aokautere Neighbourhood Centre. This would include assessment against a number of urban design outcomes including 11.10.3.2(d)(xiii)(i) *'how signs.....are integrated into the overall design of buildings of the buildings and the Aokautere Neighbourhood Centre'*. I consider this assessment would achieve the outcomes intended by the standards, and therefore I consider the standard is unnecessary.
93. For these reasons I recommend that R11.10.2.2(f)(iv) is deleted in its entirety.

Performance Standard (g) Shop Fronts and Glazing:

94. A number of amendments to R11.10.2.2(g) are proposed as follows:

i. Large Neighbourhood Centres, Small Neighbourhood Centres and Local Stores

- All buildings shall have clear glazing for 75% of the height of the ground **primary** floor frontage and for no less than 75% of the ground **primary** floor frontage width. **On corner sites, the proportion of clear glazing on the secondary frontage shall not be less than one third of the secondary frontage width. The exception is at the interface with Pacific Drive in the Aokautere Neighbourhood Centre (Map 7A.4C)**

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<sup>26</sup> [S51.123].

<sup>27</sup> [S51.124].

**where all buildings shall have clear glazing for 75% of the ground floor primary and secondary frontage.**

- Maximum length of a blank wall along a frontage shall be no greater than 3 metres.
- No roller shutters are permitted along a retail frontage at any time.
- **Window size, proportion, grouping and/or subdivision of openings should take account of the overall architectural elevation of the building.**
- **Fascia shall be sited below the sill of the first-floor windows in the Aokautere Neighbourhood Centre (Map 7A.4C) and must not cross adjoining buildings. (See Figure 11.5).**

Note to Plan Users

**For the purposes of R11.10.2.2(g)(i) the primary frontage of a building is the portion of a frontage that serves the main access point to a building or tenancy and faces the principal retail street through the centre, while the secondary frontage is the portion of a frontage facing a lower-order street through the centre and not providing the main access to the building or tenancy.**

95. Heritage Estates [S51.125] state that the operative rule '75% of the height of the ground floor frontage' has resulted in endless peer review by Council's consenting team in terms of urban design outcomes. The submitter considers the current rule is inflexible and in practice those seeking consent require a more flexible rule of between 60-75% of the height of the frontage (for glazing). They also consider that there is a genuine concern regarding the increased violence in NZ communities and ground floor retail would benefit from the ability to have a greater percentage of solid areas built-into the frontages at a low level, to prevent ram-raids. They oppose the proposed amendments to bullet point 1 and to the Note to Plan Users.
96. It is my understanding that physical protection measures to reduce opportunities for crime, or 'target hardening' can have adverse visual effects and even increase the fear of crime by suggesting that the area is unsafe<sup>28</sup>. Mr Burns notes that a modest reduction in glazing is unlikely to be a sufficient deterrent to prevent ram raids or other attacks on property, and that permanent built-environment measures may not be the best response to the current spike in this type of property crime. Alternative methods may be appropriate, such as the use of street furniture or planter boxes. Mr Cullen has brought to my attention that extensive glazing can have an adverse urban form outcome, due to the visually monotonous façades that this can create. Mr Cullen recommends that adopting a lower percentage of glazing would provide for greater variety of compositional form across doors and windows.
97. On review of this standard, the submission, and Mr Cullen's advice, I recommend that the percentage range of 60%-75% of the height of the frontage is adopted as sought by the submitter, to provide some degree of flexibility to respond to matters of property safety<sup>29</sup>.

<sup>28</sup> National Guidelines for Crime Prevention through Environmental Design in New Zealand. Part 1: Seven Qualities of Safer Places.

<sup>29</sup> Section 42A – Urban Economics, pg 37 – 38.



However, I do not consider that this submission gives me scope to increase the percentage for frontage width, which would more comprehensively address the matters raised by Mr Cullen. Modifications are also required to ensure the bullet point applies only to the Aokautere Neighbourhood Centre, and I have recommended amendments to address this issue.

98. Heritage Estates [S51.126] also oppose the amendment to bullet point 4 as they consider this amendment affects all Large Neighbourhood Centres, Small Neighbourhood Centres and Local Stores within the City, and is not considered a consequential change of PCG. In addition to the submitter's points, I consider the standard is subjective, and it is difficult to interpret the standard and to understand how compliance is achieved. For these reasons, I recommend that Bullet point 4 is deleted in its entirety.
99. Heritage Estates [S51.126] consider the wording of bullet 5 is poorly worded as to the intended design outcome and is prescriptive. The submitter raises concerns both about clarity of what is intended, and the prescriptive nature of the approach.
100. My understanding is that this standard is intended to ensure that the fascia and signage does not result in an unvaried streetscape which does not distinguish individual buildings or architectural units. I consider this could be better conveyed by the following wording and the substitution of a revised figure which more accurately portrays this:
  - **Within the Aokautere Neighbourhood Centre (Map 7A.4C) verandas and fascia must be individually distinguishable and relate to the building they serve (Figure 11.5)**
101. The revised figure 11.5 would be as follows:



102. It is proposed to replace the removed figure above with a new figure, as provided below.



103. I have made a recommendation to this effect.

104. Heritage Estates 2000 Ltd [S51.130] support the proposed removal of the vehicle parking performance standard. I note the removal of this clause is driven by the requirement in the NPS-UD which requires territorial authorities to remove minimum car parking requirements.

Rule R11.10.2.2(j) – Precinct Plan

105. Rule R11.10.3.2 provides that construction, external alteration or additions to a building which do not comply with the Performance Standards for Permitted Activities in Rule R11.10.2.2 are a restricted discretionary activity. PCG proposes an amendment to this rule which has the effect of making non-compliance with performance standard R11.10.2.2(j) (which states that development in the Aokautere Neighbourhood Centre shall be in accordance with the Precinct Plan (Map 7A.4C)) a non-complying activity under Rule R11.10.5 (b).

106. The Precinct Plan (Map 7A.4C) contains a Plan and a list of 'key outcomes'. These are:

- **Local-serving retail, community or fine grain commercial activities.**
- **Residential apartments to upper levels with independent ground floor lobby/entry.**
- **Formal plan-based geometry in keeping with the wider layout of North Village**
- **Continuous building lines defining streets and other public spaces.**
- **On-street customer parking in a high-quality public realm.**
- **Coherent pathways within a pedestrian-oriented environment.**
- **Continuously built-up street frontages with active edges and a high level of visual interest.**
- **Narrow storefronts with frequent entries from public footpaths.**
- **Continuous pedestrian shelter along frontages.**
- **Visually discrete on-site vehicle circulation and service areas.**

107. Heritage Estates 2000 Ltd<sup>30</sup> and CTS Investments Ltd, Woodgate Ltd and Terra Civil Ltd.<sup>31</sup> are opposed to the inclusion of the Precinct Plan and the level of design prescription associated with the implementing provisions. Heritage Estates 2000 Ltd [S51.132] also oppose the non-complying activity status where accordance is not achieved with the Aokautere Neighbourhood Centre Precinct Plan.

108. Non-compliance with R11.10.2.2 (j) triggers the most restrictive consent activity status i.e.. 'non-complying' through rule R11.10.5(b). I consider that the list of 'key outcomes' form part of the Precinct Plan, and therefore compliance is required with these outcomes, as well as with the

<sup>30</sup> S51.111, S51.112, S51.113, S51.114, S51.115, S51.116, S51.128.

<sup>31</sup> S58.002 (supported by FS18.004), S58.039, S58.040, S58.041, S58.042, S58.043, S58.044, S58.045, S58.046, S58.047, S58.048.

design layout in the Precinct Plan itself. Many of the key outcomes are subjective, making it difficult to determine compliance and whether a non-complying activity status is triggered.

109. In the table I below I have identified where the 'key outcomes' listed in the Precinct Plan, are provided for elsewhere in the PCG or operative provisions.

Key Outcome	Outcome achieved in Policy / Provisions?
Local-serving retail, community or fine grain commercial activities.	Policies 5.6, 6.1 and 6.2 and R11.10.3.2 – Performance standards - Comprehensive Development Plan
Residential apartments to upper levels with independent ground floor lobby/entry	Policies 6.5, 6.6, 6.7, 6.8
Formal plan-based geometry in keeping with the wider layout of North Village.	Structure Plan Precinct Plan 7A.4C, and Assessment criteria R11.10.3.2(d) xii d
Continuous building lines defining streets and other public spaces.	Policy 6.5 and Assessment criteria R11.10.3.2(d) xii c and d
On-street customer parking in a high-quality public realm.	Policies 6.3 and 6.4 n and R11.10.3.2 – Performance standards - Comprehensive Development Plan (xi), and Assessment Criteria (g) Car Park Landscaping and (h) Ground Level Parking
Coherent pathways within a pedestrian-oriented environment	Policy 1.4, Policy 6.4 and R11.10.3.2 – Performance standards - Comprehensive Development Plan vi, xiv
Continuously built-up street frontages with active edges and a high level of visual interest.	Policies 6.5 and 6.8 and Assessment criteria R11.10.3.2(d) xii b, c, d, f
Narrow storefronts with frequent entries from public footpaths.	Policy 1.8, 6.8 and Performance standard R11.10.2.2 (e) and criterion d iii
Continuous pedestrian shelter along frontages.	Not directed in Policy, but addressed by R11.10.3.2 performance standard (e) and R11.10.2.2 Performance standard (f)
Visually discrete on-site vehicle circulation and service areas.	Policy 5.2, 6.9, Structure Plan Precinct Plan 7A.4C

110. The above analysis satisfies me that the 'key outcomes' listed in the Precinct Plan are already covered by the operative and proposed policy framework, performance standards and assessment criteria that would apply to any Restricted Discretionary, Discretionary or Non-Complying activity. In most cases it is anticipated that a building constructed within the Aokautere Neighbourhood Centre would trigger resource consent as a Restricted Discretionary Activity (as a building over 50sqm under R11.10.2.2(a)). In this case an assessment of the proposal would be required against the policies and assessment criteria that relate to the Aokautere Neighbourhood Centre, including those listed in the table above. For these reasons, it is my opinion that specifying the key outcomes as standards in the rule is superfluous. The clear policy direction in the District Plan provides a strong basis to impose conditions or decline consent for proposed developments that do not achieve the design outcomes.
111. For this reason, I recommend that the 'key outcomes' listed on the Aokautere Neighbourhood Centre Precinct Plan (Map 7A.4C) are deleted.
112. I consider that the Precinct Plan, without the 'key outcomes', would still give sufficient direction to plan users as to the form, layout and nature of activities that need to be achieved in the neighbourhood centre to achieve compliance with performance standard R11.10.2.2 (j).
113. Having reviewed the 'plan' element of the Precinct Plan, I consider it is overly prescriptive to require a very specific commercial use – i.e. a 'superette', to be delivered as part of the neighbourhood centre. Based on the advice of Mr Cullen, I understand that there may be commercial reasons why a supermarket provider may determine it is unviable to locate within the centre, and therefore I consider that more flexibility is required to ensure that an appropriate use is secured in this key location (to ensure sufficient retail floorage is available to make the centre viable). I recommend that reference to 'superette' is removed from the Precinct Plan and replaced with the word 'anchor tenant'. That language is consistent with the assessment criteria in R11.10.3.1 (c) size of function and with policy direction in Section 11:10 Policy 6.2.

### Rule R11.10.3

114. Rule R11.10.3.1 makes any activity which does not comply with the listed permitted activity performance standards in R11.10.2.1 a restricted discretionary activity. PCG inserts 'signs' into the list of performance standards which must be complied with. Heritage Estates 2000 Ltd [S51.129] submits that this addition does not appear to relate to PCG and is opposed.
115. It appears to me that this change is a consequential amendment arising from the proposed insertion of the performance standard for Signs (Standard c) in Rule R11.10.2.1 and should be retained as notified.
116. PCG proposes the addition of a new assessment criteria (h) to R11.10.3 requiring assessment of the assessment criteria contained in R11.9.3.1(d).
117. I agree with the submission by PNCC [S50.024], that a consequential amendment is needed in R11.10.3.1 to provide a non-compliance consenting pathway for the new performance standard R11.10.2.1(g). Assessment (h) also needs to be corrected so that it refers to R11.10.3.1(d) instead of 11.9.3.1(d). I recommend that these requested amendments are adopted.

118. Heritage Estates 2000 Ltd [S51.132] oppose the addition of new Assessment Criteria for the Aokautere Neighbourhood Centre under (d) Building Frontages, Shopfronts and Glazing and under (e) Pedestrian Cover and Verandas. Heritage Estates opposes these amendments because they consider the wording is directive and affects all existing and new resource consent applications. They consider a requirement to integrate with the existing streetscape and relate to the character of what is physically there can and does result in poor design outcomes. Further, the submitter says that the use of 'avoidance' is unhelpful wording.
119. With respect to the point about unintended scope of the amendments, I agree with the submitter that the proposed wording in the Assessment Criteria clause (e) Pedestrian Cover and Verandas would relate to any new application, and not just in the Aokautere Neighbourhood Centre. I have recommended a minor amendment to address this. I also recommend further amendments to address the phrasing of iv. and to improve interpretation and application of the assessment standard. I consider the amendments to (d) xii. are clearly restricted to the Aokautere Neighbourhood Centre only.

## 1.1.5 Recommendations

### 1.1.5.1 Local Business Zone Design Controls

120. Amend R11.10.2.1 (c) to read:

**(ii) No signs shall be located above the veranda fascia level of a building (see Figure 11.5A), with only one fascia sign per tenancy within the Aokautere Neighbourhood Centre.**

121. Delete R11.10.2.1(g) as follows:

**Residential Activities in the Aokautere Neighbourhood Centre (Map 7A.43C):**

**i. No residential activities shall be located at the ground floor level;**

**ii. Residential activities shall not be the dominant activity on the site.**

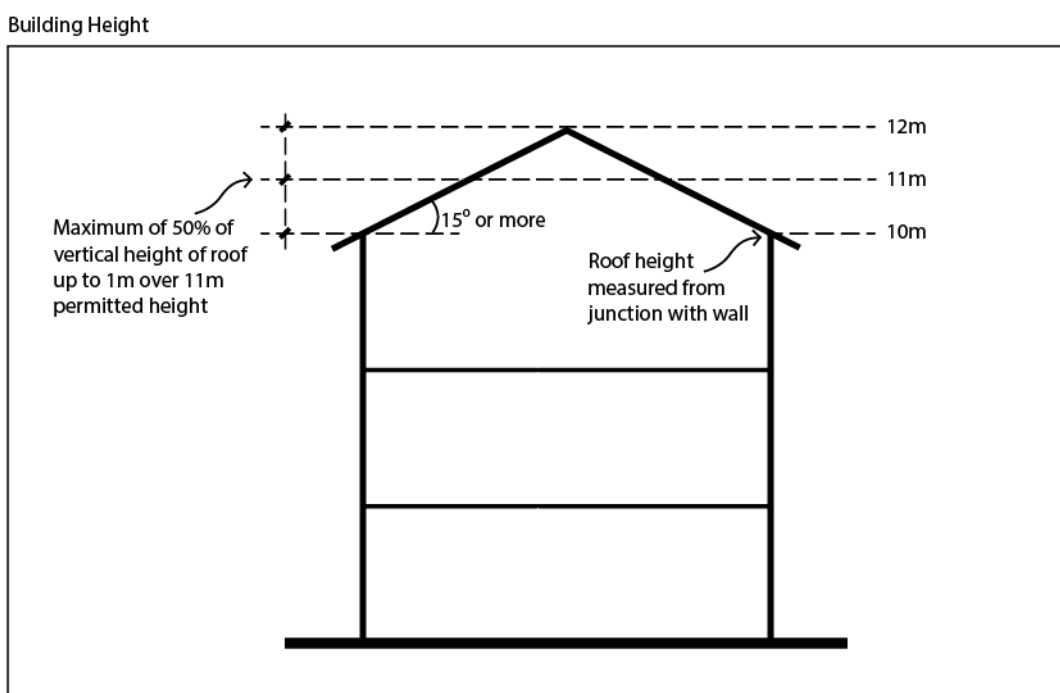
122. Delete R11.10.2.2(a) (ii) as follows:

**(ii) In respect of residential activities in the Aokautere Neighbourhood Centre (Map 7A.4C), a minimum average of 50 dwellings per hectare shall be achieved**

123. Amend R11.10.2.2 Performance Standard R11.10.2.2 (b)(ii) – building height as follows:

**ii. All other structures must not exceed 9m in height unless located in the Aokautere Neighbourhood Centre (Map 7A.4C) where structures must not exceed 11m in height, except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1 metre, where the entire roof slopes 15° or more as illustrated in Figure 11.5A below;**

**Inset Figure 11.5B**



**FIGURE 11.5B**

124. Amend performance standard R11.10.2.2 (e)(ii) to read:

**Building Frontages**

**(ii) Positioning:**

a. Within areas identified as Large Neighbourhood Centres, all buildings are to be built to the front boundary of a site along no less than 50% of the street boundary, **except within the Aokautere Neighbourhood Centre (Map 7A.4C) where b. applies.**

b. Within those areas identified as Small Neighbourhood Centres and Local Stores all buildings shall be built entirely to the front boundary.

125. Delete performance standard R11.10.2.2(f)(iv) in its entirety:

**~~iv. Within the Aokautere Neighbourhood Centre (Map 7A.4C) lettering shall not dominate the canopy area by being secondary to the veranda.~~**

126. Amend Performance Standard R11.10.2.2(g)

127. Shop fronts and Glazing

**i. Large Neighbourhood Centres, Small Neighbourhood Centres and Local Stores**

- All buildings shall have clear glazing for 75% of the height of the ground **primary** floor frontage and for no less than 75% of the ground **primary** floor frontage width, **except in**

the Aokautere Neighbourhood Centre (Map 7A.4C), where all buildings shall have clear glazing of no less than 60% and no more than 75% of the height of the ground floor primary frontage, and oOn corner sites, the proportion of clear glazing on the secondary frontage shall not be less than one third of the secondary frontage width. The exception is aAt the interface with Pacific Drive in the Aokautere Neighbourhood Centre (7A.43C), where all buildings shall have clear glazing for no less than 75% of the ground floor primary and secondary frontage.

- Maximum length of a blank wall along a frontage shall be no greater than 3 metres.
- No roller shutters are permitted along a retail frontage at any time.
- ~~Window size, proportion, grouping and/or subdivision of openings should take account of the overall architectural elevation of the building.~~
- Within the Aokautere Neighbourhood Centre (Map 7A.4C) verandas and Ffascia must shall be individually distinguishable from those on adjacent buildings sited below the sill of the first floor windows in the Aokautere Neighbourhood Centre (Map 7A.4C) and must not cross adjoining buildings. (See Figure 11.5A).

128. Amend Figure 11.5A as follows:





129. Replace the second figure in Figure 11.5 (striked out above) as follows:



FIGURE 11.5A

130. Rule R11.10.3.2 Assessment Criteria (e) iii. and iv. be amended as follows:

(e) Pedestrian Cover and Verandas

iii. **In the Aokautere Neighbourhood Centre ~~The~~ the extent to which any veranda integrates with the shop frontage and the character of the building and streetscape.**

iv. **In the Aokautere Neighbourhood Centre ~~The~~ the extent to which avoidance of lettering on signs which visually dominates the veranda canopy area and detracts from the amenity of the streetscape.**

131. There are several incorrect references to the Precinct Plan in the proposed provisions (in R11.10.2.1(g), R11.10.2.2(a)(iii) and R11.10.2.2(b) ii), which reference Map 7A.3C instead of Map 7A.4C. I recommend that this error is corrected as a Schedule 1, clause 16 amendment.

# Topic 9 - Conservation and Amenity Zone and Indigenous Biodiversity

1. This section of my report addresses matters raised in submissions relating to the Conservation and Amenity Zone and the management of indigenous biodiversity.

## 1.1.1 Issues raised in submissions

2. Submitters have raised the following matters:
  - a) Support for the proposed approach to zone the gully networks to Conservation and Amenity Zone and restore and enhance biodiversity.
  - b) Opposition to the proposed amendments to the Rules in Section 15.5 Conservation and Amenity Zone, which have the effect of making roading and essential services provided for in the Aokautere Structure Plan, a restricted discretionary activity, and any other earthworks, a non-complying activity.
  - c) A request that the Comprehensive Development Plan required at the point of subdivision include a performance standard requiring that any native planting is locally sourced.
  - d) Requests that the Council do more to protect indigenous habitats within the plan change area, in particular wetlands and mature canopy trees, including identifying indigenous bush remnants as Significant Natural Areas (SNAs) and protecting them with covenants, and undertaking proactive restoration and extension of these habitats.
  - e) The potential for urban development to:
    - i. have adverse impacts on in-stream ecosystems, in particular adverse effects from increased sediment, flooding and stormwater flows;
    - ii. bring unwanted pest species, invasive weeds and increase predation from domestic pets;
    - iii. have adverse effects on rare, threatened or at-risk habitats, and that activities which affect those habitats are managed under the Horizons One Plan.
  - f) A request for clarification as to how land zoned Conservation and Amenity Zone will be monitored, managed, fenced off and restored and what process the Council will use to acquire this land.

## 1.1.2 Overview

### 1.1.2.1 The proposed policy and rule framework

3. PCG seeks to protect the natural values and ecological function of the gully features within the plan change area from inappropriate subdivision, use and development, including by vesting land to Council and rezoning the gully areas, indigenous forests areas and wetlands shown on the Structure Plan (Map 7A.4) to Conservation and Amenity Zone. This approach is set out in Section 7A, proposed Objective 6 and Policies 6.1 – 6.8, Section 7, proposed Policy 3.7<sup>1</sup> and proposed policies in Section 15.5 – Policies 1.5-1.7. The proposed new policies in Section 15.5 (policies 1.5-1.7) provide for the ongoing protection and management of these areas, and avoidance of structures, buildings and earthworks, unless these are required to establish roads and essential services through the gully areas. The policies signal a strong avoidance approach to adverse effects on these natural features when managing stormwater, risks from natural hazards, earthworks and buildings/structures. The policies also require conservation lots for the protection of significant natural areas and wetlands to be created during subdivision (see proposed policies 6.6 and 6.7, Section 7A).
4. Proposed amendments to the operative rules in Section 15.5 Conservation and Amenity Zone - R15.5.4.1 and R15.5.6.1 enable roading and essential services (as provided for in the Aokautere Structure Plan) to be constructed in the gully areas as a restricted discretionary activity. Any other earthworks in these areas is a non-complying activity. As there are only two gully crossing roads shown on the Structure Plan, it is anticipated that any works in these gullies will be limited to the construction of these road sections and the works (such as attenuation structures and stream bed enhancement) required in the gullies to manage stormwater.
5. Zoning the gully areas, bush remnants and wetlands as Conservation and Amenity Zone will have the effect of restricting any subdivision, use and development of these areas such that only informal recreation, maintenance and walking tracks are permitted activities in these areas. Any other use and development will require resource consent under the District Plan (in addition to any consents that may be required for activities in threatened habitats under the Manawatū-Whanganui One Plan (One Plan)).
6. The Conservation and Amenity zoning is proposed to apply to all of the gully areas and wetlands in the PCG area. However the Conservation and Amenity zoning was not applied to the forest remnants identified as F1-F4 on the Structure Plan, which are shown on the notified zoning map as Rural Zone. I understand, based on conversations with Council officers, that this was a mapping error, and that it was also the Council's intention to zone the forest remnants as Conservation and Amenity zone. This reflected a recommendation from Dr Forbes in the Ecological Features, Constraints and Restoration report<sup>2</sup> that protecting existing ecological features within the Structure Plan area should be the first priority<sup>3</sup>, and further, that the bush areas should be retired, protected and restored<sup>4</sup>.

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<sup>1</sup> Through a cross reference to Objective 6 and related policies in Section 7A.

<sup>2</sup> Ecological Features, Constraints and Restoration, Appendix 7 to the Section 32 report for PCG.

<sup>3</sup> Appendix 7 to the Section 32 report for PCG, pg 43 of main report.

<sup>4</sup> See Appendix 7 to the Section 32 report for PCG, the appended letter titled "Review of Waters Block for Aokautere Master Plan."

7. Section 15.2.2 describes the purpose of the Conservation and Amenity Zone as follows:

*“Council seeks to recognise and protect the values of these areas by restricting the range of activities and associated development permitted within the zone. The protection of the features and qualities of such high value environments provide significant benefits to the City as they constitute an integral component which contributes to the diversity of the City’s recreation environment, enhance biodiversity as well as contributing to its visual and amenity character.”*

8. The Conservation and Amenity Zone includes areas with high natural, scenic or amenity values, and significant indigenous flora and fauna, including important parks and reserves and most of the City’s walkway system and Esplanade Reserves. The land is generally in Council or DoC ownership, or protected through legal means such as covenants. Objective 1 in this zone is *“To recognise and protect the City’s conservation and amenity reserves”*. The policies seek to *‘conserve and protect those areas which have high scenic, scientific, heritage conservation and amenity values’* (Policy 1.1), *‘restrict activities and development to that consistent with the natural or undeveloped open space character of the zone’* (Policy 1.2) and *‘enable the use of those areas with high scenic, scientific, conservation and amenity values for informal recreation activities’* (Policy 1.3).
9. I consider the proposed approach in PCG is consistent with the operative policy framework at the national, regional and local levels, in that the gully areas, wetlands and forest remnants are proposed to be protected for their amenity, intrinsic, natural and cultural values, consistent with the responsibilities of territorial authorities under the Policy 6-1(b) of the Regional Policy Statement (RPS) component of the One Plan.
10. PCG provides a framework to achieve vesting and protection of these natural features in the Residential Zone and Rural-Residential Overlay, via proposed new objectives and policies in Section 7A<sup>5</sup> and 7<sup>6</sup>, and amendments to the subdivision rules applicable to these areas<sup>7</sup>. These provisions will trigger vesting of gully areas in the Council at the point of a residential or rural-residential subdivision application and the creation of conservation lots for the protection of significant natural areas and wetlands. The activity of subdivision will provide an opportunity to implement the intended outcome of zoning these areas as Conservation and Amenity Zone.
11. I note however, that there are limited opportunities to achieve this physical protection for the wetlands, gully areas and forest remnants in the Rural Zone, which are within and surrounded by private farmland. If such areas are to be effectively protected, they will be required to be fenced, retired and restored. Currently, there is no mechanism via PCG to trigger vesting in

<sup>5</sup> See proposed Objective 6 and policies 6.1 – 6.8 of Section 7A, in particular, Policy 6.6 – *To provide for the long term protection of the gully features by requiring the vesting of the gully network in Council for conservation and amenity purposes at the earliest stage of the subdivision, prior to the commencement of any physical works*, and Policy 6.7 – *To require subdivision to create conservation lots for the protection of significant natural areas and wetlands*.

<sup>6</sup> See proposed policy 3.7, which provides a cross-reference requiring subdivision to “satisfy Objective 6 and related policies in Section 7A”.

<sup>7</sup> For example, Rule R7A.5.2.2 requires the Comprehensive Development Plan for the application to address “(xvi) the location of gullies, wetlands and significant natural features in Aokautere and how they will be protected from effects of subdivision and development” and (xviii) the intended staging and timing for the vesting of any land and/or assets within the Aokautere Structure Plan area for infrastructure or conservation and amenity purposes.’ In the Rural-Residential area of the Structure Plan, ‘conservation values’ and ‘effects on the gully network’ within Aokautere are proposed matters of discretion when assessing subdivision proposals under Rule R7.15.2.1. The proposed assessment criteria include “how the subdivision recognises and protects the gully network, wetlands, significant natural areas and habitats of local significance”.

Council or the provision of conservation lots in section 9 (Rural Zone) of the District Plan, in the same way that exists in the proposed subdivision provisions in sections 7 and 7A. It is unlikely that a subdivision application would come forward in this rurally zoned land. I also understand that the Council does not intend to purchase these areas at this point in time.

### **1.1.2.2 Ecological assessment**

12. An ecological assessment has been undertaken as part of the preparation of the plan change (Appendix 7 to PCG). The scope of the assessment included a desktop review and field survey to identify ecological features and to delineate, classify and map these features according to the level of ecological constraint<sup>8</sup>. It also included consideration of emerging national policy (NPS-FM and NPS-IB) and scoping of appropriate ecological restoration actions within the PCG area. The ecological assessment identified that some indigenous habitats within the plan change area would be classified as Schedule F habitats<sup>9</sup> under the One Plan. This included wetlands and some forested areas. There are also some indigenous habitat remnants which have indigenous biodiversity values, but which would not meet the size thresholds in Table F.2(a) of Schedule F of the One Plan.
13. A number of forest remnants on rural land within the plan change (owned and farmed by Mr Waters) were assessed by Dr Forbes<sup>10</sup>. Areas F1 and F2 (see Structure Plan Map 7A.4) are old-growth remnants of tawa-rimu forest that would be classified as threatened habitats under Schedule F of the One Plan. As these areas are being currently grazed, Dr Forbes recommendation was that they are a very high priority for retirement, protection and restoration. Areas F3 and F4 are secondary forest patches of less than 0.25ha and therefore too small to meet the size thresholds in Table F.2(a) of Schedule F. Nevertheless Dr Forbes considered them also worthy of retirement, protection and restoration.
14. Subsequent to receiving submissions, Dr Forbes has undertaken further field analysis of the streams within the gully network in the PCG area and has provided ecological advice to the Council team involved in reviewing the stormwater management approach for PCG. Dr Forbes summarises his considerations and recommendations in his s42A report.

## **1.1.3 Analysis**

### **1.1.3.1 Key statutory considerations**

15. The NPS-FM requires freshwater to be managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments (Policy 3). Policy 6 requires that there is no further loss of extent of natural inland wetlands, their values are protected and their restoration promoted. Policy 9 is that the habitats of indigenous freshwater species are protected. I consider the approach of:

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<sup>8</sup> See Appendix 7 to the Section 32 Report for PCG, section 1.1.

<sup>9</sup> Table F.1 of Schedule F defines various habitat types as 'rare', 'threatened' or 'at-risk'. Such habitats are then assessed using the criteria in Table F.2(a) and exclusions in F.2(b) to determine if a particular area qualifies as an Area of Significant Indigenous Vegetation or a Significant Habitat of Indigenous Fauna.

<sup>10</sup> Appendix 7 to Section 32 report for PCG: Ecology Addendum, letter dated 19 July 2021.

- a) zoning and protecting the areas of indigenous forest and natural wetlands via conservation lots;
- b) vesting the gullies, which contain a number of streams, with Council; and
- c) regulating activities in the Conservation and Amenity zone such that only very limited activities can take place as a permitted activity,

is consistent with this policy direction. The Stormwater Management Strategy has been developed in cognisance of this policy direction, and aims to take an integrated approach to the management of land use activities by managing the discharge of stormwater so as to avoid, as far as possible, adverse effects on the receiving environments of the gullies.

16. Policy 6-1 of the One Plan sets out the responsibilities for maintaining indigenous biological biodiversity in the region. The Regional Council has responsibility for developing rules for controlling the use of land to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna. Territorial authorities can use measures to recognise amenity, intrinsic and cultural values associated with indigenous biodiversity, but are not to 'double up' by including provisions in their district plans for the purpose of protecting significant indigenous vegetation and significant habitats of indigenous fauna.
17. Policy 6-2 sets out how the Regional Council has identified and categorised rare, threatened or at-risk habitats (under Schedule F) and that the Regional Plan must include rules to regulate land use activities in order to protect, maintain or enhance these habitats. Policy 6-2 also states that territorial authorities must "*not unreasonably restrict the existing use of production land<sup>11</sup> where the effects of such land<sup>11</sup> use on rare habitat\*, threatened habitat\* or at-risk habitat\* remain the same or similar in character, intensity and scale*".
18. As PCG was notified prior to the NPS-IB coming into effect, it does not have scope to fully implement this requirement of the NPS. It is also relevant that the NPS-IB transfers the responsibility for managing indigenous biodiversity areas to territorial authorities, compared with the current management approach set out in the RPS that assigns the majority of management responsibility to the Regional Council. The approach I have taken in my analysis is to apply the current indigenous biodiversity management structure insofar as it does not conflict with the future implementation of the NPS-IB. However, because the NPS-IB is a higher-order statutory document that is more recently developed than the One Plan and must be given effect to, I consider it is appropriate to adopt a planning response for PCG that aligns with the NPS-IB where possible. Applying that approach, I do not consider it is problematic if the District Plan includes provisions that provide for indigenous biodiversity that were once only the domain of the Regional Council, but which will imminently become the responsibility of the City Council, provided any changes are within scope of the plan change.

### 1.1.3.2 Submissions supporting the PCG approach

19. Anthony and Rosemary Gear [S39.001] and Rangitāne o Manawatu<sup>11</sup> support the proposed approach to zone the gully networks to Conservation and Amenity Zone and the proposed

<sup>11</sup> S77.005, S77.006, S77.015, S77.022, S77.026, S77.027.



### 1.1.3.3 Vesting of gully network and approach to managing activities

- <sup>14</sup> s42A Report – Ecology, pg 21.



24. Having reviewed the notified provisions, I recommend several minor amendments to the policies under Section 7A: Objective 6, so that they relate more closely to the objective, which is to protect the ecological and natural values of the gully systems. In the Stormwater section of this report, I have recommended that the policy direction on stormwater matters is moved under Objective 4, which addresses stormwater management. To reflect that approach, I recommended amendments to Policy 1.6, 6.4 and 6.7, as follows:

**To minimize the trimming or removal of indigenous vegetation to avoid loss, damage, or disruption to the high scenic, amenity and indigenous biodiversity values associated with the gully network.**

**6.7 To require consent notices recording the existence of the 5 metre no-build setback identified on the Aokautere Structure Plan and/or any conservation lots, and any related restrictions on use of the specified area to be imposed on titles at the time of subdivision.**

26. In Section 15.5, I recommend insertion of the words “indigenous forest areas” into Policy 1.5, to provide the necessary policy direction for these areas to be protected under the Conservation and Amenity zone. I discuss this issue in more detail below. The revised policy reads as follows:

- Provide for the formal protection and ongoing management of the gully network, indigenous forest areas and wetlands;

27. I consider minor amendments are also required to Policy 1.6 to provide for the infrastructure works that will be required in the gully areas in Aokautere, and to ensure the policy is consistent with and provides direction for the rules that follow.

28. Finally, I have recommended a minor amendment to proposed Policy 1.7 so that the scope of this policy is restricted to being on PCG:

29. Turning to the relevant rules, Rangitāne o Manawatū [S77.030] request that Rule R7A.5.2.2 is amended to include consideration of native planting using locally sourced species, to ensure the mauri of the whenua is not diminished through new development.

31. I consider that this matter could be readily amended to provide for the relief sought by Rangitāne, as follows:

32. I recommend this change given the intent of the NPS-IB. Relevant policies in the NPS-IB include: Policy 8: *'The importance of maintaining indigenous biodiversity outside SNAs is recognised and provided for'*, and Policy 14 – *'Increased indigenous vegetation cover is promoted in both urban and non-urban environments'*. Clause 3.22, which addresses increasing indigenous vegetation cover, requires that local authorities must, in promoting the increase of indigenous vegetation cover in their districts through objectives, policies and methods in their district plans, give priority to *'using species and seed from species, that are local to the area'*. In recognition of the decision making principles in the NPS-IB (clause 1.5), including the need to recognise the important role of tangata whenua as kaitiaki of indigenous

biodiversity, and that local authorities must give effect to this NPS as soon as reasonably practicable (clause 4.1), I consider it is appropriate to make these amendments.

#### Rule R15.5.4.1

33. In response to the submissions from CTS Investments Ltd, Woodgate Ltd and Terra Civil Ltd [S58.054, S58.055], the notified amendments to Rule R15.5.4.1 provide for roading and essential services shown on the Aokautere Structure Plan, as a restricted discretionary activity, along with new matters of discretion and Assessment Criteria. I consider the notified amendments to Rule R15.5.4.1 are necessary to ensure that the roading network, and any essential services within the roading corridor, can be designed and constructed in a way that responds to the particular challenges of the terrain, the associated natural hazard risks and the proposed conservation function of the gully areas.
34. In the Geotechnical section of this report, on the advice of Mr Bird, I have recommended a new performance standard requiring any application for works to be supported by a geotechnical assessment, along with consequential amendments to the assessment criteria that refer to this requirement. I have also recommended minor amendments to the assessment criteria so that these cross-reference the stormwater management plan requirements in R7A.5.2.2(g) and also address indigenous forest areas, consistent with the change I recommend to Policy 1.5 above. The full wording is set out in the recommendations section below.

#### Rule R15.5.6.1

35. The notified amendments to Rule R15.5.6.1 seek to implement the notified new policies 1.5 and 1.6 for the Conservation and Amenity Zone, which aim to avoid any earthworks in the Aokautere gully network, unless these earthworks are for roading or essential services. Earthworks that are not for these purposes will be a non-complying activity. Again, given the sensitive nature of the gully systems, both in terms of habitats, open space/conservation function, terrain and associated geotechnical hazard, I consider the non-complying activity status of this rule to be appropriate. Consequential to the notified changes, I recommend a minor amendment to this rule to provide certainty as to how earthworks are to be assessed (see the Recommendations below). Subject to these changes, I recommend the amendments to this rule should be adopted as notified.

### **1.1.3.4 Does PCG do enough to protect indigenous biodiversity in the Structure Plan area?**

36. Several submitters consider the plan change provisions do not go far enough to protect the wetlands, streams and indigenous vegetation remnants within the PCG area and in the downstream receiving environments. Prahandha Samal [S107.002] considers the plan change will adversely impact on pollination, native flora and fauna. Gill Welch [S49.003] considers urban development will bring risks of increased predation from escaped domestic pets which will nullify the predator free outcomes that have been achieved in the Moonshine Valley reserves. Mary Morgan-Richards [S13.001] requests that the Council legally protect mature native canopy trees within the plan change area. Manawatū Branch of Forest & Bird [S97.007] request that bush areas are recognised as SNAs and protected with covenants. The submitter

considers proactive restoration and extension of these areas should be included as a condition of allowing the plan change. Forest & Bird [S97.008] also request that domestic cats are banned from the PCG area and note that such a ban has been successful in other new developments, including in Hamilton where such a ban was introduced to protect a local population of Pekapeka bats.

37. Having reviewed the proposed objective (Objective 6) and policies (Policies 6.1-6.8) in Section 7A and 15.5 (Policies 1.5-1.7), I consider, subject to the amendments that I have recommended, that these appropriately recognise and provide for various matters of national importance under the RMA, including in particular s6(a), (s6(c), (s6(d) and s6(e) and further, demonstrate that the Council has had particular regard to the matters in s7(a), s7(aa), s7(c), s7(d) and s7(f).
38. I also consider the approach outlined in PCG aligns with the policy direction in the recently gazetted NPS-IB, including in particular Policy 8, Policy 13 and Policy 14. These policies require:
- a) that the importance of maintaining indigenous biodiversity outside of SNAs is recognised and provided for (Policy 8);
  - b) restoration of indigenous biodiversity to be promoted and provided for (Policy 13); and
  - c) increased vegetation cover is promoted in both urban and non-urban environments (Policy 14).
39. Zoning and vesting of the gully areas in Council will enable the Council to undertake restoration over time so that indigenous vegetation cover is re-established, and to provide for the protection and maintenance of these habitats.

#### **1.1.3.5 Managing areas within existing farmland**

40. Mr Waters (Ngawai Farms) [S61.001] is concerned that zoning of various parts of his land as Conservation and Amenity Zone will adversely affect the current farming operation and impact on his economic wellbeing. The submitter seeks clarification as to the process of acquiring land on his property that is proposed to be zoned Conservation and Amenity Zone and how the sites would be monitored, managed, fenced off and restored. Further submissions in support from Heritage Estates 2000 Ltd [FS18.008, FS18.009] state that the Public Works Act process for Council to acquire the land of private landowners to mitigate the effects of PCG and repurpose the land for public use is unresolved.
41. While I consider that zoning these areas will send a clear signal that they are worthy of protection and provides an effective management tool in the event activities are proposed in those areas, I am of the view that this zoning should be advanced alongside other practical and collaborative approaches to achieve physical and legal protection of the land. This will include working with the landowner and other agencies to put in place covenants and providing assistance to access funding support for stock exclusion and pest management. While new farming activities are a non-complying activity in the Conservation and Amenity zone, the landowner likely benefits from existing use rights. Any biodiversity protection and enhancement opportunities will therefore be voluntary while the existing land use (farming) continues.

42. Having reflected on Mr Waters submission, I have considered Policy 6-2 of the One Plan, which states that, when exercising its powers and functions described in Policy 6-1, territorial authorities must not unreasonably restrict the existing use of production land where the effects of such land use on rare, threatened or at-risk habitats remains the same or similar in character, intensity and scale. I do not consider the protection of these important habitats through zoning to be 'unreasonable', where existing land use continues. This is particularly the case in light of the policy direction in the NPS-IB.
43. In making this recommendation, I have taken into account that the NPS-IB directs territorial authorities to recognise and provide for the maintenance of indigenous biodiversity outside SNAs (Policy 8), promote and provide for restoration (Policy 13) and increase indigenous vegetation cover in both urban and non-urban environments (Policy 14). The NPS also directs territorial authorities to undertake a district-wide assessment to identify areas of significant indigenous vegetation or significant habitat of indigenous fauna that qualify as SNA, using the specified assessment criteria (clause 3.8) and that the Council must notify a plan change to include each area that qualifies as an SNA in the District Plan, and subsequently manage adverse effects on those SNAs of new subdivision, use and development.
44. This approach also takes into account the following:
- a) Council has up to five years from the date of commencement to publicly notify a plan change to give effect to the NPS-IB (clause 4.2):
  - b) there is a potential exemption in the NPS-IB for "established activities" to continue under certain circumstances, with such activities to be identified and determined via that plan change (clause 3.15);
  - c) there is a potential exemption in the NPS-IB for "maintenance of improved pasture for farming" (clause 3.17); and
  - d) in any event, clause 3.15 of the NPS-IB does not affect existing use rights under s10 of the RMA (clause 3.15(4)).
45. With respect to legally protecting mature tree specimens, Section 17 of the District Plan provides a mechanism for formally protecting and scheduling notable trees and habitats of local significance where they have been assessed in accordance with the criteria listed in Appendix 17F. As the process requires identifying and assessing the relevant trees and publicly notifying any proposed additions to the schedule in the District Plan, this would need to be progressed via a future plan change. PCG does not preclude such a process being initiated in the future. I note that the Conservation and Amenity zoning (where it has been imposed) achieves a level of protection of these trees by restricting the type of activities that can take place in this zone.
46. With respect to Forest & Bird's request to ban cats from the plan change area, I understand that the submitter is referring to the proposed suburb of Amberfield in Hamilton, where the Environment Court recently ruled that there should be a ban on cat ownership due to concerns about potential extinction of a population of critically endangered native long-tailed bats. While I can see the positive outcomes for indigenous biodiversity of preventing cat ownership, I am also aware that there is no such ban on the existing residential areas in Aokautere, or on the

neighbouring rural residential areas of the Turitea Valley and Moonshine Valley. My understanding is that cats can travel long distances, and given the surrounding residential areas, such a ban may not be effective. I note that Dr Forbes, Council's ecology expert, does not consider a ban on cat ownership would be effective, given that feral cats will be present in adjacent farmland, and that other predators will present an ongoing threat (even if cats were banned from the local area) that will not be easily eradicated due to ongoing immigration<sup>15</sup>. I am also not aware of such restrictions being imposed through district plan rules (as opposed to a resource consent). If such a ban was to be imposed, I consider this would need to cover a wider area than just the PCG area. Any restrictions would also likely need to be implemented via the introduction a bylaw rather than through the District Plan. The process of preparing and consulting on a bylaw is beyond the scope of PCG.

### **1.1.3.6 Buffer areas for indigenous vegetation**

47. Susan and Yann Le Moigne [S71.004, S71.005] consider that buffer zones of approximately 30m between housing and roads and the gully edges should be imposed to help protect the gullies, including from pruning, poisoning, flytipping and greenwaste tipping, planting of exotic invasive plants and removal of mature trees due to safety risks; and to provide access for revegetation, pest control and weed maintenance. Elizabeth Fisher [S80.002] and Colin Perrin [S90.003] request 15m setbacks from gully edges, with zoning to be restricted to rural-residential rather than residential and no multi-unit development along the Moonshine Valley boundary, in order to protect against adverse effects on indigenous species and habitats.
48. Dr Forbes has considered these submissions and advises that a 5-10 metre buffer area would provide an adequate setback from residential properties for ecological purposes. Any additional setback would not have a substantially greater ecological benefit. The 5 metre gully edge no-build setbacks that will be established to provide for a perimeter stormwater swale will be accessed and managed by Council, and this will assist to address issues associated with flytipping, invasive garden plants, weed maintenance and trimming/removal of trees. The high importance of maintaining the swale so that it continues to perform its stormwater mitigation role will encourage the Council to actively maintain this corridor. Where the swale is located in private lots, there will be restrictions on the use of the area, with no landscaping or planting allowed. This may also assist to address these issues. In the Addressing Housing Needs section of this report I have recommended that the promontories are retained as Residential zoning (as per the notified zoning), however, with suburban housing provided for (or multi-unit housing as an alternative). I acknowledge that higher density residential development is likely to bring more domestic pets (that may be predators) into the area than rural-residential development would.

### **1.1.3.7 Effects of PCG on in-stream values**

49. Several submitters<sup>16</sup> have identified that gully areas within and beyond the PCG boundary, including in the Moonshine Valley, are home to indigenous species including giant kokopu, koura, shrimps, bullies, kakahi and long and short fin eels. The submitters are concerned that

<sup>15</sup> Section 42A Report – Ecology, pg 23.

<sup>16</sup> Ee Kheng Ang S30.003, Anthony and Rosemary Gear S39.008, Colin Perrin S90.003, Tracy Yung S92.003.

urban development in the upstream catchments will result in adverse effects on these freshwater habitats and values through increased stormwater discharges and sedimentation.

50. Anthony and Rosemary Gear [S39.008] consider more needs to be done to reduce sedimentation and deposition of silt in the stream tributaries, which in turn is adversely affecting the health of the Manawatū River. They do not consider it is possible to mitigate the effects of increased stormwater discharges on these aquatic habitats. In a further submission on the Gear's submission, Heritage Estates 2000 Ltd [FS18.020] claim that insufficient baseline information exists in the notified PCG documents to enable a peer review of the interrelated effects of erosion, geotechnical and stormwater effects on ecology.
51. Dr Forbes ecological report set out some key principles<sup>17</sup> that the plan change must achieve in order to manage effects on freshwater environments in a manner that is compliant with the NPS-FM. These include:
- a) avoiding the net loss of stream area and maintain ecosystem health when undertaking instream works;
  - b) avoiding the use of permanent hard structures where possible, and where unavoidable, these structures must be designed to facilitate fish passage;
  - c) minimising hardstanding and impermeable areas;
  - d) prioritising on-site treatment of stormwater, rather than off-site treatment;
  - e) utilising green stormwater infrastructure as far as possible; and
  - f) ensuring there are minimal direct impacts to gully systems from stormwater infrastructure.
52. These measures have been reflected in the notified provisions and have informed my recommendations for further amendments to the provisions which address stormwater. In the Stormwater section of my report, I have recommended that the percentage of permeable surface is increased (and a performance standard imposed to achieve this). The notified stormwater provisions require the use of water sensitive design methods and treatment via bioretention devices (raingardens) in roading cross-sections, and set a requirement for treatment of the 90<sup>th</sup> percentile rainfall volume from impervious developed areas through a stormwater treatment device, or multi-device system. These provisions are retained.
53. Dr Forbes has provided further advice to the stormwater engineers which has informed the revised Stormwater Management Strategy. Dr Forbes has recommended a targeted approach to restoration in the gully areas that are particularly prone to erosion, that employs indigenous species that are adapted to such environments. This approach incorporates wetland species that can withstand the erosive effects of stormwater flows associated with large storm events on the riparian margins, and species that have extensive root networks to hold the soil in place on the gully slopes. Over time, the intention is to establish a canopy cover that will further

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<sup>17</sup> Appendix 7 to the S32 Report, see section 5.2.



reduce the erosive effect of intensive rain events. This approach will assist to reduce the level of sediment entering these waterways. I understand, based on conversations with Mr Philips (Parks and Open Space Manager) that Council officers have identified the costs associated with this restoration programme, and have provided for this in draft work programmes which will be confirmed through the 2024-2034 Long Term Plan.

54. There will be a need for some discrete in-stream restoration works in very steep reaches of the streams. While the Council's expert team has worked to ensure these areas are restricted in extent as far as possible, implementation of the effects hierarchy means that it is likely that ecological restoration will be required to offset the loss of extent of stream reaches and their values in Gully 1, 3 and 11. Dr Forbes has (at a high level) calculated the extent of offset that may be required to address residual effects from the in-stream works and it appears that there is sufficient freshwater habitat to achieve a no-net-loss, or net-gain, position for freshwater biodiversity within the PCG area. Dr Forbes addresses these matters in his s42A report.
55. In its submission, Horizons Regional Council [S60.006, S60.011] has explained how activities that affect indigenous habitats are regulated through the One Plan. That approach is to categorise certain habitats (in Schedule F) as 'rare', 'threatened' or 'at-risk'. Activities affecting those habitats are regulated through a non-complying activity status for land disturbance, vegetation clearance, cultivation, discharge of water or contaminants into water<sup>18</sup> within *rare* and *threatened* habitats and discretionary activity status for those activities within *at-risk* habitats<sup>19</sup>. Activities adjacent (within 5 or 10 metres) to some habitat types are also regulated. The Regional Council notes that this may have consenting implications for future development, including in relation to any proposed discharges of stormwater and associated contaminants. I note that none of the waterbodies where stream restoration works are presently proposed fall within the 'rare', 'threatened' or 'at-risk' habitats identified in Schedule F.
56. The Council's expert team is aware of the One Plan provisions, alongside the NPS-FM and NES-FW requirements, and has considered the potential consenting implications, at a high level, for the proposed stormwater approach. The proposed provisions and roading cross-sections require bioretention facilities/rain gardens to be used to treat stormwater discharges from impermeable surfaces (with restrictions on these surface areas). With respect to the potential for adverse effects on in-stream values and significant habitats, stream classifications and the sensitivity of existing vegetation/habitats have been considered in the location of the stormwater detention ponds and instream stormwater mitigation works. The proposed pond sizes have been increased to enable them to detain more water for a longer period, so that any discharges remain at a rate that does not significantly exceed the cumulative erosion threshold of the streams. Where possible, detention ponds will be located off-line so that they do not result in loss of stream length and culverts will be designed to facilitate fish passage. Any cascade features which are required to reduce velocity within streams will be designed so as to provide appropriate fish habitat and for fish passage. Matters of detailed design will be addressed further through the regional consenting process. As indicated above, any residual adverse effects, have been assessed (at a high level) as being capable of being offset.

<sup>18</sup> R13-9. See: <https://www.horizons.govt.nz/publications-feedback/one-plan/part-2-regional-plan/chapter-13/13-3-rules-vegetation-clearance-,-land-disturbance>.

<sup>19</sup> R13-8.



- ### 1.1.4 Recommendations

- Section 7A: Greenfield Residential Areas

**6.7 To require consent notices recording the existence of the 5 metre no-build setback identified on the Aokautere Structure Plan and/or any conservation lots, and any related restrictions on use of the specified area to be imposed on titles at the time of subdivision.**

**1.5 To protect, restore and enhance the natural environment of the gully network, indigenous forest areas and wetlands within Aokautere by requiring subdivision, use and development within the Aokautere Structure Plan area to:**

- 1.6 To provide for the development, and maintenance and ongoing operation of essential services, recreational tracks and roading infrastructure within the gully network in Aokautere that is necessary to enable residential development within the areas shown on the Aokautere Structure Plan.**

#### Rule R15.5.4.1

**Parking-Roading and Essential Services provided for in the Aokautere Structure Plan s**  
**are a Restricted Discretionary Activity with regard to:**

...

**Roads and Essential Services under R15.5.4.1 must comply with the following performance standard:**

**An application must be accompanied by a report from one or more accredited Chartered Professional Engineers, or other suitably qualified persons, experienced in soil mechanics or geotechnical engineering, as determined relevant by Council, identifying geo-physical features and characteristics of the land, including potential erosion, falling debris, subsidence, slippage or alluvium, 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 address the slope stability aspects that are critical for the proposed development and the potential for adverse effects from**

**geotechnical constraints and any other natural hazards associated with the proposed works, with particular reference to:**

- i. cut slope behaviour and slope stability analysis;
- ii. whether development should be restricted in certain areas;
- iii. whether specific designs are required in certain locations;
- iv. how fill should be placed onto the land based on subsurface conditions; and/or
- v. the management of earthworks and recontouring of land.

### Assessment Criteria

- (a) ~~The extent to which parking not accommodated on the site effects~~ How the roading and essential services are provided in accordance with the Aokautere Structure Plan and the stormwater management requirements in R7A.5.2.2 (g).
- (b) How the proposal provides for the safe and efficient operation of the land transport network.
- (c) How the roading connects to the gully network, open spaces and adjoining development.
- (d) How the design and construction of roading and essential services manages the risks of slope stability and the effects of natural hazards.
- ~~(e) The extent to which off-site parking is available to meet the need generated for parking.~~
- ~~(f) Whether the possible low frequency of the need for the total parking requirement is recognised.~~
- (g) ~~(e)The extent to which off-site parking has~~ How effects on the character and amenity values gully network, including indigenous forest areas vegetation and wetlands, are avoided as far as possible of the surrounding residential environment and minimised and mitigated in all other circumstances.
- (h) ~~(f) The extent to which the location and scale of earthworks~~ avoids adverse effects on the gully network, indigenous forest areas and wetlands.

Explanation

**Roading and essential services on land within the Aokautere Structure Plan are likely to be located on Class E land. This land exhibits evidence of past or present erosion or slippage, or has a slope gradient over 30 degrees and/or is subject to processes (e.g. removal of toe support) such that erosion or slippage is considered likely to occur in the future. It is unlikely that excavation, filling, removal of vegetation, disposal of stormwater or wastewater can be carried out without substantial topographic modification of the existing slopes to ensure stability. Any proposed**

development will require substantial geotechnical engineering input and analysis. The requirements for geotechnical engineering input will vary depending on the proposed development, and should be tailored to address the slope stability aspects that are critical for the proposed development.

A number of conservation and amenity reserves may attract more vehicles than can be accommodated on or close to a reserve. The overflow of vehicles into surrounding areas detracts from the amenities of these areas and may affect public safety. The Council aims to ensure that parking is provided only where it is essential to meet a demonstrated demand and will not compromise any of the special qualities of these reserves.

#### R15.5.6.1 Non-Complying Activities

**The following activities shall be a Non-Complying Activity:**

(a) Any activity, building or structure that does not comply with the Performance Standards for Permitted Activities, or is not a Permitted, Controlled, Restricted Discretionary Activity or Discretionary Activity. ~~shall be a Non-Complying Activity.~~

**(b) Any earthworks within the Aokautere Structure Plan area that are not provided for in, or do not comply with, R15.5.4.1.**

## R7A.5.2.2

61. I recommend that R7A.5.2.2 Performance Standards for Restricted Discretionary activity (a) Comprehensive Development Plan is amended to read:

(vii) streetscape including the location and type of street trees and other proposed planting, prioritising selection of locally sourced native species within the Aokautere Greenfield Residential Area.

# Topic 10 - Cultural values

1. Rangitāne o Manawatū have made a submission on PCG, which addresses cultural values and associations that they hold within the plan change area.

## 1.1.1 Issues raised in submissions

2. Cultural matters raised in Rangitāne o Manawatū's submission include:
  - a) The infilling or encroachment into Aokautere's gully systems has adversely affected Rangitāne values, especially their relationship with their traditional sites and travel routes into the Tararua Range, the mauri and natural flow of wai, and probable loss of taonga species and their habitats [S77.001].
  - b) The mauri from the whenua (lands) of Aokautere is collected in the gully ecosystems and feeds the Manawatū Awa and Turitea Stream. Extensive earthworks and gully infilling from previous development has increased sedimentation rates, negatively impacting water quality and aquatic ecosystem health. Stormwater runoff entering watercourses is likely to contain significant contamination levels. This conflicts with giving effect to Rangitāne's expression of Te Mana o te Wai. Rangitāne o Manawatū have a statutory acknowledgement over these waterways<sup>1</sup> [S77.002].
  - c) Support for the landscape-led development approach of the Structure Plan, which restricts development in the gullies, restores gully vegetation and green corridors, and enables access to the gully systems for recreation, so that the community can value these spaces as Rangitāne do. The landscape-led development approach recognises and provides for the cultural landscape [S77.001].
  - d) The ability to implement their tikanga prior to ground-breaking and throughout construction is critical to Rangitāne's role as kaitiaki [S77.004].

## 1.1.2 Analysis

### 1.1.2.1 Development in the gully areas

3. Rangitāne have sought the following relief:
  - a) Development in gully systems is avoided in all cases, except where critical infrastructure, such as road connections and the recreation network, is installed [S77.001].
  - b) Existing indigenous vegetation ecosystems in gully systems are protected [S77.001].

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<sup>1</sup> Rangitāne o Manawatū Claims Settlement Act (2016).

- c) Gully systems are ecologically and culturally restored. Gullies are stabilised with native plantings to minimise in-stream/habitat erosion risks [S77.001].
  - d) Future development responds to the escarpment-gully edge landforms, avoiding encroachment into the gully systems using a 5-m buffer strip. This minimises earthworks requirements and maintains public view shafts [S77.001].
  - e) Roads that follow gully edges are retained and housing that backs onto gully edges are minimised so that the gullies are maintained as public assets [S77.001].
  - f) Amenity street planting, wetlands and/or rain gardens use locally sourced native trees that connect the street network with the gully systems [S77.002].
  - g) The gullies are zoned as conservation and amenity areas [S77.001].
  - h) The proposed amendments to Rules R7.15.2.1 and R7A.5.2.1 are retained as notified, to ensure adequate consideration of effects on the gully network and cultural values [S77.007, S77.029].
4. The relief sought by Rangitāne is largely reflected in the PCG provisions, including through the proposed rezoning of the gully areas to Conservation and Amenity Zone, which will enable these areas to be formally protected and managed. The proposed new Policies 1.5, 1.6 and 1.7 and amendments to Rules R15.5.4.1 and R15.5.6.1 in Section 15.5 are also relevant to achieving Rangitāne's outcomes. I agree with the submitter that these are important. The outcomes will assist to protect and restore the gully areas, which are a unique characteristic of Aokautere, and to recognise and provide for the relationship of Rangitāne with these ancestral lands, water, sites, wāhi tapu and taonga, consistent with s6(e) of the RMA.
5. As discussed in the Indigenous Biodiversity section of this report I have recommended a minor edit to Policy 1.6 to better reflect the intention for the gullies to also be developed as recreational assets where possible, as follows:
- 1.6 To provide for the development, and maintenance and ongoing operation of essential services, recreational tracks and roading infrastructure within the gully network in Aokautere that is necessary to enable residential development within the areas shown on the Aokautere Structure Plan.**
6. The other amendment to this policy reflects the need for some stormwater and roading infrastructure to be located in the gullies, and in particular, gullies 1 and 3. While this infrastructure is necessary within the gullies to achieve the development outcomes for the area (and to mitigate effects of existing development), any effects are expected to be outweighed by the positive outcomes achieved through protection from more extensive development, ecological enhancement through gully revegetation, and transfer to public ownership.
7. The amendments to the Conservation and Amenity Zone rules will make Roading and Essential Services provided for in the Aokautere Structure Plan a restricted discretionary activity. Any earthworks that are not associated with Roading and Essential Services in the Aokautere

Structure Plan are a non-complying activity. In the Indigenous Biodiversity section to this report, I recommend a minor amendment to the wording of Rule R15.5.6.1 to ensure this is consistent with the wording and intent of Rule R15.5.4.1 and to ensure that the only works allowed for in the gullies are those anticipated by the Structure Plan.

8. I agree with Rangitāne that the 5-metre buffer strip (which I refer to elsewhere in this report as a perimeter stormwater swale, to better reflect its function), may have consequential benefits in terms of assisting to maintain public views and reducing the need for earthworks. However, the primary purpose of this buffer area is to avoid direct runoff from properties into the gully systems in order to achieve the stormwater management strategy. This will bring benefit to the gullies, and the perimeter stormwater swale in this respect is an important part of gully restoration.
9. In terms of retaining the gully-edge roads and maintaining the gullies as public assets, proposed new policies in Section 7A - Policies 5.4 and 6.5 in particular will provide for this, along with the proposed amendments to Rule R7A.5.2.1 (which provides for subdivision in a Greenfield Residential Area as a restricted discretionary activity) and the Performance Standards in R7A.5.2.2 (a) Comprehensive Development Plan. Sub-clause (vi) of R7A.5.2.2 requires the Comprehensive Development Plan to provide details of how primary and secondary road layouts are in general accordance with the relevant Greenfield Structure Plan<sup>2</sup>. The proposed amendment to Rule R7A.5.5.1 makes any subdivision in the Aokautere Residential Area a non-complying activity if it does not comply with one or more of the relevant standards and terms in R7A.5.5.5(a).
10. Elsewhere in this report I have recommended these policies are made less prescriptive, with a greater focus on design outcomes and guiding principles. The intention is to provide some flexibility in how development responds to these requirements. I have therefore recommended an amendment to Policy 5.4 in the Addressing Housing Needs section of the report to reflect these recommendations. The revised wording I have recommended reads as follows:

**5.4 To ensure that subdivision and development within the Aokautere Greenfield Residential Area achieves the following design principles:**

**Connectivity with existing and future developments in a manner which is responsive to landform and the proximity of any local centre**

- **Makes Aokautere's elevated and incised terrain visible and accessible to the public, including through:**
  - **streets that provide views of the gullies and the wider landscape,**
  - **public access to a network of cycleways and recreational trails; and**
  - **linear access to the gully reserves with residential lots on one side only.**

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<sup>2</sup> This clause is an operative provision in the District Plan.

- Varies the arrangement of streets, lots and dwellings in response to gullies, plateaus and promontories; and retains key views along identified corridors
- ~~Clustered development on elevated sites at the plateau ends, with neighbouring sites separated with areas of restored vegetation~~
- Minimises the number of rear lots;
- ~~Ensures that medium-density residential areas have good access to amenity and associated public or communal areas with significant vegetation~~
- ~~Ensures that development on the plateaus:~~
- Retains natural or near-natural contours;
- ~~Includes single-loaded gully edge streets that provide:~~
- ~~views of the gullies and the wider landscape;~~
- ~~public access to a network of cycleways and recreational trails; and~~
- ~~linear access to the gully reserves with residential lots on one side only frontage on the edges of the reserves.~~
- Forms a well-connected, accessible and permeable urban block structure to maximise connectivity and provide road access from two directions for most households as shown on the Aokautere Structure Plan.
- Ensures that development on the promontories:
  - a. Clusters lots and arranges buildings and roads to:
    - i. frame views of the gully reserves; and
    - ii. create well-defined communal spaces at the plateau ends
  - b. ~~Utilises central communal spaces to:~~
    - iii. provide safe, attractive cul-de-sac terminations; and
    - iv. indicate provide legible and integrated public access to recreational trails.

11. I agree with Rangitāne that the proposed amendments to Rules R7.15.2.1 and R7A.5.2.1 inserting additional matters of discretion ('effects on the gully network in Aokautere' and 'cultural values'), should be adopted. These matters can then be considered as part of any subdivision



application. I recommend a minor amendment to make it clear that these matters of discretion relate only to the Aokautere Structure Plan Area (see the Scope section of my report).

12. With respect to restoration of the gully areas, Dr Forbes recommended in his original ecology assessment<sup>3</sup> a number of methods and priorities for restoration. Dr Forbes has also made a number of recommendations regarding specific revegetation measures for optimising gully stability and resilience in his s42A report.<sup>4</sup> Reforestation remains a priority, particularly to mitigate the effects of stormwater. Based on conversations with Mr Philips (the Council's Parks and Open Space Manager), I understand that indicative costing and timing of the restoration works has been identified by the Council, with draft work programmes submitted for inclusion in the draft 2024-2034 Long Term Plan.
13. Rangitāne's submission requests that amenity street planting, wetlands and/or rain gardens use locally sourced native trees that connect the street network with the gully systems. I agree that this would have landscape and ecological benefits. I note that the Council's *Residential Bioretention Design Guidance*<sup>5</sup> for developers provides guidance on the appropriate plant species that should be used in such devices (i.e. rain gardens), and that one of the criteria is species that are endemic to the Manawatu Plains Ecological District. This is a non-statutory document that provides practical guidance to assist developers to meet the Council's Engineering Standards for Land Development. I consider that this type of detail is best addressed through specific design guidance documents and the Council's Engineering Standards for Land Development, rather than as a performance standard in the District Plan. I therefore do not recommend any changes to the provisions.

#### 1.1.2.2 Stormwater and management of flooding

14. Rangitāne have sought the following relief:
  - a) Bioretention devices (rain gardens or wetlands) are incorporated into the road layout and all discharges from impervious surfaces are directed to these devices for filtration and cleansing. The streetscape is designed to link stormwater treatment and planting with the retired gully systems (as proposed) [S77.002].
  - b) Flooding is mitigated through use of green infrastructure, such as detention ponds [S77.002]. The detention ponds or other flood control methods should not be considered as water quality treatment devices (as proposed) [S77.002].
  - c) Stormwater is discharged at the bottom of gullies rather than via overland flow (as proposed) [S77.002].
  - d) Retain provision R7.15.2.1 as notified, to ensure adequate consideration of stormwater runoff [S77.007].

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<sup>3</sup> Appendix 7, Section 32 Report, July 2022.

<sup>4</sup> At paragraphs 32-33.

<sup>5</sup> Available at: <https://www.pncc.govt.nz/files/assets/public/documents/building-and-property/building-and-property-guides/residential-bioretention-design-guide-june-2021.pdf>.

15. To achieve the stormwater management approach for Aokautere, PCG proposes amendments to the objectives, policies and rules in Section 7A<sup>6</sup> and Section 7.<sup>7</sup> I consider the outcomes sought by Rangitāne in relation to stormwater management (including those outcomes listed in points a, c and d in the discussion on the gully areas above) are reflected in the proposed PCG provisions. I note Rangitāne's support for the relevant provisions.
16. Since PCG was notified, the Council's expert team has undertaken further investigations to determine the effects of erosion on the gully systems, including on future land stability. This work has informed a review of the proposed stormwater mitigation measures and considered the potential effects of the proposed stormwater management response on in-stream values.
17. In order to manage stormwater from existing and proposed residential development in Aokautere,<sup>8</sup> the following package of measures, as updated based on the further investigations and analysis, are proposed to reduce the volume and velocity of runoff generated by development. These measures are part of the updated Stormwater Strategy for PCG, as explained in Ms Baugham and Mr Millar's s42A report on Stormwater<sup>9</sup>. The updated approach focuses on avoiding adverse effects first, and then reducing and minimising adverse effects as far as possible through on-site control of stormwater contaminants and flows, planning controls, restoration of natural systems, and infrastructure works. The stormwater management measures are intended to minimise the need for in-stream works in recognition of the important terrestrial and aquatic values in these ecosystems. The stormwater controls recommended are also intended to minimise any loss of stream length to only those areas where it is functionally necessary. The full list of mitigation measures is discussed further in the Stormwater section of this report, but in summary includes:
- a) Avoid direct discharge of stormwater over gully edges by requiring a perimeter stormwater swale.
  - b) Limit impervious areas within new development to reduce the increase in stormwater runoff through a performance standard for permeable surfaces.
  - c) Implement water sensitive design elements to retain stormwater on the plateaus (i.e. by incorporating additional stormwater storage within the raingarden designs which are required as part of the new streets).
  - d) Enlarge the proposed stormwater ponds to increase holding capacity and slow the rate of discharge, to reduce the risk of downstream erosion.
  - e) Locate attenuation ponds offline as far as practicable and in locations which avoid areas of moderate to very high vegetative constraint.

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<sup>6</sup> Objective 4 and proposed new policies 4.6 to 4.9, proposed new Objective 6 and Policies 6.1 – 6.8, proposed changes to Rules R7A.5.2.1 and R7A.5.2.2(a) Comprehensive Development Plan and (g) Water Sensitive Design in the Aokautere Residential Area.

<sup>7</sup> Proposed amendments to R7.15.2.1 and new policy 3.7, noting that in this area, on-site stormwater management is required, as Rural-Residential areas are not served by Council's reticulated stormwater network.

<sup>8</sup> The PCG area includes existing development and is already zoned residential (although yet to be developed) in some areas.

<sup>9</sup> Section 42A Report – Stormwater, Appendix B.

- f) Implement in-stream stabilisation measures in limited reaches, to reduce flow velocities and reduce steep gradients.
  - g) Revegetate the gully sides including through forestation, to reduce erosion.
18. Through this process, an attempt has been made to prioritise nature-based solutions as far as possible. I consider this package of mitigation measures largely aligns with the relief sought by Rangitāne, and ultimately, will result in a restoration package of benefit to the gully network.
  19. Having reviewed the updated stormwater strategy against the NPS-FM, I consider that the strategy seeks to manage freshwater in an integrated way. The approach considers the effects of the use and development of land within the Structure Plan on a whole-of-catchment basis, including the effects on receiving environments. This is consistent with Policy 3 of the NPS-FM. While there is functional necessity for some activities to occur within streams given the characteristics of the local environment and the nature of urban development, the design approach has been that loss of stream extent and values will be avoided to the extent practicable, consistent with Policy 7. The health and wellbeing of the streams, which are currently degraded, should be improved through implementation of the stormwater measures, which will reduce water velocities and sediment transfer, and treat stormwater quality at source, consistent with Policy 5. Loss of natural wetlands will be avoided by protection of those areas through Conservation and Amenity zoning (consistent with Policy 6), as I discuss further in the Indigenous Biodiversity section of this report. While I do not have the cultural expertise to give an assessment of the stormwater management approach against any local expression of Te Mana o te Wai, I consider that the approach adopted in PCG seeks to manage freshwater in a way that prioritises the health and well-being of freshwater ecosystems impacted by the plan change. In the context of the operative Plan provisions, my view is that PCG provides a markedly improved planning platform to help give effect to Te Mana o te Wai.
  20. On the basis of the expert advice of Mr Miller and Ms Baugham (Council's stormwater experts) and Dr Forbes (Council's ecology expert) I am comfortable that the effects management hierarchy has been applied as far as possible, with any residual effects (as assessed at a high level at this stage) able to be offset within the gully environment. I have recommended further amendments to the plan provisions and Structure Plan to implement the package of mitigation measures. Further details are provided in the Stormwater section of my report.

#### **Accidental discovery protocols**

21. PCG requires an earthworks plan to be submitted as part of any subdivision application in the Aokautere Structure Plan area. The earthworks plan is required to address management of archaeological discoveries, including how tangata whenua will be involved and cultural monitoring accommodated (see performance standard R7.15.2.1(f) for subdivision in the Rural-Residential area and performance standard R7A.5.2.2(a)(xx) Comprehensive Development Plan for subdivision in the Residential Area).
22. Rangitāne's submission seeks retention of these provisions. The provisions ensure developers engage with Rangitāne to manage their cultural expectations as part of the subdivision process [S77.004, S77.007]. Heritage Estates 2000 Ltd [FS18.015] oppose this submission point. The

submitter considers these protocols to create unnecessary duplication with Rangitāne o Manawatū's established rights under section 6(e) of the RMA, the statutory acknowledgment within the Rangitāne o Manawatū Claims Settlement Act 2016 and under the New Heritage New Zealand Pouhere Taonga Act 2014, and seeks deletion of the amendments to the rules.

23. In my opinion the proposed amendments broadly provide for the relief sought by Rangitāne, and adoption of the provisions is appropriate to recognise and provide for the relationship of Rangitāne with their ancestral lands. I note that the rules do not specifically mention Rangitāne as being the iwi to work with in relation to this matter. Instead they refer to 'tangata whenua' more generally. I do not consider it necessary to make specific reference to Rangitāne o Manawatū in these subdivision provisions, as other parts of the District Plan make it clear that Rangitāne o Manawatū are tangata whenua in the Palmerston North area.<sup>10</sup> I have recommended minor amendments to these standards in other sections of my report (for other reasons), but on review, they do not affect the relief sought by Rangitāne.
24. In response to the further submission from Heritage Estates 2000 Ltd, I appreciate that protection of archaeological sites can be an area of overlapping responsibilities and potential duplication. However, under the RMA local authorities have responsibility for the management of the use of land, and in this respect, the proposed amendments to the rules relate to managing land use activities (i.e. earthworks) to ensure that undiscovered archaeological sites are not inadvertently damaged. It is my understanding that the Heritage New Zealand Pouhere Taonga Act 2014 protects known or suspected archaeological sites from modification or destruction, and the processes under this Act tend to come after the act of discovery. In this respect, I consider there is an important difference in the timing of these controls. For this reason, I consider it appropriate to adopt the precautionary approach proposed by PCG. I do not see any duplication between such controls and section 6(e). Rather, I view such protocols as appropriately recognising and providing for these matters of national importance. I recommend the provisions be retained as notified.

### 1.1.3 Recommendations

25. I do not recommend any amendments to the provisions beyond those already identified in earlier sections of this report.

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<sup>10</sup> See Section 3.2 and objectives 3.5-1 and 3.5-2 of the District Plan.

# Topic 11 - Visual amenity and landscape

## 1.1.1 Issues raised in submissions

The following matters have been raised in submissions and will be addressed in this section.

### 1.1.1.1 Amenity effects on Moonshine Valley

- a) Multi-unit and multistorey development on the promontories will have adverse impacts on the landscape, character and amenity of the adjoining Moonshine Valley Rural Residential area, which is recognised as a 'special character area' in the District Plan.
- b) Concerns regarding invasion of privacy due to overlooking and visual dominance, and loss of the sense of spaciousness. Some submitters consider such development is inconsistent with operative District Plan provisions, which seek to avoid such effects;
- c) Requests that multi-unit and multi-storey housing is excluded from the promontory locations, or greater setbacks are imposed for dwellings;
- d) Requests for a 'transition area' to be maintained adjacent to Moonshine Valley to provide for a graduation between intensively developed residential areas and the rural-residential properties of Moonshine Valley.

### 1.1.1.2 Other amenity effects

- a) Avoid excessive use of high fences, which create a 'gated community', and screen buildings with trees instead.
- b) Restrict all future housing to single storey.
- c) Avoid housing development to the rear of Johnstone Drive, to maintain the rural setting and visual amenity.

## 1.1.2 Analysis

### 1.1.2.1 Amenity effects on Moonshine Valley

1. PCG provides for clusters of multi-unit developments (attached 2-3 storey town houses) to be established on five promontories along the eastern side of the plan change area, adjacent to the Moonshine Valley. This type of housing is directed by the Structure Plan (in particular Map 7A.4B Lot Pattern & Density) and implementing policies, in particular Policy 5.4 in section 7A and Policy 15.1 in section 10.

2. Several submitters<sup>1</sup> are concerned that multi-unit and multi-storey development associated with the proposed 'promontory clusters' will impose on the visual amenity and sense of privacy currently enjoyed by residents in the Moonshine Valley area. Submitters are concerned about the loss of the rural skyline they see from their properties, the potential for buildings on elevated land to overlook their properties and that development will be visually dominant. They do not consider that intervening vegetation (which could be removed) will provide acceptable mitigation over the lifetime of the development. To mitigate these potential effects, some submitters request that setbacks and height restrictions are imposed on development adjacent to the Moonshine Valley, similar to controls that currently apply to residential properties on Pacific Drive that adjoin the rural-residential area in the Turitea Valley. In that location, the District Plan requires a 10-15m setback from the escarpment edge for all buildings and structures in order to reduce visual intrusion, and the height of buildings is restricted to minimise the impact on the skyline<sup>2</sup> when viewed from Turitea Valley.
3. The Moonshine Valley Rural Residential Area is identified in the District Plan as a distinct area for rural-residential living, and as an area with 'special character'. The values and characteristics of this area are described on pg 19 of Section 7 of the District Plan as follows:

*Moonshine Valley is a distinctive, relatively incised and contained valley landscape, comprising a broad valley floor, sloping sides with contour level changes and reserve corridors. It has important natural character and landscape values and significant ecology and biodiversity. These values and characteristics of Moonshine Valley are documented in the report Moonshine Valley Visual Landscape Assessment (Palmerston North City Council 2011) and the Palmerston North Landscape Inventory (Palmerston North City Council 2011).*

*The essential contributing factors to the area's special character are its relatively uniform subdivisional arrangement (multiple parcels of a similar 1.5 ha size) and its natural streetscape character, which creates a unique and distinct sense of place. The low-density development pattern and the natural character of Moonshine Valley Road environs especially, contributes to the high visual amenity of Moonshine Valley, overall.*

*To ensure that these important and defining characteristics are retained and subsequent development does not create adverse effects on the special character and identity of Moonshine Valley, subdivision within the Moonshine Valley Rural Residential Area, not complying with the specified minimum lot area, will be consented as a Non-Complying Activity.*

4. The Palmerston North Landscape Inventory describes Moonshine Valley as a small incised valley, with two distinct character areas comprising of the lower and upper valleys. Rural residential development at the lower end of the valley has resulted in an intensive cover of indigenous revegetation, woodlots and amenity planting. This has led in a "contained" character

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<sup>1</sup> Ee Kheng Ang S30.002, Lew Thompson S37.001, Marie Thompson S38.001, Anthony and Rosemary Gear S39.004 Gill Welch S49.006, Larry Harrison S53.002, Steve Welch S65.006, Colin Perrin S90.001, Sara Burgess S98.002, Brett Guthrie S41.003 and supporting further submissions FS17.002, FS15.002.

<sup>2</sup> See Objective 7 and policies 7.1, 7.2 and Rule R10.6.1.1(i) in Section 10.

with a strong sense of intimacy and privacy, with dwellings integrated into a matrix of trees and shrubs. The report also notes that “views are contained by vegetation”<sup>3</sup>.

5. Subdivision in the Moonshine Valley Rural Residential Area<sup>4</sup> is a restricted discretionary activity, with a minimum lot size of 1.5ha. Subdivision that creates lots below this specified minimum area is a non-complying activity. PCG does not propose any additional development within the Moonshine Valley, or any amendments to the provisions that apply within that area.
6. The Council’s landscape expert, John Hudson, (Hudson Landscape Associates), has considered the potential visual impacts of the PCG proposals on existing dwellings within the Moonshine Valley, including those on Moonshine Valley Road, Whiskey Way, Hokonui Heights and Polson Hill Drive. Mr Hudson notes that some elements of the development (in particular the proposed multi-storey developments on the promontories), may be partially visible from isolated locations within Moonshine Valley. Following a site visit, Mr Hudson has prepared visual simulations from locations where he considers there is potential for the proposed development to be visible from both public and private viewpoints. These site visits were also informed by Mr Hudson’s review of submissions. Further details are set out in his s42A report<sup>5</sup>.
7. Following analysis of these simulations, Mr Hudson has identified that there is potential for adverse impacts on the amenity and character of the Moonshine Valley environs in some limited locations. This is due to the potential for overlooking and visual dominance arising from the proposed multi-storey development on some of the promontory sites. Mr Hudson expects that views of the buildings will be at least partly limited by intervening vegetation but, as some of this vegetation will require felling in time (being pine plantations), the extent of screening will change over time. PCG proposes extensive replanting of the gully areas within the plan change area but, due to the orientation of the gullies, Mr Hudson is of the view that this will not always screen new houses from locations within Moonshine Valley<sup>6</sup>.
8. Mr Hudson explains that being able to see houses is not, of itself, visually offensive, but the feeling of being overlooked and a perception of visual dominance as a result of the PCG buildings being on higher ground, could have an adverse impact<sup>7</sup>.
9. Mr Hudson recommends mitigation measures to limit the effects on Moonshine Valley of the development that would be enabled by PCG. The mitigation measures include:
  - a) revising the indicative configuration of lots on the promontories, so that any future buildings would be placed further away from the edge of the escarpment;
  - b) imposing a setback of 15 metres for dwellings from the lot boundaries with the Moonshine Valley;
  - c) limiting the heights of dwellings to 9 metres, rather than the 11 metres in the notified PCG provisions<sup>8</sup>.

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<sup>3</sup> Palmerston North Landscape Inventory, Stage One of the Landscape Study Revision 1 October 2011, Opus.

<sup>4</sup> As delineated on the Zoning Map.

<sup>5</sup> Section 42A Report – Landscape, Section G.

<sup>6</sup> Section 42A Report – Landscape, p 27.

<sup>7</sup> Section 42A Report – Landscape, pg 27.

<sup>8</sup> Section 42A Report – Landscape, Section K.



10. Submitter Brett Guthrie [S41.003] asks for the provisions that control development on the promontories to support a more expansive development pattern. A number of the provisions cited by the submitter apply to subdivision and development within a rural-residential context. The promontories are proposed to be rezoned to Residential, as an extension of the existing residentially zoned and developed area of Aokautere. The land available for development on these areas is generally flat and is directly adjacent to existing residential development. It therefore provides an opportunity for higher density housing (compared with rural residential) to contribute to meeting housing demand. Additionally, based on the advice of Mr Hudson, buildings developed in this area can be designed and located to avoid or mitigate visual and amenity effects. In my view, the concerns raised by the submitter can be addressed in more efficient ways than restricting development to only low density rural-residential development.
11. Submitters have also drawn a parallel between the potential effects on Moonshine Valley and the mitigation of effects on the Turitea Valley<sup>9</sup> from development on Pacific Drive. When reviewing submissions relating to these amenity issues, I visited both areas. My observation was that the physical characteristics of the Turitea escarpment are more pronounced than the interface between Moonshine Valley and the promontories on the eastern side of the plan change. In my view, this provides a point of difference. However, more generally, I accept that the characteristics of an elevated area of reasonably dense built development over a more open, less built-up rural-residential area, are similar. Mr Hudson's expert analysis affirms this<sup>10</sup> and his recommendations for mitigation for the PCG area are in line with the existing District Plan approach for the Pacific Drive area.
12. Taking into account the above matters, I have recommended a 15-metre setback be imposed from lot boundaries shared with properties in the Moonshine Valley on the promontories labelled D1 – D4 on the Structure Plan (Map 7A.4), with an additional setback standard to reflect this inserted in R10.6.3.3 (x). The Structure Plan should be amended accordingly.
13. Based on Mr Hudson's advice that the recommended setback will provide the appropriate level of mitigation in the circumstances, I do not consider an additional limit on the height of buildings beyond what is enabled as a permitted activity (9 metres) is necessary.
14. In Topic 7: Addressing housing needs of my report, I have recommended amended provisions to provide flexibility as to whether low density suburban housing or multi-unit housing is developed on the promontories. PCG was notified with multi-unit housing being preferred in these areas. I have recommended changes to Map 7A.4B to provide for suburban low density housing as the anticipated typology, with an option for the promontories to be developed as multi-unit housing as an alternative (in a similar way to how the retirement village variant has been shown).
15. Mr Hudson's simulations have shown that suburban low density development is likely to have less effect on viewing locations to the east of the plan change area compared to multi-unit development. The recommended change to the preferred development typology on the promontories is therefore likely to address concerns of visual effects raised by submitters. If, instead, a developer chooses to bring forward a multi-unit housing proposal, such development

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<sup>9</sup> For example see Section 10: Objective 7 and policies 7.1, 7.2, and Rule R10.6.1.1 Performance Standard (a) Height iii, iv, v,

(i) Turitea/Aokautere Residential Zone setback.

<sup>10</sup> Section 42A Report – Landscape, pg 28.



will need to be designed and located to mitigate any adverse overlooking or visual dominance effects on Moonshine Valley. To ensure this outcome is achieved, I have recommended inserting a new policy in Section 10 to address this, along with additional assessment criteria within Rule R10.6.3.3 (the rule that governs multi-unit housing). As multi-unit development is a restricted discretionary activity, there is scope to fully address these matters at the resource consent application stage, guided by the additional policy I have recommended.

16. With respect to the relief sought to apply a 'transition zone', I have addressed this point in Topic 17: Zoning of my report.

### **1.1.2.2 Other visual amenity issues**

17. Prabandha Samal [S107.001] is concerned that housing behind Johnstone Drive will impose on the privacy of their east-facing dwelling. The submitter requests that the area is retained as planted up open space with walkways.
18. The area of land referred to by the submitter is presently zoned residential under the Operative District Plan. Given this zoning, I do not consider it is realistic for the submitter to assume that they will be able to maintain the current rural outlook they enjoy in perpetuity (the District Plan already allows it to be developed for residential use). That said, I note that Gully 1 may be visible from this property. As the gully areas are proposed to be reforested, this may, over time, provide an element of vegetated open space to their view, breaking up the predominantly urban outlook. I do not recommend any amendments as a result of this submission.
19. Karen Lyons [S69.004] would like to see future development in the area avoid the excessive use of high fences, which create a 'gated community' look, and screen with trees instead. The proposed amendments to the performance standards in operative Rule R10.6.1.5, which provide for dwellings in Greenfield Residential Areas as a permitted activity, will restrict the height of fences within the Aokautere Greenfield Residential Area to a height of 1m within 3m of the front boundary, where that boundary is with a road frontage (see Rule R10.6.1.5 Performance Standard (h) Fencing). I consider this performance standard will assist to meet the relief sought by the submitter, and I recommend that it is retained. Other notified provisions limit fencing of rear properties where this has the potential to have an adverse visual effect on the gully areas. In Topic 4: Stormwater, flooding and erosion of my report I have recommended amendments to the provisions to accommodate the perimeter stormwater swale (which is required to prevent direct overland flows over the gully edges). The proposed amendments restrict any fencing within the swale area, which will also have the effect of avoiding extensive fencing on gully edges. I note that fencing will still be able to be provided for fencing within lots upslope of the swale area (where this may be desirable to the landowner for safety or security reasons). Collectively these amendments should assist in avoiding the 'gated community' effect, as sought by the submitter.
20. Ashok Poduval [S87.002] would like all residential development in the plan change area restricted to single level only. Single storey dwellings are the predominant housing typology that has been delivered in Aokautere to date. While this is what property developers are currently delivering, the NPS-UD directs Councils to enable a variety of homes, including variety in the type, price and location, and to enable more people to live in areas near a centre zone. One of the ways the NPS-UD directs Councils to do this is through enabling or directing higher

density housing. Higher density usually requires buildings that are more than single storey. The plan change implements the requirements of the NPS-UD in terms of providing for more homes, greater variety of types of homes and greater density in Aokautere. In my view, requiring dwellings to only be single storey would not be consistent with giving effect to the NPS-UD, nor an efficient use of land to provide for the housing needs of the City.

21. No changes are recommended to the provisions as a result of these submissions.

### 1.1.3 Recommendations

22. I recommend the following amendments:

23. Insert new performance standards into R7A.5.2.2(a) as follows:

The Comprehensive Development Plan must consider and address the following:

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;
- **in the Aokautere Greenfield Residential Area, how the proposed subdivision design creates lots, building platforms and provides screening through landscaping to address adverse effects from visual intrusion of buildings and structures on existing residential dwellings in the Moonshine Valley;**
- 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.

24. Insert a new assessment criteria into R7A.5.2.3 as follows:

#### **Subdivision design and layout within the Aokautere Greenfield Residential Area**

...

**How the subdivision design creates lots, building platforms and provides screening through landscaping, to address adverse effects from visual intrusion of buildings and structures on existing residential dwellings in the Moonshine Valley.**

25. Insert a new policy in Section 10, to read:

**15.13 To restrict the height of buildings and structures and require them to be set back**

**from the edge of the escarpment above the Moonshine Valley, so as to minimise their visual intrusion on dwellings in the Moonshine Valley.**

26. Insert a new performance standard in Rule R10.6.1.5 Dwellings, Minor Dwellings & Accessory Buildings in the Greenfield Residential Areas in (a) Separation distances as follows:

**iii. Any dwelling within the Aokautere Greenfield Residential Area must be set back at least 15m from any boundary shared with a lot located within the Moonshine Valley Rural Residential Area.**

27. Insert a new performance standard under Rule R10.6.3.3 x. Height, recession and setback requirements in the Aokautere Greenfield Residential Area:

**Any dwelling (including with garages) within Area I H must be at least:**

- **1.5m from the road boundary where the lot has frontage with any public road;**
- **1m from any other side yard boundary; and**
- **15m from any boundary shared with a lot located within the Moonshine Valley Rural Residential Area.**

28. Insert an additional assessment criteria in Rule R10.6.3.3 under Site Planning, and under Building Design to read:

(d) new buildings retain reasonable visual privacy and daylighting for all adjacent residential units and properties **and**

**(x) in any Medium Density Cluster areas identified on the Aokautere Structure Plan (Map 7A.4B), new buildings avoid visual intrusion on dwellings in the Moonshine Valley.**

# Topic 12 - Noise issues

## 1.1.1 Issues raised in submissions

1. The following submissions on noise have been received:
  - a) The potential for reverse sensitivity from operation of the Manawatū Rifle Rod and Gun Club in proximity to the proposed rural-residential area, and how these effects are most effectively managed;
  - b) Provision of alternative routes onto SH57 to reduce traffic flows and related noise along Pacific Drive, to reduce effects on existing houses without double glazing and with living areas orientated to the front of their property;
  - c) The potential noise effects of the Mighty River wind turbines on future dwellings within the plan change area;
  - d) Concern that development in the plan change area will lead to an increasingly noisy environment.

## 1.1.2 Analysis

### 1.1.2.1 Reverse sensitivity issues associated with noise from the Manawatū Rifle Rod and Gun Club

2. Ngawai Farms [S61.007] and the Rifle Rod and Gun Club Manawatu Inc 'Gun Club' [S76.001] have made submissions about noise associated with operation of the Gun Club firing range. The Gun Club wants to ensure that neighbouring land is not rezoned to enable residential development, to avoid future reverse sensitivity and noise complaints. They identify the top of the prominent ridgeline on the neighbouring property (Ngawai Farm) as a land feature that provides a significant noise buffer to any residential development further north. In their view, any residential development on or south of that ridgeline will experience noise from the Gun Club. If land is to be re-zoned for residential development, the Gun Club seek that any homes and businesses within 1 km of the gun club are constructed with professionally designed and approved insulation in order to mitigate noise effects, and that any new lots are subject to 'no noise complaints' covenants/consent notices.
3. Mr Waters of Ngawai Farms objects to Mr Lloyd's recommendation<sup>1</sup> that no residential lots should be located south of the ridgeline. This limits the future development potential of his land. Rather than adopting more stringent zoning (i.e. removing the Rural-Residential Overlay from this land), Mr Waters requests that any noise impacts be assessed at the time of subdivision.
4. The Gun Club is situated at 333 Turitea Road and is zoned Rural. The Gun Club has held a resource consent for a rifle range since 1 March 1967 with an application to extend the site

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<sup>1</sup> Appendix 8, Section 32 Report, July 2022.

made in 1992. In 1997 a declaration was sought by the Council from the Environment Court to confirm the extent of consented activities and the extent of land area to which consent applied<sup>2</sup>.

5. The Waters Block (Ngawai Farms) is located at 291-301 Turitea Road, which is to the north of the Gun Club.<sup>3</sup> This block is currently zoned Rural under the Operative District Plan but benefits from the Rural-Residential Overlay.
6. Rule R7.15.2.1 provides for any subdivision in the Rural Residential Overlay as a restricted discretionary activity, with a minimum lot size of 1ha where the lot is intended for rural living. Relevant matters of discretion include “*reverse sensitivity effects*” and relevant assessment criteria include (a) subdivision design and layout and access (iii):

“The extent to which the subdivision promotes an appropriate scale of development at the interface with adjoining rural sites and addresses reverse sensitivity effects for activities permitted in the Rural Zone and other lawfully established activities.”
7. In the Rural Zone, subdivision is a controlled activity under Rule R7.15.1.1 and a minimum lot size of 20 hectares applies, unless the lot is being created for an existing surplus dwelling<sup>4</sup>. Non-compliance with the 20ha lot size results in the activity becoming a non-complying activity under R7.15.4.1.3<sup>5</sup>.

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<sup>2</sup> W120197, ENG 128/97 J Treadwell, 12 December 1997.

<sup>3</sup> Figure 1, Appendix 8, Section 32 Report, July 2022.

<sup>4</sup> The surplus dwelling must have existed prior to 13 April 2018, the size of the lot containing the surplus dwelling must be no less than 1 hectare and no more than 2 hectares, and at least one additional residential dwelling must have existed prior to 23 April 2018 and remain on the balance of the property. Non-compliance with this lot size triggers a Discretionary Activity under R7.15.3.1.4.

<sup>5</sup> There are a few exceptions to this, but they are not relevant to this discussion.

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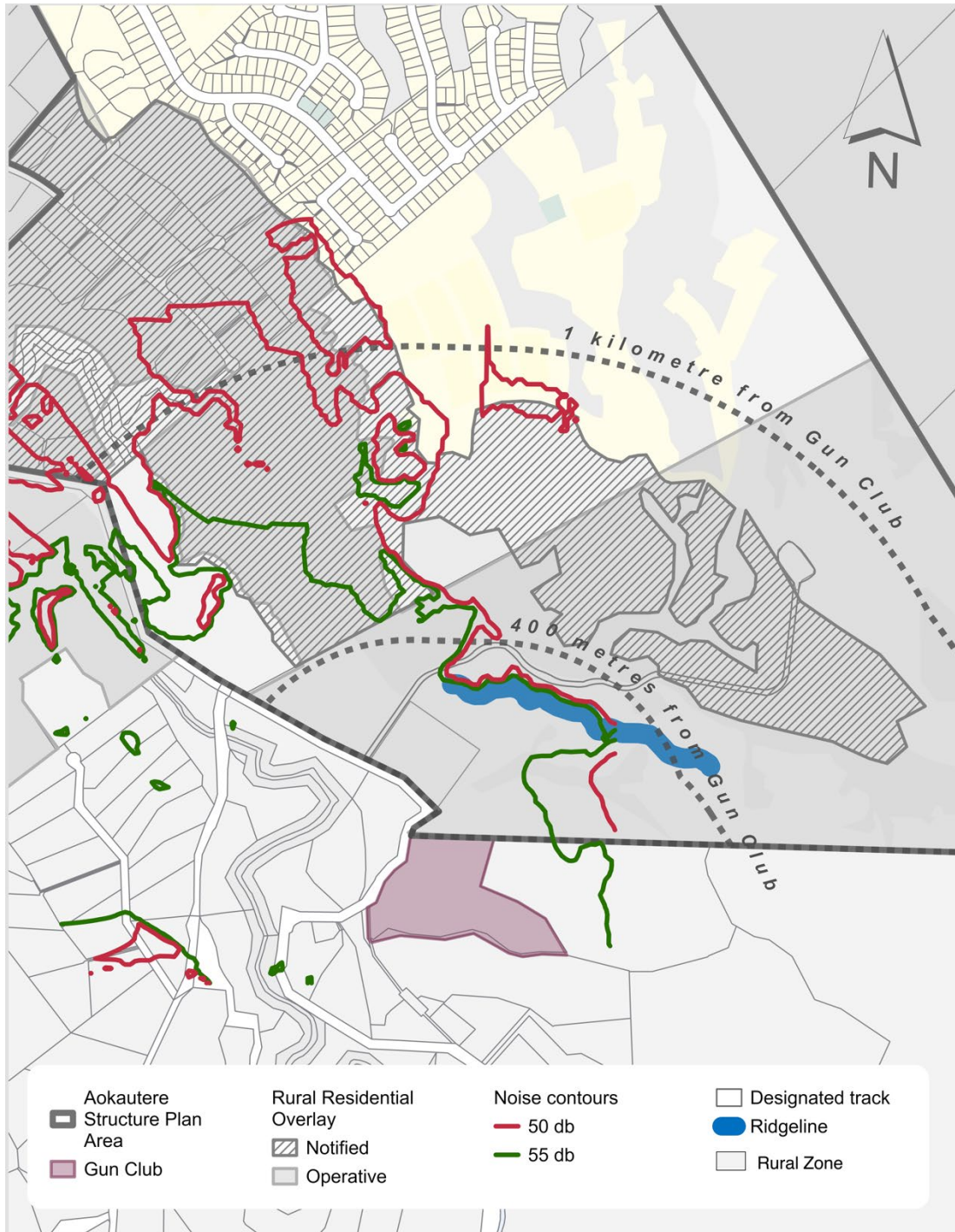


Figure 1: Gun Club noise contours with operative and proposed rural-residential overlays



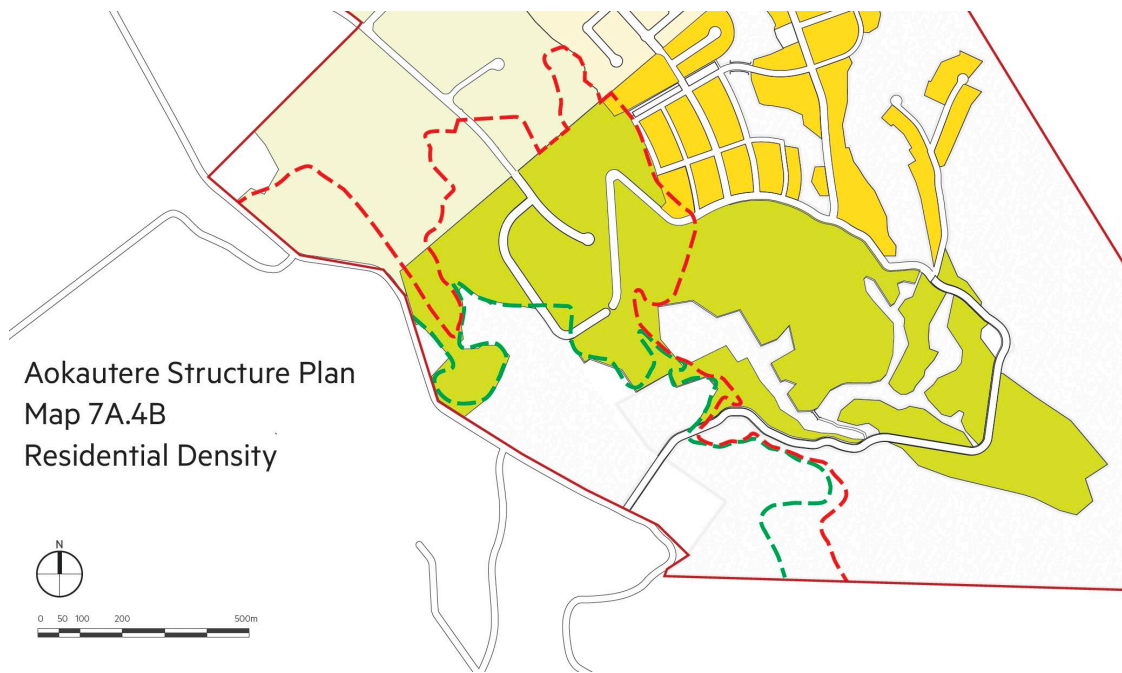


Figure 2: Recommended amended extent of rural-residential overlay

8. The Council's acoustic consultant, Mr Lloyd, undertook an assessment to determine the potential for adverse effects on future rural residential development arising from activity at the Gun Club<sup>6</sup> during preparation of the plan change and Structure Plan. In this assessment, Mr Lloyd made the following observations:<sup>7</sup>
  - a) Noise associated with use of the Gun Club can potentially occur on a regular basis.
  - b) When firing is being undertaken, the noise can be incessant.
  - c) The busiest times for shooting could occur at weekends and during public holidays, when residential neighbours might be expected to be at home.
  - d) The District Plan noise limit rules are not appropriate for the assessment of noise associated with use of rifle ranges; and
  - e) Rural-residential subdivision would allow a significantly greater density of population to be exposed to noise from the Gun Club operations than currently exists, which is likely to elicit a greater likelihood of an adverse reaction to Gun Club activities.
9. As explained in his s42A report, Mr Lloyd's initial assessment was focused on a particular rural-residential subdivision layout on Mr Waters land and was based on informal noise monitoring and modelling. This initial assessment recommended that a dwelling setback of approximately 400m should be adopted from the firing ranges, unless the ridgeline intercedes. Mr Lloyd identified that the ridgeline forms a natural boundary and provides good protection from noise for any residential development north of the ridgeline. This recommendation was intended to be reflected in PCG, by removing the Rural-Residential Overlay from land south of the ridgeline

<sup>6</sup> Appendix 8, Section 32 Report, July 2022.

<sup>7</sup> Section 7, Appendix 8, Section 32 Report, July 2022.

and within 400m of the Gun Club. While this is partially reflected in the notified PCG documents, an error in the mapping meant that several lots immediately adjacent to Turitea Road were left blank, with no zoning shown.

10. The Gun Club's submission opposes re-zoning land adjoining their property to "residential" and they also refer to residential development as being incompatible with their activities. The submission makes reference to the ridgeline on the Waters property as a noise barrier and also requests that any dwellings within 1km of the Gun Club are provided with noise mitigation. While the submission generally does not use specific planning terms with regard to the zones referred to in the plan change (for example the submission refers to land adjoining the gun club as being residential zoned, when in fact the plan change shows it as rural zone) I understand the submission to be primarily asking that no new dwellings should be built, at least south of the ridgeline. The submission opposes zoning land from rural to residential "in close proximity". I take their opposition of the PCG land zoning from "rural to residential" to encompass both residential and rural-residential zoning because both are inherently enabling residential activities as the principal land use.
11. Read in the context of the entire submission, the broad opposition at the beginning of the submission to changing land zoning to 'residential' applies to both rural-residential and residential zoning adjacent to and 'in close proximity to' the gun club. 'Close proximity' is given some parameters in the submission, being at least an area within 1km of the gun club (the distance within which the submission says noise mitigation measures are required in order to address reverse sensitivity effects). I consider that the submission provides scope to make changes to the zoning to avoid dwellings being established within 1km of the Gun Club, and potentially further afield, where noise levels are likely to cause an amenity effect to the point of triggering reverse sensitivity effects on the Gun Club.
12. In response to the submissions, Mr Lloyd has subsequently undertaken more extensive noise monitoring and updated modelling to establish the potential for noise from the Gun Club to have an adverse effect on future rural residential dwellings. The results of this assessment are set out in his s42A report, including a map indicating various predicted noise contours.
13. Having considered the various effects (including economic and amenity effects, existing use rights of the Gun Club, and its duties under s16 of the RMA) and potential mitigation measures, Mr Lloyd recommended that rural-residential development should not be enabled within the predicted 55 dB<sub>LAFmax</sub> contour (as shown in his s42A report) and specific mitigation measures should be required for dwellings within the 50 dB<sub>LAFmax</sub> contour. I address these below.

#### **1.1.2.1.1 Development within the 55 dB<sub>LAFmax</sub> contour**

14. The noise modelling shows the recommended 55 dB<sub>LAFmax</sub> contour line extending over land that is zoned Rural, and which currently benefits from the Rural-Residential Overlay in the Operative District Plan. The 55 dB<sub>LAFmax</sub> contour extends, in some locations, beyond the 400m setback that was initially identified to show the closest extent of the Rural Residential Overlay in the Zone and Structure Plans for PCG. A number of existing houses fall within this contour.
15. My assessment of the submissions is informed by Mr Lloyd's expert advice, alongside my review of the relevant provisions in the Operative District Plan.



16. Section 9: Rural Zone of the District Plan includes objectives which encourage the effective and efficient use and development of natural and physical resources of the rural area<sup>8</sup> and policies which seek to ensure that the amenities of the rural area are maintained, and the adverse effects of noise are controlled<sup>9</sup>. The health and safety of rural dwellers is to be provided for by establishing specific noise limits for the rural area<sup>10</sup>. In section 7: Subdivision, Objective 3 requires that subdivision of rural land and buildings avoids reverse sensitivity effects. In turn, Policy 3.5 enables subdivision for rural-residential purposes within the Rural-Residential Overlay where it is demonstrated that:
- “n. Actual and potential reverse sensitivity effects in relation to existing land use activities, including infrastructure and physical resources of regional or national importance, and network utilities, existing or consented Wind Farms, activities allowed by zoning, or areas anticipated for urban growth, are avoided or can be adequately mitigated.”<sup>11</sup>”
17. In light of Mr Lloyd’s advice that potential reverse sensitivity effects from noise generated by the lawfully established Gun Club cannot be avoided or adequately mitigated within the 55 dB<sub>LAFmax</sub> contour, I recommend that the Rural-Residential Overlay is removed from any land that lies within the 55 dB<sub>LAFmax</sub> contour. This will have the effect of removing the potential for rural-residential subdivision down to 1 ha to occur within this area as a restricted discretionary activity.
18. In forming this conclusion, I have taken into account Mr Lloyd’s observations, as identified in paragraph 8 above.
19. Removing the Rural-Residential Overlay from land within the 55 dB<sub>LAFmax</sub> contour will at least in part, meet the relief sought by the Gun Club.
20. In response to the submission by Ngawai Farms, I do not consider that it is appropriate to leave the potential for noise effects from the Gun Club for assessment at the time of subdivision. This would be inconsistent with the zoning/setback approach taken in the District Plan to avoid potential reverse sensitivity effects arising from inherently noisy activities, including noise from existing or consented wind turbines<sup>12</sup>, and aircraft noise<sup>13</sup>.
21. I consider it is appropriate to adopt a consistent approach to the potential reverse sensitivity issue presented by the Gun Club. That is to signal, via zoning, that an increase in the scale or intensity of noise sensitive activities, ie. new dwellings, is inappropriate within the setback defined by the 55 dB<sub>LAFmax</sub> contour.

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<sup>8</sup> Objective 2.

<sup>9</sup> Policies 2.2 and 2.3.

<sup>10</sup> Policy 3.1.

<sup>11</sup> Also relevant are Policy 3.1.1 which relates to rural land and Policy 3.2 which relates to subdivision that provides for the intensification of an existing rural-residential area located outside of the areas identified for that purpose on the planning maps – both policies seek to avoid locating noise sensitive activities where that will generate reverse sensitivity and effects on the operation and viability of lawfully established rural activities.

<sup>12</sup> During the sectional plan review, the Rural Residential Overlay was removed from any land within a 1.5km separation distance of any existing or consented turbines, due to the potential for adverse effects of wind turbine noise on potential future dwellings. Any rural subdivision to provide for a new residential dwelling or any rural-residential subdivision, that does not comply with the 1.5km setback from a consented wind farm is a non-complying activity (under R7.15.4.1).

<sup>13</sup> Policy 5.3 of Section 9 seeks to avoid the rezoning of land within the Inner and Outer Control Contours that enables an increase in the scale or intensity of noise-sensitive activities.

22. I consider that adopting restrictions on future residential dwellings by applying more restrictive zoning is a more efficient and effective approach than retaining the Rural-Residential Overlay and dealing with reverse sensitivity issues at the point of subdivision. While 'reverse sensitivity effects' are a matter of discretion under R17.15.2.1, and a RMA s16 duty to avoid unreasonable noise applies to the Gun Club, I consider such an approach would not provide a clear signal, either to landowners/developers or future occupiers, of the realistic development potential of this land. It would also rely on either the applicant or the Council's processing officer identifying the proximity of the gun club, commissioning an acoustic report, and volunteering or imposing consent conditions to manage noise levels through other means.
23. As Mr Lloyd explains in his s42A report, acoustic insulation is only effective within the building itself (and relies on windows being closed), and the Gun Club does not operate at night. On the assumption that prospective buyers purchase a rural-residential property to enjoy the outdoor amenity that a 'lifestyle' property offers, I consider enabling such development within an area subject to 'unreasonable noise' during the times when residents would reasonably be expected to be outside enjoying their property would establish a potential reverse sensitivity issue. In my opinion, the establishment of these effects would be inconsistent with s7(c) and (f) of the RMA and the policy direction in the District Plan.
24. I appreciate that there are existing dwellings on Mr Waters land, and on other neighbouring properties, that lie within this 55 dB<sub>LAFmax</sub> contour, and that these properties could potentially be subdivided (in accordance with the surplus rural dwelling provision) as a controlled activity under Rule R15.1.1. However, I consider these dwellings to form part of the existing environment. While a subdivision to create a separate lot would provide for their potential sale and new occupants, it would not result in any increase in the number of dwellings currently subject to noise from the Gun Club (at a level that is incompatible with residential activities).

#### **1.1.2.1.2 Development within the 50 dB<sub>LAFmax</sub> contour**

25. Mr Lloyd has also advised in his evidence that, at times, noise from the gun club may represent a disturbance to outdoor amenity at existing and future dwellings which lie within the 50 dB<sub>LAFmax</sub> contour. Therefore, he recommends that new houses within this contour should be designed so that they are orientated to provide indoor and outdoor living areas to the north, so as to provide further acoustic protection (via screening by the building itself). On this point, the extent to which a rural-residential subdivision layout and design creates building sites which have a northward orientation is already an operative assessment criteria under Rule R7.15.2.1(a)(iii). It is also promoted by operative Policy 2.1A of Section 7 (albeit for sunlight access).
26. Mr Lloyd has further recommended that future residents within the 50dB<sub>LAFmax</sub> contour should be alerted to the presence of an operational gun club. I consider this could occur for example, via a simple consent notice on any new titles created within the 50dB<sub>LAFmax</sub> contour. This provides future residents with the information they require to make an informed decision.
27. In my view, a policy framework to support the requirement for acoustic mitigation and consent notices would be helpful, and I recommend the following policy:

**"Within the Gun Club Noise Mitigation Area identified on the Aokautere Structure Plan (Map 7A.4), conditions shall be placed on subdivision consents (and recorded on titles via consent notices) that require:**

- (a) **new dwellings to be designed and orientated so that indoor and outdoor living areas face north, to provide acoustic protection from noise associated with activities at the Manawatū Rifle Rod and Gun Club; and**
- (b) **the presence of the Manawatū Rifle Rod and Gun Club to be recorded and advice that the lot may be exposed to occasional loud noise from gun club activities.”**

28. For this policy to be effective, the Structure Plan will need to be updated to show the relevant area that lies within the 55-50dB<sub>LAFmax</sub> contour which has not already been subdivided for rural residential development.
29. For the above reasons I recommend:
- a) that the Rural-Residential Overlay is removed from any land within the 55 dB<sub>LAFmax</sub> contour associated with noise from operation of the Gun Club, as modelled by Mr Lloyd in his evidence, and that the Structure Plan and zoning maps are updated accordingly;
  - b) that the Structure Plan Map 7A.4 is updated to show a ‘Gun Club Noise Mitigation Area’, which includes land between the 55 - 50dB<sub>LAFmax</sub> contour which has not already been subdivided for rural residential development, and which lies within the Structure Plan boundary;
  - c) that the above policy is inserted as new policy 3.8 in Section 7: Subdivision of the District Plan to provide guidance to developers and consent planners; and
  - d) where any subdivision results in new lots being created within the Gun Club Noise Mitigation Area, the Council imposes conditions of consent, requiring that consent notices be recorded on the titles of those lots, to indicate the presence of the gun club and that the lot may be exposed to noise from gun club activities (as directed by the proposed policy).

### 1.1.2.2 Other noise issues

30. Stephen & Carole Sorsby [S10.001] are concerned about increases in traffic noise that will impact the quality of life and amenity of residents on Pacific Drive. The submitter observes that this once relatively quiet suburban road has already become ‘a highway’. They note that the orientation of outdoor living spaces to the front of properties and absence of double glazing in the older dwellings nearer to SH57 exacerbates these effects. The submitter requests that this effect is mitigated through a traffic management plan that provides alternative routes onto SH57, reducing the traffic flows on Pacific Drive.
31. Section 6.2 of the District Plan deals with noise. While the District Plan recognises that road-traffic noise can generate nuisance effects on people’s amenity, road-traffic noise on existing (and unaltered) roads is not regulated by the District Plan and is exempt from the noise control rules (see R6.2.6.2).
32. Road-traffic noise effects can only be considered where a road is being altered or constructed. *New Zealand Standard NZS 6806:2010 Acoustics – Road Traffic Noise – New and Altered Roads* addresses noise from new or altered roads. Like the District Plan, the Standard does not apply to individual (noisy) vehicles using a road. Clause 1.5 explains how the Standard

should be applied when an existing road is 'altered', and clause 1.3 covers the 'limitations' of the Standard, i.e. it sets out a series of exclusions where the Standard does not apply. In simple terms, an existing road is 'altered' when there are changes to the horizontal or vertical alignment of the road, and where that change might cause an increase in road-traffic noise that is above the stated thresholds in the Standard. However, an exclusion applies (under clause 1.3.1(m) of the Standard) where a District Plan provides for the building or alteration of new roads as a permitted activity, and the permitted activity performance standards do not require NZS 6806 to be applied. This is the case in the District Plan, where 'roads vested in the Council' are a permitted activity under Rule 20.4.2 and the performance standards do not require compliance or assessment under NZS 6806. Pacific Drive is a road that is vested in the Council. Despite the likelihood that some alterations will be required to Pacific Drive (to accommodate an upgraded intersection with SH57 for example), NZS 6806:2010 therefore does not apply.

33. Based on the traffic volume predictions cited in the Safe System Audit, which was commissioned to review transport safety issues and reported on by Ms Fraser,<sup>14</sup> I understand that a significant volume of traffic generated in the plan change area will access SH57 via Pacific Drive, given its Minor Arterial/Urban Connector function<sup>15</sup>. The submitter's request for a traffic management plan will not, in my view, address the fact that Pacific Drive is the primary road serving this area for people travelling to and from the central city and therefore will naturally carry relatively high traffic volumes. It is also relevant that the operative District Plan identifies a significant portion of the PCG area within the Residential Zone, thereby providing a clear indication of the future development expectations in the area accessed via Pacific Drive.
34. For these reasons, I do not consider that additional measures to address road traffic noise as it relates to existing residences along Pacific Drive is necessary.
35. Douglas Pringle [S35.004] recommends an assessment is undertaken of the potential for Mighty River wind turbine noise to adversely affect future residential properties within the plan change area. The submitter is concerned about the potential for sleep disturbance and whether LIMs might be required to alert future owners.
36. Operative Rule R7.15.1.1 in the District Plan, which regulates subdivision in the Rural Zone (as a controlled activity), includes a performance standard that requires residential dwelling to be setback from existing or consented wind turbines. The standard states:

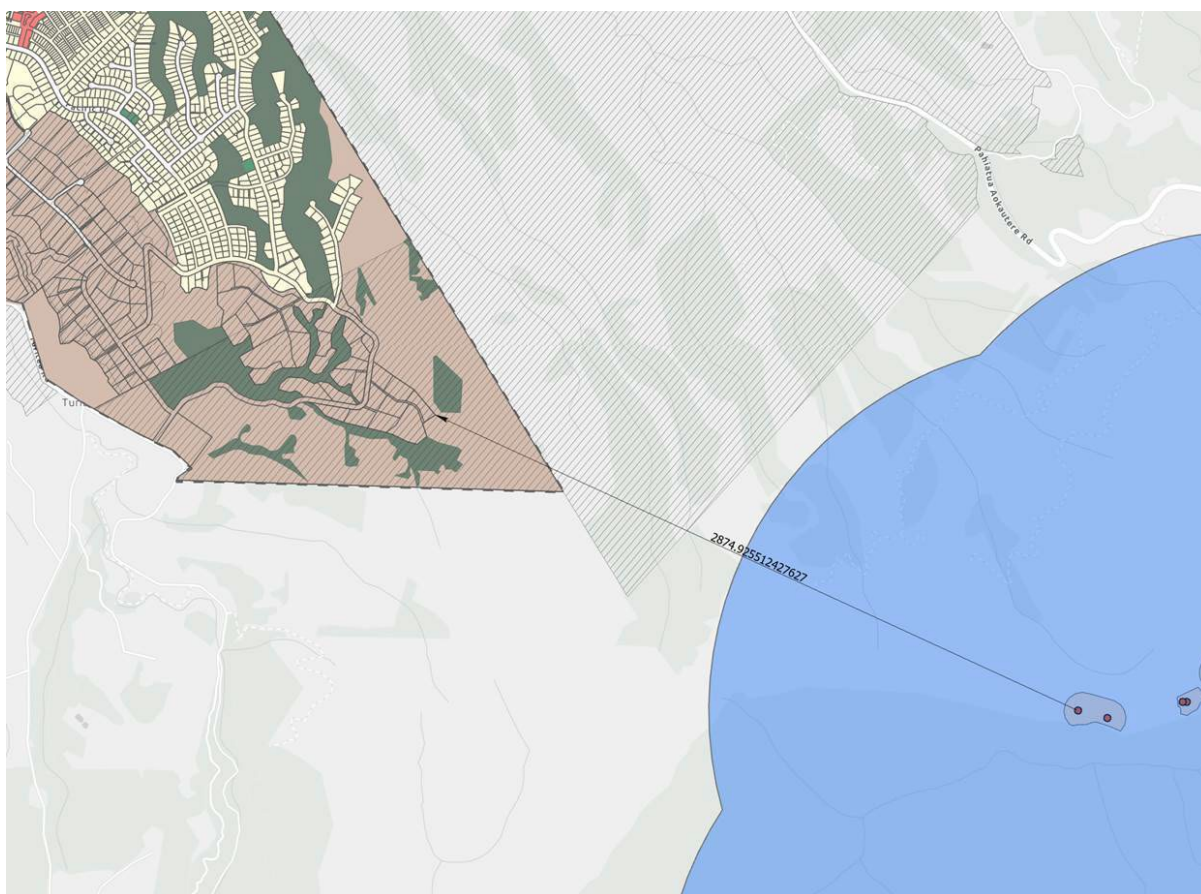
“(g) Separation Distance from existing or consented wind turbines

No rural subdivision shall be approved, so as to result in a site for a new residential dwelling within 1.5 km of any existing or consented wind turbine on a site for which a Wind Farm resource consent has been granted”.
37. The separation distance in the District Plan standard reflects expert advice on the recommended setback for residential buildings, given the sensitivity of residential activities to the effects of wind farm noise. Any subdivision which does not comply with the separation distance from existing or consented wind turbines is a non-complying activity under R7.15.4.1.

<sup>14</sup> Attachment 2, Section 42A Report - Transportation, Ms Harriet Fraser, 15 September 2023.

<sup>15</sup> The Average Annual Daily Traffic count (AADT) for Pacific Drive is currently 2,957, and this is projected to rise to 8500 AADT once the Plan Change area is fully developed. Aokautere WTP Upgrade Stage 2 SSA: Schematic Level Safe System Audit, WSP, 20 June 2023, Section 3.2, Tables 1 and 2.

38. The following figure shows that the PCG area is located well beyond the 1.5km exclusion zone from any new or consented wind turbines at the Mighty River windfarm.



*Figure 3: Distance between the proposed rural-residential area in the Aokautere Structure Plan and the nearest consented turbine*

39. Council's acoustic expert, Mr Lloyd, has reviewed the above figure and confirmed that no potential future properties within the plan change area will be adversely affected by wind turbine noise, at this distance. For these reasons I do not recommend any changes to the proposed zoning as a result of this submission.
40. Craig Hindle [S82.001] is concerned that development in Aokautere will increase ambient noise in both the short and long term.
41. I agree with the submitter that noise levels in Aokautere are likely to increase as the area develops. Urban areas are expected to change significantly over time, as local authorities plan for growth (including as required to give effect to the NPS-UD). While housing development may change existing amenity levels appreciated by some people (such as low noise environments), it will improve other aspects that contribute to well-functioning urban environments (for example by providing increased and varied housing densities and types). Decision makers must have particular regard to these matters under the NPS-UD within areas which are identified for urban growth in RMA planning documents responding to the NPS-UD. Changes in amenity arising from development in these areas are not to be considered as



adverse effects<sup>16</sup>. The Council has identified for several years, through its strategic planning processes, that development in the Aokautere area is needed to accommodate additional housing demand. The Aokautere area has also been identified for further residential development by way of the existing residential zoning in the Operative District Plan. As a result, residents must anticipate some changes to the area over time, and that is likely to come with associated changes to the amenity currently enjoyed in this area. In my opinion, the potential change to the existing amenity characteristics will be such that residents will still enjoy the characteristics of a relatively low density suburban residential environment.

### 1.1.3 Recommendations

42. I recommend:

- a) that the Rural-Residential Overlay is removed from any land within the 55 dB<sub>LAFmax</sub> contour associated with noise from operation of the Gun Club, as modelled by Mr Lloyd in his s42A report, with the Structure Plan and zoning maps updated accordingly;
- b) that the Structure Plan Map 7A.4 is updated to show a 'Gun Club Noise Mitigation Area', which includes land between the 55 - 50dB<sub>LAFmax</sub> contour which has not already been subdivided for rural residential development, and which lies within the Structure Plan boundary;
- c) that the following policy is inserted as new policy 3.8 in Section 7: Subdivision of the District Plan to provide guidance to developers and consent planners;

**"Within the Gun Club Noise Mitigation Area identified on the Aokautere Structure Plan (Map 7A.4), conditions shall be placed on subdivision consents (and recorded on titles via consent notices) that require:**

**(a) new dwellings to be designed and orientated so that indoor and outdoor living areas face north, to provide acoustic protection from noise associated with activities at the Manawatū Rifle Rod and Gun Club; and**

**(b) the presence of the Manawatū Rifle Rod and Gun Club to be recorded and that the lot may be exposed to occasional loud noise from gun club activities."**

- d) where any subdivision consent results in new lots being created within the Gun Club Noise Mitigation Area, that the Council imposes conditions of consent, requiring that consent notices be recorded on the titles of those lots, to indicate the presence of the gun club and that the lot may be exposed to noise from gun club activities (as directed by the proposed policy).

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<sup>16</sup> Policy 6.

## Topic 13 - Parks and open space

### 1.1.1 Issues raised in submissions

1. Submitters have raised the following issues in relation to the provision of parks and open space:

#### **Gully networks and public recreational use**

- a) Both opposition and support for the proposal to rezone, acquire and manage the gully networks and wetlands, and utilise these areas for public recreational use.
- b) Concern about the ability of Council to access, restore and adequately maintain the gully networks, including preventing weed infestations.
- c) Potential impacts of the walkway network on the privacy and safety of residents.
- d) Request for an additional walkway connection from Abby Road through to the Moonshine Valley Reserve.
- e) Provide for gullies to be vested where they are contiguous to an area of land sought to be developed, rather than at the earliest point of subdivision.

#### **Other open space provision and use within the plan change area**

- f) Retain the remaining areas of Aokautere as green space/open space, rather than providing for more housing development.
- g) Retain Adderstone Reserve for open space/reserve purposes, rather than repurpose parts of this reserve for housing.
- h) Ensure that multi-unit or medium density housing within Aokautere is sufficiently served by green space, parks and playgrounds that can accommodate families which do not have access to private amenity space.
- i) Include additional flat recreational reserves in the plan change area to ensure there is adequate distribution of recreational areas for small-scale and informal play and to facilitate community connection.
- j) Include facilities for skating and formal sports activities (sports fields).
- k) Ensure that open space/reserve provision is consistent with the Council's Greenfields Reserve Criteria.
- l) Ensure future development in the plan change area does not impact on recreational use of Turitea Road.



## 1.1.2 Analysis

### 1.1.2.1 Gully networks and public recreational use

2. Karen Wilton S9.002 and Rangitāne o Manawatū S77.025 support the proposed approach to rezone, acquire and manage the gully networks and wetlands for ecological restoration and public recreational use. This support is noted. Elsewhere in this report I have reviewed the effectiveness of the proposed Conservation and Amenity zoning for ecological restoration purposes (see Topic 9: Conservation and Amenity Zone and Indigenous Biodiversity of this report).
3. PN Industrial and Residential Developments Ltd [S45.010 and S45.011] support the acquisition of gullies by the Council in principle, but consider there has been insufficient regard to how these will be accessed for maintenance, enhancement, and installation of public access infrastructure, if they are to be vested at the earliest subdivision opportunity. The submitter requests that the provisions (Objective 6 and Policy 6.6 in Section 7A) that stipulate this approach are reworded to provide for gullies to be vested where they are contiguous to an area of land sought to be developed, rather than at the earliest point of subdivision. CTS Investments Ltd, Woodgate Ltd and Terra Civil Ltd [S58.025, S58.053] also object to these proposed provisions, as does Heritage Estates 2000 Limited [S51.133, S51.054].
4. Objective 6 and Policy 6.6<sup>1</sup> signal that Council will require vesting of the gully network in Council at the earliest possible stage in subdivision, prior to commencement of any physical works. I understand that the timing of vesting is driven by the need to establish stormwater management infrastructure before any development takes place, thereby ensuring that the necessary infrastructure is available to receive any overland flows. The gullies will form part of the integrated stormwater management strategy, and will essentially become stormwater reserves. The function and required timing of works in the gullies is set out more fully in the evidence of Ms Baugham and Mr Miller. Some gullies will have detention ponds constructed, as well as instream stabilisation works, in order to detain and slow the velocity of water during storm events, and to avoid adverse effects on gully slopes from erosion associated with un-moderated overland flows. If the gully network downstream of areas of subdivision and development is not within Council control prior to development, there will be little or no ability to undertake these mitigation measures with the risk of ecological, land stability and natural hazard impacts.
5. In terms of installing walkway infrastructure, Mr Philips (the Council's Parks and Reserves Manager) has identified that not all restoration or recreation works will happen immediately (given budgeting constraints and processes and the desire to implement such works in partnership with communities). Therefore, these works can be staged to respond to the availability of access points and roads.
6. Jessica Costall [S66.006] and Russell Poole [S68.005] are concerned about Council's ability to access, restore and adequately maintain the gully networks, including preventing weed infestations and protecting replanted areas from stormwater impacts. Mr Philips has responded to this submission in his s42A report, noting that these matters will be addressed through an

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<sup>1</sup> Policy 6.6 To provide for the long-term protection of the gully features by requiring the vesting of the gully network in Council for conservation and amenity purposes at the earliest stage in the subdivision, prior to the commencement of any physical works.

implementation plan, with budgets assigned to walkway development, planting and maintenance. As set out above, timing and points of access can be modified to suit the individual circumstances of each gully network.

7. Jessica Somerton [S6.001] and Ben Somerton [S83.006] are generally supportive of walkways in the reserves, but are concerned that the planned walkway in the Manga o Tane Reserve behind Johnstone Drive could adversely impact on their privacy and sense of security. Ben Somerton requests that this walkway is not located within 5m of property boundaries along Johnstone Drive, or alternatively, that footpaths (i.e. associated with the road reserve) are relied on instead. Jessica Somerton requests that the Council install fencing or planting if the walkway does back onto their private land, to ensure their property is not directly accessible to people using the path.
8. On the basis of Mr Philips advice, I understand that the exact location of the walkway within the reserve is a detailed matter which will be subject to feasibility testing and confirmation closer to the time of construction. The path is likely to be along the northern boundary of the Manga o Tane Reserve. Mr Philips has responded in his s42A report to the detailed matters raised by the submitters regarding the request for planting and fencing for security, in the event that the walkway is adjacent to the private property boundary<sup>2</sup>. I consider the location of the walkway is a matter that will be appropriately resolved through feasibility testing of options undertaken by the Council. The future path and fencing design and construction process will be undertaken in discussion with the relevant landowners.
9. Alan Smeaton [S7.001] supports the proposed walkway connection options outlined in the Parks and Reserves Servicing Memorandum.<sup>3</sup> Mr Smeaton has also requested an additional walkway connection from the end of Abby Road, across the gully and into the Moonshine Valley Reserve (as shown by the red line on Figure 1 below).



Figure 13.1: Additional walkway connection requested by Mr Smeaton [S7.001]

10. Mr Philips has advised that the close proximity and direct nature of the footpaths in this location, means they are likely to serve an acceptable walking route, and a secondary dedicated walkway through the reserve is not necessary. I agree with Mr Philips' advice. I also note that the PCG provisions do not preclude a walkway being developed in the future should Council and the community consider it necessary/desirable. I therefore do not recommend any changes to the walkway network in this vicinity.

<sup>2</sup> Section 42A – Parks and open space, pg 13.

<sup>3</sup> Appendix 13, Section 32 Report, July 2022.

### 1.1.2.2 Other open space provision and use within the plan change area

11. Charles Chua [S29.001] considers the remaining areas of Aokautere should be retained as green space/open space, rather than providing for more housing development in this area. Prabandha Samal [S107.005] considers the land behind Johnstone Drive should be retained as open space rather than developed for housing and is concerned as to how the gully/low-lying areas will be filled and made into buildable areas.
12. The Council is required to plan for and enable development of land to meet the identified housing needs in the City. Aokautere has been identified in the *Council's City Growth Plan (2021)*<sup>4</sup> as suitable for accommodating greenfield housing needs. However, a large proportion of the plan change area (including a number of gully areas, forest remnants and natural wetlands) will be re-zoned, formally protected and managed as Conservation and Amenity Zone, with development, over time, of a network of walkways and paths to facilitate recreation in the gully areas. I consider this to be a very positive outcome of the PCG proposal.
13. The Structure Plan shows the area immediately behind the submitters' property on Johnstone Drive will be developed as medium density housing. I note that the land is already zoned Residential under the Operative District Plan. I do not consider it realistic for the submitter to assume that their current rural outlook from residential land can be retained in perpetuity.
14. How any areas will be filled and made into buildable areas is a level of detail that will be determined at the resource consent stage, rather than through the plan change process. Major gullies within the plan change area are not identified for residential development and are instead to be managed as open space and reserve areas. The proposed PCG provisions require an earthworks plan to be prepared and submitted with any subdivision application. This will ensure there is specific design and management of earthworks in development areas.
15. Karen Lyons S69.003 requests that multi-unit or medium density housing within Aokautere is sufficiently served by green space, parks and playgrounds. Heather and Grant Morgan [S40.003] are concerned that parks and playgrounds in medium density and multi-unit developments are adequately sized to accommodate more than one family at a time. Chris Teo-Sherrell [S43.004] and Jeff Watson [S93.001] ask that the plan change includes adequate and appropriate distribution of flat recreational areas. Chris Teo-Sherrell also requests at least one additional small flat recreation reserve for informal play towards the upper end of the plan change area, somewhere upslope from the intersection of Pacific Drive and Atlantic Drive (i.e. at the southern end). Gareth Orme [S75.004] would like to see provision for 'properly constructed leisure parks', not just green areas, in order to create a community atmosphere. These areas should have adequate drainage so that the land is usable, and amenities including seating, trees, children's play areas, and flat turf for neighbourhood games.
16. In the Parks and Reserves Servicing Assessment for PCG,<sup>5</sup> Mr Philips assessed existing provision of reserves in the plan change area against the typologies in the 2021 Parks and Reserves Asset Management Plan<sup>6</sup>. Mr Phillips recommends that a new 'Suburb Reserve' of approximately 8900m<sup>2</sup> is provided at a central location to the south of the PCG area, co-located

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<sup>4</sup> <https://www.pncc.govt.nz/files/assets/public/documents/council/strategic-direction/city-growth-plan-2021-31.pdf>.

<sup>5</sup> Appendix 13 to the Section 32 for PCG, July 2022.

<sup>6</sup> Which includes Local Reserves (further categorised as Suburb, Neighbourhood, Small Neighbourhood, Esplanade, Ecological, Special Character), City Wide Reserves, Sports fields, Aquatic Facilities and Cemeteries and Crematorium.

with a gully area for ecological restoration and off-road walking connections. The intention was to evenly distribute the provision of Suburb size parks, with the northern end of the plan change area served by the existing Suburb Reserve Peren Park, and the central area served by the proposed 'crescent park' in the Medium Density Village area. The notified Structure Plan provided for a reserve in this location, although this was mistakenly sized at 2000m<sup>2</sup> and shown as Conservation and Amenity Zone rather than Recreational Zone on the notified Zoning Map.

17. Mr Philips has subsequently advised that since PCG was published, the Council has revised its Engineering Standards for Land Development. These standards now require a Suburb Reserve to be at least 1.5ha in size, with 70% of the area to be flat land. Suburb reserves provide amenities such as toilets, senior and junior playgrounds, basketball/netball/tennis court hoop or similar, higher quality drainage and sealed paths.
18. In response to the submissions, and on the basis of Mr Philips advice, it is recommended that the southern Suburb reserve is expanded to 1.16ha, including a flat area of approximately 8900m<sup>2</sup> (and the Structure Plan and Zoning Plan amended accordingly). This reserve size is sufficient to accommodate a football sized pitch of 20m x 30m plus a buffer area to the road reserve, as shown in Figure 2 below. This reserve will be of a size to accommodate the request by Chris Teo-Sherrell for a flat recreational reserve of sufficient size to accommodate informal play. In response to Gareth Orme's submission, the specific design of these new reserves and parks, and the equipment and facilities they contain, is a matter for the Council's reserves management processes, rather than this plan change.



Figure 13.2 - Recommended extension to Southern Suburb Reserve

19. The Council has recognised that medium density and multi-unit housing will place particular demands on open space. Mr Philips has advised that the Council has recently updated the *Engineering Standards for Land Development*<sup>7</sup> to increase the desired minimum Neighbourhood Reserve park size from 2,500m<sup>2</sup> to 4,500m<sup>2</sup><sup>8</sup>. I understand from Mr Philips that this increase reflects the need to account for the reduced size and availability of private amenity space for back yard play in higher density areas; and to allow sufficient buffer areas between active zones within reserves and adjoining neighbours. The Council has also reduced the maximum walking distance threshold from 500m to 400m when assessing accessibility from medium density or multi-unit housing residential areas to a park. I have reviewed the Structure Plan in light of Mr Philips advice. The Medium Density Village area shown on the Structure Plan (see Map 7A.4B) will be served by a large public open space (crescent shaped park 5000m<sup>2</sup> and wetland reserve 7000m<sup>2</sup>). All of the proposed lots are also within or very close to a 400m walking distance from this amenity, as shown on Figure 3 below. I note that the area will also be well served by access to the wider gully networks and associated recreational pathways. I do not consider any further changes are required to address these changes.

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<sup>7</sup> <https://www.pncc.govt.nz/Council/Official-documents/Plans/Engineering-Standards-for-Land-Development>

<sup>8</sup> The Engineering Standards state that 4,500m<sup>2</sup> is the desired size, with a minimum of 3,500m<sup>2</sup> acceptable as an exception, for example where located adjacent to another open space type, such as a walkway or stormwater reserve.





Figure 13.3 – Proximity of the Medium Density Village by foot to a park

20. In summary, Mr Philips has recommended that the proposed provision of open space in the PCG area reflect the updated minimum standards for reserves in the Council's Engineering Standards for Land Development.
21. Heritage Estates 2000 Ltd [S51.006] considers that the Council's Greenfields Reserve Criteria set out in Section D: Supplementary Information of Volume 2 of the District Plan<sup>9</sup> are 'at odds' with the notified plan change.
22. The Greenfields Reserve Criteria have the status of 'useful information' which is referred to in Volume 1 of the District Plan, or 'information considered useful to Plan users and resource consent applicants'<sup>10</sup>. The Greenfield Reserves Criteria have not been amended to reflect the

<sup>9</sup> <https://www.pncc.govt.nz/files/assets/public/documents/council/district-plan/volume-2-and-supplementary-info/greenfield-reserves-criteria-july-2006.pdf>

<sup>10</sup> See Section A: General Introduction – Volume Two.

updates to the Engineering Standards for Land Development which came into effect in March 2023. I was unable to find a reference to these Greenfield Reserve Criteria in Volume 1 of the District Plan. Therefore, it appears these may be redundant, and that the most recent version of the Engineering Standards should be relied on instead.

23. Jessica Somerton [S6.003] would like the Council to consider providing an area for skating and Kevin Low [S73.003] and Paul Hewitt [S101.002] request that sports fields are included. Mr Philips has responded to these submissions.
24. I understand, based on his advice, that there may be some potential to provide a small scale skating facility within the planned Suburb reserve, but if so, it would require adequate setbacks from residential and other noise sensitive activities, given that skate boarding can be a noisy activity. In any event, this is a matter of detail which is best resolved through the future parks and recreation planning process (not a plan change process). With respect to sports fields, Mr Philips has advised that formal playing fields are usually centralised and grouped to achieve efficiencies of scale in the provision of associated toilets and changing facilities. The facilities at Wallace Park (4km away) and planned provision in the Kākātangiata growth area is expected to meet formal sports facility demand within the City. However casual, small scale sport will be provided for by inclusion of a 30m by 30m levelled and drained area within Adderstone Reserve and within the proposed Suburb Reserve to the south of the PCG area. Based on Mr Philips' advice, I have not recommended any plan amendments to address these submission points.
25. Paul and Jan Dixon [S56.001] are concerned that the growth proposals will dramatically increase traffic on Turitea Road, resulting in a subsequent decrease in the amenity value of this rural route for runners, walkers, cyclists and horse riders. I understand, on the basis of Mr Philips advice, that some works have been undertaken to reduce conflicts between recreational users and traffic on high risk sections. I also understand that the Council intends to develop off-road paths along the Turitea Stream as esplanade reserves are acquired. However, it may not be possible to develop a continuous off-road option and some road reserve sections may be required as part of future walkway development planning along this road.
26. Ms Fraser has also considered this submission from a road user perspective – and I discuss her advice in the Transport section of this report. My understanding is that the plan change proposals are unlikely to significantly increase vehicle traffic on Turitea Road. Future rural-residential development in Turitea Valley is likely to be accessed predominantly off Valley Views Road, especially once works to upgrade the intersection of Turitea Road and Valley Views Road have been undertaken.
27. Scott Knowles [S64.002] wishes to understand why the original full length Wetland Park, configured as a long, winding stream/reserve leading away from Royal Crescent has been removed from the Structure Plan.
28. Mr Burns has responded to this submission in his evidence, and explains the design challenges which led to this wetland park being reduced in extent. I note (as does Mr Burns) that a wetland has been retained as a feature of the Structure Plan. I rely on Mr Burns' expert advice on this matter, and note that the submitter has not sought any particular relief in their submission.



### 1.1.3 Recommendations

29. I recommend that:

- a) the Structure Plans that show development of housing on Adderstone Reserve (Maps 7A.4E, 7A.4F and 7A.4G) are not inserted into the District Plan. This reflects the Council's decision under the Reserves Act process to retain Adderstone Reserve as open space. Instead Maps 7A.4, 7A.4A, 7A.4B, 7A.4C and 7A.4D(1-17) will form part of the Structure Plan.
- b) the Suburb Reserve at the southern end of the plan change area is increased to an area of approximately 1.16ha, including an area of approximately 8900m<sup>2</sup> of flat land sufficient to accommodate an informal playing area of approximately 20m x 30m, including a 10m buffer to the road reserve, as shown below, with the Structure Plan and Zoning maps updated accordingly.



## Topic 14 - Community facilities (other than recreation, parks and open space)

1. Submissions have been received which request that PCG make provision for various community facilities within the plan change area.

### 1.1.1 Issues raised in submissions

2. Submitters seek that the Aokautere Structure Plan include:
  - a) provision for education facilities, including a primary school, day-care centre and state schools;
  - b) a new Pasifika community centre within the Adderstone Reserve.

### 1.1.2 Analysis

3. Kevin Low [S73.002] and Paul Hewitt [S101.001] are concerned about the absence of school facilities in Aokautere, and other submitters have raised this as a contributing factor to car dependency and increases in greenhouse gas emissions.
4. The Aokautere Masterplan identifies that the Aokautere/Poutoa area will need a new 400-place primary school within the next decade. The Ministry of Education has purchased land on Ruapehu Drive, near the Summerhill Shopping Centre, for this purpose, and has recently started a master planning exercise for the school. The Council engaged with the Ministry of Education during development of PCG, with the intent of trying to locate a primary school within the plan change area. At that time, the Ministry did not consider that there was sufficient demand. The Ruapehu Drive school will provide schooling for years 1-8 and will initially cater for 350 students, with capacity to grow to 600 students over 20 or so years. A kindergarten is not proposed at this stage, but sufficient land is available to provide one at a later date.
5. As the Ministry has actively commenced planning for the Ruapehu Drive site, which will accommodate demand for primary schooling within the PCG area, it is unlikely that a primary school will be delivered within the plan change area. However, the location of the proposed school on the other side of SH57 does highlight the need to address the issue of people needing to regularly cross this road (which is addressed in Topic 6: Transport of this report).
6. The Pasifika Reference Group [S47.002] requests that the Council consider the feasibility of a new Pasifika Community Centre, to be located within the Adderstone Reserve. This facility would replace the centre currently housed at Bill Brown Park, which the submitter considers to be too small and to have inadequate kitchen facilities. The submitter considers that locating a new centre on Adderstone Reserve would provide an opportunity for a multicultural hub to be established, with the IPU being close by. The proximity of businesses in the local centre was also noted as an advantage.
7. In April 2023 the Council resolved to retain all of Adderstone Reserve for open space/reserve purposes. However, it also determined that the Pacific Drive portion of the land is not required

for recreation purposes and may be suitable for a community facility, should a need for a community facility to service the Aokautere/Summerhill area be identified in the future. This decision was based on research which the Council commissioned in August 2022. *The Community Places Research Report: Communities Facilities Stocktake and Needs Assessment*<sup>1</sup> identified that there was an imbalance between the high rates of population growth in the outer suburbs of the city (including Aokautere), and the provision of community facilities, which tended to be low in these areas (with the exception of open space). Future residential growth in the short and medium term in the Aokautere area will accentuate this imbalance further. The Council determined that a per-population provision measure needs to be established before deciding if, and when, a community facility could be required in Aokautere, along with the form and purpose of that facility. Once that is known, consideration can be given to the appropriate location. The Council therefore resolved to retain all of the Adderstone Reserve land until the broader need for community facilities is known.

8. I understand that the Pasifika Community Centre is funded by Council. The *Connected Communities Plan 2021-2024* describes Council activities for the first three years of the 10-Year Plan, in terms of provision for community facilities. Currently there is no Council policy which guides how the Council responds to community requests for support or development of community centres, including in new growth areas such as Aokautere. Development of the per-population provision measure is presumably part of the process of formulating a policy for community facility development. Given the Council's decision to retain the land, with the option to consider community facilities in the future, there remains opportunity for future discussions between the submitter and the Council. In my view, specifying a requirement for new Pasifika Community Centre as part of this plan change is not appropriate. The matter is more appropriately dealt with through the Council's Long Term Plan work programme and funding processes.

### 1.1.3 Recommendations

9. I do not recommend any changes to the notified provisions arising from these submissions.

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<sup>1</sup> <https://www.pncc.govt.nz/files/assets/public/documents/council/research/community-places-research-report-aug-2022.pdf>.

## Topic 15 - Wellbeing and safety

### 1.1.1 Issues raised in submissions

1. Submitters have raised the following wellbeing and safety issues:
  - a) Concern that development will bring antisocial behaviour, increased noise, pollution, litter, a reduction in privacy and increase in crime, with a subsequent negative impact on the wellbeing of adjacent Moonshine Valley residents;
  - b) Whether the Council's goal to provide connected and safe communities has been adequately considered; and
  - c) A request that the Council prepare a community health and safety technical report as part of the evidence base for PCG.

### 1.1.2 Analysis

2. Steve Welch [S65.007 and S65.008] is concerned about the potential for adverse effects of urbanisation (pollution, litter and crime) on the wellbeing of Moonshine Valley residents. He is opposed to the proximity of housing to the gully edge and boundary of Moonshine Valley properties and requests that the Council consult more personally and proactively with affected property owners in Moonshine Valley, with an aim to redesign plans along this boundary.
3. I do not agree with the submitter that there is an obvious correlation between enabling housing in this location and increases in antisocial behaviour. The gully setbacks will provide a clear demarcation between the Moonshine Valley properties and new lots within the plan change area. This area is proposed to be accessed and maintained by the Council as a stormwater management reserve. I understand that the setback areas will be open and grassed and therefore unlikely to provide concealment spots. It is likely that new dwellings will be orientated to take advantage of views out over the gully areas, thereby increasing passive surveillance. Gully areas will be vested in Council and maintained and restored over time, along with provision of public walkways. Regular maintenance will also ensure that there is a perception of ownership and care for these areas.
4. One of the stated objectives of PCG is to rectify the poor urban form outcomes of existing development in the area, which has resulted from extensive use of cul-de-sacs and right of ways and poor connectivity. The proposed network of streets and pathways in the Structure Plan will create a well-defined movement framework which will increase the legibility and connectivity of the area, provide safe alternative routes for pedestrians, and is consistent with the principles outlined in government guidelines for crime prevention through environmental design<sup>1</sup>.

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<sup>1</sup> Ministry of Justice (2005). *National Guidelines for Crime Prevention through Environmental Design in New Zealand. Part 1: Seven Qualities of Safer Places*. Available here: <https://www.justice.govt.nz/assets/cpted-part-1.pdf>.

5. Douglas Pringle [S35.001] questions why a technical report from the 'Safe Communities' perspective has not been included in the supporting technical information, given that the Council subscribes to the World Health Organisation 'Safe communities' programme and has prepared a Safe Communities Plan. The submitter is of the view that planners have a responsibility for community safety through their planning for new communities. Mr Pringle recommends that a health and safety technical report is prepared, indicating alignment or divergence to the strategies articulated in the PNCC Safe Communities Plan.
6. I note that the Safe Communities Plan is not one of the plans which has been considered in the Section 32 report. I have reviewed the Council's Safe Communities Plan, Connected Communities Strategy and Connected Communities Plan<sup>2</sup>. I understand that the Pan Pacific Safe Communities Network accreditation "reflects a city safety focus in public design, city streets, readiness for natural disaster, alcohol-related harm, and family/ whānau wellbeing<sup>3</sup>". Whilst some of these focuses are beyond the scope of PCG, I agree that public design and city streets and the relationship between environmental design and wellbeing are within scope.
7. The Structure Plan is the result of a comprehensive masterplanning exercise, which has included consideration of community safety through environmental design. At present, Aokautere has little internal connectivity, due to the combination of broken terrain and piecemeal subdivision. One of the key principles of the Masterplan/Structure Plan is to create permeable and connected neighbourhoods, and increase resilience by offering a choice of pathways<sup>4</sup> and reducing dead ends. All streets are to be overlooked by dwellings or commercial frontages, which increases passive surveillance. Generous footpath widths have been provided through the local business centre, with a low speed environment and focus on pedestrian-oriented environment. New housing areas are configured to positively address the gullies as accessible public spaces, with gully streets specifically designed to provide public visibility of pathways. Street cross sections have been carefully designed to consider pedestrian and cyclist safety and promote active forms of travel. Public open space and a local centre have been included to provide opportunities for active leisure and community connection.
8. Further to the above matters, I note the proposed provisions to implement the Structure Plan include references to 'safe built form' (Section 10: Objective 15), 'achieving visual and physical connectivity to public spaces' (Policy 15.5), and requiring 'active street frontages' (Policy 15.7).
9. With respect to resilience and preparation for natural hazard events, one of the objectives of the plan is to increase connectivity by providing for interconnected streets that provide more than one route to destinations. The proposed linkage from the plan change area to Turitea Valley is intended to increase resilience of the road network. The stormwater management strategy has been revisited to ensure that it appropriately addresses 'over design' storm events and associated erosion risks, while a geotechnical hazard review was completed to determine the extent and appropriate response to land stability hazards within the plan change area.

<sup>2</sup> These documents can be viewed here: <https://www.pncc.govt.nz/Council/Official-documents/Strategic-direction/A-connected-and-safe-community>.

<sup>3</sup> <https://www.pncc.govt.nz/files/assets/public/documents/council/strategic-direction/connected-communities-strategy-2021-31.pdf>.

<sup>4</sup> Masterplan, 'Plan Principles', pg 54.

10. I therefore consider that, while a specific CPTED or community safety audit has not been prepared, community safety and resilience has been appropriately considered and incorporated into the Structure Plan and implementing provisions and that the proposal is consistent with the Safe Communities Plan.

### **1.1.3 Recommendations**

11. I do not recommend any changes to the provisions as a result of the submissions.

## Topic 16 - Infrastructure and Services

1. Several submitters have made submission points about the provision of infrastructure and services within the plan change area. This section of the report addresses those submission points. Submissions relating to transport infrastructure are dealt with in the Transport section.

### 1.1.1 Issues raised in submissions

2. The following infrastructure and servicing issues have been raised in submissions:
  - a) Ensure that appropriate consideration is given to fire safety and operational firefighting requirements in the design and servicing of sites;
  - b) That the Bunnythorpe-Wilton 220kV National Grid transmission line is clearly identified in the plan change documents, including the restrictions this places on subdivision and development in proximity to the transmission line;
  - c) Opposition to the proposed deletion of Policy 1.5, Section 10, which relates to provision of a reticulated water supply to the Pacific Drive Extension Area;
  - d) Improve services to dwellings in the Turitea Valley, including Ngahere Park Road, to compensate for the loss of rural outlook; and
  - e) Apply a levy/development contribution on developers in this area, to help fund an additional road bridge across the Manawatū River, to accommodate the increase in traffic that will be generated.

### 1.1.2 Analysis

#### 1.1.2.1 Fire and Emergency Services

3. Fire and Emergency New Zealand (FENZ) requires adequate water supply be available for firefighting activities and ready access for emergency vehicles to new developments and subdivisions to ensure that they can respond to emergencies. These requirements can be met by compliance with *SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice and Fire and Emergency's 'Emergency Vehicle Access Guidelines'* (May 2015). FENZ seek specific amendments to the notified provisions to address these requirements. The requested changes include:
  - a) Insert text to clearly promote the availability of water supply with sufficient capacity for firefighting purposes into proposed new policies in Section 7: Policy 3.7(i), (Subdivision) [S33.001], and Section 7A: Policy 1.4 (Greenfield Residential Areas) [S33.003] and 7A: Policy 5.6 [S33.005]. These policies relate to the availability of appropriate infrastructure to service development in the Aokautere Rural-Residential Area and Aokautere Greenfield Residential Area respectively.



- b) Retain proposed new policy 7A: Policy 3.5, as drafted [S33.004]. This policy requires subdivision to be carried out in a manner that reflects geotechnical advice and does not exacerbate or create natural hazards.
  - c) Amend proposed new policy 7A: Policy 5.8 which addresses design and layout matters, to ensure any subdivision provides sufficient access and efficient movement for emergency service vehicles [S33.006].
  - d) Add an additional assessment criteria to Rule R7.15.2.1, which seeks to implement the design principles in proposed Section 7: Policy 3.7, covering capacity and access to firefighting supplies for rural-residential development [S33.002].
  - e) Amend rule R7A.5.2.1 which controls subdivision in a Greenfield Residential Area (as a restricted discretionary activity), to add an additional matter of discretion relating to firefighting water supply and access to that supply [s33.007] and amend Rule R7A.5.2.2, which sets out the performance standards for such subdivision, to add a performance standard for provision of a firefighting water supply in accordance with the NZ Fire Service Code of Practice to (b) Essential Services; and safe and efficient access for emergency service vehicles to (h) Transport Network Requirements for Aokautere Structure Plan [S33.008].
  - f) Retain proposed new policy 15.5 Policy 1.6 (Conservation and Amenity Zone) as drafted. This policy provides for the development and maintainance of essential services and roads within the Aokautere gully network [S33.009].
  - g) Amend proposed new Rule R15.5.4.1 to provide for access to firefighting water supply and efficient movement for emergency service vehicles as additional matters of discretion and assessment criteria. This rule relates to provision of roading and essential services in the Conservation and Amenity Zone.
4. I have reviewed the relevant provisions that address provision of water supply infrastructure. In particular I have reviewed Section 7: Policy 2.8 which relates to all subdivision activity (i.e. it is not specific to any particular zone), and Section 7: Policy 3.1 which relates specifically to subdivision in rural areas.
  5. These policies specifically direct that a water supply for firefighting purposes must be provided. Policy 2.8 requires that the water reticulation network permits appropriate access to that supply, and requires rural properties to provide a supply from alternative sources where water is not reticulated. I interpret the requirement to permit access to the water reticulation network as a directive to provide appropriate connection to infrastructure such as hydrants. Neither policy explicitly requires that subdivisions are designed to ensure appropriate access for emergency service vehicles. The policy addressing rural-residential subdivision (Section 7: Policy 3.5) does not expressly cover water supply for firefighting purposes, nor does it cover access for emergency service vehicles.
  6. As FENZ explains in its submission, the ability to have physical access for emergency service vehicles within developments and to have a suitable source of water for firefighting is critical to

enabling FENZ to respond to fire emergencies. The ability for FENZ to perform its emergency response roles enables, in part, the community to provide for its health and safety.

7. In response to the relief sought by FENZ to add a firefighting supply clause to 7: Policy 3.7 (which applies to rural residential subdivision) [S33.001] and proposed new policies 7A: Policy 1.4 [S33.003], Policy 5.6 which apply in Greenfield Residential Areas [S33.005], I do not consider that an amendment is required. This is because the directive is already explicitly provided for in 7: Policy 2.8. Policy 2.8 applies to all subdivision, including subdivision within the Plan Change area. With respect to the request to add a reference in Policy 5.8 [S33.006] for access for emergency vehicles, this is already covered by operative 7: Policy 2.3.1. bullet point 6, which again applies to all subdivision, regardless of zone.
8. FENZ [S33.004] supports the proposed new 7A: Policy 3.5, which relates to the management of natural hazard risks associated with subdivision and subsequent development in the Aokautere Greenfield Residential Area. I agree with the submitter that the policy is appropriate to explicitly guide subdivision in this geotechnically sensitive area, and that the policy should be adopted, subject to the amendments I have recommended in Topic 5: Geotechnical constraints and hazards of this report.
9. Turning to the rule framework for subdivision, PCG proposes amendments to Rule R7.15.2.1, that regulate subdivision in identified Rural-Residential areas. Under operative Rule R7.15.2.1, subdivision in the Aokautere Rural Residential Area, Moonshine Valley Rural Residential Area and the Rural Residential Overlay (as shown on the Planning Maps) is a restricted discretionary activity, with the matters of discretion including:
  - a) subdivision design and layout;
  - b) size, shape and arrangement of lots;
  - c) the location and design of access and connectivity;
  - d) provision of on-site services; and
  - e) suitability of the lots for ...water supply, including for firefighting purposes
10. There are no specific performance standards which address access or the adequacy of the water supply to meet firefighting requirements. With respect to assessment criteria, '(a) Subdivision design, and layout and access' includes "vi The extent to which all lots within the subdivision have safe and adequate vehicle access, taking into account the requirements of R20.4.2(a) of Section 20 Land Transport" and "(b) On-site services - The extent to which the water, wastewater and stormwater is appropriately managed within the subdivision to ensure the protection of the rural residential development from any adverse impacts".
11. FENZ [S33.002] has requested that additional assessment criteria are inserted to address how the subdivision is supplied with sufficient firefighting water, access to that supply, and how site access provides unhindered access for fire appliances in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.

12. In a rural-residential development, provision of a water supply with sufficient capacity and access for firefighting purposes is the responsibility of the individual lot owner, rather than the developer. Section 9 of the Plan sets out performance standards for construction (or relocation) of dwellings in the Rural Zone, including in the Rural-Residential Areas. Rule R9.5.5 sets performance standards for '(d) Access' and '(i) Provision of Firefighting Water Supply'. The performance standard for access requires compliance with Rule R20.4.2(a) Vehicle Access, which sets out performance standards for vehicle access which apply in all zones. Clause xii of that rule relates specifically to vehicle access requirements for the purposes of firefighting. The performance standards require that where a building is located in an area where there is no fully reticulated water supply system, or where the building is further than 75m away from the nearest road with a fully reticulated water supply system with fire hydrants, minimum formed widths, height clearances and gradients apply, including that accesses are free of obstacles that could hinder emergency access.
13. With respect to firefighting water supply capacity, R9.5.5 (i) sets out the requirements for both storage capacity, rate of supply, and accessibility to that supply for firefighting equipment. Therefore, I consider that the assessment criteria requested by FENZ through the rural residential subdivision rule, are matters that are assessed at the point of development of dwellings within individual lots. While there are no performance standards in the rural-residential subdivision rule that address 'Access' (which I consider is a matter that should be addressed through the subdivision consent), the matters of discretion and the assessment criteria requiring consideration of R20.4.2(a) provide for consideration and assessment of the adequacy of that access for firefighting purposes.
14. Therefore I consider that these matters are adequately addressed by the existing rule framework and I do not recommend the changes sought by FENZ be adopted.
15. FENZ [S33.007 and S33.008] has requested similar amendments to Rule R7A.5.2.1 and R7A.5.2.2, which regulate subdivision in Greenfield Residential Areas.
16. Under operative Rule R7A.5.2.1, subdivision is a restricted discretionary activity in Greenfield Residential Areas. Relevant matters of discretion include "the size, shape and arrangement of roads,...lots.. and access", "integration of essential services", "effects on the capacity of Council infrastructure", "safe and efficient operation of the roading network". Performance Standards are set out in Rule R7A.5.2.2, and include the requirement for a Comprehensive Development Plan to be prepared, which must address "infrastructural network servicing requirements", including where development is to be staged, how the infrastructure will be provided to meet the needs of those stages and to show primary and secondary road layouts. All new lots must be connected to the Council's essential services (i.e. the reticulated water supply). Assessment criteria include consideration of how the subdivision design and layout provides for the integration of essential services into the existing network in an orderly and efficient manner and whether any adverse effects of the subdivision on the safe and efficient operation of the roading network can effectively managed.
17. FENZ [S33.007] supports R7A.5.2.1, but seeks an amendment to provide Council with the ability to consider "the extent to which firefighting water supply and access to that supply, is provided", as a matter of discretion. I consider this matter is adequately covered by the existing

matters of 'a. the size, shape and arrangement of roads, lots...and access', h. Integration of essential services', 'l. Effects on the capacity of Council infrastructure' and 'm. Safe and efficient operation of the roading network'.

18. FENZ [S33.008] seeks amendments to Rule R7A.5.2.2 to insert two new performance standards. The first standard would require that "all new lots must be provided with sufficient firefighting water supply, and access to that supply, in accordance the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008". The second standard would require "Safe and effective access for emergency service vehicles is provided in accordance with New Zealand Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008".
19. In relation to the first performance standard, I consider the provision of an adequate supply, and access to that supply are matters that are already adequately addressed by section 5 of the Council's Engineering Standards for Land Development<sup>1</sup>. The Engineering Standards require compliance with the Code of Practice and specify technical standards for the adequacy of supply, pressure and access to that supply, via fire hydrants. The Engineering Standards also require water reticulation system of new developments to be designed to comply with SNZ PAS 4509 and PNCC Level of Service<sup>2</sup> for the firefighting water supply.
20. In addition to the performance standards in the District Plan and the Councils Engineering Standards, the Building Act includes firefighting requirements. The Council Engineers have advised that water flow for firefighting is assessed on a case by case basis through the application and building consent process. This process triggers if flow testing, modelling or both is required. Outputs are then provided to developers as a basis for their specific design (which may result in a requirements for storage and/or pumping). Water storage (fire) requirements for rural properties are covered under the Building Act, with stipulated storage requirements for potable water supplies<sup>3</sup>.
21. In relation to the second performance standard, safe and effective access for emergency service vehicles is a matter for the subdivision layout. I consider this is a relevant matter when reviewing the adequacy of the location and design of access to the subdivision and individual lots. The location and design of access to the subdivision and individual lots is a matter of discretion under this rule. The performance standards in this rule require compliance with Rule R20.4.2. Rule R20.4.2 sets out the performance standards for vehicle access which apply in all zones. Clause xii relates specifically to vehicle access requirements for firefighting purposes, where a building is located in an area where there is no fully reticulated water supply system, or where the building is further than 75m away from the nearest road with a fully reticulated water supply system with fire hydrants. I consider this performance standard adequately addresses the matter of access for firefighting purposes. Therefore I do not recommend the amendments sought by FENZ be adopted.
22. FENZ supports the proposed new provisions Policy 1.6 and Rule R15.5.4.1 in Section 15:5 Conservation and Amenity Zone insofar as these provisions promote the provision of essential

<sup>1</sup> The Engineering Standards for Land Development state the technical standards necessary to comply with the objectives and policies set out in Section 7 of the Palmerston North City Council's (PNCC's) District plan.

<sup>2</sup> Defined in the AMPs for Water Supply and Transport and the Engineering Standards.

<sup>3</sup> Per email communications with Rick Freemantle, Activity Manager 3 Waters, PNCC.

services and roading infrastructure within the gully network in Aokautere. FENZ [S33.009] seeks that the new Policy 1.6 is retained as drafted. I note this support. I have recommended minor changes to this policy in Topic 9: Conservation and Amenity Zone and Indigenous Biodiversity, to provide for ongoing maintenance of this infrastructure. I do not consider those amendments affect the relief sought by the submitter.

23. I agree with the submitter that it is appropriate to include a policy in the plan to provide for the development and maintenance of essential services and roading infrastructure within the gully network in Aokautere, where this infrastructure is to enable residential development within the areas shown on the Structure Plan. I consider this policy is appropriate for inclusion in the Conservation and Amenity Zone on the basis that it is limited to the Aokautere Structure Plan only. The proposed cross-gully roading connections and the stormwater mitigation works in the gullies have been located to avoid any areas of very high or high ecological constraint which would conflict with the conservation objectives of the Conservation and Amenity Zone, as discussed in Topic 4: Stormwater, flooding and erosion of this report.
24. With respect to Rule R15.5.4.1, FENZ [S33.010] seeks to amend the rule to provide Council with the scope to consider two additional matters of discretion, “the extent to which sufficient firefighting water supply and access to that supply is provided”, and “efficient movement throughout the network is provided for emergency service vehicles” and two new assessment criteria: “how a sufficient firefighting water supply, and access to that supply, in accordance with the New Zealand Fire Service Firefighting Water Suppliers Code of Practice SNZ PAS 4509:2008” and “Safe and effective access for emergency service vehicles is provided in accordance with New Zealand Fire Service Firefighting Water Suppliers Code of Practice SNZ PAS 4509:2008”.
25. The proposed Rule provides for the Roding and Essential Services in the Aokautere Structure Plan as a restricted discretionary activity. Relevant matters of discretion include “the safe and efficient operation of the land transport network”, “the location and design of access points for the roading network” and “integration of roading network and essential services”. Relevant assessment criteria include “How the proposal provides for the safe and efficient operation of the land transport network”. I consider that the matter of discretion “integration of the roading network and essential services” provides for consideration of water supply and access to that supply for firefighting purposes and how that is incorporated into the road corridor. The roads that will pass through the Conservation and Amenity Zone will form part of the subdivision and development of the residential areas and will therefore be assessed under the relevant provisions in Section 7A, which are discussed above. Therefore I do not consider there is a need to amend the rule in the manner sought by FENZ, as those matters will be considered and addressed at that stage.
26. Ms Fraser, Council’s transportation expert, has considered whether the roading cross-sections for the proposed cross-gully connector roads provide for “efficient movement through the network for emergency service vehicles”. On the basis of her evidence, I understand that the Council’s Engineering Standards specify the widening needed on curves to accommodate a rigid truck or bus. However Ms Fraser has recommended (and I have adopted her recommendation in the Transport section of my report) that the PCG provisions are

strengthened to ensure that the Urban Connector Roads are designed to readily accommodate buses, which will also provide for emergency vehicles.

### 1.1.2.2 The National Grid

27. Transpower [S59.001 and S59.002] identifies in its submission that the Bunnythorpe-Wilton 220kV National Grid transmission line is located in a central position in the plan change area. The need to operate, maintain, upgrade and develop the National Grid is a matter of national significance, as recognised by the National Policy Statement on Electricity Transmission (NPS-ET). Policies 10 and 11 of the NPS-ET provide relevant direction on reverse sensitivity effects and buffer corridors. Transpower notes that these policies have been given effect to in the District Plan (particularly within Section 23: Network Utilities).
28. It is critical that any development near the National Grid occurs in an appropriate and safe way, as established by the operative District Plan National Grid Corridor provisions. This will ensure risks such as electric shocks are minimised to the greatest extent possible, access for vital maintenance and upgrade work is not constrained and reverse sensitivity effects are avoided. These matters ensure the infrastructure can continue to operate in the long term.
29. Transpower seeks:
- a) That the NPS-ET is referenced in the PCG documents, given the potential constraints that the National Grid may have on areas for urban growth;
  - b) Given the level of development detail indicated by the Structure Plan, that Council carefully assesses the extent to which residential development may be constrained by the National Grid Yard rules in the operative District Plan (Sections 6 and 7) and any new provisions that will apply the National Grid Yard setbacks to future residential sections, and factor this into the yield estimates;
  - c) Amend PCG to include specific provisions in relation to the National Grid, including the requirement to consult with Transpower for any subdivision within the 39m National Grid Subdivision Corridor<sup>4</sup> or construction of any land use structures within the 12m National Grid Yard<sup>5</sup>. These provisions should be specific to the new zone to avoid any potential confusion over whether they apply. Any subdivision in this area should be regulated by restricted discretionary activity status and subject to a number of assessment criteria. Usually this requires consultation and Transpower's written approval for subdivisions;
  - d) Any new dwelling or sensitive activity within the 12m National Grid Yard setbacks should be a non-complying activity;
  - e) The zone provisions and the maps should be very clear that the National Grid is partly located within the area and that Transpower's need to operate, maintain, upgrade and

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<sup>4</sup> The submission refers to a 39m setback, but the District Plan currently provides for a 37m setback in the case of 220kv lines. Elsewhere in the submission, a setback of 37m is referred to.

<sup>5</sup> 12m on either side of the structure.



develop the National Grid is a matter of national significance (recognised by the NPS-ET);

- f) The section 32 report is updated to reference the National Grid and what provisions should be included to address the impact on development; and
  - g) The plans, relevant maps and provisions of the new zone show the National Grid transmission lines, as a potential constraint for growth.
30. I have reviewed the PCG documents. The proposed amendment to the Zoning Map clearly shows the Transmission Corridor, the location of the transmission structures (double circuit steel towers) and the 220kV overhead Bunnythorpe-Wilton transmission lines. These transmission lines run through already developed or consented areas. As such, these areas have been brought into the Structure Plan as part of the existing environment. The corridor on the Structure Plan is drawn as 6m wide and existing buildings appear to be set back between 1.5m and 10m from the edge of the corridor. This demonstrates some existing buildings have been constructed within the National Grid Yard, as identified by Transpower in their submission. The corridor is less obvious on the notified Structure Plan Maps, and I agree it is appropriate to amend map 7A.4 Aokautere Structure Plan to make the National Grid Yard more conspicuous.
31. Section 2.3 Local Context of the Aokautere Masterplan<sup>6</sup> includes a summary of existing conditions, including infrastructure – see Utilities and Servicing.<sup>7</sup> This section of the Masterplan does not mention the Transmission Corridor, and it does not appear to be listed as a constraint on development elsewhere in the Masterplan. This may be because it is located in an area which is already developed. However, I agree with the submitter that it would be appropriate to mention the Transmission Corridor in Section 2.3 of the Masterplan. This is particularly the case in circumstances where PCG proposes to amend the District Plan to state that the Masterplan can be taken into account when considering proposals under the District Plan and that it should inform applications within the Aokautere Greenfield Residential Area.<sup>8</sup> I have recommended this change, noting that the Masterplan does not hold any statutory weight and is not strictly part of PCG.
32. I have reviewed the plan provisions, including Section 6 and 7. Section 6.3 of the Operative District Plan provides general rules for earthworks that apply across all zones. Section 6.3: Policy 1.3<sup>9</sup> addresses earthworks activities and the potential for adverse effects of earthworks on the National Grid. Rule R6.3.6.1(e) sets out performance standards for permitted activity earthworks within the National Grid Yard, with a number of exemptions provided for in R6.3.6.2. Any earthworks that do not comply with the depth restriction (300mm) in R6.3.6.1(e)(i) are a restricted discretionary activity (R6.3.7.2), any other non-compliance with the performance standards make the activity a non-complying activity (R6.3.8.1).
33. Policy 2.4 in Section 23: Network Utilities is:

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<sup>6</sup> Appendix 4, Section 32 Report, July 2022.

<sup>7</sup> At pages 44-45.

<sup>8</sup> See Section 7A.4 Methods.

<sup>9</sup> 1.3 To manage earthworks activities so that:

a) Adverse effects of earthworks on the National Grid are avoided; and

b) The operation, maintenance and upgrade of the National Grid is not compromised by earthworks.



To avoid the establishment or intensification of sensitive activities, incompatible new subdivision, use and development within defined National Grid Yards and National Grid Subdivision Corridors.

34. The Rules in Section 23 regulate activities in the National Grid Yard, including network utilities, 'sensitive activities', alterations and additions and new buildings and structures, and fences. The rules apply to all zones. In Section 7: Subdivision, Rule R7.16.2.2 makes any subdivision within the National Grid Subdivision Corridor a restricted discretionary activity, where it complies with the listed performance standards. This rule also applies in all zones, including in the plan change area.
35. The National Grid Yard provisions are not replicated in the individual zone sections of the District Plan. I do not consider it necessary to depart from the operative approach. The provisions in Sections 6, 7 and 23 of the District Plan clearly state that they apply in all zones. No 'new zones' are being created by the plan change, although a new 'Greenfield Residential Area' has been identified, which is subject to the subdivision and development rules in Section 7A. 'Infrastructure and physical resources of regional or national significance' is also a matter of discretion under Rule R7A.5.2.1 (which regulates subdivision in Greenfield Residential Areas as a restricted discretionary activity). This signals the need to assess the potential impacts of any subdivision and development proposal on the National Grid infrastructure.
36. With the National Grid Yard and National Grid Subdivision Corridor clearly shown on the Zoning and Structure Plan maps (as per my recommendation set out above), I do not consider it necessary to replicate these provisions.
37. I have provided a section 32AA analysis of my recommended changes in Section 5:32AA Evaluation (therefore there is no need to update the notified s32 report).

### **1.1.2.3 Miscellaneous matters**

38. Heritage Estates 2000 Limited [S51.070] opposes the deletion of Policy 1.5 in Section 10: Residential Zone, but does not provide any reasons. No specific relief is sought.
39. Section 10: Policy 1.5 relates to the Pacific Drive Extension area and states that residential development within that area should not proceed in the absence of a water supply with sufficient capacity and pressure to meet the needs of all development in that area. Policy 1.5 is implemented by a performance standard for permitted activities for dwellings and accessory buildings – R10.6.1.1(j) and for minor dwellings - R10.6.1.2 (h). The requirement to comply with this standard is proposed to be deleted for minor dwellings. The Council have since advised that they intended to also delete this performance standard for dwellings and accessory buildings, and that it is an error that this performance standard is not shown as struck through.
40. I understand that this policy is proposed to be deleted because the area has now been developed and a water supply provided. Given the provision is now redundant, I consider it is appropriate to remove it from the District Plan, along with the relevant performance standards. As a consequential amendment and minor correction, I recommend that performance standard R10.6.1.1(j) is also deleted.

41. David Prisk [S91.003] is concerned that no mention is made of improving basic services to houses on Turitea and Ngahere Roads (including Kereru, Oram, Guyland Drives), including reticulated water, sewer or fibre broadband. The submitter considers these services should be provided, to compensate for the loss of rural outlook that will be experienced when Turitea and Aokautere is developed.
42. The roads listed in the submission are outside the PCG area and are currently zoned Rural. The District Plan seeks to manage the *“effects of urban growth and the possible intrusion of urban development into rural areas, resulting in the loss of productive land, disruption to rural communities and the need for further network infrastructure”*<sup>10</sup>. Section 7: Subdivision Objective 3 requires that subdivision in rural areas *“avoids connection to the City’s reticulated infrastructure network and consequential impacts on network efficiency and the extension and/or upgrade of the infrastructure network”, ....and “provides for efficient and effective on-site services”* (underlining is my emphasis).
43. Providing network services to these rurally-zoned dwellings would not be in accordance with this objective. The low density of residential dwellings in this zone would mean any servicing would be inefficient and most likely cost prohibitive. Providing servicing to this area could potentially also increase community expectation of further subdivision for rural-residential living, in an area where the Council has not signalled (through zoning) that rural-residential development is appropriate.
44. Steve Rowe [S81.001] considers the plan change should only go ahead if there is a substantial levy applied to any new section on the eastern side of the Manawatū River, including but not limited to the PCG area, to fund another bridge over the river, to address existing and future traffic congestion.
45. Under s108(2)(a) of the RMA, financial contribution conditions can be imposed where the purposes of such conditions and the level of contribution is specified in the District Plan. The Operative District Plan does not currently provide for financial contributions. However the Council does have a development contributions policy under the Local Government Act 2002. The policy sets out how development contributions are charged for infrastructure (such as roading), based on the value of future identified growth works that will be required to accommodate additional development. For roading purposes, the anticipated future growth capital development works are identified in the Council’s Transport Asset Management Plan. That plan notes that *“an additional crossing over the Manawatu River is being considered as part of the PNITI business case for the regional rural freight ring road. This bridge would provide redundancy for not only the transport network, but also for other services and utilities”*<sup>11</sup>. Further business case work is needed to inform this investment<sup>12</sup>, with no investment planned until 2037-2043<sup>13</sup>. Given that the District Plan does not provide for financial contributions, I consider that this is a matter best addressed through the Long Term Plan public submission process.

<sup>10</sup> See Section 9.2 Resource Management Issues and Objective 1, Section 9.3.

<sup>11</sup> Asset Management Plan: Transport, Pg 81, available at: <https://www.pncc.govt.nz/files/assets/public/documents/council/plans/asset-management-plans/transport-amp-2020.pdf>.

<sup>12</sup> Ibid, Pg 87.

<sup>13</sup> Ibid, Pg 183.

## **1.1.3 Recommendations**

### **1.1.3.1 Fire and Emergency Services**

46. I recommend that proposed Policy 7A.3.5 is adopted, as amended by my recommended changes in Topic 5: Geotechnical constraints and hazards.

### **1.1.3.2 The National Grid**

47. I recommend that the following Structure Plan map is amended to show the location of the National Grid Yard:

#### **Map 7A.4 – Aokautere Structure Plan**

48. I recommend that the Aokautere Masterplan is amended to include reference to the Bunnythorpe-Wilton Transmission Line and the potential constraints this places on development, in Section 2.3 Local Context, Infrastructure – Utilities and Servicing. The wording could state:

“The Bunnythorpe-Wilton 220kV transmission lines, which are carried on double circuit steel towers, run through the centre of the Plan Change area. The National Grid Yard setback applies from the outer edge of the support structures and from either side of the centreline of the overhead National Grid line. This 12m setback, on either side, applies to buildings, structures, fences of a certain height, and sensitive activities”.

### **1.1.3.3 Miscellaneous matters**

49. I recommend that Policy 1.5 in Section 10 is deleted as proposed. As a consequential amendment, I recommend that performance standard R10.6.1.1(j) is also deleted.

## Topic 17 - Zoning Matters

1. This section of the report addresses submissions received on zoning matters.

### 1.1.1 Issues raised in submissions

2. The following zoning issues have been raised in submissions:
  - a) Opposition to the rezoning of the promontories between the gullies (D1-D5 Map 7A.3E) as Residential Zone, and a request to zone the area between Woodgate and Johnston Drive and Moonshine Valley as rural-residential, with minimum 1ha lots;
  - b) A request to zone the area of land on the Pacific Drive Spur as Residential, not Rural-Residential, and retain Rural-Residential zoning for the Turitea Valley;
  - c) Opposition to the Rural zoning proposed for the eastern and westernmost portion of the 'Green' block, and a request that these areas are included within the Rural-Residential Overlay;
  - d) Corrections to the notified zoning to align with the Structure Plan, including a correction to the zoning of the wetland feature and crescent shaped park in the local neighbourhood centre (currently shown as Residential, but should be zoned Recreation) and the front section of the recreation reserve space on the "Voss" block (should be shown as Recreation, not Conservation and Amenity).
  - e) A request to retain the Rural-Residential Overlay over the entirety of the "Waters" block, rather than just the central portion of the site, as per the notified zoning, and to remove the residential zoning from a small portion of the land, as this is not all within the boundaries of Mr Water's property. The western portion of the site that has road frontage to Turitea Road contains an area that does not have a zone – the submitter requests this be rurally zoned.
3. Elsewhere in this report, I have recommended zoning changes in response to submissions on indigenous biodiversity and reverse sensitivity from noise. For completeness, the recommendations in this section include any zoning changes that I have recommended in those topics of the report.

## 1.2 Analysis

### 1.2.1.1 A rural residential 'transition' zone adjacent to Moonshine Valley

4. A number of submitters<sup>1</sup> seek that the Aokautere Structure Plan incorporates a 'transition area' or zone adjacent to the Moonshine Valley on the eastern side of the plan change area. The submitters request that the Aokautere Rural-Residential Overlay shown on the planning maps is retained in this area, with minimum lot sizes increased to 1 - 1.5 hectares (the operative Rule R7.15.2.1 sets a minimum lot area of 1.5ha, excluding lots for access, utilities or reserves). The

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<sup>1</sup> Anthony & Rosemary Gear S39.002, Brett Guthrie S41.006, Steve Welch S65.004, Tracey Yung S92.001, supported by Heritage Estates 2000 Ltd FS18.030.

submitters consider this would provide for a graduation of development between the smaller residential sections of Woodgate and Johnstone Drive and the larger lots in the Moonshine Valley (minimum lot size is 1.5ha). The submitters consider this would be more sympathetic to the semi-rural and 'special character area' of the Moonshine Valley, as recognised in the Operative District Plan. The submitters are concerned that the proposed small lots and multi-unit, multi-storey housing being directed on the promontories will have adverse effects on the special character of Moonshine Valley, which they consider is unique. The submitters submit that retaining the rural-residential zoning would have the effect of mitigating the potential for overlooking/loss of visual amenity as well as assisting to address the adverse impacts from stormwater discharge associated with built-up residential areas.



*Figure 17.1: Relationship of Moonshine Valley Rural Residential Area with Aokautere Rural Residential Area*



5. Retaining this land as rural-residential and increasing the minimum lot sizes would not efficient or effective, and in my view, would be a lost opportunity to deliver housing in a location which benefits from easy access to recreational opportunities, a high amenity environment, and which can be readily extended from existing residential areas. However I have recommended elsewhere in this report (see the Addressing Housing Needs section) that the notified provisions be amended such that there is an expectation that suburban low density housing will be delivered on the promontories, with the option for multi-unit housing provided for as an alternative typology. The notified Structure Plan shows an indicative layout that would be an appropriate outcome for multi-unit housing, subject to a further assessment of effects. With suburban low density, the lot sizes would be a minimum of 400m<sup>2</sup> and average of 600m<sup>2</sup> and therefore considerably smaller than the 1 – 1.5 hectare lot size sought by the submitters. However any dwellings constructed on these lots would be of a lower height (up to 9m) and of a lesser bulk than the multi-unit development currently directed by PCG. In addition, I have recommended that a 15 setback is imposed on dwellings on any lots adjoining Moonshine Valley, to address potential adverse visual amenity effects. This recommendation is discussed further in the section of the report on Visual Amenity. If adopted, I consider these measures will go some way to addressing the relief sought by the submitters. The stormwater matters raised by the submitter are otherwise dealt with in the Stormwater section of this report.
6. I therefore recommend that the residential zoning of the promontories should be retained as notified, subject to the modifications I have recommended to enable suburban low housing in this location, with an option to develop multi-unit housing (via a restricted discretionary consent process under rule R10.6.3.3).
7. Chris Teo-Sherrell [S43.006] requests that the area on the Pacific Drive, at the upmost slope end of the Structure Plan area is zoned Residential rather than Rural-Residential and that the area below the escarpment in the Turitea Valley is retained as Rural-Residential. He agrees that land within the Turitea Valley should be limited to low density, given the presence of the Turitea Reservoir and Dam, and the potential for failure in the event of an earthquake. However the submitter considers the land on the spur itself should be utilised more intensively, in keeping with good resource management.



Figure 17.2: Notified zoning of south-eastern portion of PCG area

8. Figure 3: Proposed zoning at the south-eastern section of the PCG area assumes that Mr Teo-Sherrell is referring to land within the Waters block, as the flatter terrace land within the Voss block is proposed to be zoned Residential.
9. The Council commissioned a geotechnical assessment of the plan change area to inform the preparation of the Structure Plan.<sup>2</sup> The assessment included a site walkover and geo-hazard assessment, and slope angle analysis for instability. According to that analysis, much of the land at the southern end of the plan change area, including the area referred to by the submitter, is likely to be Class E land, which is categorised as ‘High Risk’ and therefore ‘Limited Developable Land’<sup>3</sup>. Class E land is described as “*very steep to precipitous (i.e. steeper than 30 degrees) and/or is either subject to erosion or slippage, or is likely to be subject to erosion or slippage*”. The site walkover observations shown in Figure 4b and the potential areas of geotechnical risks shown in Figure 5b of the geotechnical report, indicate a number of potential areas with geotechnical hazards in this location.
10. The Council’s geotechnical experts (Tonkin & Taylor) identified that there is some capacity for development in this area, acknowledging the relevance of larger lot sizes such as those enabled by the Rural-Residential Overlay (1 ha). Larger land parcels offer more available land area to

<sup>2</sup> Appendix 9, Section 32 Report, July 2022.

<sup>3</sup> See explanation of the assessment process in the Section 42A Technical Report – Geotechnical, Section F.



select suitable building locations which are not subject to geotechnical risks, than would be possible within smaller residential sized lots (e.g. 350-500m<sup>2</sup>). Larger lots also provide more flexibility to carry out earthworks and other structural works to create stable building platforms (e.g. retaining walls). Given that this is a more undulating, hilly landscape, the geotechnical experts identified that site specific geotechnical assessment would be necessary to identify suitable building platforms<sup>4</sup>. These matters are discussed further by Mr Bird, in his s42A report.

11. On the basis of this expert advice and taking into account the need to both provide for the management of significant risks from natural hazards under s6(h) of the RMA and have regard to the National Adaptation Plan when a Council is changing a district plan, I do not consider it appropriate to enable residential development in such a high geo-hazard risk environment. I therefore recommend that the notified zoning is retained. This provides for some limited rural-residential capacity in the more accessible areas, and rural zoning elsewhere.
12. Mr Waters of Ngawai Farms Ltd [S61.001, S61.002]<sup>5</sup> seeks that the Rural-Residential Overlay is retained over the entirety of Mr Water's land which is currently zoned Rural. Mr Waters is concerned that PCG substantially reduces this overlay to the central portion of his land, and therefore limits its future development potential. In addition, the proposal to zone dispersed portions of Mr Water's land as Conservation and Amenity Zone will adversely affect the current farming operation and impact on Mr Water's economic wellbeing. I have considered the Conservation and Amenity Zone aspects of this submission under the Conservation and Amenity and Indigenous Biodiversity section of my report. My recommendation there is that the Conservation and Amenity zoning is retained over the wetlands and gully areas and further extended to protect the forest remnants on this land.
13. It is my understanding that PCG proposes to remove the Rural-Residential Overlay from the south-eastern portions of Mr Waters land because of the geotechnical constraints to development, which I explain above. The geotechnical assessment (Appendix 9 to PPCG) identified substantial areas of steep to very steep slopes on this land, ranging from 20 to 40 degrees (see Figure 4b and 5b). This land is classified as either Class D (Moderate Risk) or Class E (High Risk). Class E land is considered to be subject to significant slope instability hazard and less likely to be able to be safely or cost-effectively developed. Development of such land "presents an identifiable hazard to property and could also, in some circumstances, threaten life"<sup>6</sup>. As such, it was not considered appropriate to retain rural-residential zoning in this location, and I agree with this conclusion. Those areas which are more accessible, and which have less severe slopes have been retained for rural-residential development.
14. Turning to the area of Mr Waters land directly adjacent to Turitea Road, it was identified during preparation of the plan change, that the land south of the major ridgeline in this location is likely to be adversely affected by noise associated with the Manawātū Rod and Rifle Club. The rural-residential overlay was therefore removed from this land as part of the notified zoning changes. I have discussed this matter in detail in Topic 12: Noise issues of this report. On the basis of Mr Lloyd's expert acoustic advice on this matter, I do not consider it is appropriate to allow for Rural-Residential development in areas which are likely to be subjected to noise levels that are unlikely to be compatible with residential activities. I recommend that this land is zoned Rural.

<sup>4</sup> Appendix 9: Geotechnical Assessment, section 2.2.4

<sup>5</sup> A further submission in support of this submission has been received from Heritage Estates 2000 Ltd [FS18.009].

<sup>6</sup> See Section 2.2.3 of Appendix 9.

15. In response to submissions from the Gun Club and Mr Waters, Mr Lloyd has undertaken further noise monitoring and modelling, as he explains in detail in his s42 report. This investigation has identified that the area of land likely to be adversely affected by gun club noise is more extensive than previously identified. As a result, Mr Lloyd has recommended that rural-residential development should not be enabled within any areas that would receive noise level greater than 55dBALAFmax. The extent of this land is shown in his s42A report and has informed my further recommendation to remove the rural-residential overlay from this area of land.
16. Mr Waters has identified [S61.003]<sup>7</sup> that a portion of land within his property is to be zoned Residential, and he seeks that this land is retained as rurally zoned, with the Rural-Residential overlay, as it is not fully located within the boundaries of one owner.

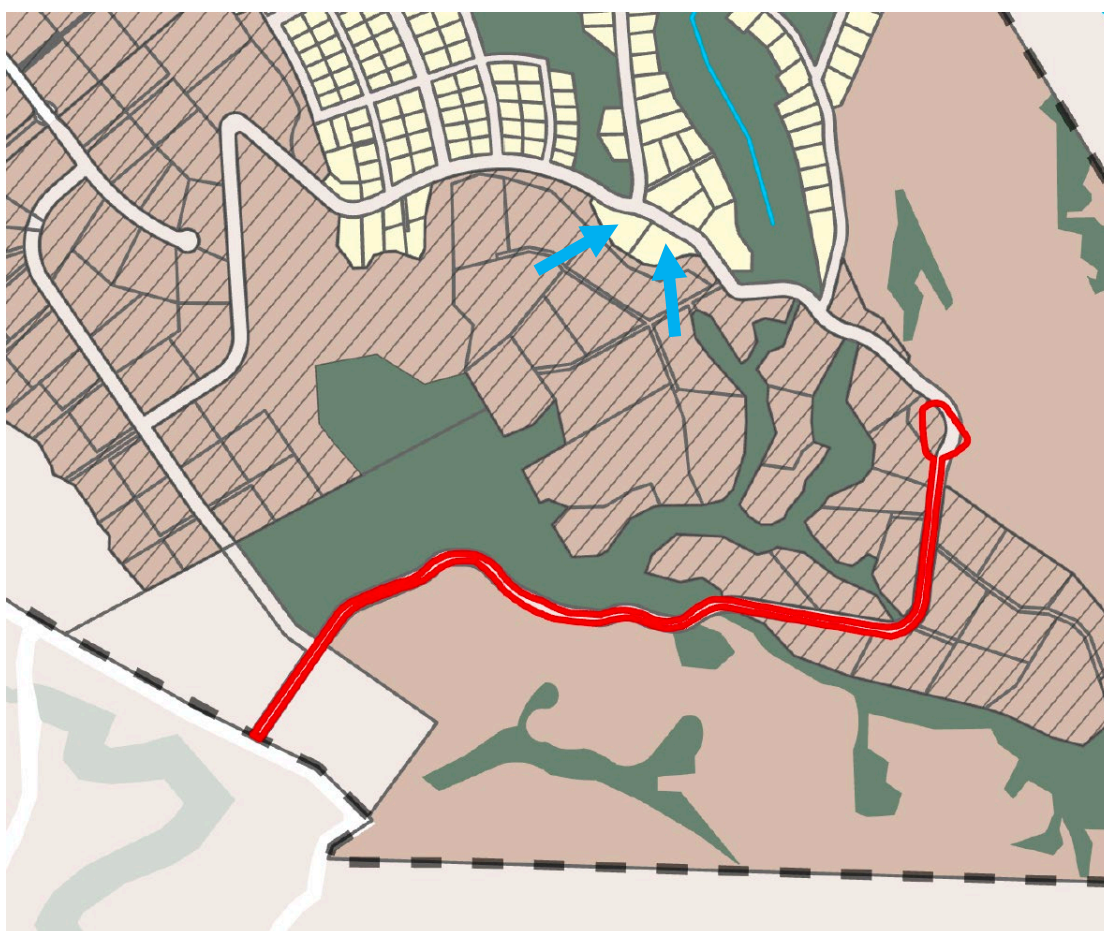


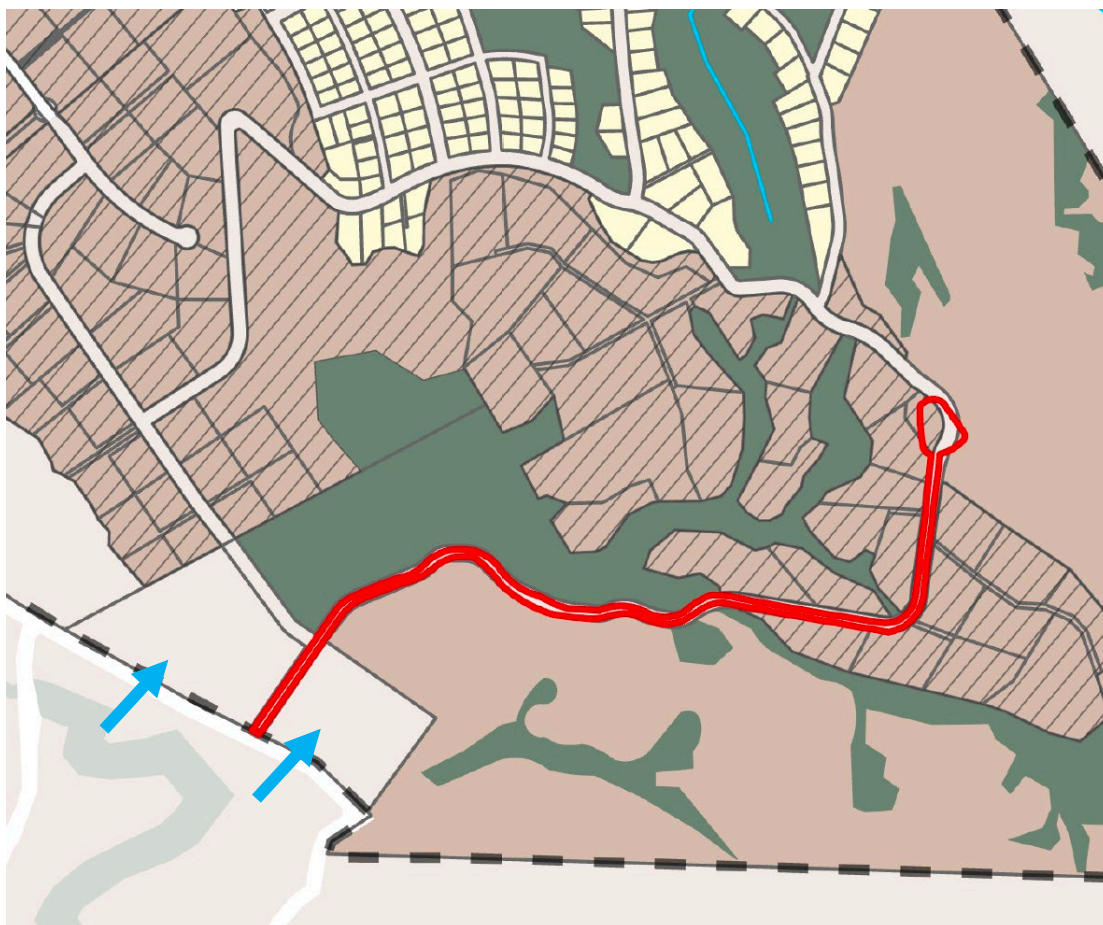
Figure 17.4: Waters land zoned Residential in notified PCG maps (blue arrows)

17. Having reviewed the Structure Plan, I understand that this land may be required to develop an 'Urban Connector' road to link the proposed residential area with Pacific Drive, and with a road connecting to the Turitea Valley. Alternatively, there may be room to accommodate one or two residential lots in this location. I do not consider it is necessary to restrict the Structure Plan layout to reflect existing land ownership boundaries. It is my understanding that the Structure

<sup>7</sup> A further submission in support of this submission has been received from Heritage Estates 2000 Ltd [FS18.010].

Plan layout has been determined by a range of constraints, including the topography in this location.

18. Mr Waters submission [S61.004] also identifies that the western portion of his land which fronts Turitea Road does not appear to have any proposed zoning<sup>8</sup>. It is currently zoned Rural with the Rural Residential Overlay, and he requests that this operative zoning is retained.



*Figure 17.5: Waters land adjacent to Turitea Road that was notified without zoning (blue arrows)*

19. The Council's acoustic expert, Mr Lloyd has reviewed this submission and advises that the area of land is likely to be subject to noise levels which are not compatible with residential activities, due to the operation of the nearby Gun Club. As discussed in Topic 12: Noise issues of this report, Mr Lloyd's advice is that it would not be appropriate to enable a reverse sensitivity issue to develop by zoning this land for rural-residential development. Based on Mr Lloyd's expert advice, I recommend that the zoning maps and Structure Plan are amended to show these parcels of land as Rural Zone, with no Rural-Residential Overlay.

<sup>8</sup> A further submission in support of this submission has been received from Heritage Estates 2000 Ltd [FS18.011].



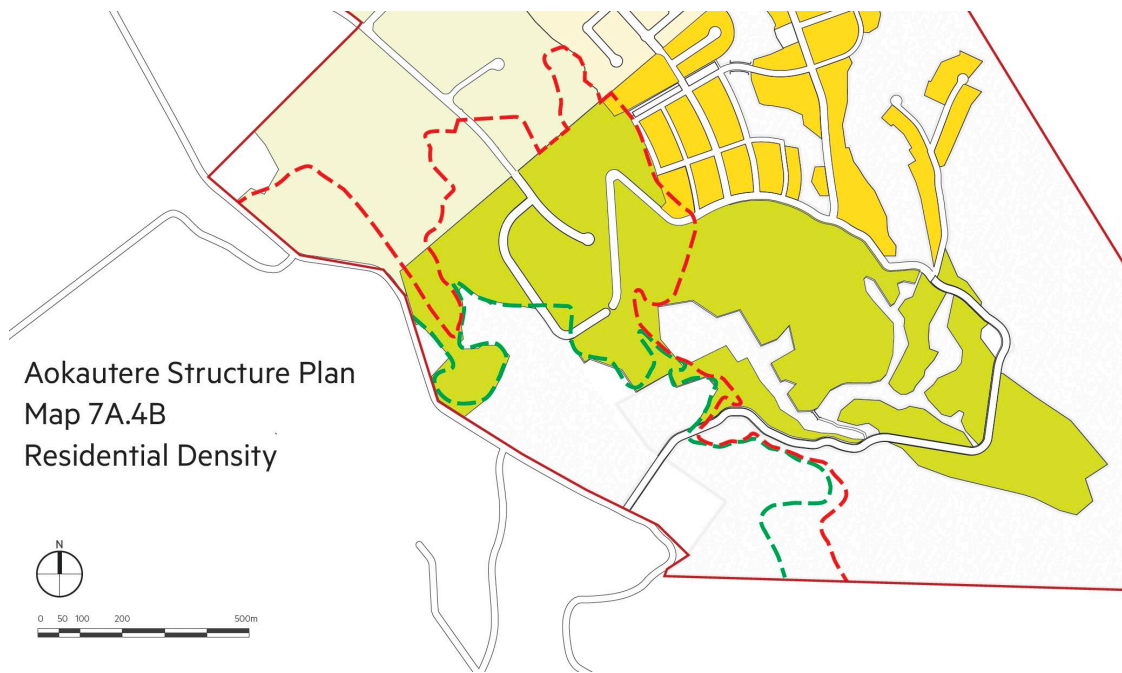


Figure 17.6: Recommended noise contours and amended rural residential boundary

20. PN Industrial and Residential Developments Ltd [S45.012] oppose the Rural zoning of the eastern and westernmost portions of the “Green Block”, and request that these areas are included within the Rural-Residential Overlay, to better reflect their location within a peri-urban environment<sup>9</sup> (see Figure 17.6). The submitter notes that the Operative District Plan has a directive policy framework which seeks to avoid the creation of undersized rural land parcels and affords a non-complying activity status to subdivisions of this nature. Information requirements for subdivision of undersized rural land parcels also involves invasive soil

<sup>9</sup> A further submission in support of this submission has been received from Heritage Estates 2000 Ltd [FS18.013].

investigations and extensive reporting, which would not correspond with the scale of effects in this location.

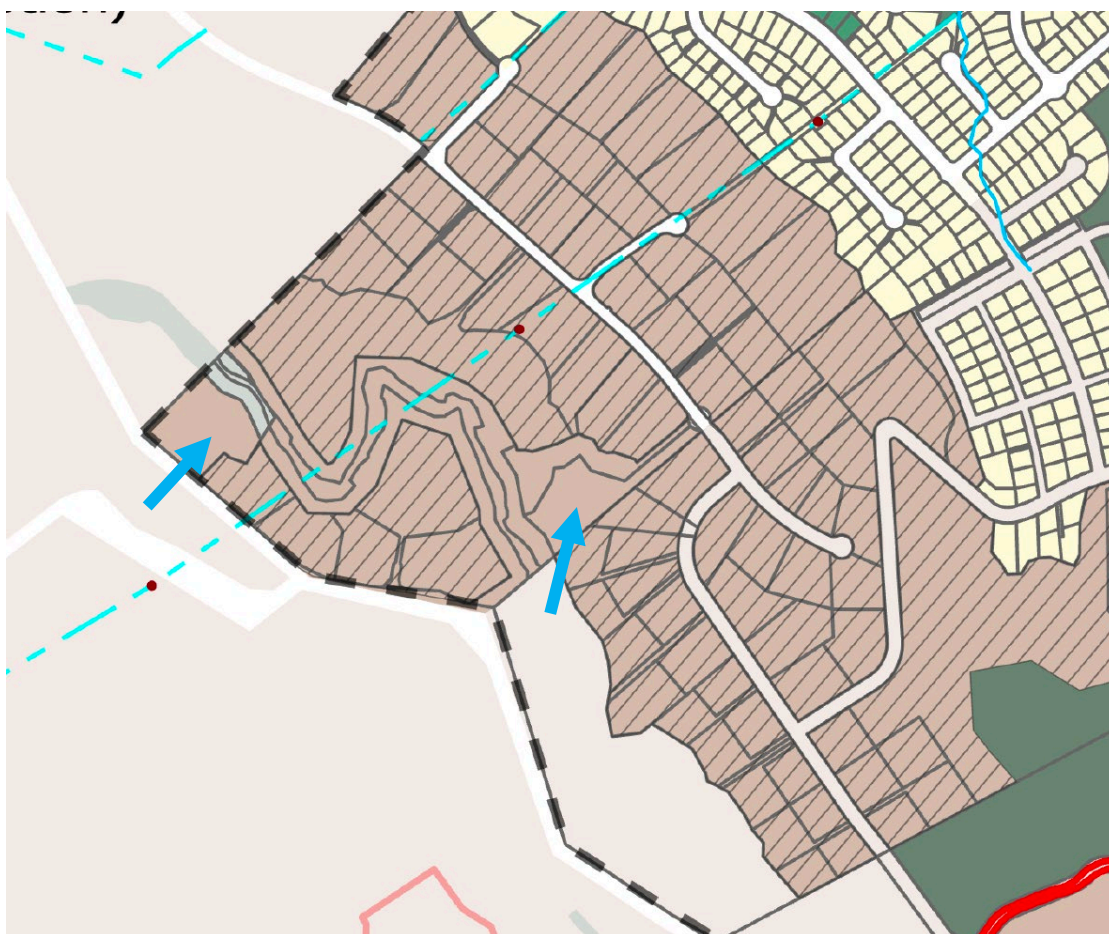


Figure 17.6: Parcels zoned Rural on the notified planning maps (blue arrows)

21. Having sought advice from the Council, it is my understanding that this was a mapping error, that occurred during production of the notified maps, and that the intended zoning of these areas was Rural-Residential. I recommend that the zoning map and Structure Plans are amended to show these areas as Rural-Residential Overlay as requested by the submitter, where they are located beyond the 55dBA<sub>lmax</sub> contour, which I discuss above.
22. PNCC have identified a couple of errors in the notified zoning map in their submission [S50.005]<sup>10</sup>. The Council seeks the following corrections to the notified zoning map so that this is consistent with the notified Structure Plan:
  - a) Show the wetland feature and crescent shaped park in the proposed local neighbourhood centre as Recreation zone (notified zoning - Residential)
  - b) Show the front section of the recreation reserve space on the “Voss” block as Recreation zone (notified zoning - Conservation and Amenity).

<sup>10</sup> A further submission in opposition to this submission has been received from Heritage Estates 2000 Ltd [FS18.014].

23. I agree that these zoning errors should be rectified to align with the notified Structure Plan. I note that Mr Philips (Councils Parks and Recreation Planner) has advised that the recreation reserve area shown on the Voss block should be increased so that is of sufficient size to support a Suburb Reserve (approx. 1 ha), including an area of approximately 8900m<sup>2</sup> of flat land. Based on his advice, I have recommended (in Topic 13: Parks and Open Space) that this reserve be extended to accommodate an area of approximately 8900m<sup>2</sup>, which will require extending the reserve to the north and south. I recommend the Structure Plan and Zoning map are amended to show this larger area as Recreation Zone, as shown on Figure 17.7.



Figure 17.7: Proposed extension to Suburb Reserve

24. CTS Investments Ltd, Woodgate Ltd and Terra Civil Ltd. [S58.011] oppose the rezoning of the area of land immediately south of the proposed Gully 10 road crossing (the proposed road connection from Abby Road to Johnstone Drive) from Residential to Conservation and Amenity Zone. This is on the basis that this land has been previously partially filled and has no particular natural or amenity values. They request that this land is retained as Residential Zone and its development enabled.
25. I understand that this gully has been the subject of an application for earthworks consent, which was declined by the Council<sup>11</sup>. The Independent Commissioner agreed with Council's expert landscape evidence that filling of the gully would have adverse effects on the natural landform, landscape values and visual amenity, that would be more than minor, and inconsistent with the operative objectives and policies. The layout of the proposed road connection (which was the subject of a separate Notice of Requirement by the Council<sup>12</sup>) was also deliberately designed

<sup>11</sup> LU4085 Decision dated 29 May 2018.

<sup>12</sup> Decision 2023 NZEnvC 035 Aokautere Land Holdings Ltd v PNCC, 1 March 2023.

to conform with the gully landform. This submission has been considered by Council's ecology, landscape and urban design experts. Dr Forbes (Council's ecology expert) has advised that the land has excellent potential for regeneration, and that even with a relatively passive management approach (based on weed control), the gully would go through a succession from gorse to forest. This could be further facilitated by deliberate planting. His recommendation is that the gully area is managed for ecological restoration, to help boost connectivity and the extent of indigenous vegetation in the Structure Plan area. Mr Hudson (Council's landscape expert) has advised that retaining the gully in an undeveloped state is important for maintaining the landscape character and legibility of the overall area. Mr Burns (Council's urban design expert) considers that the Abby Road link to Johnstone Drive would lose its "gully crossing" character if the land is zoned for housing. There are only four such crossings within the Structure Plan, which run approximately east to west, in contrast to the north-south streets that follow the plateaus. Together, these routes enable people to experience Aokautere's incised terrain and wider natural systems. If the land was developed for housing, his advice is that the gully system would be less legible, as would the defining pattern of east-west and north-south streets across the plan change area. The relationship between reserve, local streets and gully system would be stronger if the land is retained as open green space.

26. While this land is separated from the Manga o Tane reserve by the road, I am persuaded by the advice of Council's ecology, landscape and urban design experts, that there are a number of benefits from retaining this area as open space. I recommend that the Conservation and Amenity Zone is retained in this location.

## 1.2.2 Recommendations

27. I recommend that the following zoning is adopted as notified:
- a) The Residential zone over the promontories D1-D5.
28. I recommend the following changes to the zoning map:
- a) Apply the Rural-Residential overlay to the two undersized rural parcels on the Green block.
  - b) Amend the portion of land fronting Turitea Valley which currently has no zoning, to Rural zone, and remove the Rural-Residential Overlay from the land within the 55dBA<sub>lmax</sub> contour.
  - c) Amend the zoning map to show the wetland feature and crescent shaped park as Recreation Zone.
  - d) Amend the zoning map to show the front section of the reserve space on the Voss block (directly adjoining the road) as Recreation Zone and extend this area to the north and south, as shown in Figure 17.7.
  - e) Amend the zoning map to show the forest remnants on the Waters Block as Conservation and Amenity Zone.



## Topic 18 - General matters and submissions relating to the plan change as a whole

1. A number of the submissions received on PCG were non-specific, or general and high level in nature. Those submissions are addressed in this section.

### 1.1.1 Issues raised in submissions

2. Those submitters who commented generally on PCG addressed the following matters.
  - a) Support for PCG, including:
    - i. Support because the plan change enables more housing to be delivered to meet Palmerston North's housing needs;
    - ii. Support for the comprehensive, planned approach to development;
    - iii. Support for Council ownership and stewardship of the gullies.
  - b) Opposition to PCG in its entirety, for reasons that include:
    - i. Concerns about changes to the existing environment enjoyed by submitters - including amenity and rural views, increased traffic congestion, lack of amenities and facilities to support the subsequent community;
    - ii. The complexity of the plan change material that was notified, including the ability to understand the effects of PCG on submitters interests, resulting in requests for meetings and a site visit to understand nearby resident's concerns;
    - iii. The need for new definitions to explain concepts used in the PCG provisions;
    - iv. Concern that the National Planning Standards have not been applied.
3. In addition, some submissions identify and seek to correct minor inaccuracies, errors, lack of clarity and inconsistencies between the various plan change documents.
4. I have grouped these matters under various sub-headings below. Some of these issues are addressed in more detail in other sections of this report.

### 1.1.2 Analysis

#### 1.1.2.1 General submissions in support

5. Submitters are supportive of the plan change because they consider a strategic and comprehensive growth plan will deliver better outcomes, including housing that meets a wide range of needs, the local neighbourhood centre, better road and community connectivity, and

protection and enhancement of the gullies<sup>1</sup>. Rangitāne o Manawatū [S77.011, S77.012, S77.014] support how the plan change knits together areas of existing and new development in a more cohesive spatial plan and that the structure plan requires developers to provide a range of development outcomes that meet a broad range of community needs. Rangitāne o Manawatū consider street connectivity, open space connectivity and the recreation network are important and should be retained, as should higher density around the village, the proposed recreational areas and the range of housing choices and densities. Rangitāne o Manawatū subsequently support the proposed new policies at Section 7A. Policies 5.1, 5.2 and 5.4 and seek that these policies are retained as notified.

6. A further submission from Heritage Estates 2000 Ltd [FS18.002]<sup>2</sup> opposes a submission that supports the plan change, because the planning approach involves rezoning and vesting private land with Council in order to mitigate the effects of PCG.
7. I agree with the submitters that the comprehensive, integrated and strategic nature of the plan change is likely to have positive outcomes, and I consider this will assist with achieving a well-functioning urban environment in accordance with the outcomes promoted in the NPS-UD. It is also consistent with Objective 3-3 of the One Plan, which requires that urban development occurs in a “strategically planned manner which allows for the adequate and timely supply of land and associated infrastructure”. Piecemeal development within the Aokautere area to date has resulted in a less than optimum urban environment<sup>3</sup>. Having ownership of the gullies will enable the Council to install stormwater infrastructure necessary to deal with stormwater from the development areas, to provide for recreational opportunities and to restore the gully habitats over time. This will assist to give effect to the requirements of the NPS-IB, of increasing indigenous vegetation cover in urban environments,<sup>4</sup> promoting the restoration of indigenous biodiversity through district plan provisions, and prioritising areas that provide important connectivity or buffering functions<sup>5</sup>, as the gully areas do.
8. Rangitāne’s support for the intended development outcomes of the Structure Plan are noted. Rangitāne also support for the policy framework in Section 7A, which seeks to implement the Structure Plan through future subdivision applications which are in general accordance with the Structure Plan, and which achieve the key design principles in Policy 5.4. I agree with the submitter that these provisions should be retained, subject to the amendments that I have recommended in earlier sections of this report.

### 1.1.2.2 General submissions in opposition

9. Several submitters have voiced their general opposition or uncertainty about the plan change<sup>6</sup>. Others have highlighted specific issues such as traffic congestion, loss of the semi-rural feel

<sup>1</sup> Bruce and Marilyn Bulloch S48.001, Karen Wilton S9.001, Dennis Thomas S22.001, Palmerston North City Council S50.025, Scott Knowles, S64.001, Brett Guthrie S41.001.

<sup>2</sup> On the submission of Bruce and Marilyn Bulloch S48.001.

<sup>3</sup> See Section 2.2, pg 10 of the Section 32 Report.

<sup>4</sup> See clause 3.22 Increasing indigenous vegetation cover.

<sup>5</sup> See clause 3.21 Restoration.

<sup>6</sup> Bo Yu, S1.001, George Kinder, S24.001, Odine John451stone, S42.001, Christopher Joven, S100.001.

and existing open spaces, lack of shops and amenities to service the area and concern that the plan change enables urban sprawl rather than focusing on intensification in inner city areas <sup>7</sup>

10. Russel Poole [S68.001] welcomes the Council's initiative in generating more orderly and functional development off the Pacific Drive area, however notes that the plan change looks like a 'game of catch-up', because so much is already 'locked in' by the existing development. While he is supportive of PCG, he notes a number of problematic features which he considers will be difficult to overcome, including traffic congestion, remoteness from facilities and amenities, narrow sinuous streets that 'militate against public transport', and housing close to the lip of the gullies with little or no provision for soakage (despite localised slips and slumping being clearly evident and the potential for future subsidence). The submitter also considers there is a dearth of suitable locations on which to build multi-unit housing within the PCG area.
11. Brett Guthrie [S41.001] considers there are many inconsistencies and contradictions between the operative District Plan and the PCG provisions and Structure Plan. In a similar vein to Russell Poole's observations, Mr Guthrie considers many of the supporting documents justify the status quo rather than offer real solutions. Other submitters also consider more thought needs to be given to issues including higher traffic flows, water run-off and recreation areas [Christine Scott, S55.001].
12. The challenges noted by Russell Poole are considered in detail across various sections of this report. I consider they provide a good summary of the challenges which PCG seeks to overcome. I appreciate the submitters concerns that there will be change to the character of the area. However residential development is already happening within the plan change area, and in adjoining areas. The Council must provide sufficient development capacity to meet expected demand for housing. Some expansion of the urban area through greenfield development, in a structured and managed way, is necessary to meet the identified housing bottom lines, in combination with intensification of existing urban areas. The PCG provisions seek to address potential traffic congestion effects by requiring upgrades to existing road sections and intersections before further residential development can commence, including upgrades for safer travel by pedestrians, cyclists and for public transport. The plan change includes provisions for a Local Business Zone, to facilitate the development of a local neighbourhood centre providing services, amenities and employment opportunities. The plan change provisions seek to retain and restore areas of indigenous vegetation in the gullies, which will assist to maintain a sense of openness and 'naturalness'. Additional recreational reserves will be provided, and the gully systems will be formally protected and restored, and tracks established for informal recreation. A five-metre buffer incorporating a perimeter swale is required to be provided on all gully edges steeper than 1 in 4, so housing will not be located close to the lip of gullies. The stormwater management strategy for the plan change area has been reviewed and further mitigation measures are recommended, including a permeable surface standard. Therefore, I have concluded that the Council has given appropriate consideration to these important resource management matters.
13. In response to Brett Guthrie's submission, and as Rangitāne note, Aokautere is not a wholly greenfield area, and one of the purposes of PCG is to provide for integration of the somewhat disjointed existing residential areas, so that they become a more cohesive urban environment.

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<sup>7</sup> Mark Currin, S2.001, Brian Hewson, S16.001.

In this respect, it is not possible to 'un-do' existing development patterns, and a level of pragmatism must be retained. Some constraints, such as the topography, presence of erodable soils and distance from the town centre, can be partially mitigated, but not completely 'solved'.

### 1.1.2.3 Definitions

14. Heritage Estates 2000 Limited [S51.009] opposes the notified changes to Section 4: Definitions and seeks rewording of these definitions to better achieve the purpose of the Act.
15. Very limited changes to existing definitions are proposed as part of PCG. New definitions have been proposed for 'Aokautere Greenfield Residential Area' and 'Aokautere Structure Plan', to define the area to which the proposed Greenfield Residential Area provisions apply, and to list the various maps which form the incorporated Structure Plan. There is also a proposed amendment to reference Map 10.1A with respect to the definitions of 'Developable Land' and 'Limited Developable Land'. It is not clear from the submission what specific relief the submitter is seeking in order to better achieve the purpose of the Act. I consider these definitions are appropriate and a necessary component of the architecture of the plan change. However I do recommend that the definition of "Aokautere Greenfield Residential Area" is amended to read "Aokautere Greenfield Residential Area" in response to the submission from the Council [S50.004]. This will avoid confusion between provisions which apply in the Aokautere Structure Plan area and provisions in the operative District Plan which refer to the Aokautere area more generally. I also recommend that the list of Structure Plan maps is amended so that it does not include the maps that show the Adderstone Reserve option, as that is no longer being pursued, as I explain in Topic 1: Preliminary Matters of this report.
16. Heritage Estates 2000 Limited [S51.010] also identifies that the terms "gully network" and/or "natural gully network" are undefined in the District Plan, or in the One Plan. The submitter seeks greater clarity with respect to how these terms apply to other sections of the District Plan. This submission appears to relate to the submitter's concern that the proposed changes may affect other areas of the city outside the plan change area.
17. I have considered the instances where these terms are used in PCG. I consider that, in all those instances, these words are being used in the context of development in Aokautere, and not in a broader sense. The gully areas are shown on the Structure Plan Maps 7A.4 and in the proposed Zoning map, the gully areas are zoned Conservation and Amenity Zone. These areas are identified as 'Reserves' (gully, G1-G18) in the Structure Plan key. To aid interpretation, and provide greater certainty, I recommend that the Structure Plan key is updated to call these areas 'Reserves' (gully networks, G1-G12'), so it is clear it is these areas of the Structure Plan to which the provisions relate. In the Stormwater section of this report, I have recommended that a distinction is made between G1-12 and G13-18, as G13-18 are bush and wetland features located within the rural zone that are recommended for reservation. All of these features (i.e G1-G18) are proposed to be zoned as Conservation and Amenity Zone. The section 32 report explains that the boundary of the Conservation and Amenity Zone presently aligns with the indicative 5m no-build setback boundary adjacent to the gully edge, and that this boundary will

be confirmed on subdivision<sup>8</sup>. While I do not consider it is essential to define the term in Section 4: Definitions, it may assist plan users if a definition along the lines of the following was inserted:

**'gully network – means the areas shown as 'Reserves' (gully networks, G1-G12) on the Aokautere Structure Plan Map 7A.4 and zoned Conservation and Amenity Zone on the planning maps'.**

18. For consistency reasons, I recommend that the term "gully network" should be used throughout the provisions, as the term 'natural gully network' appears only once or twice in the proposed provisions.
19. PNCC [S50.006] seeks to amend the definition for 'Developable Land' so that it includes an "or" rather than "and", to be consistent with the inserted text for the definition of 'Limited Development'. I agree that this definition should be amended to ensure these definitions are consistent and recommend that this change is adopted.
20. The Council's submission [S50.007] requests that a definition of 'ARI' (Average Recurrence Interval) is inserted, as this term is used in the proposed provisions, but not defined. I note that no definition of ARI is included in the National Planning Standards or the One Plan. Both terms are used in the District Plan. Ms Baugham, the Council's stormwater expert, has recommended that the term AEP is used instead of ARI, as ARI can be misleading in terms of understanding probability and risk. Her advice is that the rainfall event used to inform stormwater design is based on the probability of an event occurring at any given time, and not strictly the frequency at which it occurs. It is my understanding that both these terms describe the probability that a flow of a certain size will occur in any given river or stream. Given that the One Plan uses the term AEP, and this term is preferred by Ms Baugham, I recommend that a definition of AEP is inserted into Section 4, and that this term is used in the provisions. The definition could read:

**'AEP or Average Exceedance Probability Interval - means the probability of an event occurring in any given year. For example, a 1% AEP means there is a 1% chance in any given year of the event occurring. This means on average 1 event of this size will occur every 100 years.'**

#### **1.1.2.4 National Planning Standards**

21. Heritage Estates 2000 Limited [S51.003] considers that the Council should have prepared and notified PCG in accordance with the National Planning Standards, given that it is three years since the Planning Standards came into force. They consider it is inefficient to wait for a future plan change to incorporate these.
22. The Section 32 Report explains<sup>9</sup> that the scope of the proposed changes and the existing format and the style of the District Plan, meant that it was not considered efficient to introduce a completely different plan format at this stage. Mr Murphy confirms this is still the Council's position in his Strategic Planning s42A report. The Council's intention is to adopt these standards in a plan-wide integrated way through a subsequent plan change. I consider that this

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<sup>8</sup> See Part II, pg 3.

<sup>9</sup> At paragraph 50.

is an appropriate approach, given the complexity of the PCG provisions and the high degree of integration with existing sections of the District Plan.

### 1.1.2.5 Miscellaneous matters

23. Gill Welch [S49.001] is concerned about the ability of residents in Moonshine Valley to understand the nature of the proposed changes, given the length and complexity of the plan change documents. She requests a site visit and meeting with residents to fully observe and address their concerns. Heritage Estates 2000 Limited [S51.001] consider the plan change material is not sufficiently concise and transparent to enable potential submitters to assess the effects on the environment and on their own interests. They say would-be submitters should not have to engage in detailed investigations to enable them to assess the effects of PCG. They also note that Section 32 of the RMA requires that the objectives of the Plan Change must be examined for their appropriateness in achieving the purpose of the RMA and that the benefits, costs and risks of new policies and rules need to be clearly identified and assessed.
24. I appreciate that the published plan change material was extensive and complex. However, a summary of the main findings of the technical reports was made available alongside the full reports (see Appendix 15: Technical Report Summary). The Section 32 report provides a concise explanation of the proposed changes. I also understand that a public consultation event was held during development of the plan change and that issues raised by the community, including Moonshine Valley residents, were considered during development of the plan change (see section 4.4 of the Section 32 report).
25. The Council's technical experts attended a further site visit on 7 November 2022, which included visiting residents properties on Moonshine Valley Road. Further site visits were undertaken in March 2023 specifically in relation to ecological, stormwater, flooding and erosion issues and these site visits included walkovers of several properties in Moonshine Valley. Additional work has been done to understand the potential visual amenity effects on residents in this area, including a site visit in May 2023 and preparation of draft and final simulations. These simulations are addressed in more detail in the evidence of Mr Hudson. The nature of PCG and the issues that it deals with are inherently complex, which makes it challenging for people to fully understand the characteristics and effects of the plan change without assistance from an appropriate advisor. That level of complexity does not preclude a person from becoming involved in the process, as the submitter has done. I consider that the Council has provided supporting material and other opportunities for the community to better understand PCG.
26. In response to the submission from Heritage Estates, I note that section 7 of the Section 32 report<sup>10</sup> assesses the appropriateness of the objectives in achieving the purpose of the RMA. Section 8 provides an evaluation of the provisions, including the benefits and costs of the proposed provisions, which are clearly set out. Section 8.2 considers the risks of acting or not acting, if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods. The Section 32 report concludes that there is certain and sufficient information on which to base the proposed provisions, as the issues are well understood, affect a well-defined area, and have been considered extensively through technical assessment. The

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<sup>10</sup> At page 50.

Section 32 report concludes that the degree of uncertainty and risk of acting is considered unlikely to outweigh the risk of not acting<sup>11</sup>.

27. In my opinion, the requirements of s32 were met at notification of PCG. Since notification and detailed review of submissions, additional investigation and technical assessment has been undertaken by the Council's experts to further understand issues associated with stormwater flows and potential for gully erosion in the case of over-design storm events, and this material is published in the various technical reports. The evaluation of any associated changes to provisions is undertaken as part of the Panel's decision-making process pursuant to s32AA. I therefore disagree with the submitter's inference that there is any deficiency in the Section 32 assessment.
28. Ian King [S12.001] requests that the Structure Plan map is made clearer, including through numbering and increasing visibility of the letters which indicate points of interest or change.
29. I appreciate that the Structure Plan maps contain a lot of detail. However, I consider that the lettering is clear when the Structure Plan is printed at A3 size and that numbering might cause greater confusion, or suggest some sort of prioritisation of proposed changes, which does not exist. The Council has requested some minor amendments to the Structure Plan which will assist with cross-referencing between the Structure Plan maps and the provisions. I do not agree that the changes requested by the submitter are necessary or appropriate.
30. CTS Investments Ltd, Woodgate Ltd and Terra Civil Ltd. [S58.056] have made a submission in opposition to Rule R15.5.5.1. No amendment is proposed to this rule, which relates to minor temporary military training activities. It is therefore assumed that this submission has been made in error.

#### **1.1.2.6 Consequential relief and minor amendments**

31. The Council has made a submission [S50.025] seeking relief relating to a number of minor amendments (or any amendments considered by a decision-maker to have the same or similar effect), which it considers are necessary for clarity, correction, and/or consistency with the plan change outcomes. In addition, the Council seeks any other consequential amendments required for clarity or consistency, including for any aspect of the plan change not specifically referred to, but where the changes will amount to minor edits to correct numbering, cross-references or minor errors. This submission has given me scope to recommend a number of minor amendments and corrections to the provisions, which I have identified in the amended provisions provided at Appendix 1: Recommended changes to PCG provisions (including Structure Plans).
32. The Council has also made a number of detailed submissions to address specific errors or inconsistencies identified following public notification. I have reviewed these submission points<sup>12</sup> and agree that the minor amendments will rectify various minor errors or omissions and improve the clarity of the provisions. I have recommended that all of these amendments are adopted, with the exception of the submissions that request inclusion of references to Map

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<sup>11</sup> Paragraph 124, pg 90, Section 8.2, Section 32 Report.

<sup>12</sup> S50.001, S50.002, S50.003, S50.004, S50.006, S50.009, S50.010, S50.011, S50.012, S50.014, S50.015, S50.017, S50.019, S50.020, S50.021, S50.022, S50.023, S50.024.



7A.4E [S50.014 and S50.017] or the Adderstone Reserve Option [S50.010]. As the Adderstone Reserve Alternative option is no longer being progressed, there is no need to make reference to that map or that development option. These amendments are shown in the amended provisions in Appendix 1: Recommended changes to PCG provisions (including Structure Plans).

33. I have also identified a number of errors which I consider need addressing as consequential amendments, or minor corrections, and these are identified in the amended provisions as clause 16 amendments.
34. Finally, Heritage Estates 2000 Ltd [S51.067] supports the proposed change to R7A.5.3.1, which seeks to correct an error in the stated activity class of this rule. This support is noted.

### 1.1.2.7 How the proposed rezoning will affect rates

35. Although not addressed by the plan change, one of the main landowners, Ngawai Farms Limited [S61.006], has sought clarification as to how the proposed zoning changes will affect rates. Changes to ratable value are an economic impact of the plan change provisions. A change in zoning will result in a change in development opportunities and the associated level of service obligation on the Council to provide and maintain relevant services to that land. The economic effect of re-zoning on rating should in theory, be offset by the change in development potential of the land. The amount that the landowner may be required to pay in rates for land which is zoned Conservation and Amenity is a non-RMA matter, which is best addressed through the annual plan process.

## 1.1.3 Recommendations

### 1.1.3.1 Definitions

36. I recommend that the definition for 'Developable Land' in Section 4 of the Plan is amended as follows:

Developable Land means any land in Aokautere:

- a. that is identified as developable in Map 10.1 **and/or** Map 10.1A: or

37. I recommend that a definition for 'AEP' is inserted in the plan. The definition would be:

**AEP or Average Exceedance Probability Interval - means the probability of an event occurring in any given year. For example, a 1% AEP means there is a 1% chance in any given year of the event occurring. This means on average 1 event of this size will occur every 100 years."**

38. I recommend that a definition of gully networks, is inserted in the District Plan. The definition would be:

**gully network - means the areas shown as 'Reserves' (gully networks for stormwater management, G1-G12) on the Aokautere Structure Plan Map 7A.4 and zoned Conservation and Amenity Zone on the planning maps**

39. I recommend that the Structure Plan key for Map 7A.4 is amended so that this reads:

**'Reserves (gully, networks for stormwater management G1-G128). (G13-18 indicate bush and wetland features recommended for reservation. Actual reserve boundaries would be broader in these areas.'**

40. For consistency reasons, I recommend that the term 'gully network' should be used throughout the provisions, wherever these areas are being referred to.

## 5 Section 32AA Evaluation

113. Section 32AA of the RMA requires a further evaluation of changes made to PCG since the original evaluation report was completed. This evaluation must be undertaken in accordance with s32 of the Act, which requires the objectives of proposals to be examined for their appropriateness in achieving the purpose of the Act (s32(1)(a)), and whether the proposed provisions (including methods) are the most appropriate way to achieve the objectives (s32(1)(b)). This includes consideration to other practicable options, the efficiency and effectiveness and cost and benefits of the provisions in achieving the objectives.
114. The following table sets out a preliminary s 32AA assessment for the amendments that I have recommended to the PCG provisions. This summary evaluation is intended to assist the Hearing Panel in undertaking its own evaluation. The evaluation summary that I have provided is likely to evolve through the pre-hearing and evidence exchange processes.
115. This s 32AA addresses the most significant recommended amendments to the PCG provisions as identified in this s 42A Report, reflective of the scale and significance of these amendments. The s 32AA is not exhaustive and does not address minor changes recommended to improve clarity or interpretation of the plan, or where amendments have been proposed that are not a significant departure from the approach that was notified.
116. Having undertaken a comparison of my recommended changes versus the provisions as notified in terms of:
- a) the costs and benefits;
  - b) the efficiency and effectiveness; and
  - c) the risks of acting or not acting.
117. I have concluded that the recommended changes are the most appropriate way to achieve the objectives of PCG, the relevant District Plan objectives and the objectives and directions of the higher order documents.

Relevant provisions	Recommended amendments	Options considered	Evaluation of amendment (section 32AA assessment)
		Stormwater, Flooding and Erosion	
Structure Plan Map 7A.4  Section 7A – Policy 4.10 Policy 4.11 Policy 4.7 Policy 4.8 R7A.5.2.2(f) Figure 7A.1 R7A.5.2.3 R7A.5.5.1  Section 10 – Policy 11.3 Policy 15.9	Insert new provisions and amend provisions to provide greater specificity on the required dimensions and location of the stormwater swale; and the necessary restrictions on use of land within the 5-metre buffer or setback where the swale will be located.  Amendment to the provisions to provide flexibility for the swales to be provided either by way of a utility corridor in residential lots (secured by consent notice) or vested in council.	1. Retain the notified provisions.  2. Amend as recommended	<p><b>Effectiveness and Efficiency:</b> The amended provisions will secure a 5-metre corridor that enables the construction of a stormwater swale with sufficient capacity to accommodate flow generated from adjacent properties in the 1% AEP (plus climate change) event, with sufficient width on either side to provide safe and effective access for maintenance. This is an effective approach for achieving the objectives relating to management of stormwater and residential development. The policies provide direction to developers as to the function, form, location and necessary restrictions in this swale area. Allowing swales to be provided by way of a utility corridor in residential lots (recorded via consent notice) or vested in council is efficient as it allows some flexibility for ownership and management.</p> <p><b>Costs (environmental, economic, social, cultural):</b> There are not expected to be additional costs compared with the notified approach.</p>

Relevant provisions	Recommended amendments	Options considered	Evaluation of amendment (section 32AA assessment)
R10.6.1.5 R10.6.3.2 R10.6.3.3 R10.7.4.6			<p><b>Benefits (environmental, economic, social, cultural):</b> There are anticipated to be benefits of reduced likelihood of stormwater causing or exacerbating gully slope erosion. There are likely to be some economic benefits through ownership flexibility.</p> <p><b>Risk of acting/not acting:</b></p> <p>The proposed (and updated) Stormwater Management Strategy for PCG has been prepared with expert input from Stormwater, Geotechnical and Ecological experts and provides sufficient information to act.</p>
Section 10 – Policy 15.10 Rule R10.6.1.5	Insert new performance standards for permeable surfaces for suburban low density (40%) and medium density housing (25%) to reduce stormwater runoff.	<ol style="list-style-type: none"> <li>1. Retain the notified provisions</li> <li>2. Amend as recommended</li> </ol>	<p><b>Effectiveness and Efficiency:</b> The Council's experts investigated opportunities to increase permeable surfaces within the plan change area, by testing the proposed minimum lot size, site coverage and setback standards. The extent of permeable surface area that can be achieved varies, depending on the development typology. Including permeable surface standards improves the effectiveness of the provisions in ensuring effective stormwater management (and therefore meeting District Plan objectives) and will improve the efficiency and effectiveness of the</p>

Relevant provisions	Recommended amendments	Options considered	Evaluation of amendment (section 32AA assessment)
			<p>overall stormwater strategy for the PCG development area.</p> <p><b>Costs (environmental, economic, social, cultural):</b> There may be economic costs to the developers associated with building design and lot development to ensure that the permeability standards can be met. There will also be consenting and infrastructure costs in delivering the Stormwater Management Strategy (although these existed previously, but to a lesser degree). These costs are not unexpected given existing design expectations around stormwater management, provision of outdoor living space, etc.</p> <p><b>Benefits (environmental, economic, social, cultural):</b> There are additional environmental, cultural and social benefits to ensuring the stormwater management is integrated into site design. This includes restorative benefits to the gully network and managing the effects of erosion. There are also likely to be economic benefits through reduced design capacity required of the main stormwater mitigation elements (ponds, dams, etc) than would</p>

Relevant provisions	Recommended amendments	Options considered	Evaluation of amendment (section 32AA assessment)
			<p>otherwise be required to cater for additional run-off.</p> <p><b>Risk of acting/not acting:</b></p> <p>The proposed (and updated) Stormwater Management Strategy for PCG has been prepared with expert input from Stormwater, Geotechnical and Ecological experts and provides sufficient information to act.</p>
<p>Section 7A – Policy 5.14 R7A.5.2.2 (b)</p> <p>Section 10 – Policy 15.10</p> <p>Section 11 – Policy 6.11 R11.10.2.2</p>	<p>Amend performance standard in R7A.5.2.2 (b) to ensure residential properties are not developed with buildings until the required in-gully stormwater mitigation works have been installed and are operational and secured by way of consent notice on titles.</p>	<ol style="list-style-type: none"> <li>1. Retain the notified provisions</li> <li>2. Amend as recommended</li> </ol>	<p><b>Effectiveness and Efficiency:</b> Given the sensitivity of the receiving environment, the adverse effects of runoff from existing development in the catchment and the fragility of the underlying geology (as identified in the PCG technical assessments), ensuring that stormwater mitigation measures are in place ahead of development is critical to the effectiveness of the stormwater management system in avoiding significant adverse effects. Completing these works prior to development is also likely to result in efficiencies in delivery as they can be done under a single contract rather than in a piecemeal fashion. Directing this outcome in the District Plan rather than leaving the stormwater response to the discretion of multiple individual subdivision</p>



Relevant provisions	Recommended amendments	Options considered	Evaluation of amendment (section 32AA assessment)
			<p>applications will improve the certainty that the objectives of the Plan will be achieved and will create efficiencies in implementation.</p> <p><b>Costs (environmental, economic, social, cultural):</b> There may be economic costs to the Council and developers associated with the construction of the in-gully stormwater management mitigation measures prior to development on lots occurring (with lot sales to fund staged stormwater development less likely to occur). This cost will initially be borne by the Council but will be largely funded through development contributions (DCs). DCs will be taken at the earliest stage of the consenting process, generally, so they will be available at subdivision. Council can however recoup expenditure from DCs post the works being undertaken if there is risk of delay. Developer agreements can be available with cost sharing/funding models, but in that case the cost is unlikely to be more than the costs that would currently be incurred as part of stormwater management works.</p> <p>There may be some costs arising from stalled land development opportunities if there are delays by the Council in putting the stormwater</p>

Relevant provisions	Recommended amendments	Options considered	Evaluation of amendment (section 32AA assessment)
			<p>infrastructure in place. However, as I note above, the opportunities for developer agreements (and agreeing funding pathways) make this outcome unlikely.</p> <p>The environmental costs of constructing the stormwater infrastructure are expected to be comparable with the current approach in that both approaches necessitate works within the gully systems.</p> <p><b>Benefits (environmental, economic, social, cultural):</b> There are significant environmental, social and cultural benefits to ensuring the stormwater from the proposed development is appropriately managed. The effective and timely installation of infrastructure minimises the risk of downstream environmental, economic, cultural and social impacts of poorly controlled stormwater.</p> <p><b>Risk of acting/not acting:</b></p> <p>The proposed (and updated) Stormwater Management Strategy for PCG has been prepared with expert input from Stormwater, Geotechnical and Ecological experts, and provides sufficient information to act.</p>

Relevant provisions	Recommended amendments	Options considered	Evaluation of amendment (section 32AA assessment)
		Geotechnical constraints and hazards	
<p>Section 7 – Policy 3.7 and Rule R7.15.2.1</p> <p>Section 7A - Policy 3.4 and Rule 7A.5.2.2(a)(xix)</p> <p>Section 10 – Rule R10.6.1.5, R10.6.3.2, R10.6.3.3, R10.7.4.8</p> <p>Section 11 – R11.10.2.2 and R11.10.3.1</p>	<p>Proposed amendments to the identified provisions (rules, performance standards and assessment criteria) to ensure that development does not occur until a geotechnical report confirms that the land is safe to develop and that any recommendations from the report are implemented prior to development occurring.</p>	<ol style="list-style-type: none"> <li>1. Retain the notified provisions</li> <li>2. Amend as recommended</li> </ol>	<p><b>Effectiveness and Efficiency:</b> The proposed changes will ensure that development does not occur in the Aokautere Greenfield Residential Area without the benefit of a geotechnical report. The report must confirm the appropriateness of the land for development, and any recommendations must be implemented prior to development occurring. This requirement is reflected in the rules for both subdivision and development to ensure any risks are addressed before construction of houses commences. This does not mean reporting is required at both stages, but it is required prior to development. This approach is considered to be an efficient and effective means of ensuring that natural hazard risk is identified early in the process and managed. It ensures that the responsibility to ascertain and mitigate the risk is on the developer at the point subdivision occurs, rather than being passed to individual landowners at the time of residential development. It is more likely to result in a consistent and coordinated (i.e. effective) approach as the necessary</p>

Relevant provisions	Recommended amendments	Options considered	Evaluation of amendment (section 32AA assessment)
			<p>investigations are undertaken as part of the subdivision consent process, rather than relying on processes under the Building Act. It also prevents the unsatisfactory scenario whereby subdivision of lots is approved for land that is subsequently unable to be built on.</p> <p><b>Costs (environmental, economic, social, cultural):</b> There will be costs to developers to engage the services of a geotechnical engineer to undertake an assessment, as well as the cost associated with any mitigation works that are required to make the land safe for development. Consenting costs may increase in circumstances where geotechnical requirements did not previously apply. There may be the additional cost of obtaining a geotechnical assessment for individual lot owners if this has not been done at subdivision stage, however this cost would likely have been incurred as part of the building consent process anyway.</p> <p><b>Benefits (environmental, economic, social, cultural):</b> There are environmental, social and cultural benefits to ensuring that land is appropriate for development and that the potential risk of natural hazards has been</p>

Relevant provisions	Recommended amendments	Options considered	Evaluation of amendment (section 32AA assessment)
			<p>assessed, considered, and where required mitigated, before development occurs. The costs of undertaking the assessment and mitigating risk are expected to be significantly lower than the costs associated with property, social and environmental impacts arising from a relevant natural hazard event that have not been mitigated.</p> <p><b>Risk of acting/not acting:</b></p> <p>A Geotechnical Assessment was prepared to inform PCG, with further assessment of land stability risks, expert advice and a s42A report by Mr Eric Bird. These reports provide sufficient information to act.</p>
Section 15 – Rule R15.5.4.1 and R15.5.6.1	New performance standard, assessment criteria and explanatory note requiring a geotechnical report for any roading and other infrastructure (consistent with the requirements of R7A.5.2.2.(a) (xix)) in the gullies located in the Conservation and Amenity Zone.	<ol style="list-style-type: none"> <li>1. Retain the notified provisions</li> <li>2. Amend as recommended</li> </ol>	<p><b>Effectiveness and Efficiency:</b> The proposed changes will be effective in ensuring that development of infrastructure does not occur in areas identified as Limited Developable (i.e. Class D or E land) without a geotechnical report that confirms that appropriateness of the land for infrastructure. There is also a requirement for any geotechnical recommendations to be implemented prior to development occurring. This improves the effectiveness of the provisions in achieving the</p>

Relevant provisions	Recommended amendments	Options considered	Evaluation of amendment (section 32AA assessment)
			<p>objectives of the District Plan relating to management of natural hazards (e.g. Objective 3 in Section 7A) and providing resilience around infrastructure.</p> <p><b>Costs (environmental, economic, social, cultural):</b> There will be costs to developers / Council to engage the services of a geotechnical engineer and undertake an assessment. The developer/landowner will also need to complete any mitigation works that are required before construction of infrastructure commences.</p> <p><b>Benefits (environmental, economic, social, cultural):</b> There are environmental, social and cultural benefits to ensuring that land is appropriate for the development of infrastructure that will service the proposed residential area. This is considered important to ensure that infrastructure is resilient to potentially significant and serious effects of natural hazard risk.</p> <p><b>Risk of acting/not acting:</b></p> <p>A Geotechnical Assessment was prepared to inform PCG, with further assessment of land</p>

Relevant provisions	Recommended amendments	Options considered	Evaluation of amendment (section 32AA assessment)
			stability risks, expert advice and a s42A report by Mr Eric Bird. These reports provide sufficient information to act.
<p>Structure Plan</p> <p>Map 10.1 and Map 10.1A</p> <p>Section 10 – Rule R10.6.1.5</p>	<p>Revision of the Structure Plan and Maps in Section 10 to reflect updated slope stability analysis.</p> <p>Amendments to Rules to make development on ‘Limited Developable’ or ‘Developable’ land a permitted activity, subject to a geotechnical report confirming the suitability of the land for development, and that any recommendations arising out of the report have been implemented. This is a change from the operative District Plan approach, where development on Developable Land is treated as a permitted activity and development on Limited Developable Land is a restricted discretionary activity.</p>	<ol style="list-style-type: none"> <li>1. Retain the notified provisions</li> <li>2. Amend as recommended</li> </ol>	<p><b>Effectiveness and Efficiency:</b> An update to Map 10.1A reflects updated hazard information, in response to updated technical investigations of the vulnerability of land to instability hazards and subsequent classification of land. Proposed changes to provisions will require geotechnical assessments for both ‘Developable and ‘Limited Developable land’. This approach improves effectiveness of recognising the risks and effects of natural hazards and therefore improves the effectiveness of the provisions in achieving the objectives of the District Plan, including Objective 3 in Section 7A. Clarity of activity status and consenting requirements creates additional efficiencies for Council and plan users. This approach reflects best practice and is more appropriate than reliance on classification of land (based on high-level modelling and not site-specific investigation) to identify and address geotechnical risk.</p>



Relevant provisions	Recommended amendments	Options considered	Evaluation of amendment (section 32AA assessment)
			<p><b>Costs (environmental, economic, social, cultural):</b> There will be costs to developers / Council to engage the services of a geotechnical engineer to undertake an assessment and complete any mediation works that are required. However, consenting costs for development on lots that have already been assessed at subdivision stage will be less.</p> <p><b>Benefits (environmental, economic, social, cultural):</b> There are environmental, social and cultural benefits to ensuring that land is appropriate for the development that will service the proposed residential area. It is important to protect property, land and life from potentially significant and serious effects of natural hazard risk.</p> <p><b>Risk of acting/not acting:</b></p> <p>A Geotechnical Assessment was prepared to inform PCG, with further assessment of land stability risks, expert advice and a s42A report by Mr Eric Bird. These reports provide sufficient information to act.</p>
		Transport	

Relevant provisions	Recommended amendments	Options considered	Evaluation of amendment (section 32AA assessment)
Section 7A – Rule R7A.5.2.2(h)(i)	Amendments to the performance standard R7A.5.2.2(h) to apply the performance standard at the point of occupation of dwellings within the Aokautere Greenfield Residential Area, with no occupation prior to the listed transport network upgrades being completed and certified. The notified performance standard applied before subdivision.	<ol style="list-style-type: none"> <li>1. Retain the notified provisions</li> <li>2. Amend as recommended</li> </ol>	<p><b>Effectiveness and Efficiency:</b> Performance Standard R7A.5.2.2(h) identifies required transport network upgrades to enable development to occur in Aokautere. The recommended approach allows some flexibility for subdivision and land development works to occur prior to network upgrades. The key trigger for increased traffic volumes is when people start occupying the new dwellings, at which point the upgrades must be operational. This change allows developers to progress subdivision and land development in parallel with roading upgrades to minimise delays in releasing houses to the market (which would occur if subdivision works were not able to begin until road upgrades were in place). It therefore provides some flexibility in addressing the effects of development through the consent process, while still managing the safety issues identified with parts of the network.</p> <p>Given the existing capacity and safety issues within the wider network and the likely effects beyond the PCG area, it is appropriate (and efficient) to control the characteristics of development through plan provisions rather</p>

Relevant provisions	Recommended amendments	Options considered	Evaluation of amendment (section 32AA assessment)
			<p>than leaving those matters to be addressed on a case-by-case basis through separate consent decisions. The changes will better meet the objectives of the District Plan, including Objectives 1, 2 and 3 in Section 20 – Land Transport.</p> <p><b>Costs (environmental, economic, social, cultural):</b></p> <p>There will be costs to Waka Kotahi, the Council and developers in order to undertake the required transport network upgrades. Based on the Safe System Audit, the majority of these upgrade costs will need to be incurred irrespective of development of the PCG area. Transportation network constraints would require remediation even under the notified PCG provisions. There may be time delays for development, dependant on when transport network upgrades occur, however these delays would potentially be less than under the notified provisions.</p> <p><b>Benefits (environmental, economic, social, cultural):</b> There are environmental, economic and social benefits in ensuing that the transport network is capable of safely and</p>

Relevant provisions	Recommended amendments	Options considered	Evaluation of amendment (section 32AA assessment)
			<p>efficiently accommodating the additional traffic that will be generated from development in Aokautere. This includes avoiding or reducing the likelihood of serious crashes on the network and the associated economic and social costs. Improving facilities for active transport modes improves the probability of mode shift with consequential benefits for people's health and well-being and reduction in the environmental footprint of transportation.</p> <p><b>Risk of acting/not acting:</b></p> <p>A Transport Assessment and independent Safe System Audit, along with expert advice from Ms Fraser provides sufficient information to act.</p>
Section 7A – Rule R7A.5.2.2(h)(ii)	Amendments to the performance standard R7A.5.2.2(h) to introduce traffic thresholds at applicable intersection / corridors. The amendments require listed upgrades if the required transport assessment identifies exceedance of the traffic thresholds.	<ol style="list-style-type: none"> <li>1. Retain the notified provisions</li> <li>2. Amend as recommended</li> </ol>	<p><b>Effectiveness and Efficiency:</b> Table 7A.1 in R7A.5.2.2(h)(ii) identifies required transport network upgrades for the Aokautere Structure Plan area. These upgrades are additional to those required in required under R7A.5.2.2(h)(i). These amendments recognise that some development in Aokautere will be able to occur within the existing network (subject to Clause(i)) and provides an effective and efficient method for developers to identify</p>

Relevant provisions	Recommended amendments	Options considered	Evaluation of amendment (section 32AA assessment)
			<p>when upgrades will be required. The amendments are appropriately controlled through plan provisions rather than leaving those matters to be addressed on a case-by-case basis through separate consent decisions. The thresholds for upgrades, and detail of upgrades provide clarity for developers from the outset.</p> <p><b>Costs (environmental, economic, social, cultural):</b></p> <p>There will be costs to the Council, Waka Kotahi and developers to undertake the required transport network upgrades. There will also be costs to developers in obtaining a transport assessment, but this is a cost that would be associated with development in any case.</p> <p><b>Benefits (environmental, economic, social, cultural):</b> There are environmental, economic and social benefits, in ensuing that the transport network is capable of safely and efficiently accommodating the additional traffic that will be generated from development in Aokautere.</p> <p><b>Risk of acting/not acting:</b></p>

Relevant provisions	Recommended amendments	Options considered	Evaluation of amendment (section 32AA assessment)
			A Transport Assessment and independent Safe System Audit, along with expert advice from Ms Fraser provides sufficient information to act.
Section 10 - Rule R10.6.5.6	Delete Rule R10.6.5.6 removing the non-complying activity status for development that occurs before the completion and certification of works identified in R7A.5.2.2(h).	<ol style="list-style-type: none"> <li>1. Retain the notified provisions</li> <li>2. Amend as recommended</li> </ol>	<p><b>Effectiveness and Efficiency:</b> The removal of Rule R10.6.5.6 will enable residential development (not subject to a subdivision consent) to proceed as a restricted discretionary or discretionary activity (under Rules 10.6.1.5 and 10.6.3.2) prior to transport network improvements identified in R7A.5.2.2(h) being completed. The removal of this rule will enable smaller developments to proceed where subdivision is not required, and the development is not likely to be of a size and nature that will generate significant increases in traffic to the existing transport network. The amendments are efficient as the provisions will still enable an assessment of effects to be undertaken through the consent process but will not trigger a high level non-complying activity status for developers. The approach is considered to be more effective in achieving the objectives of the District Plan than the notified approach.</p>

Relevant provisions	Recommended amendments	Options considered	Evaluation of amendment (section 32AA assessment)
			<p><b>Costs (environmental, economic, social, cultural):</b> It is not considered that there are costs associated with this amendment.</p> <p><b>Benefits (environmental, economic, social, cultural):</b> There are environmental, economic and social benefits, in allowing development to occur where the transport network is capable of accommodating the additional traffic that will be generated from development.</p> <p><b>Risk of acting/not acting:</b></p> <p>A Transport Assessment and independent Safe System Audit, along with expert advice from Ms Fraser provides sufficient information to act.</p>
		<b>Noise</b>	
Planning Maps Zoning and Overlay Map Aokautere Structure Plan	Removal of the Rural-Residential Overlay from land that is predicted to be subject to high noise levels (at or above 55dBLAFmax) from existing activities at the Manawatu Rod and Rifle Club. These areas would be returned to the operative Rural zoning.	<ol style="list-style-type: none"> <li>1. Retain the notified zoning</li> <li>2. Put in place requirements for noise mitigation measures (such as sound insulation) to be included in new buildings</li> <li>3. Remove proposed Rural-residential overlay and apply a</li> </ol>	<p><b>Effectiveness and Efficiency:</b> The removal of the Rural-Residential Overlay in these locations will take away the potential for subdivision to 1ha to occur as a Restricted-Discretionary Activity. This approach will be effective in ensuring that additional residential activity does not occur within an area that is subject to a high level of noise that is not compatible with residential activities. While</p>



Relevant provisions	Recommended amendments	Options considered	Evaluation of amendment (section 32AA assessment)
		Rural zoning.	<p>there is potential for effects on indoor amenity to be mitigated to some degree through building design and mechanical solutions, Mr Lloyd, the Council's noise expert, is of the opinion that, in addition to internal noise effects, effects on outdoor amenity cannot be effectively mitigated.</p> <p>This approach provides a clear signal that an increase in the level of noise sensitive activities (residential dwellings) close to an existing, lawfully established noise-generating activity is not appropriate in terms of achieving the objectives of the Plan.</p> <p>The recommended changes are considered to be more effective in achieving the objectives of the Plan, including Objectives 2 and 3 in Section 7, than the notified provisions.</p> <p><b>Costs (environmental, economic, social, cultural):</b> There will be a reduction in the area of developable rural residential land within the plan change area. In the context of delivering housing to meet demand over the entire PCG area, these costs are not expected to be significant, given the primary residential growth</p>

Relevant provisions	Recommended amendments	Options considered	Evaluation of amendment (section 32AA assessment)
			<p>opportunity is provided through residential zoning rather than rural-residential.</p> <p>The change will reduce the potential land development opportunities that the affected landowners would have under the notified provisions. These potential costs also need to be considered against costs to the Gun Club that are likely to arise if residential activities establish within the high noise area and consequently require significant mitigation measures to be developed, or major restrictions on the ongoing operation of the gun club facilities.</p> <p><b>Benefits (environmental, economic, social, cultural):</b> There are environmental and social benefits in ensuring that PCG does not enable development in areas where existing levels of noise are incompatible with residential activities. The change also reduces the expected costs to the gun club that would likely arise from reverse sensitivity effects caused by establishing more residential activities in the area.</p>

Relevant provisions	Recommended amendments	Options considered	Evaluation of amendment (section 32AA assessment)
			<p><b>Risk of acting/not acting:</b></p> <p>A noise assessment (including noise monitoring and modelling) was provided with PCG, with further monitoring and modelling undertaken post-notification. Mr Lloyd has provided expert advice and a s42A report, that provides sufficient information to act.</p>
<p>Planning Maps – Aokautere Structure Plan</p> <p>New Policy – Section 7, Policy 3.8</p>	<p>Identification in the Structure Plan maps of the <u>Gun Club Noise Mitigation Area (Map 7A.4)</u>, being the 50 dB LAFmax contour, identified in the s42A report of Mr Nigel Lloyd.</p> <p>Insert new Policy 3.8 to require conditions to be placed on subdivision (and recorded on titles via consent notice) within the 50 dB LAFmax contour - identified as the <u>Gun Club Noise Mitigation Area (Map 7A.4)</u> that requires houses to be designed and orientated to provide acoustic protection from the Gun Club, and that the consent notices record the presence of the Gun Club</p>	<ol style="list-style-type: none"> <li>1. Retain the notified provisions</li> <li>2. Amend as recommended</li> </ol>	<p><b>Effectiveness and Efficiency:</b> The 50 dBLAFmax contour, identified in the s42A Report of Mr Lloyd, identifies an area where residential dwellings will be subject to noise from the gun club that will be intrusive at times, but at a level that is considered reasonable for residential activities, subject to mitigation measures. The proposed provisions are considered the most effective and efficient way to enable development but ensure that appropriate mitigation is achieved to protect residential amenity. This approach provides a clear signal to future landowners that there is an existing noise effect that the property will be subject to.</p> <p><b>Costs (environmental, economic, social, cultural):</b> It is anticipated that there may be modest additional development costs</p>

Relevant provisions	Recommended amendments	Options considered	Evaluation of amendment (section 32AA assessment)
	and advice to landowners that the lot maybe exposed to noise.		<p>associated with meeting the requirements of Policy 3.8 (ie additional considerations when designing a dwelling).</p> <p><b>Benefits (environmental, economic, social, cultural):</b> There are environmental and social benefits in ensuring that development in the Gun Club Noise Mitigation Area has appropriate mitigation to ensure that noise sensitive activities can occur with minimal disturbance from the existing noise source.</p> <p><b>Risk of acting/not acting:</b></p> <p>A noise assessment (including noise monitoring and modelling) was provided with PCG, with further monitoring and modelling post-notification. Mr Lloyd has provided expert advice and a s42A report, that provides sufficient information to act.</p>
		<b>Visual Amenity</b>	
R7A.5.2.2(a) – New Performance Standards	Insert new performance standards into Rule R7A.5.2.2(a), and Assessment Criteria in R7A.5.2.3 to require a subdivision and development to consider and address:	<ol style="list-style-type: none"> <li>1. Retain the notified provisions</li> <li>2. Amend as recommended</li> </ol>	<b>Effectiveness and Efficiency:</b> Mr Hudson (Council's landscape expert) has identified the potential for adverse visual effects on existing dwellings located in Moonshine Valley arising from future residential development on the

Relevant provisions	Recommended amendments	Options considered	Evaluation of amendment (section 32AA assessment)
R7A.5.2.3 – New Assessment Criteria	<ul style="list-style-type: none"> <li>- Subdivision design, building platforms, screening, and the need for vegetation planting to mitigate visual effects on existing dwellings in Moonshine Valley.</li> </ul>		promontories. The proposed provisions are considered the most effective and efficient way of mitigating adverse effects on existing neighbouring dwellings, while still providing for development of these high amenity locations (i.e. the promontories). The provisions assume the suburban low-density housing (a permitted activity) would be up to 9m in height, and therefore a setback is applied to ensure that the promontory landform obstructs views from residential dwellings in Moonshine Valley (looking towards the plan change area), to prevent perceptions of overlooking and visual intrusion. Where multi-unit development (up to 11m in height) is proposed (a restricted discretionary activity), further assessment of effects is required. The proposed 15m setback is based on the results of visual simulations. Performance standards and assessment criteria ensure that other methods to mitigate visual effects, such as the planting of vegetation, can be considered on a case-by-case basis through subdivision consent. This approach is considered to be a more appropriate means of achieving the objectives
<p>New Policy 15.3 - Section 10 Residential Zone</p> <p>R10.6.1.5(a) – New Performance Standard (iii)</p> <p>R10.6.3.3(a) – New Performance Standard</p> <p>R10.6.3.3 – New Assessment Criteria</p>	<p>Insert a new Policy 15.3, Performance Standards and Assessment Criteria in Section 10 – Residential Zone to require:</p> <ul style="list-style-type: none"> <li>- Development to be set back at least 15m from a boundary shared with a lot within the Moonshine Valley Rural Residential Area</li> <li>- The height of development to minimise visual intrusion on existing dwellings in Moonshine Valley</li> </ul>	<ol style="list-style-type: none"> <li>1. Retain the notified provisions</li> <li>2. Amend as recommended</li> </ol>	

Relevant provisions	Recommended amendments	Options considered	Evaluation of amendment (section 32AA assessment)
			<p>of the Plan that describe amenity outcomes, than the notified approach.</p> <p><b>Costs (environmental, economic, social, cultural):</b> It is anticipated that there may be additional development costs associated with meeting the requirements as there will be a need to consider options to reduce adverse visual effects. The 15m set back will result in a reduction to the area of land on these sites that could accommodate a dwelling, however the actual cost implication is expected to be low given setbacks from gully edges are already likely to be required for geotechnical reasons.</p> <p><b>Benefits (environmental, economic, social, cultural):</b> There are environmental and social benefits in ensuring that development reduces adverse visual effects on existing dwellings in Moonshine Valley.</p> <p><b>Risk of acting/not acting:</b></p> <p>A landscape and visual amenity assessment, informed by visual simulations has been provided by Mr John Hudson, along with expert advice in Mr Hudson's s42A report, that provides sufficient information to act.</p>

Relevant provisions	Recommended amendments	Options considered	Evaluation of amendment (section 32AA assessment)
		Housing	
<p>Structure Plan Map 7A.4B Lot Pattern and Density</p> <p>Section 10 - Policy 15.1 and R10.6.1.5</p> <p>Section 7A - R7A.5.2.2</p>	<p>Amending provisions to allow flexibility in the delivery of housing typologies on the identified promontories, enabling both suburban low density and multi-unit housing (subject to resource consent) to be delivered.</p>	<ol style="list-style-type: none"> <li>1. Retain the notified provisions</li> <li>2. Amend as recommended</li> </ol>	<p><b>Effectiveness and Efficiency:</b> The proposed amendments enable flexibility as to the type of housing developed on the promontories. The promontories provide a high amenity environment that may support medium density housing, subject to assessment of effects. This flexibility will help to achieve housing targets and a range of housing typologies, while ensuring that potential effects from development on the surrounding area can be managed.</p> <p><b>Costs (environmental, economic, social, cultural):</b> There may be a reduced housing yield for the Aokautere area if low density suburban housing is delivered instead of the multi-unit housing that was anticipated by the notified provisions.</p> <p><b>Benefits (environmental, economic, social, cultural):</b> Social and cultural benefits arise from enabling flexibility to provide a range of housing typologies in these high amenity areas, to meet community need. There may be economic benefits to developers, created from the flexibility to deliver a range of housing typologies in these locations. The flexibility</p>



Relevant provisions	Recommended amendments	Options considered	Evaluation of amendment (section 32AA assessment)
			<p>also allows for the land to be developed for housing in some format rather than</p> <p><b>Risk of acting/not acting:</b></p> <p>There is sufficient information to act based on expert evidence.</p>
Section 10 – Rule 10.6.3.3 (i) and (x)(c)	Removal of notional site area, minimum unit size and rear yard setback performance standards for the Aokautere Medium Density Area (including the promontories)	<ol style="list-style-type: none"> <li>1. Retain the notified provisions</li> <li>2. Amend as recommended</li> </ol>	<p><b>Effectiveness and Efficiency:</b> Removal of some of the performance standards that limit the ability to deliver smaller dwelling units will provide greater flexibility and enable innovation to achieve the Plan's housing outcomes.</p> <p>Removal of the notional site area and minimum unit size performance standards in the Aokautere Multi Unit Housing Areas provides more flexibility for developers to provide studio and smaller apartments and apartment buildings of more the one story (up to 3) as restricted discretionary activities under R10.6.3.3, rather than these dwelling typologies being a full discretionary activity under Rule R10.6.4.3. Removal of the rear yard standard is efficient, given that this is often achieved as a result of applying other on-site amenity standards, and this standard could be unnecessarily restrictive for complex shaped lots, or rear lots. The changes ensure</p>

Relevant provisions	Recommended amendments	Options considered	Evaluation of amendment (section 32AA assessment)
			<p>clarity and efficiency by reducing the prescriptiveness of the development controls.</p> <p><b>Costs (environmental, economic, social, cultural):</b> It is not considered that there are costs associated with this amendment.</p> <p><b>Benefits (environmental, economic, social, cultural):</b> There are economic, social and cultural benefits in ensuring that housing typologies meet housing needs, and there is an identified need in the city for smaller housing types. There may be economic benefits to developers arising from the flexibility to deliver a range of housing typologies to meet the market demand reflected in the Housing and Business Needs Assessment analysis undertaken by the Council.</p> <p><b>Risk of acting/not acting:</b></p> <p>Urban design expert advice and a s42A report has been provided by Mr Burns that provides sufficient information to act.</p>
R10.7.4	Removal of a non-complying activity status if a Retirement village does not comply with the Structure Plan.	<ol style="list-style-type: none"> <li>1. Retain the notified provisions</li> <li>2. Amend as recommended</li> </ol>	<p><b>Effectiveness and Efficiency:</b> The removal of the non-complying activity status for a Retirement village that does not comply with the</p>

Relevant provisions	Recommended amendments	Options considered	Evaluation of amendment (section 32AA assessment)
R10.7.5.3			<p>Structure Plan ensures that the approach taken by PCG is consistent with the approach to similar activities within the operative District Plan. Any departure from the Structure Plan can be appropriately addressed via assessment of resource consent applications against the proposed Objective 15 and supporting policies 15.1-15.7, and the discretionary activity status under Rule R10.7.4 provides the Council with sufficient scope to impose conditions or decline an application if necessary. There are efficiencies associated with reducing the activity status, while still delivering on the requirement to create well-functioning urban environments.</p> <p><b>Costs (environmental, economic, social, cultural):</b> It is considered that the amended provisions will still ensure that the outcomes for the Aokautere Greenfield Residential Area are achieved, and for this reason no costs are anticipated as a result of these amendments.</p> <p><b>Benefits (environmental, economic, social, cultural):</b> The amendments provide an activity status that will still achieve the environmental, economic and social benefits sought by PCG, and ensures that there is a consistent</p>

Relevant provisions	Recommended amendments	Options considered	Evaluation of amendment (section 32AA assessment)
			<p>approach with the operative District Plan. There will be some minor cost benefits to resource consent applicants through the change in activity status.</p> <p><b>Risk of acting/not acting:</b></p> <p>There is sufficient information to act.</p>
		<b>Local Business Zone</b>	
Rule R11.10.2.2(a)(ii)	Delete R11.10.2.2(a)(ii) in order to remove the requirement to achieve a minimum average of 50 dwellings per hectare for residential activities in the Aokautere Neighbourhood Centre (Map 7A.4C)	<ol style="list-style-type: none"> <li>1. Retain the notified provisions</li> <li>2. Amend as recommended</li> </ol>	<p><b>Effectiveness and Efficiency:</b> The proposed amendments are considered to be a more effective way to encourage residential development on upper floors in the Local Business Zone, which can assist with supporting the viability of the local neighbourhood centre. The amendment will enable developers to consider upper floor residential use without being limited by a density requirement.</p> <p><b>Costs (environmental, economic, social, cultural):</b> It is not considered that there are costs associated with this amendment.</p> <p><b>Benefits (environmental, economic, social, cultural):</b> The proposal provides more flexibility for developers to consider residential</p>

Relevant provisions	Recommended amendments	Options considered	Evaluation of amendment (section 32AA assessment)
			<p>accommodation at upper floors. This type of development will provide economic and social benefits to the town centre.</p> <p><b>Risk of acting/not acting:</b></p> <p>There is sufficient information to act.</p>
Precinct Plan – Map 7A.4C	Removal of the 'Key Outcomes' from the Aokautere Neighbourhood Centre Precinct Plan (Map 7A.4C)	<ol style="list-style-type: none"> <li>1. Retain the notified provisions</li> <li>2. Amend as recommended</li> </ol>	<p><b>Effectiveness and Efficiency:</b> The matters addressed in the 'Key Outcomes' listed in the Precinct Plan are already covered by the operative and proposed policy framework, performance standards and assessment criteria that would apply to any Restricted Discretionary, Discretionary or Non-Complying activity. For this reason, it is considered more efficient to remove the key outcomes from the Precinct Plan and rely on other provisions to achieve these outcomes. This reduces uncertainty (during the consenting process) over whether general accordancy has been achieved with the Precinct Plan (given the subjective nature of a number of these Key Outcomes).</p> <p><b>Costs (environmental, economic, social, cultural):</b> It is not considered that there are costs associated with this amendment as the</p>

Relevant provisions	Recommended amendments	Options considered	Evaluation of amendment (section 32AA assessment)
			<p>outcomes sought are already established in other provisions of the District Plan.</p> <p><b>Benefits (environmental, economic, social, cultural):</b> There are benefits that will arise from greater certainty (by not applying subjective criteria) when assessing compliance with the Precinct Plan. This should have benefits for the efficiency of the consenting process.</p> <p><b>Risk of acting/not acting:</b></p> <p>There is sufficient information to act.</p>
R11.10.2.1(c)  R11.10.2.1(g)  R11.10.2.2 (b)(ii)  R11.10.2.2(e)(ii)  R11.10.2.2(f)(iv)	Amend or delete the Performance Standards to reduce the level of prescription and repetition for local business activities. In particular, the standards relating to residential activities, signage, glazing, verandas, building height, building frontage.	1. Retain the notified provisions 2. Amend as recommended	<p><b>Effectiveness and Efficiency:</b> Submitters questioned the prescriptive design outcomes of the proposed Local Business zone provisions. It is considered more efficient to improve interpretation and application of the provisions and provide more design flexibility by removing overly prescriptive and repetitive standards. The amendments will not remove other standards that ensure a high level of design quality is achieved in the Local Centre. The provisions continue to meet the objectives of the District Plan, while providing greater flexibility in design and consenting processes.</p>

Relevant provisions	Recommended amendments	Options considered	Evaluation of amendment (section 32AA assessment)
R11.10.2.2(g)			<p><b>Costs (environmental, economic, social, cultural):</b> It is not considered that there are costs associated with this amendment.</p> <p><b>Benefits (environmental, economic, social, cultural):</b> High level urban design outcomes will still be achieved, and developers will benefit from more flexibility in terms of how they achieve the design standards.</p> <p><b>Risk of acting/not acting:</b></p> <p>Urban design expert advice from Mr Burns provides sufficient information to act.</p>
		<b>Conservation and Amenity, Indigenous Biodiversity</b>	
<p>Zone Maps</p> <p>Structure Plan Map 7A.4</p>	<p>Zone the indigenous forest habitats labelled F1-F4 on Structure Plan Map 7A.4 as Conservation and Amenity Zone</p>	<ol style="list-style-type: none"> <li>1. Retain the notified provisions</li> <li>2. Amend as recommended</li> </ol>	<p><b>Effectiveness and Efficiency:</b> An ecological assessment has identified areas of indigenous forest on rural land within the PCG area, that would be classified as threatened habitats under the One Plan (Schedule F). These are identified as Areas F1 – F4 on the Structure Plan. It is proposed to amend PCG to rezone these areas from Rural Zone to Conservation and Amenity Zone to recognise the high ecological value of these areas. This approach is considered an effective and efficient method to give effect to the operative policy framework</p>



Relevant provisions	Recommended amendments	Options considered	Evaluation of amendment (section 32AA assessment)
			<p>at the national, regional and local levels, ensuring that indigenous habitats are recognised for their amenity, intrinsic, natural and cultural values, consistent with the responsibilities of territorial authorities under the RPS Policy 6-1(b) and the NPS-IB. Zoning these areas will send a clear signal that these areas worthy of protection, acknowledging that this zoning will need to be advanced alongside other practical mechanisms to achieve physical and legal protection.</p> <p><b>Costs (environmental, economic, social, cultural):</b> The proposed amendments do not impact on the existing use rights the landowner currently enjoys. Should a new activity be proposed in these areas, it will trigger the need for resource consent and associated costs with that process. However those costs will be commensurate with costs of meeting the One Plan rule requirements (at least until plan changes to give effect to the NPS-IB come into effect).</p> <p><b>Benefits (environmental, economic, social, cultural):</b> There are significant environmental</p>

Relevant provisions	Recommended amendments	Options considered	Evaluation of amendment (section 32AA assessment)
			<p>and cultural benefits of protecting and restoring these indigenous habitats.</p> <p><b>Risk of acting/not acting:</b></p> <p>Dr Adam Forbes has undertaken an ecological assessment, provided expert advice and prepared a s42A report, which provides sufficient information to act.</p>

# Appendices

**Appendix 1:** Recommended changes to PCG provisions (including Structure Plans)

**Appendix 2:** Recommendations on PCG provisions

**Appendix 3:** PCG public notification map

**Appendix 4:** Assessment of submissions on the scope of the PCG provisions