
BEFORE THE HEARINGS PANEL

In the Matter of: The Resource Management Act 1991

And Proposed Plan Change 51:
Growth Precinct 4 & New District Plan
Structure

Manawatu District Council

**STATEMENT OF EVIDENCE BY
Andrea Harris**

Dated: 2 August 2019

1. Introduction

- 1.1 My name is Andrea Michelle Harris. I have over 25 years' experience as a planner and have worked for a regional authority and various local authorities as a consultant. I am employed by Opus International Consultants Limited as a Principal Planner/Planning Work Group Manager, based in the Palmerston North Office. I have a Bachelor of Resource and Environmental Planning from Massey University. I am a full member of the New Zealand Planning Institute. I have been engaged by Manawatū District Council (Council) to assist them with this Plan Change Hearing.
- 1.2 I have worked on a number of plan changes for Manawatū District Council and other local authority clients. I have also prepared and processed a number of resource consent applications, Notice of Requirement to Designate applications, and Outline Plans. I am therefore familiar with the issues associated with preparing and applying District Plan provisions.
- 1.3 The purpose of this report is to assess the proposed plan change in terms of the relevant statutory considerations and obligations, taking into account those issues raised by submissions.
- 1.4 I have read the Code of Conduct for Expert Witnesses and I agree to comply with this Code of Conduct. This evidence is within my area of expertise, except where I state I am relying on evidence from another expert. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
- 1.5 The Council has commissioned the following technical experts to provide evidence for this Hearing:
1. Mr John Jones, relating to transportation matters
 2. Mr Glenn Young, relating to stormwater and infrastructure matters
 3. Mr Christopher Bergin, relating to Land Contamination matters
 4. Mr Ravi Sandar, relating to Geotechnical matters.
- 1.6 Mr Bergin and Mr Sandar will be available by phone during the hearing should the Hearing Panel have specific questions of these experts.
- 1.7 The following is a list of abbreviations referred to throughout my report:
- PPC51 – Proposed Plan Change 51: Growth Precinct 4
 - RMA or the Act – Resource Management Act 1991
 - Plan – District Plan
 - Council – Manawatū District Council
- 1.8 This report outlines:
- The submissions and further submissions received
 - Identifies areas which remain in dispute
 - An assessment of the submissions, based on sections of the District Plan

- A recommendation for the submissions received
- Whether any changes to the District Plan are proposed as a result of the submissions and an additional assessment under S32AA of the Act.

1.9 The following appendices are also included:

- Appendix 1 – Officer Recommendation on all submissions
- Appendix 2 – Chapter 8 Subdivision – PC(R1) Plan Change Recommended version
- Appendix 3 – Chapter 15 Residential Zone – PC(R1) Plan Change Recommended version
- Appendix 4 – PC(R1) Extracts of the Definitions Chapter and Transport Rules
- Appendix 5 – PC(R1) Amended Structure Plan
- Appendix 6 – Feilding Locality Nodal area overlay with Growth Precincts
- Appendix 7 – Memo from Soil Contamination Expert
- Appendix 8 – Memo from Geotechnical Engineer
- Appendix 9 – Statement of Evidence Transportation
- Appendix 10 – Statement of Evidence Stormwater and Infrastructure
- Appendix 11 – Railway setback within Feilding
- Appendix 12 – Correspondence with Horizons during evidence preparation.
- Appendix 13 – Correspondence with Kiwirail during evidence preparation.
- Appendix 14 – Correspondence with NZTA during evidence preparation.

1.10 The panel have been provided with a submissions bundle. I have therefore not provided copies of all submissions and further submissions as part of my evidence.

2. Background

2.1 Proposed Plan Change 51 Growth Precinct 4 (PPC51) was prepared and notified in accordance with Section 74 of the RMA, and the first part of Schedule 1 which outlines the requirements for changing a District Plan. PPC51 is a plan change under the Manawātū District Council’s Sectional District Plan Review.

2.2 As part of the Sectional District Plan Review, Council has decided to reformat and reconstruct the way the District Plan is written. The new structure was introduced through Plan Change 45 Town Centre in 2014. A new structure is proposed through PPC51 to assist users to navigate the District Plan as it progresses through the sectional district plan review.

2.3 PPC51 seeks to rezone land to the north of Feilding to Residential. The area was identified in the Feilding Urban Growth Framework Plan in 2013 as one of four key residential growth locations for the township of Feilding. Precincts 1- 3 were rezoned in 2014.

- 2.4 This Plan Change seeks to rezone land to the north of Feilding from predominately Rural to Residential. The land area is located approximately from Port Street, Arnott Street, Reid Line West and Makino Road. The rezoning included Rimu Park, which is currently zoned Recreation to Residential. The Plan Change also seeks to remove the Feilding Nodal area from the District Plan.
- 2.5 As part of the Plan Change the Council also sought to finalise the new structure of the District Plan that was initially introduced by Plan Change 46. This enables the font, structure and numbering of the new chapters to be reflected in those parts of the plan that are yet to be reviewed. Part A and Part B will be introduced to differentiate between reviewed and unreviewed parts of the District Plan. Part A will contain 'chapters', which have been introduced through the sectional District Plan review. Part B will contain 'sections', which are the first-generation parts of the District Plan that have not yet been reviewed as part of the sectional review. Also included is the updating of cross referencing and providing table of content pages for each section to add plan users in navigating the District Plan provisions.
- 2.6 I do not intend to provide a detailed description of PPC51, as this is contained in the Section 32 Report.
- 2.7 I note the National Planning Standards were gazetted in early April 2019. The Plan Change has not been amended to reflect the format and numbering changes required. Minor changes will be made following the decision on this plan change as Council moves recently completed sectional reviews into a new District Plan Structure. It is noted that the sectional review chapters introduced are closely aligned to the new structure required by the National Planning Standards.

3. Submissions

- 3.1 Council notified Proposed Plan Change 51 on 1 May 2019. Submissions closed on 31 May 2019.
- 3.2 A total of 37 submissions were received by the closing date. One late submission was received on PPC51.
- 3.3 Further submissions were notified on 13 June 2019. A total of 7 further submissions were received by the closing date of 27 June 2019, including one late submission.
- 3.4 Council received submissions from the following parties.

Original Submitter	
S01	Matt Alcock
S02	Wayne and Nicola Hosking
S03	Nicholas Peter Thomson
S04	Beau and Nan Maurice
S05	Shane Wareham
S06	Shaelyn Hirst

S07	David Lloyd
S08	Bradley Miller
S09	Wayne Wilson
S10	Michael Duindam
S11	Christopher Price
S12	Bill Riordan
S13	Simon Manthel
S14	Malcolm Bailey
S15	Garry Simpson
S16	Greg Backhouse
S17	Public Health Services, MidCentral District Health Board
S18	Powerco
S19	Haydon Christian
S20	New Zealand Transport Agency (NZTA)
S21	Tina Aomarere
S22	Lisa Poulsen
S23	Kent Horsfield
S24	Wayne Christensen
S25	Emma Miller
S26	Haronga Whānau
S27	KiwiRail Holdings Limited (KiwiRail)
S28	Manawatū District Council
S29	Proach Consultants Limited
S30	Tania Osborne
S31	Geoworks Limited
S32	Brad Nicol
S33	Horizons Regional Council

S34	Sasha Eastwood-Bennitt
S35	Allan Dodge
S36	Garry Wood
S37	Clark Family Trust
S38	FENZ (Late submission)

3.5 Seven (7) further submissions were received on the Proposed Plan Change, as follows:

Further Submitter	
FS1	NZ Defence Force
FS2	Powerco
FS3	Horizons Regional Council
FS4	NZ Transport Agency
FS5	Haronga Whānau (late submission)
FS6	Mark Patrick
FS7	Allan Dodge

4. Late Submissions

- 4.1 Two late submissions were received by submitters after the close of submissions.
- 4.2 The submission by FENZ was received on Tuesday 4 June 2019. Closure of the original submissions was 5pm 31 May 2019.
- 4.3 The submission by the Haronga Whānau was received at 5.15pm on the 27 June 2019. Closure of the further submission was 5pm 27 June 2019.
- 4.4 Under Section 37(1)(b) of the Resource Management Act the Council has decided to accept both submissions.

5. Analysis of submissions

- 5.1 Before a Plan Change can be incorporated into a District Plan it must fulfil a number of statutory requirements set down in the RMA, including:
- Part 2, comprising Section 5, *Purpose and Principles of the Act*; Section 6, *Matters of National Importance*; Section 7, *Other Matters*; and Section 8, *Treaty of Waitangi*;
 - Section 31 *Functions of Territorial Authorities*;

- Section 32 *Duty to consider alternatives, assess benefits and costs*;
 - Section 32AA *Requirements for undertaking and publishing further evaluations*;
 - Section 74 *Matters to be considered by territorial authorities*; and
 - Section 75 *Contents of district plans*.
- 5.2 The assessment of the Plan Change must also include an evaluation of the provisions of PPC51 to determine their adequacy in terms of:
- a. Their relationship and workability with other District Plan provisions, and
 - b. The appropriateness of such provisions (for example, their reasonableness and consistency).
- 5.3 A copy of all submission points and my comments and recommendations in response to each submission point are found in Appendix 1. To assist the Hearing Panel, the order of submissions in Appendix 1 follow the order of the chapters proposed by the Plan Change.
- 5.4 The section 32 report has not be reproduced in my evidence; but can be found in the bundle of material notified as PPC51.
- 5.5 The focus of this report is to assess the issues raised in submissions received in May and June 2019 to determine whether the decisions requested are appropriate, taking into account:
- Good planning practice
 - The requirements of the RMA
 - The relationship with the broader planning framework under the District Plan and its implementation and consistent administration, and
 - The direction set by other plan changes in the Sectional District Plan Review.
- 5.6 Where I have recommended substantive changes to provisions I have assessed those changes in terms of s32AA of the RMA in my evidence below.
- 5.7 To assist the hearing panel I have produced revised provisions as follows:
- Chapter 8 Subdivision (PC(R1) – Subdivision Chapter) in Appendix 2.
 - Residential Zone Chapter (PC(R1) – Residential Zone Chapter) in Appendix 3.
 - Extracts of the Definitions Chapter and Transport Rules (PC(R1) in Appendix 4.
 - Amended Structure Plan (PC(R1) – Appendix 8.1 Growth Precinct 4 Structure Plan) in Appendix 5.
- 5.8 Reference to the submission number for each recommended change is included as a footnote to assist the Hearing Panel identify under which submission changes are being made. I have also included those submissions that support provisions in the footnotes for ease of reference.

Prehearing Meetings

- 5.9 Prehearing meetings have occurred with some submitters as a way for me to better understand the submissions and clarify what changes were being sought by the submitter. Meetings have been had with:
1. NZ Transport Agency
 2. KiwiRail
 3. Powerco
 4. Proarch
 5. Michael Duindam
 6. Horizons Regional Council
 7. Mid Central Public Health Unit.
- 5.10 These meetings have been particularly useful and assisted me in preparing the recommendations of my report.

6. Submissions in Dispute

- 6.1 To avoid duplication, I do not repeat all submissions in the body of my evidence below. The matters or topics identified in the table below are those that I consider to be in 'dispute'. By this I mean where there remains a difference of opinion between the parties. The table below concentrates on those provisions I consider to be still in 'dispute'. Discussion and recommendations on all submissions is contained in Appendix 1.

Topic/ Matter	No.	Section of the Plan	Submitter
Essential Infrastructure	1, 5, 6, 15, 27, 31, 42, 43, 45, 46, 47, 48, 68,	Subdivision and Residential Zone	Powerco, Kiwirail, NZTA
Stormwater	10, 28, 47, 51, 52, 53, 60, 91	Subdivision and Residential Zone	Horizons Regional Council, Haydon Christian, Malcolm Bailey, Manawatu District Council, Jack MacKenzie
Removal of the Feilding Locality Nodal Area.	71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85	Removal of Appendix 5A Diagram 1	Christopher Price, Bill Riordan, Simon Manthel, Garry Simpson, Wayne and Nicola Hosking, Kent Derby, Wayne Christensen, Emma Miller, Tania Osborne, Geoworks Limited, Brad Nicol-Devco limited, Clark Family trust, Beau and Nan Maurice, Wayne Wilson, Greg Backhouse

Rating Changes	39, 85, 86, 87, 88	Not specifically related to provisions	Sasha Eastwood-Bennitt, Greg Backhouse, David Lloyd, Bradley Miller, Haronga Whānau
Fencing	2, 3, 66	Definition of Open Construction and Rule 15.4.3.	Proarch, Shaelyn Hirst, Michael Duindam

6.2 I cover these matters of dispute below.

Essential Infrastructure

6.3 **Powerco** made a number of submission points questioning the essential infrastructure provisions and whether they refer only to the Council's essential infrastructure of water, wastewater and stormwater, or whether the provisions relate to the wider definition of essential infrastructure in the District Plan.

6.4 Having reviewed the submission, and in discussions with the submitter, the provisions were originally intended to cover the Council's essential infrastructure. For instance the vesting of infrastructure to Council was not intended to include the infrastructure of Powerco, Transpower, or Natural Gas. As a result, changes have been made to clarify which provisions relate specifically to Council's infrastructure.

6.5 The recommended changes were provided to Powerco for comment. Additional feedback from Powerco has been received and further considered. As a result of all discussions I have recommended changes in response to the submission from Powerco as outlined in Appendix 1.

6.6 **KiwiRail** made a submission seeking provisions to be included that restricted development within 100m of the Railway Line. I have meet with the submitter to discuss the content of the submission as the Railway Line is over 100m away from the Growth Precinct 4 (refer map in Appendix 11). I am not aware of any network utilities within Growth Precinct 4 that are located outside of the road reserve. Therefore, many of the provisions sought by Kiwirail are not relevant to the Plan Change or Growth Precinct 4.

6.7 Council has agreed with Kiwirail to work together to discuss the relief sought through this submission and opportunities for this to be discussed in the background work on the Rural Zone and the Residential and Village Zone reviews which are programmed for 2020 under Council's revised District Plan forward work programme agreed in July 2019. By working with Kiwirail as part of these upcoming zone changes allows the parties to work through the issues and how the new National Planning Standards will apply in the future. I am also aware that Kiwirail is working with Ministry for the Environment and other network utility operators in developing a national standard. The timing of the new zone reviews works well to enable greater and relevant discussions with Kiwirail in the near future.

6.8 A letter from Council confirming the above was sent to Kiwirail on 23 July 2019. A letter has been received by Council on 29 July 2019 from Kiwirail. Kiwirail acknowledge that the matters raised in submission SO27/001 are not specifically relevant for Growth Precinct 4. Kiwirail consider that the remaining provisions are still relevant and should be introduced in the District Plan now. They consider the submissions can reasonably be part of Plan Change 51 as they deal with RMA or technical issues applying to the Plan Change now and into the future. Copies of the correspondence are attached in Appendix 13.

- 6.9 As outlined in Appendix 1, there are no existing network utilities in Growth Precinct 4 outside of the road reserve. I am not aware of proposals for future development of network utilities other than road construction. Many of the provisions requested by Kiwirail are more relevant to the rest of the urban areas in the District and as such I consider would be better incorporated through the wider Residential Zone review, rather than Growth Precinct 4 specifically. My recommendations in relation to the various Kiwirail submission are outlined in Appendix 1.
- 6.10 **NZ Transport Agency** made a submission seeking a new policy restricting development until a funding arrangement is in place for roading improvements. In preparing Plan Change 51 the Council commissioned a Traffic Assessment which identified that roading improvements would be required over time as the area is developed. There is no specific timeframe for when improvements are needed – this is all dependent on how the Growth Precinct 4 develops (recognising current predictions that the area would be developed by 2038).
- 6.11 In my opinion the District Plan is not the correct place to require funding agreements which sit under different legislation. There is no resource management issue that relates to funding. The Traffic Assessment is clear in that improvements are needed in the future, and that Council must undertake monitoring to review the functioning of the roading network into the future. This level of investigation and assessment is appropriate for a plan change to rezone land. It is not appropriate nor necessary that all improvements are designed and funded at the time of rezoning.
- 6.12 Council has met with NZTA and agreed to further discuss and confirm an agreement outside the District Plan process. I understand from an email from Kelly Standish that in order to develop an agreement a number of internal NZTA meetings are required and then lawyers will be involved. This is being progressed separately to the District Plan process.
- 6.13 As outlined in the evidence of Mr John Jones (attached in Appendix 9), a letter confirming Council's willingness to work together to develop an agreed future works programme was sent to NZTA.
- 6.14 NZTA replied to Council via email on 1 August from Kelly Standish. Ms Standish states in her email that *"On the basis that MDC agree in principle that development cannot proceed beyond the point that the SH54 intersection will be compromised (and this will be embedded in Policy), it is acceptable to agree on any funding for future upgrades post hearing. The proposed Policy gives NZTA certainty that the intersection will not reach the point of failure and that the necessary infrastructure must be constructed prior to development proceeding any further."* Copies of the email correspondence from Kelly Standish is attached as Appendix 14.
- 6.15 For the reasons above, I have recommended that the submission of NZTA is rejected as outlined in Appendix 1.

Stormwater

- 6.16 Council has had various meetings with Horizons over the development of the Plan Change. Horizons had indicated support for the overall approach and through discussions had sought that contemporary stormwater management be applied to the site.
- 6.17 The Servicing Concept Plan in Appendix 13 of the Section 32 Report identified how stormwater was to be managed. In addition, Council completed its own stormwater model

for the area of Growth Precinct 4. Council acknowledges that the model will need to be updated over time as development occurs.

- 6.18 I refer to the evidence of Mr Glenn Young in Appendix 10 which outlines the work that Council has undertaken to understand the stormwater issues and how stormwater can be managed in the future. As a result of the work done to date a suite of provisions to manage stormwater were proposed in this Plan Change. These include requiring larger lot sizes than the rest of Feilding, specifying a 50% permeable surface performance standard and retaining site coverage (despite requests to increase it). I note that 50% permeable surface requirement is significantly higher than other Councils, such Wellington and Kapiti Coast. Specific policy and assessment criteria were also included in the proposed Plan Change provisions.
- 6.19 Horizons made a submission stating that the plan change provisions “...do not adequately address the provisions in the One Plan that relate to infrastructure, particularly stormwater management. Issue 3-3 identifies strategic integration of infrastructure with land use, and links with water quality (Issue 5.1) and natural hazards (issue 9.1).” The submission continues that “The stormwater quantity and quality objectives of the One Plan are not met when considering the sensitivity and high in-stream values of the receiving environment.”
- 6.20 The relief sought in the original submission referred to previous discussions with Council about contemporary stormwater management principles and adoption of best practice. The specific relief sought was
- a. *changes to the objectives, policies and rules to give effect to effective stormwater management arising from Growth Precinct 4*
 - b. *retention of the wording relating to objective 1(h) in relation to natural hazards, except where changes are needed to address the stormwater issues as outlined (and such wording of a similar effect)."*
- 6.21 Beyond requesting general changes, the submission did not identify any specific changes to the proposed provisions that would result in an outcome supported by the submitter.
- 6.22 A meeting was held with Horizons on Monday 22 July 2019 to discuss the submission and to gain a better understanding of the Horizons submission. Horizons reiterated that they are wanting to see more 'contemporary stormwater management' to be included in Growth Precinct 4.
- 6.23 In response to this I propose that a Stormwater Management Plan to be prepared for all subdivision development. This Plan is in addition to a Comprehensive Development Plan already required by the proposed provisions. I consider this to be a more appropriate mechanism that requires land owners to consider site specific stormwater management issues and solutions. The revised wording was supplied to Horizons for comment on Wednesday 24 July 2019. Comments from Ms Pen Tucker were received on Friday 26 July 2019. The email correspondence is attached in Appendix 12.
- 6.24 The email from Ms Tucker states that “The key outcome Horizons is looking for in relation to stormwater, as I understand it, is that there is no additional stormwater discharged into the Makino as a result of development in Growth Precinct 4. ... In addition to the comments and suggested amendments to the policy amendments you've sent through (attached), I've highlighted some of the wording in the performance standard that leap out as implying that stormwater will be allowed to be discharged beyond the development / into the existing network / directly to the Makino. I think these (and possibly others) would need to be

reframed around demonstrating how stormwater will be effectively managed onsite to prevent any additional water getting into waterways, especially the Makino.”

- 6.25 A further meeting was held on 1 August 2019 to discuss the email. It is understood from that meeting that Horizons had concerns that the plan change provisions concerning onsite mitigations can be eroded or undermined over time, that the Structure Plan does not identify suitable multi-use green space for stormwater management purposes, and that generally the plan change does not adequately recognise or respect the Makino Stream as a sensitive receiving environment for stormwater.
- 6.26 As a result of the meetings held with Horizons during the preparation of this evidence I have identified a number of further changes that I am recommending be included in the District Plan to clearly outline how stormwater is to be managed within Growth Precinct 4. I discuss the changes below. The changes are also contained in Appendix 1 at line 10 under submission SO33/003. While I am recommending additional provisions, it is important to note that there are already a number of provisions relating to stormwater and overland flow paths in the plan change as notified. These provisions are not being removed through other submissions.
- 6.27 Within the subdivision chapter, I recommend including a new policy and performance standards in the rules that specifically require a Stormwater Management Plan. The new performance standard in Rule 8.4.1 specifies a number of matters that the Plan must address. These range from requiring a site specific hydrologic model for how the development will collect, attenuate and manage stormwater onsite, to how the proposed system is consistent with the Council’s Engineering Standards. The Report is to also consider how the proposed stormwater management approach for the specific development recognises the Makino Stream as a sensitive receiving environment.
- 6.28 Following discussions with Mr Young, I am also recommending that a specific policy is included to clearly signal that consent notices on property titles are expected to ensure Council expectations on implementing recommendations from technical reports and ensuring ongoing maintenance occurs.
- 6.29 Additional assessment criteria are proposed that will assist consent planners when assessing subdivision applications to consider how a proposal incorporates water sensitive stormwater design principles. Collectively these additional provisions in the Subdivision Chapter, in my opinion, improve the clarity of the stormwater management requirements and impose requirements on developers to ensure contemporary stormwater management can be achieved through subdivision development and maintained over time.
- 6.30 I am also recommending that specific policy and performance standards are added to the Residential Zone to address any situations where development of residential units or accessory buildings might occur in the absence of subdivision. Amendments ensure that pervious surfaces of 50% are maintained and that low impact stormwater sensitive design solutions are utilised in respect of any associated hard stand areas in accordance with Council’s Engineering Standards.
- 6.31 In considering the written submission by Horizons in relation to stormwater and further evaluation of Plan Change 51 with respect to the One Plan direction. I note the following.
- 6.32 Issue 3-3 of the One Plan refers to the strategic integration of infrastructure with land use. Council had identified Growth Precinct 4 as part of the Feilding Urban Growth Framework Plan (2013). Council has also completed specific assessment relating to the infrastructure required. This is discussed by Mr Young in his evidence – both the reports that informed

the Feilding Urban Growth Framework Plan and the subsequent report that was part of this Plan Change. Council has considered the strategic integration of infrastructure and land use as part of this Plan Change. This approach is considered to be consistent with this issue.

- 6.33 Issue 5-1 of the One Plan refers to water quality and issues relating to nutrient enrichment from agricultural land, discharges or treated wastewater and septic tanks; high turbidity and sediment loads from erosion, runoff from agricultural land and stormwater; and pathogens from rural and urban runoff. Following these further discussions, I have recommended additional provisions which require the developer to consider not only how stormwater quantity is managed but also quality. The recommended provisions are considered to be giving effect to the intent of this issue.
- 6.34 Issue 9-1 of the One Plan refers to the effects of natural hazard events, how development can exacerbate risks of flooding, climate change and sea level rise. Specific provisions have been included in the Plan Change relating to minimum floor levels and managing overland flow paths. Setbacks have also been included to manage the risk of liquefaction. These provisions are considered to address this issue.
- 6.35 The submission also refers to the rules for stormwater discharges, being Rule 14-18 and 14-19. Rule 14-18 outlines the conditions for stormwater to be a permitted activity, while Rule 14-19 provides for discharges that cannot meet the performance standards as a Restricted Discretionary Activity. Council acknowledges that these rules are of relevance in the future, depending on the specific stormwater management approach and designs relating to future development. It is important to note that the Plan Change does not include a specific stormwater design as the Council does not know exactly how land will be developed in the future. Mr Young has identified in his evidence that *“The Council roading network in Precinct 4 will form a series of overland flow oaths conveying any secondary flow to the Kiwitea and Oroua River via the existing reticulated network east of Pharazyn St and similarly via the existing and new reticulation west of Pharazyn St, through a Green Spine Buffer Management Area (GSBMA) adjacent to the Makino Stream.”*
- 6.36 Mr Young also states that *“The detention area has been calculated at needing to be no less than 28,000m³. This is based on the 16m³ (hydrological neutral) demonstrated in Council’s previous studies (MWH 2013) and on the estimated 1788 dwellings.”* In response to Horizons suggestion that greater multi-use green space should be provided, Mr Young is completing additional technical investigations to determine whether there is sufficient area within the existing multi-use green space along the Makino Stream as currently shown on the Structure Plan. This additional information will be tabled at the hearing.
- 6.37 I have recommended a change to Policy 1.1 concerning the development of the Structure Plan for Growth Precinct 4. I consider it appropriate in response to Horizons submission to recognise that the plan should identify optimal open space provision for stormwater detention infrastructure. Mr Young’s investigation will be necessary to inform whether the existing areas are adequate or require further revision.
- 6.38 The recommended new provisions in the Plan Change, when collectively read with all the other proposed provisions on stormwater, overland flow, minimum floor levels, permeable surface, site cover and average lot size, are considered to be a contemporary stormwater management response for Growth Precinct 4. My opinion is subject to the further investigations being undertaken above in respect of the adequacy of available open space identified in the structure plan for stormwater detention.

- 6.39 The submission by Horizons at the time of preparing my evidence remains unresolved. Council intends to have further discussions with Horizons leading up to the Hearing on the 20 and 21 August in respect to the submission and the recommendations in this evidence. I intend to provide the Hearing Panel with an update at the Hearing.

Removal of the Feilding Locality Nodal Area

- 6.40 A number of submitters have sought the retention of the Feilding Locality Nodal Area in Appendix 5A of the District Plan. This is on the basis that the area should remain until the Rural Zone review is completed.
- 6.41 In preparing the Plan Change Council considered the role of the Nodal Area (which is not a separate planning zone in the District Plan). It is my understanding that the Nodal area was used in the District Plan to identify those areas where low density residential growth was anticipated around key settlements in the Manawātū District.
- 6.42 The Structure Plan Report in Appendix 14 of the Section 32 Report at section 3.2 discussed the reasons for why the current Feilding Locality Nodal area should be removed from the District Plan. Those reasons remain relevant, particularly that *“The existing Feilding Locality Nodal Zone (Appendix 5A Diagram 1) does not accord with Council’s residential growth direction for Feilding and therefore is no longer an appropriate or relevant planning control, taking into account the future urbanisation of the area.”*
- 6.43 Council commissioned the Feilding Urban Growth Framework Plan to review growth around Feilding. The purpose of the Framework Plan was to look at where residential development was best located to ensure going greenfield growth for the future. Not all areas identified in the Framework Plan were adopted by Council for growth. Council adopted the Feilding Urban Growth Framework Plan in 2013.
- 6.44 Growth Precincts 1-3 were introduced into the District Plan through Plan Change 46. Growth Precinct 5 was introduced through the Industrial Zone review in Plan Change 52. The last remaining Growth Precinct to be introduced into the District Plan is Growth Precinct 4. Once Growth Precinct 4 is adopted into the District Plan the Feilding Urban Growth Framework Plan would have been implemented.
- 6.45 Growth Precincts 1-3 cater for larger lot sizes recognising the topography of the land. Some areas are subject to a deferred zoning until such time as stormwater is modelled in that area to identify where specific provisions are required (such as minimum floor levels). The Assessment Criteria for subdivision proposals in Growth Precincts 1-3 are clearly included in the District Plan in Section A1 1.3.4.
- 6.46 Appendix 6 contains a plan showing the extent of the Feilding Nodal area and Growth Precincts 1-4. The Plan shows where there are limitations to development because of the existing flood channel zone. This map also identifies those properties that are larger than 10,000m² which is the smallest size necessary to meet the minimum lots size of 5,000m² required under the One Plan for onsite wastewater servicing.
- 6.47 With the introduction of Growth Precinct 4 the areas considered suitable for urban development would have been included in the Plan and the greenfield development areas clearly identified. Therefore the need to retain the Nodal area is redundant. The Growth Precinct areas are also consistent with the ability of Council to service these areas in the longer term, recognising the immediate focus on Growth Precinct 4 where demand currently exists.

- 6.48 The deferred residential zoning covering Precincts 1-3 includes specific objective and policy guidance which includes, larger lot sizes and how subdivision now to larger lots can be 'converted' to smaller lots in the future when the deferred zoning is uplifted and the area is rezoned residential. There is sufficient Plan guidance to remove the nodal area over Growth Precincts 1-3.
- 6.49 There are two relatively small areas on the map in Appendix 6 that are not covered Growth Precincts 1-4 – the area of land to the north of Makino Road, and land across the Kiwitea/Oroua Rivers to the south east of the existing Feilding urban area.
- 6.50 Removal of the nodal area largely affects these two areas. Parts of these areas are subject to flooding hazards related to the Makino, Kiwitea and Oroua Rivers – which make development inappropriate. Given the direction in the One Plan on natural hazard avoidance, it is questionable if this area should be retained in the District Plan. Any sites would also need to be self-sufficient (with onsite wastewater servicing) as no Council services would be provided. This further reduces the potential yield for the area. Parts of the Nodal Area are also dissected by the State Highway and Kiwitea Stream offering poor residential connections to Feilding.
- 6.51 Retaining the Feilding Nodal area for these two small areas is not considered good planning. The majority of the area is already provided for by the provisions for Growth Precincts 1-4.
- 6.52 In discussing the issue with Council's consent team, a comparison of the rules for the Feilding Nodal area vs the Rural Zone is provided below:

	Feilding Nodal Area	Rural Zone
Minimum lot size	There is no minimum lot size specified (however there is reference in the assessment criteria to a lot size)	8,000m ²
Rule classification	Discretionary – C1 1.3.1 a. ii) <i>“Any Rural zone...subdivision which does not meet the controls in Rule C2 2.4, on land within a nodal area, but only if the allotments being created do not have frontage to an arterial route.”</i>	Controlled – C1 1.1.1 d. <i>“Any Rural zone...subdivision which meets the standards set out in Rules C2 2.4 and C2 2.5, and which does not involve land wholly or partly within the coastal area as shown on the Planning Maps.”</i>
Assessment criteria	A1 1.3.4 a. xxiv) <i>In relation to the rural subdivisions listed as a discretionary activity under Rule C1 1.3.1 a. ii):</i> <i>a) The need to provide a degree of separation between future dwellings by maintaining a minimum allotment size of around 4000m².</i> <i>b) The need for such allotments to still meet the standards in Rules C2 2.4.1 f. to k. (inclusive).</i>	A1 1.3.2 A) <i>The matters in respect of which Council has reserved its control are:</i> <i>i) Provision of water supply and disposal of water, wastewater and stormwater, where the design and capacity of any reticulated system reflects the new and anticipated future demand and requirements.</i> <i>ii) The number, location and formation of vehicle crossings.</i>

	<p><i>c) The effect of the proposed subdivision on potential future urban growth, including the feasibility of future roading patterns.</i></p>	<p><i>iii) Provision of a connected street network, with appropriate use of street hierarchy and design type, including the width, length, drainage and formation of access.</i></p> <p><i>iv) The matters specified in Section 220 of the Act.</i></p> <p><i>v) The size, shape and arrangement of allotments, in relation to road frontages, and location of proposed boundaries.</i></p> <p><i>vi) The creation of appropriate easements.</i></p> <p><i>vii) Payment of financial contributions including reserves contribution.</i></p> <p><i>viii) Providing, forming, naming and signposting new roads.</i></p> <p><i>ix) Preservation of existing vegetation.</i></p> <p><i>x) Provision of open space including the retirement of steep land, gully systems, connections/links with other areas, esplanade reserves and strips, and local reserves.</i></p> <p><i>xi) Suitability of proposed allotments for subsequent buildings and future use, including the separation of proposed building sites from high voltage electricity transmission lines.</i></p> <p><i>xii) Impact of subdivision upon future management of natural areas and heritage places.</i></p> <p><i>xiii) Requiring a consent notice to be placed on the titles of newly-subdivided allotments which have no further subdivision potential under this Plan, to alert potential purchasers to that fact.</i></p> <p><i>xiv) Accordance with any relevant Structure Plan and adherence to the principles set out in the Subdivision Design Guide.</i></p> <p><i>xv) Provision of a network of cycleways and walkways to the extent that these service the</i></p>
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		<p><i>subdivision and connect with the surrounding environment.</i></p> <p><i>xvi) Provision of buffers or other measure to delineate the boundary between urban and rural environments and provide separation between potentially incompatible activities.</i></p> <p><i>xvii) The extent to which connections to electricity, gas and telecommunication networks are available to service the needs of the development and/or subdivision.</i></p> <p><i>xviii) Avoidance or mitigation of flood hazards, including the assessment of the level of flood hazard risk from the waterbody and what mitigation measures are required, such as setback distances, minimum floor levels or specified building platforms.</i></p>
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6.53 The main differences between the Nodal area and the Rural Zone provisions are that smaller lot sizes are considered in the Nodal area, and less assessment criteria are referred to in the Plan. Where a landowner wishes to subdivide below 8,000m² then a Restricted Discretionary Activity would be required in the Rural Zone. If the application does not meet the base portions and entitlement provisions (Rule C2 2.4) or has frontage to an arterial road, then the proposal would become Non-Complying and a consent required under Rule A2 2.1. This means that the need for consent in the Rural Zone is not significantly more onerous than what is currently enabled by the Nodal area provisions (unless the base portion and entitlement provisions are breached).

6.54 Overall, for the reasons outlined above, I recommend that the Feilding Locality Nodal area in Appendix 5A be removed from the District Plan as proposed.

Rating changes

6.55 A number of submissions do not support the plan change only on the basis of a change in rating. As outlined in Appendix 1, property rating is determined under the Rating Act (2002). While the rezoning of land will ultimately change the rates owed, this will only occur once the plan change is finalised and made operative.

6.56 The change in zoning provides those landowners with options to subdivide and develop their properties in a different way to what currently exists at the moment. While the landowners may not want change now, they would have the option in the future with the rezoning. Rezoning will also likely increase the value of their properties.

6.57 I understand that Council rating staff are aware of the submissions and are intending to present a paper to the Council regarding rating within Growth Precinct 4.

- 6.58 As discussed in Appendix 1, decisions on rating are decided through a separate process to the rezoning of land. On that basis I have recommended those submissions relating to rating issues be rejected.

Fencing

- 6.59 A number of submissions have raised concerns about the proposed fencing rules and the corresponding definition of open construction.
- 6.60 In meeting with some of the submitters I understand that concerns range from wanting to ensure high quality streetscapes are achieved to enabling landowners to fence as they wish. Submitters are also looking for flexibility.
- 6.61 The intent of the fencing rules was to avoid streets in the future where long high fences become the norm, rather than lower fences that allow community interaction, passive surveillance and appealing open space areas.
- 6.62 Following the discussions with some submitters on the fencing issue, I am recommending a different approach to the fencing provisions whereby the provisions refer to visual permeability (rather than open construction). The new term is more easily understood. New provisions, including diagrams are recommended to provide greater clarity and certainty for plan users. The recommended provisions would see the deletion of the open construction definition.
- 6.63 The recommended provisions were sent to those submitters wishing to be heard. Mr Duindam provided additional comments on the provisions where he supported the provisions and recommended additional assessment criteria to Rule 14.4.6 (now Rule 14.4.7 as a result of recommended changes). These additional criteria have been recommended to be included.
- 6.64 Proarch indicated that they were not able to comment on the fencing provisions by Friday 26 July (as I had asked in the email with amended provisions). At the time of preparing this evidence, no response on the new fencing rules had been received.

7. Statutory Considerations

- 7.1 Under Section 32AA of the Act any proposed changes are required to be subject to further evaluation. As a result of considering the various submission points, I have identified a number of recommended changes throughout my assessment of submissions in Appendix 1. Rather than repeat the reasons and evaluation for each of the changes in this section, I have included my additional assessment under each of the provisions in the table. This approach is considered appropriate to reflect the scale and significance of the changes relating to the decisions requested by the submissions.
- 7.2 The majority of changes are recommended to improve the certainty and clarity of the provisions for plan users or amend unintended consequences resulting from drafting. Unless otherwise stated in Appendix 1 or in this Report, the original assessment in the section 32 report still applies and no changes are considered necessary, including the Statutory Evaluation section.
- 7.3 With regards to the proposed new provisions recommending introducing the new Stormwater Management Plan requirements, I note that this is not currently a requirement in the District Plan. Nor was it a matter consulted on during the preparation of the Plan Change. I am concerned that there may be a natural justice issue with the introduction of

the new provisions. While the change has been recommended in response to the Horizons submission, I am mindful that other interested parties may have made submissions on the provisions if they had been part of the notification material. I am of the opinion that the changes do address the submission as I understand the concerns, and will require developers to consider how stormwater quantity and quality is to be managed on a site by site basis. There is additional cost implications on developers within Growth Precinct 4 as a result of my recommended changes. However, the cost is considered necessary given the need to carefully manage stormwater in this location.

7.4 No submissions were received on the proposed structure of the District Plan outlined in the Section 32 Report. I note that while Council proposed a new structure as part of this Plan Change, the introduction of the National Planning Standards will see further changes to the structure of the District Plan.

8. Conclusions and Recommendations

8.1 Overall, the integrated package of objectives, policies and rules, including the proposed amendments, are for the reasons discussed earlier in this report, the most appropriate option to achieve the objectives of PPC51. The plan change is considered to be consistent with the wider resource management approach of the Sectional District Plan Review process and the most appropriate way in which to achieve the purpose of the Act.

8.2 In my assessment of PPC51, having regard to the submissions received, and drawing on the technical analysis of experts in transport, stormwater and infrastructure, land contamination and geotechnical investigations, I am satisfied that the Plan Change is the most appropriate means of sustainably managing the physical and natural resources of the Manawatū District.

8.3 The principal reasons for my conclusion are:

- The changes proposed, including those recommended in this report, continue to provide guidance for the activities that occur District wide;
- The PPC51 has been developed following a variety of consultation meetings, including discussions with some submitters to clarify the intent of submissions;
- The form of control for development and use of physical and natural resources provides an effective and efficient management framework for managing potential adverse effects;
- The evidence of technical experts in transport, stormwater and infrastructure, land contamination and geotechnical investigations as attached to my evidence.

8.4 It is recommended that:

- Proposed Plan Change 51 be approved as notified and amended as outlined in Appendix 1; and
- The relief sought by the submitters be accepted or rejected for the reasons outlined in this report.



Andrea Harris

Consultant Planner

For Manawatu District Council

2 August 2019

Appendices

Appendix 1 – Officer Recommendation on all submissions

Appendix 2 – Chapter 8 Subdivision – PC(R1) Plan Change Recommended version

Appendix 3 – Chapter 15 Residential Zone – PC(R1) Plan Change Recommended version

Appendix 4 – PC(R1) Extracts of the Definitions Chapter and Transport Rules

Appendix 5 – PC(R1) Amended Structure Plan

Appendix 6 – Feilding Locality Nodal area overlay with Growth Precincts

Appendix 7 – Memo from Soil Contamination Expert

Appendix 8 – Memo from Geotechnical Engineer

Appendix 9 – Statement of Evidence Transportation

Appendix 10 – Statement of Evidence Stormwater and Infrastructure

Appendix 11 – Railway setback within Feilding

Appendix 12 – Correspondence with Horizons during evidence preparation.

Appendix 13 – Correspondence with Kiwirail during evidence preparation.

Appendix 14 – Correspondence with NZTA during evidence preparation.