

Before the Manawatū District Council

IN THE MATTER of the sectional review of the
Manawatū District Plan under the
Resource Management Act 1991.

AND

IN THE MATTER of Plan Change 51

**DECISION OF THE COUNCIL'S APPOINTED INDEPENDENT COMMISSIONERS
AND DELEGATES**

Dated 12 November 2019

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Setting the Scene

- [1] Despite the attractive qualities of the region, the Manawatū experienced anaemic population growth for several decades. Now, the Manawatū population is growing well. The charms of Feilding mean that it is obtaining a big slice of that growth. The Manawatū District Council (“the Council”) has, wisely, planned for urban growth. It adopted, in May 2013, an Urban Growth Framework Plan. That plan guided the identification and planning of areas adjacent to the existing urban fabric of Feilding for industrial and residential purposes. Informing that strategy was an analysis by the Manawatū District Council of key drivers of good growth management e.g. demand and supply projections, design principles, density and urban form analysis.
- [2] The Manawatū District is not, however, a medium or high growth urban area using Statistics New Zealand and data applying the criteria in the National Policy Statement on Urban Development Capacity 2016. Therefore, only Objectives OA1 to OD 2 and Policies PA 1- 4 of that statement apply.
- [3] This decision concerns an area called Precinct 4 that was tagged in the 2013 Urban Growth Framework Plan as a residential growth precinct. It is located north of North Street and bordered by Makino Road to the north, Reid Line West to the east, Arnott and Port Street to the south and residential neighbourhoods to the west. The Makino Stream (the Maori name is “Mangakino”) cuts through the site in a roughly north-south direction. The site is flat with slopes less than 1:20m and it is susceptible to flooding. The land in Precinct 4 on the true right bank of the Makino/Mangakino stream is called in this decision the “P4 Western Node” and the opposite side the “P4 Eastern Node.”
- [4] As with other precincts, the Council then embarked upon a more rigorous opportunities and constraints assessment for Precinct 4. In framing that

opportunities and constraints analysis the Council, obtained an impressive Cultural Impact Assessment from Ngāti Kauwhata prepared by Dr April Bennett.¹ Dr Bennett had support from kaumatua and experts at Massey University including Prof. Glavovic, an expert on resilient communities. The Cultural Impact Assessment framework is launched under a metaphor, reflecting iwi's sense of place in this location, called Te Pūtahi. Or, in English, "the Confluence". That symbol reflects the geographic fact that the locality has three defining water features; the Mangakino Stream (currently referred to by its European name, Makino), the Oroua River and the Maewa puna or spring. From that concept emerged the following themes as an expression of kaitiakitanga by mana whenua:

- (a) Improvement of the health of water.
- (b) People's wellbeing is secured and enhanced.
- (c) Connections of people to land and water are strengthened and safeguarded.
- (d) The responsibility to future generations and to downstream Iwi and communities is actively recognised.

[5] These overarching themes in the Cultural Impact Assessment report provide a way of thinking about opportunities and constraints and holistic concepts of environmental wellbeing that correspond well with the statutory requirements on the Council to achieve sustainable urban development using the 'four well-beings' assessment framework in the National Policy Statement on Urban Development Capacity at PA 3. But more than that it responds to a distinctive sense of place based on the perspective of tangata whenua.

¹ A Bennett: "Council Impact Assessment of Precinct 4 Growth Area, Feilding" on behalf of Ngāti Kauwhata dated 16 July 2018.

- [6] The total land area of Precinct 4 is 256 hectares. The residential yield is estimated at 1778 lots based on an expected average density of 600m². Of that area 25 hectares is to be set aside as open space and will become the Makino/Mangakino Stream esplanade under the notified version of the plan change. An additional 4 hectares will be set aside in a structure plan for reserve in accordance with principle 11 of the Feilding Urban Growth framework. The broad design parameters for Precinct 4 are set out in the table 1 below. These will alter slightly with the revised Structure Plan received from the Manawatū District Council in its right of reply because of an enlarged area for stormwater attenuation.

Table 1

Development Type	2017 (256 ha)
Residential Average Density (600m ²)	1778 lots
Open Space Makino Stream Esplanade	25ha
Reserve	4ha
Total Yield (urban lots)	1778

- [7] To further assess the opportunities and constraints the Council's strategic planning team obtained several technical papers: a liquefaction risk assessment, a land contamination assessment and an archaeological assessment. In addition, the Council considered the infrastructural impacts of development and the likely infrastructure required to support development. That included a servicing concept plan, stormwater/floodwater modelling reports and a traffic assessment report. These were all attached as appendices to the Council's s 42A report.
- [8] Based on all of the analysis described above, the Council prepared a structure plan. The framework was formulated in a report called the "Precinct 4 Structure Plan Report", dated 6 December 2018 by Sue Gowan, Wendy Thompson and Cynthia Ward. Since then, both before

and after notification the Council made refinements to that Structure Plan but the bones of the Structure Plan are essentially unaltered. The Structure Plan, has as its purpose to guide development in an appropriate form by identifying the major elements necessary to provide an appropriate urban framework. Then rules, governing future development require ,through discretions, conformity with that Structure Plan to provide certainty that those framework elements are achieved.

- [9] The key characteristics of the Structure Plan proposed in Plan Change 51, are as follows:
- (a) Within the Precinct 4 perimeter a grid like pattern of local roads reflecting the historical pattern of development in Feilding and overland flow paths. These will be serviced by major collector roads to be designated. Additionally, one vehicle crossing across the Makino Stream connecting Roots Street West with Roots Street East and a cycle crossing further upstream.
 - (b) A proposed reserve on Roots Street East.
 - (c) The margins of the Makino Stream will be recreation/reserve areas.
- [10] At the same time that the Council was planning for urban growth it was reviewing its District Plan under the Resource Management Act. It still is. The Council adopted an incremental approach called a “sectional review”. The benefit of a sectional review is that the Council could undertake workstreams within appropriate budgets and within the capacity of its personnel. The downside is that the new plan provisions sit alongside an older plan vernacular. Integrating and working with a hybrid plan can be confounding for plan users and those involved in the reforming process.

- [11] Plan Change 51 cements the new course for District Plan provisions that reflect a contemporary arrangement of the reviewed chapters. Ms Andrea Harris, the planner presenting the planning evidence on Plan Change 51 on behalf of the Council, explained it in this way at paragraph 2.5 of her report:

“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-generational parts of the District Plan that have not yet been reviewed as part of the sectional review. Also included is the updating cross referencing and providing table of content pages for each section to add plan users in navigating the District Plan provisions”.

- [12] The Plan Change provisions making up PC 51 will be in Part A of the District Plan and comprise:
- (a) A new chapter 8 called “the Subdivision Chapter”. The provisions, for the moment, are specific to Precinct 4. It will include figures showing the structure plan and overland flow paths; and
 - (b) A new chapter 15, “the Residential Zone Chapter”. Again, focused on Precinct 4; and
 - (c) Consequential changes to the definition and vehicle access provisions of the Plan; and

(d) Changes to Appendix 5A which is the Feilding Locality Nodal Area Map.

(e) Consequential changes to the zoning maps.

[13] Ms Harris' final recommended version of these provisions is denoted by the acronym "PC 51-R2".

The constraints on residential development in Precinct 4 and how that influenced the matters in contention

General discussion

[14] In this decision we mainly address the constraints and not the opportunities because the constraints represent potential environmental limits that need to be considered and managed. They also give rise to the matters in contention that arose in the course of the hearing. We take it for granted that there are substantial opportunities for residential development on the site by reason of its easy contour, proximity to existing urban fabric and pleasant aspect that are collectively the reason high level documents have identified the land for urban growth. Further, a substantial portion of the land is in common ownership enabling an effective and integrated development of the land as a greenfields area. No-one argued that the Plan Change 51 should not be approved but there were arguments about how the constraints could be managed and therefore the way and rate at which development occurred.

Flooding hazard

[15] Much of the land on the Manawatū plain is susceptible to flooding by flood events in the major rivers and their tributaries. The land within Precinct 4 is prone to flooding from upstream sources. Some of that risk is currently managed by a floodway known as the Reid Line Floodway. That is maintained by Horizons Regional Council. However, that floodway does not provide 1: 200 year level protection to the land within Precinct

4. The significance of that is that the Horizons Regional Council One Plan Policy 9-2 directs territorial authorities to avoid any increase in scale of development of land that would be inundated by an event with a 0.5% Annual Exceedance Probability unless that flood hazard is avoided or mitigated. If it is not, then floor level free boards must be provided at an appropriate height.

- [16] Horizons Regional Council’s plans to upgrade the Reid Line Floodway. The Horizons Regional Council’s Long Term Plan 2018–2028 sets a seven year programme that will provide Feilding and its environs with the 1:200 year security the One Plan requires. Precinct 4 will a beneficiary of that.
- [17] The Long Term Plan further recognises benefits of that development associated with urban extensions of Feilding. The Long Term Plan states: *“This proposal complements work that the Manawatū District Council have underway, to rezone rural land between Feilding the Floodway for residential development and allowing Feilding to grow”*.²
- [18] The PC 51 provisions as notified required a free board of up to one half a metre above a 1:200 year without identifying what flood hazard sources were to be included in the calculation.
- [19] There was confusion in the hearing about whether or not the flood hazard requiring management was the hazard arising from upstream flood waters or the stormwater generated within Precinct 4 itself after urban development. Mr Bailey, one of the major land owners, thought this issue could be sorted out and a more sensible level specified.

Stormwater management

- [20] Stormwater is a significant externality of urban development. Sir Geoffrey Palmer once described New Zealand as a “pluvial country”.³ The

² Source MDC Precinct 4 Structure Plan Report dated 6 September 2018.

³ <https://sciblogs.co.nz/waiology/2014/10/14/a-pluvial-and-fluvial-country/>

Manawatū is not as wet as some areas in New Zealand, but it has significant rainfall events that will only get worse as more energy is added to the atmosphere by the effects of greenhouse gasses. Contemporary urban design looks to manage stormwater thoughtfully in a way that is integrated into the design in a manner appropriate to the geophysical characteristics of the land. The starting point is to understand how the stormwater naturally flows along the land. That can be achieved using the technology of LIDAR and modelling events. Plan Change 51 as notified including a diagram called Appendix 8.2 that shows natural overland flow paths. Those features informed the layout of roads that will perform the task of conveying stormwater flows to lower lying land and ultimately the Makino/Mangakino Stream. The Council aims to achieve a stormwater flood hazard resilience based on 1:100 year events without inundating residential land.⁴ A freeboard requirement will protect houses from 1:200 year events.

- [21] An important objective in modern urban planning is to achieve hydraulic neutrality. While hydraulic neutrality is a simple concept to grasp it has layers of complexity. The first is that solutions rather depend on the type of events that are to be addressed. Infrastructure to achieve neutrality in a 1:100 year event is quite different from infrastructure necessary to achieve hydraulic neutrality in a 1:10 year event. In addition, hydraulic neutrality can be managed solely within the development site of individual residential properties or achieved by community infrastructure such as detention areas. Equally, it can be a combination of both.
- [22] The Manawatū District Council's first conceptual framework for stormwater management is found in the MWH Assessment Report dated 10 June 2013.⁵ That report recommended dry/wet pond detention areas

⁴ See base assumptions in MWH Assessment Report – Feilding Urban Growth Strategy – engineering services assessment dated 10 June 2013

⁵ MWH Assessment Report – Feilding Urban Growth Strategy – engineering services assessment dated 10 June 2013.

for stormwater collection to ensure hydraulic neutrality by requiring individual properties to provide a 16 m³ stormwater tank. That would then discharge to a “French drain” or soakway drain within each property. Further, MWH recommended road side open drains to collect runoff and to direct it to detention ponds located at the sub catchment level. Later, the Council obtained a servicing concept plan from GHD.⁶ That report contained very different assumptions. Importantly, the assumption was that there would be no onsite hydraulic neutrality to be achieved. No additional runoff will be stored onsite.⁷ The proposed stormwater concept is set out in section 2.3 of the report. The proposal is that stormwater drains are designed to follow the roading layout and to be located within the road reserve. The roading profile will be designed as a form of overland flow path.

- [23] GHD proposed for P4-Western Node discharges into the Makino Stream at Port Street West, Roots Street West and proposed road to West. Capacities were calculated with an allowance for climate change of 2.3°C. The overland flow paths were shown in a catchment diagram referenced as Appendix D – DWG 51-33090-01-SK008C. In respect of the P4-Eastern Node GHD said at section 2.4.2: *“Precinct 4 East is essentially separated into two catchments by a ridge along Pharazyn Street. Overland flow on the western side of Pharazyn Street and the proposed drain to the Makino Stream while the eastern side of the drain will drain along Pharazyn Street and Arnott Street”*.
- [24] GHD proposed three stormwater catchments called Precinct 4 West Catchment, Precinct 4 Makino Catchment and Precinct 4 Pharazyn Catchment.
- [25] Mr Glenn Young is the Manawatū District Council’s Utilities Manager. Mr Young is a professional surveyor with considerable experience in land

⁶ Appendix 13 to the section 42A report GHD: “Precinct 4 Servicing Concept Plan”.

⁷ *Ibid* see section 1.4.

development. He explained that the change in scheme from individual site stormwater management to Council funded infrastructure for stormwater was motivated by two factors:

- (a) The cost of individual's pond site storage is far greater than community operated infrastructure.
- (b) Difficulties with administration and management to ensure compliance with individual owner systems.

[26] Mr Young in his Statement of Evidence dated 1 August 2019 at [3.8] said:

"It is the Council's direction to manage stormwater storage holistically and not be reliant upon individual property owners. The Council roading network in Precinct 4 will form a series of overland flow paths conveying any secondary flow to the Kiwitea Stream in Oroua by the existing reticulated network east of Pharazyn Street and similarly by existing and new reticulation west of Pharazyn Street to a Spring Spine Buffer Management Area adjacent to the Makino Stream."

[27] Mr Young explained that the Council is working with Horizons Regional Council to achieve an acceptable solution. Mr Young's proposal was the detention area along the Makino Stream of not less than 28,000m³. That is based on a 16m³ (hydrological neutral) value for the expected yield of 1788 dwellings. That detention area was expected to run alongside the Makino Stream and range between and 30 and 40 metres wide.

[28] At [3.13] of his evidence Mr Young then said:

"Further technical investigations are to be undertaken on the area of land required to confirm that the area shown along Makino Stream is sufficient to manage stormwater. These will be tabled at the hearing after further discussion with Horizons Regional Council."

- [29] Horizons Regional Council made a submission to the Plan Change concerning stormwater. The regional council's principal concern was that the effect of development in Precinct 4 did not further reduce the capacity of the Makino flow to carry peak floodwaters. The reason for that is that the Makino Stream is currently at full capacity in a 10% Annual Exceedance Probability event.
- [30] Ms Tucker the senior policy analyst at Horizons Regional Council explained that the Council's policy is to protect the flood control and drainage capacity of important water bodies. That is reflected in chapter 5 of the RPS Objective 5-1. Flood control and drainage is a One Plan value of the Makino/ Mangakino Stream. Ms Tucker pointed to the Regional Policy Statement Policy 9-1 concerning territorial authority and its responsibility to avoid or mitigate natural hazards by controlling use of land.
- [31] Mr Bell is the Manager of Investigations and Design for the Horizons Regional Council. Mr Bell opined that any increase in stormwater discharged in the Makino/Mangakino Stream will compromise the integrity of existing flood and drainage structures and will not manage the risk associated with flooding sustainably. Any reduction in the flood capacity of the Makino/Mangakino Stream is likely to increase the risk of flooding in Feilding.
- [32] Mr Bell supported the approach of hydraulic neutrality in the MWH Report and was concerned that the concept of hydraulic neutrality was being compromised by the movement away from individual lot or sub-catchment scale management.
- [33] At [27] Mr Bell said:

"Horizons believes the discharge of stormwater would be better managed through the use of detention options at an individual lot, or subdivision scale, rather than the precinct wide scale that is

being proposed by MDC. I see the Green Spine Buffer Management Area (GSBMA) adjacent in the Makino Stream, as proposed in Mr Young's evidence, as being the 'ambulance at the bottom of the cliff' quite literally looking to deal with stormwater from a large area immediately before it reaches the Makino Stream."

- [34] Horizons Regional Council was also concerned that large stormwater attenuation areas may constrain the natural movement in the alignment of the Makino/Mangakino Stream.
- [35] During the course of the hearing we asked questions concerning the design of the stormwater facilities adjacent to the Makino/Mangakino Stream and how they may affect amenity and public enjoyment. The original Structure Plan proposed walkways for public enjoyment adjacent to the Makino/ Mangakino Stream.
- [36] At the end of the hearing the matter was adjourned for the Manawatu District Council to liaise further with Horizons Regional Council.
- [37] The Council then commissioned GHD to prepare an attenuation assessment for Precinct 4. GHD produced a memorandum dated 17 September 2019. A conceptual development was set out in figure 1 also showing proposed reserve areas adjacent to the Makino/Mangakino Stream. Calculations as to the attenuation areas required for the east and western catchments were made in tables 3 and 4. The report concludes that attenuation structures are a feasible means of achieving hydraulic neutrality accounting for the supplying stormwater catchments shown in the diagram called "Precinct 4 Catchments" at Annex A.
- [38] Mr Young in his reply evidence (supported by a memorandum from Mr Bayliss the community facilities manager) concluded:

- (a) The GHD preliminary high level concept assessment demonstrates the area required to achieve hydraulic neutrality.
 - (b) The Council submits a revised Structure Plan showing indicative stormwater detention areas reflecting that stormwater analysis with a significant enlargement to the land to achieve that outcome. Mr Young put the enlarged land requirements at about an additional 9 hectares. That reflected the larger stormwater catchments adjacent to Precinct 4 that GHD identified and that need management to protect Precinct 4.
 - (c) The design of the attenuation system could be incorporated into an attractive river margin adjacent to the Makino Stream. The Council gave examples from Auckland including the Hooton Reserve and Lucas Creek in Albany, Auckland.
 - (d) Some degree of stormwater attenuation is required on-site by developers who must incorporate water sensitive urban design and low impact design.
- [39] By Minute No. 3 we gave other parties an opportunity to respond to or address the reply material. Horizons Regional Council did not take up that opportunity.
- [40] The issue that remains, as we see it, is whether or not the amended provisions of the Council recommended by Ms Harris (PC 51-(R2)) alongside the Council's stormwater infrastructural plans are sufficient to address stormwater issues recognising the constraints in capacity of the Makino/ Mangakino Stream to absorb additional peak flows.

Management of the margins of Mangakino/Makino Stream

- [41] In the previous section we have described the constraints associated with discharging stormwater into the Makino/Mangakino Stream after peak rainfall events.
- [42] Other constraints arise in relation to the management of the margin of the Makino/Mangakino Stream in the reach within Precinct 4. The first constraint is the preservation of the natural character of the margins from inappropriate subdivision and development. Some of the natural character of the stream margins is already compromised by historical patterns of land use and planting. However, an aspect of natural character is the ability of the river to change its meander and that is an element of natural character the One Plan seeks to preserve, within reason.
- [43] Another constraint is the direction in RMA s 6 as a matter of national importance to provide for the *maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers*. That direction dovetails with the Cultural Impact Assessment that encourages an appropriate relationship between people and the Makino/Mangakino Stream. Finally, RMA, s 6(e) is relevant because the Mangakino/Makino Stream is an ancestral water of Ngāti Kauwhata and it is necessary to preserve the relationship of tangata whenua with their ancestral water.
- [44] For all of the reasons above, management of the margin of the Makino/Mangakino Stream is a matter that must be sensitively attended to and operates as a constraint on uncontrolled urban development.

Other infrastructure

- [45] The infrastructure required to support development including the three waters is not in place now. The Council is going to develop that infrastructure in an incremental way that reflects the rate of uptake.

Because that infrastructure is not in place now there are constraints on development of land farthest from the existing urban fabric. Provisions are proposed in the Plan to ensure that services are available before subdivision is permitted. That technique will manage the way and the rate at which development occurs to achieve sustainable urban development.

Transportation network

- [46] In 2018 the Council obtained a traffic impact assessment of the development at Precinct 4. It is called the “WSP – Opus TIA”⁸.
- [47] There are three major intersections affected by development in growth Precinct 4. These are illustrated in figure 1-1 of the WSP – Opus TIA. The hearing focussed on the intersection of Kimbolton Road (State Highway 54), Pharazyn Street and North Street. That is identified as site 3 in the WSP – Opus TIA.
- [48] The WSP – Opus TIA report assumed growth in the Precinct so that it was fully occupied by 2038. That lead to four scenarios based on linear growth and development as follows:
- (a) Scenario 1: 2023 – 25% developed (450 households).
 - (b) Scenario 2: 2028 – 50% developed (900 households).
 - (c) Scenario 3: 2033 – 75% developed (1350 households).
 - (d) Scenario 4: 2038 – 100% developed (1800 households).
- [49] Based on trip generations statistics for each of these scenarios’ intersection performance was evaluated. That is set out in table 2 of the report.

⁸ WSP – Opus “Feilding Growth Precinct 4 – Traffic Impact Assessment” May 2018.

[50] Regarding the Kimbolton Road intersection (site 3) the report concludes:

“The North Street approach to Kimbolton road (SH54) intersection is significantly affected by the addition of development traffic (largely to and from Pharazyn Street) at the intersection with mitigation required at an early stage (unless significant traffic reassignment on to alternative routes through local sites is experienced). The Pharazyn Street approach is expected to operate within acceptable levels of delay until stage 4 of the development”.

[51] The WSP – Opus TIA report made the following recommendations to the Council

- (a) Undertake annual traffic monitoring on the arterial road network and key interconnecting routes to establish the level of growth from Growth Precinct 4;
- (b) Consider accelerating the development of an east-west roading link across the Makino Stream from its current staging proposal (Stage 3) to be delivered prior to the completion of the Stage 2 development stage (i.e. 900 households);
- (c) Undertake an options assessment of North Street/Lethbridge Street/Makino Road/Denbigh Street/Chamberlain Road and Churcher Street/North Street intersections to identify preferred mitigation options; and
- (d) Discuss the findings of the modelling assessment with relevant funding and investment partners within NZTA to identify and confirm preferred options for upgrading the Pharazyn Street/North Street/Kimbolton Road (SH54) intersection. Given growing midblock traffic volumes and increased access demands from local roads onto Kimbolton Road (SH54), consideration

should be given to undertaking a holistic review of network performance of the corridor between North Street and Aorangi Road.

[52] The WSP – Opus TIA report assumed staged development at Precinct 4 as shown in figure 4-1. That was, however, only an indicative development scenario and there is no staging proposed in the Plan provisions.

[53] NZTA submitted on the Plan Change. NZTA sought to provide a policy in the Plan Change to ensure existing limitations on the intersection with State Highway 54 by amending Policy 4.4 so that it read:

“To restrict subdivision and development within Growth Precinct 4 until essential infrastructure is in place and of sufficient capacity to service the subdivision, including but not limited to the following:

- Provision of a suitable intersection upgrade solution for increased traffic volumes on State Highway 54 (Site 3), and in conjunction with the New Zealand Transport Agency (NZTA); and*
- Provision of a funding agreement including a combination of contributions from the Transport Agency, the Council, and Developers”.*

[54] No one suggested that there is no engineering solution to the problems likely to be encountered from development in Precinct 4 on the State Highway intersection. The question is rather who will fund it and when? Ultimately, the NZTA has control of whether or not a new intersection meets its requirements. The amendment to Policy 4-4 that NZTA proposed uses a policy (associated with a discretion in rules) to control subdivision in the event agreement is not reached between the relevant road controlling authorities.

[55] Mr Jones is the Council's roading engineer. He has over 40 years' experience in that field. He explained in his evidence his attempts to resolve the funding issue with NZTA. The parties did not reach agreement and Mr Jones' opinion was that there was sufficient time for these issues to be resolved given the trajectory for development in Precinct 4.

[56] Evidence for NZTA was given by Ms Standish and NZTA's position was summarised at [6] of Ms Standish's evidence. She stated:

"Of concern to the Transport Agency is the expected timing of this failure. There is currently a lack of certainty regarding how the proposed development will be managed to avoid exceeding the point at which the safety of the State Highway is compromised. The Agency accepts that the solution doesn't necessarily need to be in place at this time. It does however maintain that a policy to ensure development is not allowed to progress beyond the point of an intersection failure occurring should be embedded within the plan through an appropriate policy."

[57] Ms Standish said that an appropriate trigger for the policy to bite was 50% development of Precinct 4.

[58] The NZTA's traffic engineer, Mr Tate, gave evidence. Concerning the impact on safety his evidence (framed without detailed analysis because of a late instruction) was as follows:

"Despite public concern, there is no safety issue with the SH54 intersection currently."

At stage 3-4 the crashes will increase via two mechanisms, exposure and risk taking. Exposure means as the traffic volume increases, the crashes also increase as there are more opportunities for a collision and more opportunities for drivers to make mistakes with the involvement of another vehicle. Risk

taking refers to the queues behind a driver putting pressure on them to try to use smaller gaps in the traffic they are trying to enter, meaning less margin for error and increasing mistakes.

At 50km/h, this usually results in minor or non-injury crashes except where vulnerable users are involved (pedestrians, cyclists, motorcyclists and drivers with conditions which make them susceptible to injuries). Increasing crashes puts these users at increasing risk of serious or fatal crashes.

Again, the impact of solutions has not been assessed for safety and we do not have an assessment of the effectiveness of any likely solution. Most solutions have pros and cons with respect to who is still at risk.

Overall, once 50% of the site is occupied, the traffic creates issues on the SH54 intersection/s with respect to delays and safety. The effectiveness, timing and funding of the treatments to address these effects has not been examined in sufficient detail. With respect to funding, my experience in the Agency and local government has observed that programmes are often oversubscribed and the creation of new issues on a SH network without planned treatment means the effects may not be addressed in a timely manner. The effects described are serious enough to concern the Agency.

To restrict subdivision and development within Growth Precinct 4 until essential infrastructure is in place and of sufficient capacity to service the subdivision, including but not limited to the following:

- *Provision of a suitable intersection upgrade solution for increased traffic volumes on State Highway 54 (Site 3), and in*

*conjunction with the New Zealand Transport Agency (NZTA);
and*

- *Provision of a funding agreement including a combination of contributions from the Transport Agency, the Council, and Developers.”*

[59] There is, therefore, a constraint in the roading network’s capacity to accommodate the entire development of Precinct 4. The problems will emerge strongly when the development of Precinct 4 is much more advanced. When that occurs is uncertain, but it is unlikely to occur before 2028.⁹

[60] Mr Jones in his reply evidence summarised further work carried out to try and reach agreement on developing a business case with NZTA for upgrade of the State Highway intersection and an appropriate shared funding arrangement. The first step in that process is a Point of Entry (PoE) assessment. That analysis identifies when in future planning NZTA and the Council should commence examining the operating gaps on State Highway 54 that will in turn inform the business case for improvements.

[61] Ms Harris in her right of reply also proposed a matter of discretion in respect of individual resource consents concerning the safe and efficient operation of the roading network.

[62] Ms Standish, replying to that reply, did not consider that individual matter of discretion was sufficient and continued to press for a policy 4.4 addressing the issue. Her proposed wording is set out below.

“To restrict subdivision and development within Growth Precinct 4 until provision of suitable roading treatments are in place and of sufficient capability to service the increased traffic volumes

⁹ Refer WSP – Opus TIA, Executive Summary section 42A report page 293.

onto State Highway 54 from development within Precinct 4, prior to Stage 2 (50% of development).

Advice Note: *It is anticipated that roading upgrades for intersection(s) onto State Highway 54 will be required due to the increased volume of traffic generated from Precinct 4 prior to 50% of Precinct 4 being developed. NZTA are the road controlling authority for the State Highway network and any upgrades to the State Highway network are required to be undertaken in consultation and agreement with the Transport Agency.”*

Matters in contention resolved during the hearing process

Removal of the Feilding Locality Nodal Area

[63] The District Plan has an area called the Feilding Locality Nodal Area. That area is shown in Appendix 5A, Diagram 1. It is an extensive area with diverse topography once covering 1159 ha. That area was pruned by new urban growth precincts to about 574 ha that remains untagged for urban development. The Feilding Locality Nodal Area operates as an overlay enabling unserviced lifestyle development on the outskirts of Feilding. It was designed to provide for lifestyle development opportunities close to Feilding and to operate as a buffer area between Feilding and the Rural Zone. It has been used to meet new residential demand such as on Mount Taylor. The Feilding Locality Nodal Area Plan incorporates part of Precinct 4. Plan Change 51 proposes to remove all of the Feilding Locality Nodal Zone.

[64] Many submitters were opposed to removal of the Feilding Locality Nodal Area beyond the Precinct 4 boundaries. Mr and Mrs Maurice were amongst their number. Mr and Mrs Maurice, through their trust, have been subdividing land in Mahua Road relying on Feilding Locality Nodal Area provisions. Mr Curtis, a Feilding based registered professional surveyor, gave expert evidence for Mr and Mrs Maurice. His major

contention was that Plan Change 51 was not the correct forum to consider removal of the Feilding Nodal Overlay Area beyond the Precinct 4. He pointed out that not even he, a local land development professional, was given any advance warning of the proposal to remove the Feilding Locality Nodal Area. Consequently, the public was largely unaware of it. Mr Curtis considered there had been inadequate discussion and evaluation of merits of its removal. Ms Blomfield, the Maurice's lawyer, adumbrated a point by point rebuttal of the Council's rationale for removing the entire nodal area at this time.

- [65] In oral reply, Ms Harris expressed her professional opinion at the hearing that she could no longer support removal of the Feilding Locality Nodal Area to the extent that it applied outside Precinct 4. Ms Harris then confirmed that position at [13] of her statement in reply with the following paragraph:

"A number of submitters raised concerns about the removal of the Feilding Locality Nodal Area from Appendix 5A of the District Plan. As outlined during the Hearing, I do not consider it fair on the community to recommend a change now, and then for the Rural Zone Plan Change (Schedule for Notification in 2020) to make further changes. The nodal area will change under the National Planning Standards approach therefore I recommend that only part of the Feilding Locality Nodal Area within growth Precinct 4 be uplifted. An amended plan for Appendix 5A is contained in Appendix 4 of this reply."

- [66] We agree with Ms Harris's assessment. The Feilding Locality Nodal Area provides development 'entitlements' that are long standing. Investment decisions have, no doubt, been made on that basis. Removal of the Feilding Locality Nodal Area as it applies to Precinct 4 makes sense because it is an up-zoning however, removing the Feilding Locality Nodal Area elsewhere operates as a 'downzoning'. That needs to be fully

evaluated and properly notified. If there are to be replacement provisions, they need to be comprehensive and enduring. Issues are likely to arise about whether there is sufficient provision for lifestyle development on the outskirts of Feilding and how lifestyle development intersects with other issues relevant to the Rural Zone.

- [67] Accordingly, the amended Feilding Locality Nodal Area that we adopt only removes land within Precinct 4.

Rimu Park

- [68] Rimu Park is a 3.5 ha recreation reserve on the south side of Roots Street West. It is classified as a recreational reserve and provides opportunities for active recreation but is somewhat under-provisioned. In the Structure Plan and Planning Maps for Plan Change 51 (N) Rimu Park was zoned residential. Any residential development would, of course, be subject to a Reserves Act process that has a public process for de-purposing a reserve.

- [69] The rationale for rezoning Rimu Park from recreation to residential is found in the Structure Plan report by the Council dated 20 August 2019. In that report it is stated:

“Rimu Park isn’t well utilised by the sports community nor local residents. Some possible reasons for this are is that it is too small to be a significant sports park due to only having two fields, or is it oversized for a neighbourhood park. As noted, it is underdeveloped in terms of infrastructure required for sports parks, clubrooms, changing rooms, public toilets. The recent District Wide Sports Facilities Review (2018), carried out by Visitor Solutions did not support future investment at Rimu Park.”

- [70] The concept was that Rimu Park is replaced with an area along the esplanade corridor of the Makino Stream.

- [71] Mr Dodge submitted on the plan change and gave evidence. He lives with his wife, next to Rimu Park. He gave evidence about why Rimu Park was a valuable space in the community. He considered that there was a need for green space on the western side of Makino Stream.
- [72] We queried the Council concerning whether it had undertaken any assessments of recreation needs of the existing and future urban community on the true right bank of Makino Stream. The Council acknowledged during the hearing that it had not. The revised Structure Plan in the Council's right of reply at Appendix 8.1 now show Rimu Park as a recreational facility. The proposed Planning Maps in PC 51-(R2) retain the existing recreation zoning.

The Council's right of reply and PC 51-(R2)

- [73] Completion of a plan change is an iterative process and tidying up provisions is part of the journey.
- [74] Ms Harris, leading the Manawatū District Council's team, was given further time to prepare revised plan provisions that addressed matters emerging from the alchemy of the hearing.
- [75] The final Council recommended plan change provisions are identified as PC 51- (R2). We received the following appendices as part of PC 51- (R2) in the Council's right of reply:
- (a) Appendix 1: Subdivision Chapter – PC 51-(R2) Plan Change Recommended Version.
 - (b) Appendix 2: Residential Zone Chapter – PC 51-(R2) Plan Change Recommended Version.
 - (c) Appendix 3: Extracts of the Definitions Chapter and Transport Revisions – PC 51-(R2) Plan Change Recommended Version.

(d) Appendix 4: PC 51-(R2) – New Appendix 5A Feilding Locality Nodal Area Map.

(e) Appendix 10: PC 51-(R2) – Planning Maps.

[76] These documents are attached to this decision as “Attachment 1” with some minor typos and corrections made to PC 51-(R2).

[77] Also attached, as “Attachment 2” is Ms Harris’s revised recommendations for all submissions. That is identified by the name “Appendix 1: Officer Recommendations and all Submissions – Growth Precinct 4 and New District Plan Structure”.

[78] Ms Harris explained the method of tracking the changes in the Plan Change provisions. Recommendations from the Council’s right of reply are shown with double underlining and highlighted by yellow shading. Changes that occurred from a notified version and were presented at the hearing in the s 42A report (PC 51-(R1)) are shown in Attachment 1 as single underlined changes.

[79] Our approach, therefore, is that when a change is required, we simply identify that in this decision by identifying the provision to be amended and the text that should apply. These changes will be put into a document by officers to be called PC 51-(C) with the “C” denoting it is the Commissioners version. PC 51-(C) and this decision will be available on the Council’s website.

Regulatory analysis

[80] Part 5 Resource Management Act 1991 (“RMA”) sets out our legal responsibilities. The starting point is that we must follow Schedule 1 (see RMA, s 73(1)). That means that we must resolve the matters in

contention raised by submissions. Through the process minor changes and adjustments to content are also permissible.

- [81] We are required, within the scope of our powers, to consider the matters in RMA, s 74. In particular, we note that the requirement in RMA, s 74(1) that states:

74 Matters to be considered by territorial authority

- (1) A territorial authority must prepare and change its district plan in accordance with—*
- (a) its functions under section 31; and*
 - (b) the provisions of Part 2; and*
 - (c) a direction given under section 25A(2); and*
 - (d) its obligation (if any) to prepare an evaluation report in accordance with section 32; and*
 - (e) its obligation to have particular regard to an evaluation report prepared in accordance with section 32; and*
 - (ea) a national policy statement, a New Zealand coastal policy statement, and a national planning standard; and*
 - (f) any regulations”.*

- [82] RMA, s 32 states:

“32 Requirements for preparing and publishing evaluation reports

- (1) An evaluation report required under this Act must—*
- (a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
 - (b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*
 - (i) identifying other reasonably practicable options for achieving the objectives; and*

- (4) *If the proposal will impose a greater or lesser prohibition or restriction on an activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard, the evaluation report must examine whether the prohibition or restriction is justified in the circumstances of each region or district in which the prohibition or restriction would have effect.*
- (4A) *If the proposal is a proposed policy statement, plan, or change prepared in accordance with any of the processes provided for in Schedule 1, the evaluation report must—*
- (a) *summarise all advice concerning the proposal received from iwi authorities under the relevant provisions of Schedule 1; and*
 - (b) *summarise the response to the advice, including any provisions of the proposal that are intended to give effect to the advice.*
- (5) *The person who must have particular regard to the evaluation report must make the report available for public inspection—*
- (a) *as soon as practicable after the proposal is made (in the case of a standard or regulation); or*
 - (b) *at the same time as the proposal is notified.*
- (6) *In this section,—*
- objectives** *means,—*
- (a) *for a proposal that contains or states objectives, those objectives:*
 - (b) *for all other proposals, the purpose of the proposal*
- proposal means a proposed standard, statement, national planning standard, regulation, plan, or change for which an evaluation report must be prepared under this Act*
- provisions means,—*
- (a) *for a proposed plan or change, the policies, rules, or other methods that implement, or give effect to, the objectives of the **proposed** plan or change:*

(b) for all other proposals, the policies or provisions of the proposal that implement, or give effect to, the objectives of the proposal.”

[83] The Council complied with that requirement by preparing an RMA, s 32 evaluation report and we must pay particular regard to it.

[84] In making any further changes we are obliged to comply with RMA, s 32AA that states:

“32AA Requirements for undertaking and publishing further evaluations

(1) A further evaluation required under this Act—

(a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and

(b) must be undertaken in accordance with section 32(1) to (4); and

(c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and

(d) must—

(i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or

(ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.

(2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).

(3) In this section, proposal means a proposed statement, national planning standard, plan, or change for which a further evaluation must be undertaken under this Act.”

- [85] In making this decision we do not prepare an additional RMA, s 32 report. Instead, this decision serves to address those matters we are required to address under RMA, s 32AA *'at a level of detail that corresponds to the scale and significance of the changes'*.¹⁰
- [86] It is noted that the objectives recommended by Ms Harris in PC51 (R1) were not contested and so we have no reason to doubt that they are *'the most appropriate way to achieve the purpose of the Act'* under RMA, s 32(1)(A). Where there remain areas of dispute it concerns policies, rules and other methods. We are, therefore, directed to consider the matters listed in RMA, s 32(1)(b) and RMA, s 32(2).

Observations on development contributions as an alternative method to overcoming infrastructure constraints

- [87] From the earlier parts of this decision, readers can see that a significant issue is whether or not existing constraints will be overcome by the future provision of infrastructure by the Council and, in the case of the State Highway intersection, by provision of intersection upgrades by the Council and NZTA.
- [88] It is also apparent from the section above that in the assessment of the content of the Plan Change we must also consider *"reasonably practicable options for achieving the objectives"*. Those *"alternative methods"* can include non-regulatory methods. That is why RMA, s 74(2) requires consideration of other management plans and strategies made under other Acts including the Local Government Act 2002. Those methods may also be referred to in the District Plan pursuant to RMA, s 75(2)(b).
- [89] The Council has the power to make and amend a development contributions policy that enables funding for new infrastructure. The

¹⁰ See RMA, s 32AA(1)(c).

Council also has the power to deliver programmes for community infrastructure necessary to address the externalities of urban growth.

[90] Mr Young made the point in his reply that there are a number of ‘outside of plan’ mechanisms intended to support infrastructure provisioning for Precinct 4. These include Council engineering standards and a development contributions policy. The development contributions policy is also acknowledged in PC 51-(R2) chapter 8, page 13.

[91] Ideally Council’s perform advanced planning in the Council’s Long Term Planning Strategies for funding of infrastructure that is anticipated to be necessary to support long-term growth: See National Policy Statement for Urban Development Capacity 2016, Policy: PA 1. But the world is seldom perfect and the reality is that councils often respond to needs by moving in a sequential way where one initiative is taken and others follow once the first initiative is successful. What is not in doubt is that councils have statutory responsibilities under the Local Government Act 2002 alongside the RMA and by and large perform these to a high standard. We therefore must take a sensible view on any risk that infrastructural provision will not occur recognising those statutory responsibilities and historical reality.

Determination on managing the constraints and resolving the key matters in contention

Flood hazards

[92] This issue fizzled out. As we have identified, Horizons Regional Council and the Council reached agreement that programmed works to upgrade the Reid Line Floodway are sufficient.

[93] Because community funded projects are planned to improve flood hazard resilience, we are satisfied that the direction in Part 2 section 6(h) is met.

- [94] We considered under RMA, s 74(2)(a)(i) the One Plan provisions. We are also satisfied that the Plan Change is consistent with the hazard management related provisions of the One Plan.

Stormwater management

- [95] Ms Harris explained the changes to the Plan Change provisions in the Subdivision Chapter in her right of reply. These are summarised in paragraphs 18-22 as follows:

"I met with Ms Tucker on 4 September to discuss the planning/policy issues raised by the Panel. In our discussions, we agreed that the provisions relating to Growth Precinct 4 needed to clearly distinguish between flood hazards and stormwater inundation hazards as this would provide greater clarity and consistency with the One Plan. As a result, I have used these terms in the redrafted provisions I am recommending here.

In reviewing the proposed provisions in relation to stormwater inundation I have largely focused on Objective 3 and its associated policies in the Subdivision Chapter. When considering the differences between flooding and stormwater inundation the current provisions were cumbersome. A fresh look has identified that some provisions could be combined (they ultimately were seeking to achieve a similar outcome) and made more directive.

In order to be consistent with the One Plan, the inclusion of the Stormwater Management Plan, and the recommended changes to refer to stormwater neutrality provide that more directive policy approach for plan users. As outlined in my s42A Report, Council already requires Contemporary Stormwater Management to be applied in land development. The recommended changes to the Subdivision Chapter further reinforce these and the direction of the One Plan.

I have also recommended changes to Rule 8.4.1 to be more directive in the matters of discretion, including in relation to stormwater inundation. I have, as a result of discussions with Ms Tucker, added to the Guidance Note in Rule 8.4.1.f for plan users to liaise with Horizons for flood information on the Makino (Mangakino) Stream.

In relation to the recommended requirement to supply a Stormwater Management Plan, I have recommended additional changes to refer to stormwater neutrality, consistent with the current wording in the District Plan for Growth Precincts 1-3.”

[96] In addition, Ms Harris referred to changes in the Structure Plan to provide additional stormwater attenuation or detention areas.

[97] Paragraph [27] of the right of reply states:

“As a result of the hearing and further discussions within Council and with Horizons, a revised Structure Plan showing ‘indicative stormwater detention areas’ is now recommended. These coincide with two existing overland flow paths. A greater area of land near the Makino (Mangakino) Stream is also proposed. Collectively these equate to approximately 90,628m² of additional land compared to that identified during the hearing. These areas, as I understand it, will enable greater stormwater management within Growth Precinct 4 and assist (alongside individual property initiatives) the area to achieve stormwater neutrality. The key approach is to ensure the stormwater generated in the area is not discharged to the Makino (Mangakino) Stream at a rate greater than what occurs now. The detention areas play a role in achieving the necessary stormwater attenuation.”

[98] We accept that the Council is entitled to make a policy call to prefer to manage stormwater attenuation by a means of public infrastructure. We

can see clearly the management issues of lot-scale management. We are satisfied that the Structure Plan provides for a sufficient area for attenuation of stormwater events when applied in combination with controls at the site scale for attenuation such as the provision of pervious areas.

[99] We are satisfied that that solution will be implemented in a timely way by long term infrastructural planning and, probably, a development contributions policy that enables funding of the land acquisition and engineering works required to provide that community facility. Further, the matters of discretion and policies all require major land owners to provide a comprehensive stormwater solution that will no doubt be achieved by development agreements that implement the Structure Plan. Any discharges of stormwater for development by the Council will require a resource consent. That is the ultimate accountability that the Council faces in planning for stormwater management in Precinct 4. A solution can be delivered from the areas where residential development may not occur on the margins of the Makino/ Mangakino Stream.

[100] We, therefore, support the amended Structure Plan and stormwater related provisions contained in PC 51-(R2).

[101] One qualification to that support is that we consider that the Plan Change may benefit from greater clarity about the minimum floor levels that apply and how they are to be calculated to address stormwater inundation risks. There is a possibility of ambiguity in the Plan provisions. For example, Policy 3.3 states:

“b. Requiring minimum floor levels for building to protect against flooding and stormwater inundation.”

[102] The question is what flooding is that referring to? Is it referring to flooding upstream because the Reids Line spillway is not yet able to deliver 1 in 200 year protection or is potential stormwater flooding the

stormwater catchments identified in the GHD report submitted with the right of reply? We understand that it is the latter. We consider a number of the provisions would benefit from refinement.

[103] We therefore propose for Policy 3.3b. the following:

“b. Requiring building platforms and minimum floor levels for buildings to protect against flooding and stormwater inundation from a 0.5% Annual Exceedance Probability (AEP) (1:200 year) flood event other than as a result of the failure of the Reids Line Floodway.”

[104] R 15.4.5 should read 350 mm rather than 300 mm freeboard as that is the figure officers recommended.

[105] Allied to that the freeboard should be 350mm in R 15.4.5.

[106] Similarly, Performance Condition F of Rule 8.4.1 should read:

“Building platforms must be identified which are at or above the flood and stormwater inundation level predicted for a 0.5% Annual Exceedance Probability (AEP) (1:200 year) flood event

Guidance Note : Calculations for this performance condition shall exclude flooding as a result of the failure of the Reids Line Floodway

Management of the margins of the Makino/Mangakino Stream

[107] Section 8.1 of the Subdivision Chapter identifies the potential effects of development on cultural and heritage sites and tangata whenua values. There is very little else in the Plan Change to address those matters identified in the Cultural Impact Assessment. There was also little plan content to address the margins of the Makino Stream. The issue of naming was addressed in Ms Harris’s PC 51-(R2) by recognition of the Maori name for the Makino Stream in the text.

[108] We are satisfied that the concept of stormwater attenuation in the margins of the Makino Stream could be appropriate and facilitate both revegetation and public access in a way that meets the requirements of RMA, section 6 and the recommendations of the Cultural Impact Assessment. That process of revegetation will benefit from the input of tangata whenua. In special recognition of the tangata whenua values associated with the Makino Stream we recommend for Objective 1 in section 8.3 an addition to “g” so that it reads:

“Open space networks that comprise stormwater attenuation networks, a range of recreation opportunities and stream side esplanade reserves all designed in consultation with tangata whenua so that ancestral connections to that water body and its margins are appropriately recognised and provided for.”

[109] We would also modify Performance Standard h(x) in Rule 8.4.1 so that it reads:

“How the proposed stormwater management approach recognises the Makino (Mangakino) Stream and its margins is a sensitive receiving environment where natural, public access and tangata whenua values must be recognised and provided for by identifying and enhancing those values.”

[110] The point behind that last provision is to ensure that any stormwater design responds to and addresses the other values that are essentially protected by the matters of national importance in RMA, s 6. That precludes any developer proposing an entirely functional stormwater facility that does not respond to these other matters.

[111] Allied to that point, we recommend a change to Performance Condition d in Rule 8.4.1d(v) so that it reads:

“Includes a spatial layout plan showing how the development achieves connectivity and integration to the wider area including public access along the Makino (Mangakino) Stream and its margins.”

- [112] With these amendments we are satisfied that the proposed changes to the District Plan in PC 52-(R2) will be sufficient to meet the Council’s statutory responsibilities. Those land owners with land adjacent to the Makino Stream will have to address the margins of the Makino (Mangakino) Stream appropriately.

Other infrastructure

- [113] The National Policy Statement on Urban Development Capacity 2016 defines development infrastructure as follows:

*“**Development Infrastructure** means network infrastructure for water supply, wastewater, stormwater, and land transport as defined in the Land Transport Management Act 2003, to the extent that it is controlled by local authorities.” [emphasis added]*

- [114] Policy PA1 requires local authorities to ensure development infrastructure is provided for, with different standards of provision for the short term, medium term and long term. We are satisfied that the development infrastructure required to support the development is feasible. However, there is no evidence that that development infrastructure required is identified in the Council’s Long Term Plan as required by that policy.

- [115] The absence of provision for infrastructure in the Long Term Plan does not count against granting the Plan Change. This obligation operates on local authorities and they are required to give effect to it. If those funding arrangements are not in place then there are sufficient tools to constrain a development capacity until they are through the Plan provisions. The

reality is that development on the edges of the existing urban fabric can be supported by logical extensions of existing services. More remote parts of Precinct 4 will develop over a longer period and we are satisfied the Council has a sufficient window of time to make provision for the financing of the necessary infrastructure to support development. That is however an important and necessary workstream.

- [116] Controls on subdivision until the appropriate infrastructure is in place as provided in PC 51-(R2) is a sufficient protection on growth constraints from infrastructure provision. It is an efficient and effective way of bedding down the resource management framework so that infrastructural planning can follow.

Transportation network

- [117] The only part of the transportation network that gives rise to concern is the intersection between State Highway 54/Kimbolton Road/North Street.

- [118] That infrastructure meets the definition of “Other Infrastructure” in the National Policy Statement and Urban Development Capacity 2016 that reads:

“Other Infrastructure means:

- a) open space;*
- b) community infrastructure as defined in the Local Government Act 2002;*
- c) land transport as defined in the Land Transport Management Act 2003, that is not controlled by local authorities;*
- d) social infrastructure such as schools and healthcare;*
- e) telecommunications as defined in the Telecommunications Act 2001;*
- f) energy; and*

g) *other infrastructure not controlled by local authorities.”*

[119] Policy PA2: describing an outcome of planning decisions is as follows:

“PA2: Local authorities shall satisfy themselves that other infrastructure required to support urban development are likely to be available.”

[120] Ms Harris in her right of reply identified that the area of difference between NZTA and the Council was whether there was a policy with a trigger restricting development until funding arrangements were made for the upgrade of the intersection. At [38] – [40] of her right of reply Ms Harris stated:

“38. NZTA sought the inclusion of a policy to restrict development when a certain amount of land within Growth Precinct 4 is developed. As part of reviewing the wording of the matters of discretion in Rule 8.4.1. I have identified that a clearer statement of discretion relating to the safe and efficient operation of the roading network is more appropriate than the narrow matters that were in the proposed rule. In my mind this would also cover the wider roading issues than what currently exists. This may go so [sic] way to address the concerns of the NZTA.

39. I remain of the view that a policy in the Plan around funding is not appropriate as the Resource Management Act does not address funding issues. As stated at the hearing, I do not consider a policy to restrict development to be meaningful or achievable. It would act as a draconian approach, rather than the more appropriate approach of allowing an agreement to be made outside the District Plan process.

40. *I have discussed how this type of policy would work in practice with Council's Principal Planner. While I have recommended changes to the matters of discretion to refer to the safe and efficiency of the roading network, there remains a concern on how in practice this would result in a change to the intersection. No upgrade of the intersection could reasonably be required as a condition of a subdivision consent as the intersection is outside the Growth Precinct Area. It is on this basis that my original view that the issue should be addressed by an agreement between NZTA funding now for the future, particularly given the more pressing safety issues NZTA have on other parts of the network."*

[121] The policy recommended by Ms Standish is set out at [57] and [58] of this decision is somewhat different from what Ms Harris contemplated. There are a number of features about it that are problematic.

[122] The first problem with Ms Standish's policy is that it refers to Stage 2 when there is in fact no Stage 2 identified in the Plan Change. The second is that the trigger is identified as being at 50% of development. At that point one can expect that the policy contemplates restriction of subdivision. However, the 50% trigger is by no means a robust trigger that we can affirm at this point in the assessment process. It depends on the configuration and patterns of development and where the traffic flows occur and the extent to which they may or may not be diverted by other infrastructure. It is an arbitrary policy. It is arbitrary because no expert gave detailed evidence to justify it and the WSP – Opus TIA report only recommended monitoring the situation. The advice note to Ms Standish's policy does nothing more than describe a statutory reality. The major problem with the proposed policy 4.4, as Ms Harris identified, is that it attempts to restrict subdivision of land for its intended purpose

on the premise that controlling authorities are not performing their statutory function.

[123] We consider that one of the reasons PA2 in the National Policy Statement on Urban Development Capacity is written the way it is, is because that it is virtually impossible to accurately assess the risk of positive or adverse statutory funding decisions and their timing under other statutory frameworks.

[124] We did not receive any evidence to suggest that the appropriate intersection infrastructure is unlikely under PA2. We start from the following assumptions:

(a) That the road controlling authorities acting under the legislation will act reasonably.

(b) Allocation of costs and funding sharing will be decided rationally in accordance with the statutory frameworks and the reasonable requirements of the relevant agencies.

(c) There is an engineering solution to the problem.

[125] We consider on the basis of these assumptions that the necessary infrastructural upgrade is likely. How and when it will be funded is another matter. It may be prudent for the Council to plan, if it develops a development contribution policy, for the costs of growth associated with any upgrade to be included at appropriate levels so that the Council is in a situation where it can fund the growth component attributable to local development to the extent reasonably required by NZTA.

[126] We consider that it is not appropriate to place future developers in the situation where they have consents refused when they are mere spectators (and not agents) in a contest between agencies concerning appropriate funding arrangements.

[127] In making these observations we do not suggest that just because the work has to be carried out on State Highway then it is entirely a cost that should be borne from the funds obtained by NZTA for maintenance of the efficient operation of the State Highway system. These matters are outside our remit.

Other matters

[128] A number of submitters own land that was developed as lifestyle blocks on the fringe of Feilding. They resisted a residential zone which would bring with it higher rates. Our assessment is that the management of the rating system is an executive function of the Council and not a relevant consideration under the Resource Management Act. Provision of land for urban purposes inevitably changes its value and how it is rated and that is a necessary consequence of managing land efficiently for the common good.

[129] The Chapter 15, Rule 15.4.2(d)(ii) does not include Performance Standard for front yard setbacks for accessory buildings.

[130] We consider that the following amendments to Performance Conditions to Rule 15.4.2(d)(ii) and Rule 15.4.8(c)(ii) should be made:

“ii. The following yard setbacks apply to all accessory buildings:

a. Side and rear boundary: 1.5m

b. Between other buildings on the site: 1m

c. 3 metres from the boundary with any road unless it is a garage or carport facing the road and having direct access from the road, in which case the minimum separation distance shall be 6 metres.”

[131] Appendix 8.2 in Chapter 8 shows overland flow paths at page 19. It is not implemented by any policy. We consider that Policy 3.3c should be amended as follows:

“Requiring an approach to stormwater management that recognises and utilises the capacity of the existing systems and existing overland flow paths within Growth Precinct 4 as identified in Appendix 8.2.”

Conclusion and Decision

- [132] We adopt the provisions in PC 51-(R2) in Attachment 1 as recommended by Andrea Harris with the amendments identified in paragraphs 103, 104, 105,107,108, 110, 129, 130 and 131.
- [133] We adopt the response to submissions in the Attachment 2 prepared by Andrea Harris and shown in Annexure 2 together with those responses in Appendix 1 to the s 42A report (unless modified by Attachment 2) subject to the modifications in our decision in paragraphs 103, 104, 105,107,108, 110, 129, 130 and 131.
- [134] We reserve the right to check and make minor changes to PC 51- (C) in its final form within the time permitted by the RMA.



John Maassen
Commissioner



Alison Short
Commissioner



Shane Casey
Commissioner

Attachment 1

Appendix 1: Subdivision Chapter – PC(R2) Plan Change Recommended Version

8.0 SUBDIVISION

8.1 Introduction

Subdivision and subsequent land development often involves land disturbance, vegetation removal, and changes to the natural and physical environment. Subdivision is a process that enables future land use activities to establish that may not otherwise be allowed in some areas, such as additional ~~dwellings~~ residential units¹¹ in urban or rural areas. Once subdivision has occurred, certain expectations for the use and development of that land often become apparent.

The effects of subdivision include:

- Changing ground levels that alter run-off patterns and natural hazards
- Effects on existing natural hazards
- Additional demands on capacity of essential infrastructure (network infrastructure), existing private services and physical construction
- Effects on natural character, natural resources, water quality
- Effects on cultural and heritage sites, Tangata Whenua values
- Effects on existing character and amenity values
- Loss of productive land
- Effects on the safe and efficient functioning of the roading network, including additional vehicle accesses, traffic flows and patterns, road safety and the efficient movement of traffic.

Section 11 of the Act was amended in 2017 so that subdivision is now permitted unless expressly restricted by rules in the District Plan or a national environmental standard. This is consistent with the presumption that land use is permitted, unless restricted under Section 9 of the Act.

This chapter should be read along with the provisions in Chapter 3 – District Wide Rules and the relevant zoning provisions in the District Plan, including Chapter 15 – Residential Zone. The Council’s Engineering Standards ~~for Land Development~~¹² should also be referred to when considering subdivision of land within the District.

¹¹ SO28/009 (Manawatū District Council)

¹² SO28/013 (Manawatū District Council)

The key focus of this chapter is the subdivision and land development provisions for Growth Precinct 4. As the Sectional District Plan Review progresses, provisions for other zones, including the remaining Residential Zone provisions will be inserted into the Chapter through other Plan Changes.

8.2 Resource Management Issues

The following resource management issues have been identified in relation to subdivision:

1. Limitations on growth in Feilding and other centres in the District due to natural hazards, topography and natural and physical features, effluent disposal and infrastructure provision.¹³
2. Recognition of natural hazards in the design and implementation of subdivisions, including subsequent land use.¹⁴
3. The need to restrict unplanned urban expansion into rural areas which affects rural productivity, amenity, character, the natural environment and resulting land uses.¹⁵
4. The need to control Feilding's growth, while providing for a variety of lot sizes for residential.¹⁶
5. Uncoordinated and inefficient provision of infrastructure and the effects on urban form when development is unplanned.¹⁷
6. The need to provide sufficient residentially zoned land to provide for future growth projections.¹⁸
7. The need for new developments within Growth Precinct 4 to be in accordance with any relevant structure plan and be appropriately staged to ensure the integrated provision of infrastructure at the earliest stage of development.¹⁹
8. The need for connectivity between staged developments and surrounding residentially zoned land.²⁰

¹³ Supported by SO18/003 (Powerco)

¹⁴ Supported by SO18/003 (Powerco)

¹⁵ Supported by SO18/003 (Powerco)

¹⁶ Supported by SO18/003 (Powerco)

¹⁷ Supported by SO18/003 (Powerco)

¹⁸ Supported by SO18/003 (Powerco)

¹⁹ Supported by SO18/003 (Powerco)

²⁰ Supported by SO18/003 (Powerco)

9. The transition of land between existing rural use and future residential use following changes in zoning and creation of new reverse sensitivity issues while the area is developed in the future.²¹

8.3 Objectives and policies

Objective 1

~~To ensure subdivision and land development within Growth Precinct 4 achieves the following overall urban design outcomes: The following urban design outcomes are achieved for Growth Precinct 4:~~²²

- a. A well-integrated and coordinated development that creates strong connectivity between new and existing development.²³
- b. Connectivity with existing infrastructure and transportation networks is achieved ~~taking into account infrastructure capacity and requirements to upgrade capacity to meet future demands.~~²⁴
- c. Subdivision design that recognises and responds to the topographical and physical features of the land, including waterbodies.²⁵
- d. A range of residential densities.²⁶
- e. Efficient utility services are provided including roading, reticulated wastewater, water supply, stormwater networks and power and telecommunication networks.²⁷
- f. Neighbourhood focal points which provide meeting points within the precinct.²⁸
- g. Open space networks that comprise stormwater attenuation networks, a range of recreation opportunities, and stream side esplanade reserves.²⁹
- h. Areas identified as high risk for flooding hazards and stormwater ~~overland flow paths and ponding~~ inundation hazards are avoided or

²¹ Supported by SO18/003 (Powerco)

²² SO18/004 (Powerco)

²³ Supported by SO33/001 (Horizons)

²⁴ Supported by SO33/003 (Horizons) and following hearing

²⁵ Supported by SO33/003 (Horizons)

²⁶ Supported by SO33/001 (Horizons)

²⁷ Supported by SO33/003 (Horizons)

²⁸ Supported by SO33/001 (Horizons)

²⁹ Supported by SO33/003 (Horizons)

managed to minimise the risk of damage to property or human life.

30

Policies

- 1.1 Subdivision and development within Growth Precinct 4 is ~~guided~~ **directed** by a structure plan that identifies:³¹
 - a. Key transportation connections.
 - b. Open Space and recreational opportunities.
 - c. Shared pathways, including cycleways and walkways.
 - d. Hazard areas ~~including overland flow paths~~.
 - e. Stormwater detention areas following overland flow paths.³²
- 1.2 To ensure all proposed lots are designed to achieve good urban design outcomes with connected outdoor living spaces, sunlight to habitable rooms, and onsite privacy.³³
- 1.3 To control intensive residential subdivision and development of land.³⁴
- 1.4 To avoid fragmented patterns of subdivision and development that is inconsistent with the integrated planned development shown in Growth Precinct 4 Structure Plan in Appendix 8.1.³⁵
- 1.5 To ensure that any staged subdivision and development enables overall connectivity within and beyond Growth Precinct 4 in accordance with the Growth Precinct 4 Structure Plan in Appendix 8.1.³⁶

³⁰ Supported by SO33/003 (Horizons) and changes following hearing

³¹ Supported by SO33/003 (Horizons) and changes following hearing

³² SO33/003 (Horizons)

³³ Supported by SO33/002 (Horizons)

³⁴ Supported by SO33/002 (Horizons)

³⁵ Supported by SO33/002 (Horizons)

³⁶ Supported by SO33/002 (Horizons)

Objective 2

~~To ensure subdivision and development within Growth Precinct 4 achieves an attractive and sustainable urban neighbourhood.~~^{37 38} An attractive and sustainable urban neighbourhood is achieved for Growth Precinct 4.³⁹

Policies

- 2.1 To ~~ensure~~ require subdivision design ~~to~~ implements the Growth Precinct 4 Structure Plan in Appendix 8.1.^{40 41}
- 2.2 To require the integration of new development with the surrounding environment, whereby lots including those to vest as roads, are positioned to create a logical extension of existing urban areas.⁴²
- 2.3 To require that all development is undertaken in a comprehensive manner consistent with a Comprehensive Development Plan where stages are clearly identified and connectivity is shown.⁴³
- 2.4 To ensure block layouts within the subdivision proposal have road frontage and rear lots are discouraged.⁴⁴
- 2.5 To ~~avoid~~ discourage the use of cul-de-sacs to enable a high level of accessibility and connectivity in the local street network.^{45 46}
- 2.6 To encourage subdivision designs which create a neighbourhood identity using positive characteristics of established areas reflecting cultural, heritage and natural values of the site and surrounding areas.⁴⁷
- ~~2.7 To require all power and telecommunication infrastructure to be underground.~~^{48 49}

Guidance Note: Refer also to Policy 3A 1.3 which encourages all new cables and lines, including electricity distribution lines to be installed underground.⁵⁰

³⁷ Supported by SO10/002 (Michael Duindam)

³⁸ Supported by SO33/004 (Horizons)

³⁹ SO18/005 (Powerco)

⁴⁰ Supported by SO33/004 (Horizons)

⁴¹ SO18/006 (Powerco)

⁴² Supported by SO33/004 (Horizons)

⁴³ Supported by SO33/004 (Horizons)

⁴⁴ Supported by SO33/004 (Horizons)

⁴⁵ Supported by SO33/004 (Horizons)

⁴⁶ SO29/004 (Proarch)

⁴⁷ Supported by SO33/004 (Horizons)

⁴⁸ SO18/007 (Powerco)

⁴⁹ Supported by SO33/004 (Horizons)

⁵⁰ SO18/007 (Powerco)

Objective 3

To ensure development of Growth Precinct 4 manages the potential risk to people and buildings from natural hazards.⁵¹ In the development of Growth Precinct 4 the potential risk to people and buildings from natural hazards and stormwater inundation⁵² is managed.⁵³

Policies

3.1 To manage natural hazard risk by requiring setbacks ensure subdivision in hazard areas is undertaken in a manner to manage natural hazard risk.^{54 55}

3.2 To require the mitigation of residual risk of stormwater inundation outside of Flood Channel Zone flood hazard areas through subdivision design layout.^{56 57}

~~3.3 To ensure development within overland flow paths shown in Appendix 8.2 are managed in an integrated manner recognising the wider development context of Growth Precinct 4 development.⁵⁸~~

⁵⁹

3.3 To manage stormwater inundation by:

a. Ensuring adequate pervious surface is available for every residential lot in the subdivision, taking into consideration built and hard surfaces.^{60 61}

b. Requiring building platforms and minimum floor levels for buildings to protect against flooding and stormwater inundation to achieve a 0.5% Annual Exceedance Probability (AEP) (1 in 200 year) flood event.^{62 63}

c. Requiring an integrated approach to stormwater management that recognises the capacity of existing systems and existing overland flow paths within Growth Precinct 4 as identified in Appendix 8.2.^{64 65}

⁵¹ Supported by SO33/005 (Horizons)

⁵² SO33/003 (Horizons)

⁵³ SO18/008 (Powerco)

⁵⁴ Supported by SO18/009 (Powerco)

⁵⁵ SO33/003 (Horizons)

⁵⁶ Supported by SO18/009 (Powerco)

⁵⁷ SO33/003 (Horizons)

⁵⁸ Supported by SO33/003 (Horizons) and following hearing

⁵⁹ Supported by SO18/009 (Powerco)

⁶⁰ Supported by SO33/003 (Horizons)

⁶¹ Supported by SO18/009 (Powerco)

⁶² Supported by SO33/003 (Horizons)

⁶³ Supported by SO18/009 (Powerco)

⁶⁴ Supported by SO33/003 (Horizons)

⁶⁵ Supported by SO18/009 (Powerco)

~~3.4 To encourage low impact stormwater design by ensuring adequate pervious surface is available for every residential lot in the subdivision, taking into consideration built and hard surfaces.^{66 67}~~

3.4 To ensure that any stormwater management measures and earthworks are in place and approved to Council's engineering standards at the time of subdivision, with ongoing controls to protect the integrity of stormwater management measures of adjoining landowners.^{68 69}

3.5 To ensure that the water supply within Growth Precinct 4 has sufficient capacity and pressure to meet the needs of all development including New Zealand Fire and Emergency New Zealand Service⁷⁰ requirements.⁷¹

Guidance Note: Refer also to the New Zealand Fire Service firefighting water supplied code of practice SNZ PAS 4509:2008. This Code identifies what is required for the Fire and Emergency New Zealand Service⁷² to have access to sufficient water during emergencies.

~~3.7 To ensure stormwater risk is mitigated by requiring minimum floor levels for buildings.^{73,74}~~

~~3.8 To require an integrated approach to stormwater management that recognises the capacity of existing systems and overland flow paths within Growth Precinct 4.^{75,76}~~

3.6 To require an integrated Stormwater Management Plan to be lodged at the time of subdivision that demonstrates:

- a. how stormwater collection, attenuation and discharge is managed onsite to achieve stormwater neutrality for the proposed development at subdivision stage; and⁷⁷
- b. low impact design best management practices to reduce stormwater runoff volumes and peak flow rates, and improve the quality of stormwater runoff is achieved; and

⁶⁶ Supported by SO33/003 (Horizons) Note provision has been moved to new Policy 3.3

⁶⁷ Supported by SO18/009 (Powerco) Note provision has been moved to new Policy 3.3

⁶⁸ Supported by SO33/003 (Horizons)

⁶⁹ Supported by SO18/009 (Powerco)

⁷⁰ SO38/001 (FENZ) tabled evidence

⁷¹ Supported by SO18/009 (Powerco)

⁷² SO38/001 (FENZ) tabled evidence

⁷³ Supported by SO33/003 (Horizons) Note provision has been moved to new Policy 3.3

⁷⁴ Supported by SO18/009 (Powerco) Note provision has been moved to new Policy 3.3

⁷⁵ Supported by SO33/003 (Horizons) Note provision has been moved to new Policy 3.3

⁷⁶ Supported by SO18/009 (Powerco) Note provision has been moved to new Policy 3.3

⁷⁷ SO33/003 (Horizons) and following hearing

c. how stormwater detention areas are maintained and managed.⁷⁸

~~3.7.4~~ To require consent notices on titles outlining measures required to implement recommendations from any technical reports to achieve water sensitive stormwater designs within Growth Precinct 4, including requirements to maintain all measures.⁷⁹

Guidance Note: Any development must also consider the requirements of the Council Engineering Standards for Land Development⁸⁰ when preparing the Comprehensive Development Plan.

Objective 4

~~To enable the development of Growth Precinct 4 in accordance with the Growth Precinct 4 Structure Plan in Appendix 8.1 and where development delivers an integrated infrastructure network for the entire site.~~⁸¹ A comprehensive spatial layout and an efficient and well integrated infrastructure network is delivered for Growth Precinct 4.⁸²

Policies

- 4.1 To ensure the integration of essential infrastructure into the existing Feilding network creating an efficient and orderly development within urban areas.⁸³
- 4.2 To ensure that infrastructure and services to Growth Precinct 4 are provided in a way that enables or facilitates future development opportunities while recognising the capacity of existing systems.⁸⁴
- 4.3 To ensure subdivision and development contributes to and does not undermine the integrated and comprehensive spatial layout for Growth Precinct 4 as identified in the Structure Plan in Appendix 8.1.^{85 86}
- 4.4 To restrict subdivision and development within Growth Precinct 4 ~~until~~ where Council's essential infrastructure is not in place and of sufficient capacity to service the subdivision.^{87 88 89}

⁷⁸ SO33/003 (Horizons) and following hearing

⁷⁹ SO33/003 (Horizons)

⁸⁰ SO28/013 (Manawatū District Council)

⁸¹ Supported by SO33/006 (Horizons)

⁸² SO18/010 (Powerco)

⁸³ Supported by SO33/006 (Horizons)

⁸⁴ Supported by SO33/006 (Horizons)

⁸⁵ SO18/010 (Powerco)

⁸⁶ Supported by SO33/006 (Horizons)

⁸⁷ Supported by SO33/006 (Horizons) and following hearing

⁸⁸ SO18/011 (Powerco)

⁸⁹ SO18/012 (Powerco)

- 4.5 To ensure all road design is consistent with form, function and amenity of roads, including provision for vehicles, walking and cycling, consistent with requirements in Chapter 3B – Transport.⁹⁰

Guidance Note: Any development must also consider the requirements of the Council Engineering Standards for Land Development⁹¹ when preparing the Comprehensive Development Plan.

8.4 Rules

Rules in this chapter need to be read in conjunction with the District Wide Rules in Chapter 3 and the relevant zone provisions.⁹²

8.4.1 Restricted Discretionary Activities

The following activity is a Restricted Discretionary Activity in respect to subdivision:

- a. Any subdivision of land within the area shown within the Growth Precinct 4 Structure Plan in Appendix 8.1.

For this activity, the Council has restricted its discretion to considering the following matters:

- The size, shape and arrangement of lots ~~in relation to road frontages, and location of proposed boundaries.~~
- Provision of water supply and disposal of water, wastewater and stormwater ~~where the design and capacity of any reticulated systems reflect the new and anticipated future demand and requirements.~~⁹³
- The number, location and formation of vehicle crossings.
- Safe and efficient operation of the roading network, including walking and cycling. The provision of connected street network, with appropriate use of street hierarchy and design type, including the width, length, drainage and formation of access.⁹⁴
- Suitability of proposed lots for subsequent buildings and future use.

⁹⁰ Supported by SO33/006 (Horizons)

⁹¹ SO28/013 (Manawatū District Council)

⁹² Supported by SO33/007 (Horizons)

⁹³ SO33/003 (Horizons)

⁹⁴ SO20/002 (NZTA)

- ~~Design and layout of the subdivision, as outlined in the Comprehensive Development Plan submitted as part of the application.~~
- ~~Provision of a network of cycleways and walkways to the extent that these service the subdivision and wider Growth Precinct 4 and wider Feilding Residential Area.⁹⁵~~
- Avoidance or mitigation of flood hazard and stormwater hazards inundation, including the assessment of the level of flood hazard risk and what mitigation measures are required such as setback distances, minimum floor levels or specified building platforms.⁹⁶
- The provision of open space networks.
- ~~How the subdivision provides for a building platform and land free from hazard risks while also achieving a permeable surface for all lots⁹⁷~~
- Availability ~~Effects on the capacity~~ of Council infrastructure.⁹⁸
- Consistency with Council's Engineering Standards.⁹⁹
- ~~Staging and timing of subdivision development including the provision of infrastructure.~~
- ~~Positive effects of subdivision.~~
- ~~How stormwater sensitive design principles, including onsite attenuation, are integrated into subdivision design.¹⁰⁰~~

Performance Standards

- a. Lot Size ¹⁰¹
 - i. Any subdivision must comply with an average lot size of 600m².

⁹⁵ SO20/002 (NZTA)

⁹⁶ SO33/003 Horizons)

⁹⁷ SO33/003 (Horizons)

⁹⁸ SO33/003 (Horizons)

⁹⁹ SO33/003 (Horizons)

¹⁰⁰ SO33/003 (Horizons)

¹⁰¹ Supported by SO19/001 (Haydon Christian)

- ii. Any subdivision must ensure lot sizes are sufficient in size to achieve site coverage, outdoor space and permeable surface area requirements for the Residential Zone in Rule 15.4.2.
- b. Access and Road Design
- i. Access and Road Design and construction must comply with Council Engineering Standards ~~for Land Development~~¹⁰². Common access to eight or more lots must be provided by road formed to Council standards.
 - ii. Access must comply with the provisions in Rule 3B.4.2 and 3B.4.3.
 - iii. Roads must comply with the design requirements of Appendix 3B.2 Road Cross Sections.

c. Shape Factor

Each residential lot must be capable of containing an 18m diameter circle.

d. Comprehensive Development Plan

Any development and subdivision must have a Comprehensive Development Plan that demonstrates ~~how the proposal has been designed in general accordance with the Growth Precinct 4 Structure Plan in Appendix 8.1. The Comprehensive Development Plan must demonstrate~~ how the proposal:

- ~~i. addresses and ensures that design, layout and servicing is in accordance with the Structure Plan in Appendix 8.1 and does not restrict future development opportunities within the area.~~
- ii. demonstrates a connected internal roading network that facilitates movement demands within the area while also providing a block structure that supports a high quality urban environment.
- iii. shows the location, width and design of publicly accessible roads, laneways and accessways having regard to vehicles, public transport, pedestrians and cyclists that are intended to use them.

¹⁰² SO28/013 (Manawatū District Council)

- iv. outlines the servicing required for the development, and ensures suitable sizing of infrastructure to service the wider Growth Precinct.
- v. includes a spatial layout plan showing how the development achieves connectivity and integration to the surrounding area.
- vi. identifies the location and shape of publicly accessible open space areas, and provides indicative landscape concepts recognising the historical values of the area.
- vii. Identifies the location of natural watercourses and overland flow path and how these will be managed or enhanced.
- viii. provides clear reference to:
 - a. The objectives and policies of the Zone
 - b. Current and anticipated future built form and uses
 - c. Anticipated future capacity of the activity area
 - d. Relationships and connections within Growth Precinct 4.
- e. Earthworks
 - i. All subdivisions must comply with the provisions in Rules 3D.4.1 and 3D.4.2.
 - ii. Existing overland flow paths as shown in Appendix 8.2 are maintained and not filled in, dammed or diverted.¹⁰³

Guidance Note: Earthworks, damming and diversion are also regulated by the Manawatū-Wanganui Regional Council and a resource consent maybe required under the rules of the One Plan.

f. Building Platforms-Minimum Floor Levels¹⁰⁴

Building platforms must be identified which are at or above the flood and stormwater inundation level predicted for a 0.5% annual exceedance probability (AEP) (1 in 200 year) flood event.¹⁰⁵

Guidance Note: Council has a model for stormwater that can be used to predict flood levels for areas within Growth Precinct 4. Liaison with Council's Land Development Manager is recommended. Refer

¹⁰³ SO28/002 (Manawatū District Council)

¹⁰⁴ Supported by SO33/005 (Horizons) and following hearing

¹⁰⁵ SO33/003 (Horizons)

to Manawatū Whanganui Regional Council for flood information on the Makino (Mangakino) Stream.¹⁰⁶

- g. Infrastructure¹⁰⁷
- i. All cables and pipes, including for gas, power and telecommunications must be placed underground, except where they are required to be above ground for connection to associated infrastructure.¹⁰⁸
 - ii. All Council's¹⁰⁹ essential infrastructure must be available for connection within 30 metres of the nearest point of the land being subdivided.
 - iii. Any subdivision must be connected to reticulated services ~~and be~~³⁴⁶ designed and constructed to comply with Council Engineering Standards ~~for Land Development~~¹¹¹.
 - iv. All ~~new Council's~~¹¹² new essential infrastructure proposed in a subdivision must be located within road reserve and vested in Council.
 - v. Development must only occur in areas where Council's¹¹³ essential infrastructure is available and of sufficient capacity for the subdivision.

Guidance Note: In situations where development is proposed ahead of Council infrastructure investment, Council may enter into agreements with land owners as outlined in the Council Development Contributions Policy around the provision of Council's¹¹⁴ essential infrastructure.

- h. Stormwater Management Plan¹¹⁵

For Growth Precinct 4, a report from a Chartered Professional Stormwater Engineer identifying the potential stormwater risks to

¹⁰⁶ SO33/003 (Horizons)

¹⁰⁷ SO28/012 (Manawatū District Council)

¹⁰⁸ SO18/012 (Powerco)

¹⁰⁹ SO18/012 (Powerco)

¹¹⁰ SO33/003 (Horizons)

¹¹¹ SO28/013 (Manawatū District Council)

¹¹² SO18/012 (Powerco) and Powerco tabled evidence

¹¹³ SO18/012 (Powerco)

¹¹⁴ SO18/012 (Powerco)

¹¹⁵ SO33/003 (Horizons)

the site and how stormwater neutrality will be achieved at the following scales:

i. over the area of land that is the subject of the subdivision proposal

ii. over the Growth Precinct in which the subdivision proposal is located.

~~infrastructure that supports development is required.~~ This report must cover:

- iii. A site specific hydrologic modelling assessment based on the proposed subdivision plan and includes assessment for how the stormwater will be collected, attenuated and managed onsite.
- iv. Scoping of all internal stormwater infrastructure and how it will interact with the existing drainage system including connection to the existing stormwater network.
- v. Treatment of all stormwater runoff prior to discharge to the primary network.
- vi. Protection of treatment devices and treatment runoff during all phases of construction.
- vii. Outline how the development will hydraulically relate to its surrounding environs, including assessment of overland flow paths and potential flood impacts of proposed and existing development.
- viii. Outline how the proposed stormwater management system will provide attenuation onsite to minimise runoff from the site.
- ix. Outline how the proposed stormwater management system is consistent with Council's Engineering Standards and NZS 4404:2010 Land Development and Subdivision Infrastructure.
- x. How the proposed stormwater management approach recognises the Makino (Mangakino) Stream as a sensitive receiving environment.

This report must also contain recommendations as to the location, design and construction of stormwater infrastructure that are appropriate to mitigate any characteristic or feature identified. Ongoing maintenance of the stormwater infrastructure

recommended in the Report must also be outlined. A copy of any site calculations must accompany the report.

In determining whether to grant a resource consent and what conditions to impose, the Council will, in addition to the objectives and policies of the Subdivision Chapter and the Residential Zone, assess any application within Growth Precinct 4 in terms of the following assessment criteria:

- i. Whether the subdivision design and layout compliments the diverse character and amenity values of Feilding's residential area.
- ii. The extent to which the subdivision is designed to provide for the future development of adjoining sites, in accordance with the Growth Precinct 4 Structure Plan in Appendix 8.1.
- iii. How the proposed development and subdivision relates and connects to adjoining sites and areas and whether it enables future staged development and or subdivision of adjoining lots by giving effect to the Growth Precinct 4 Structure Plan in Appendix 8.1.
- ~~iv. The extent to which deviations from the Growth Precinct 4 structure plan will result in an alternative coordinated, comprehensive outcome that will satisfy the objectives and policies for Growth Precinct 4.¹¹⁶~~
- iv. The extent to which the proposed layout takes into consideration the shape, orientation and aspects of lots, to create building sites and outdoor amenity areas which have a northward orientation and ability for passive solar gain.
- v. The extent to which the lot layout will allow new buildings to retain reasonable visual privacy and sunlight.
- vi. The extent to which all lots within the subdivision have safe and adequate vehicle access, taking into account the requirements of the access performance standards of Rules 3B.4.2 and 3B.4.3.
- vii. The extent to which natural hazards are avoided or mitigated.¹¹⁷

¹¹⁶ SO18/012 (Powerco)

¹¹⁷ Supported by SO33/003 (Horizons)

- viii. The degree to which the subdivision design avoids or mitigates any likely increases in peak stormwater run-off and peak stormwater flow to achieve stormwater neutrality.¹¹⁸
- ix. The consistency of the proposed subdivision with relevant subdivision engineering requirements.
- x. The extent to which stormwater inundation effects are managed, including overland flow paths.¹¹⁹
- xi. The extent to which minimum floor levels are assessed and provided for.
- xii. The extent to which subdivision design and layout gives effect to the Growth Precinct 4 Structure Plan in Appendix 8.1.
- xiii. ~~The degree to which the subdivision provides for the integration of essential infrastructure into the existing Council network in a manner which is orderly, timely and efficient and that facilitates future development and capacity requirements. The degree to which the subdivision provides for the integration of essential infrastructure.~~^{120 121}
- xiv. The extent to which Council has the ability to maintain and access infrastructure and services in the future.¹²²
- ~~xv. The extent to which the proposal incorporates water sensitive stormwater design principles, achieves pervious surfaces and recognises the Makino Stream as a sensitive receiving environment.~~¹²³

Guidance Notes:

1. Earthworks, damming and diversion are also regulated by the Manawatū-Wanganui Regional Council and a resource consent maybe required under the rules of the One Plan.
2. The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (2011) also applies to subdivision and a consent may be required under those provisions.

¹¹⁸ Supported by SO33/003 (Horizons) and following hearing

¹¹⁹ Supported by SO33/003 (Horizons) and following hearing

¹²⁰ SO18/012 (Powerco)

¹²¹ Supported by SO33/003 (Horizons)

¹²² Supported by SO33/003 (Horizons)

¹²³ SO33/003 (Horizons) following hearing

3. The provisions of the National Environmental Standard for Telecommunications Facilities (2008) apply and resource consent may be required under those Standards. In the event of a conflict between them the provisions of the National Environmental Standard override the District Plan.

8.4.2 Discretionary Activities

The following activity is a Discretionary Activity within Growth Precinct 4:

- a. ~~Any subdivision that does not meet the performance standards in Rule 8.4.1. Any subdivision that does not comply with an average lot size of 600m².~~
- b. ~~Any subdivision that is not in general accordance with the Growth Precinct 4 Structure Plan in Appendix 8.1.~~
- c. ~~Any subdivision that proposes earthworks to change the ground level that alters the Overland Flow Path or waterbodies shown in Appendix 8.2.~~
- b. Any subdivision not specifically provided for in this Plan.

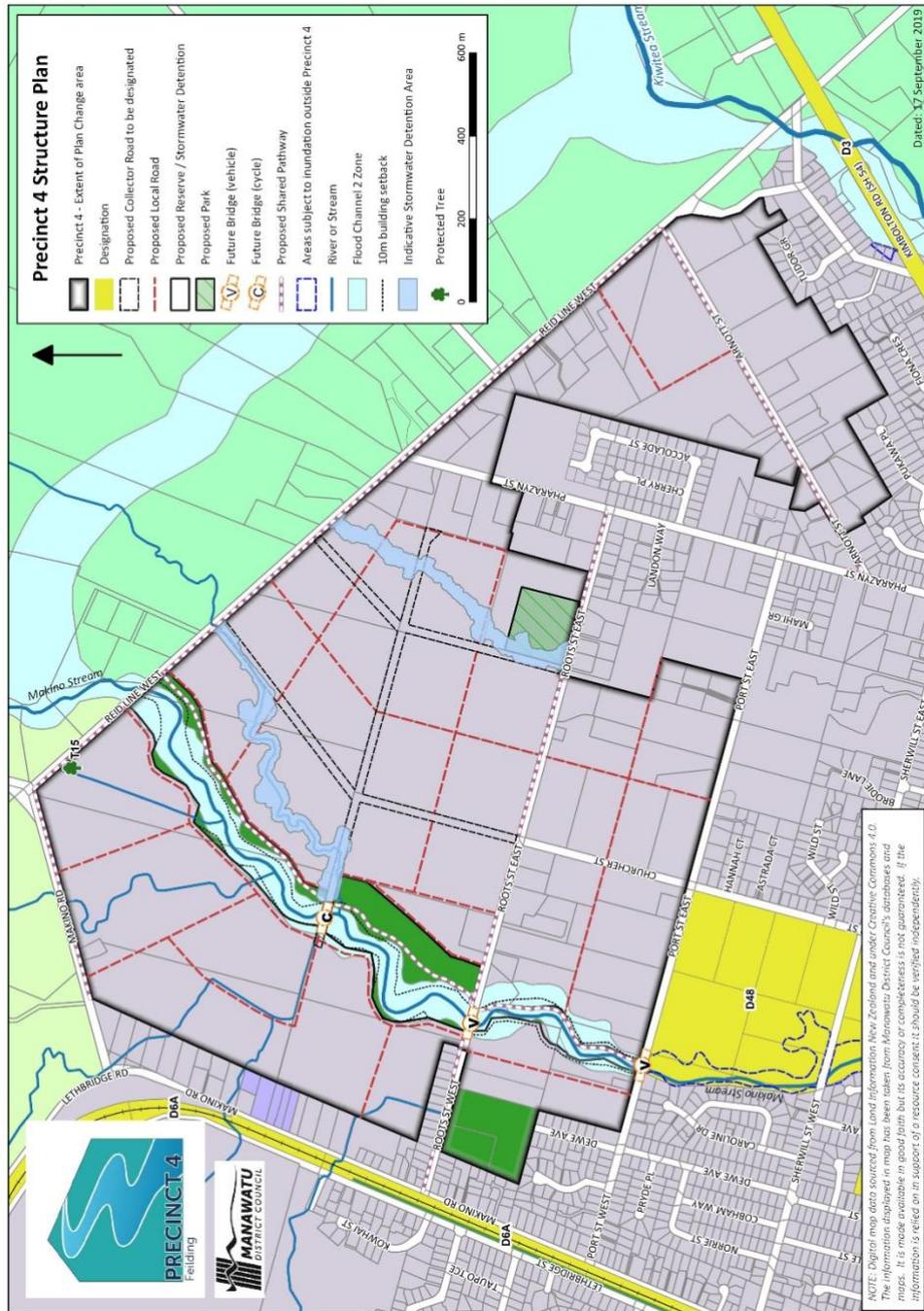
In determining whether to grant a resource consent and what conditions to impose, the Council will, in addition to the objectives and policies of the Subdivision Chapter and the Residential Zone, assess any application within Growth Precinct 4 in terms of the assessment criteria in Rule 8.4. ~~13~~.¹²⁴

Guidance Note:

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (2011) also applies to subdivision and a consent may be required under those provisions.

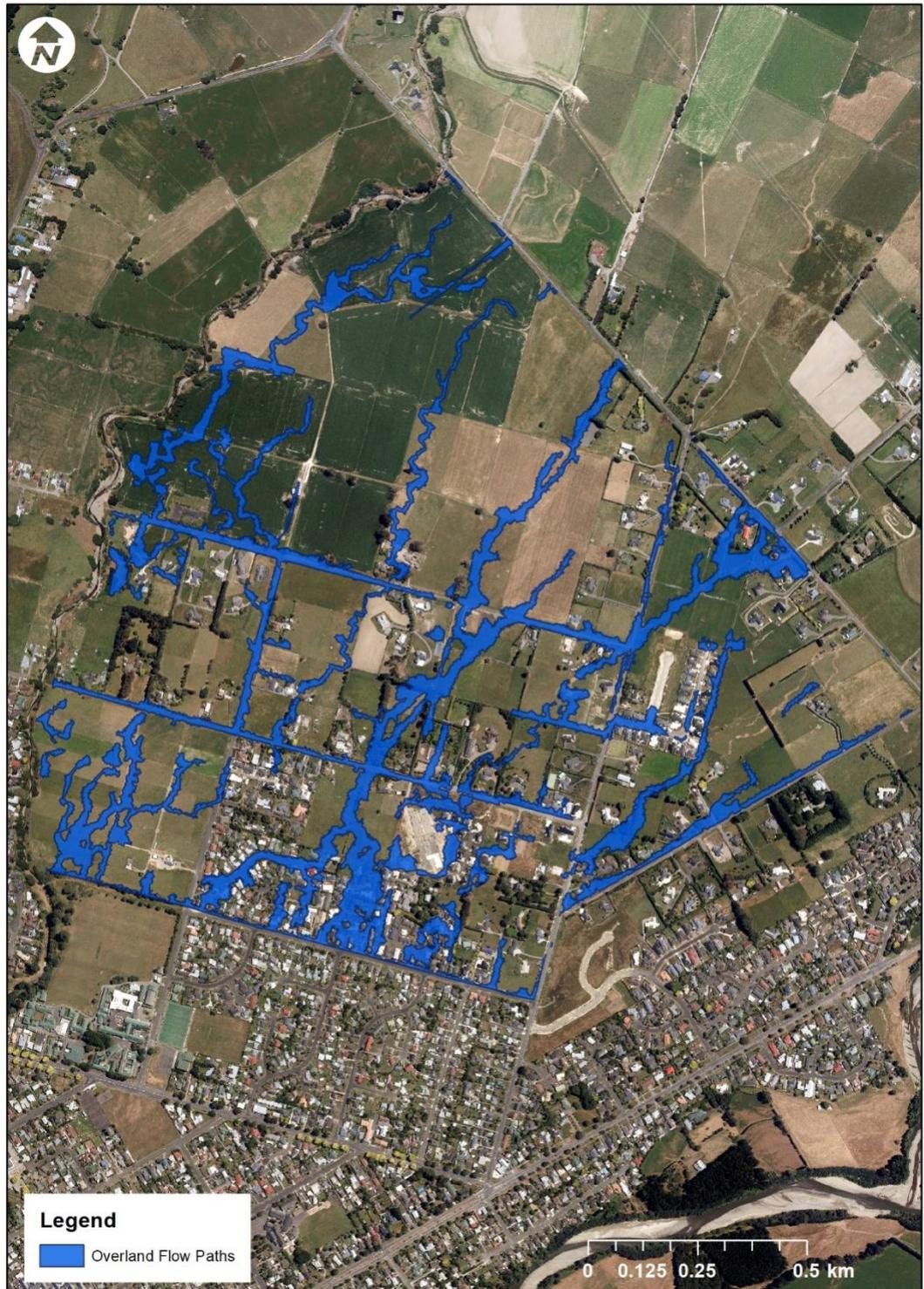
¹²⁴ Minor change

Appendix 8.1 Precinct 4 Structure Plan 125 126 127



- 125 Supported by SO10/001 (Michael Duindam)
- 126 SO28/001 (Manawatū District Council)
- 127 SO33/010 (Horizons)

Appendix 8.2 Precinct 4 Overland Flow Paths



Appendix 2: Residential Zone Chapter – PC(R2) Plan Change Recommended Version

15.0 RESIDENTIAL ZONE

15.1 Introduction

Maintaining and enhancing the mixed residential character and amenity of Feilding’s residential zone is a key focus of the District Plan. Feilding has a variety of housing and lot density, open space, and community facilities all within easy access of the town centre.

The focus of this chapter is the rezoning of the new Growth Precinct 4 area. It is expected that future plan changes will expand this section with provisions for the entire Residential Zone in the District Plan.

15.2 Resource Management Issues

The following resource management issues have been identified in relation to urban growth in the Growth Precinct 4 area:

10. Effects of residential development on natural and physical resources, including the vibrancy of the town centre, infrastructure, wastewater, water supply, stormwater, and the safety and efficiency of the roading network.
11. The potential fragmentation and lack of connectivity through subdivision and the prevalence of cul-de-sacs creating poor urban design outcomes.
12. Ensuring that development improves the health, safety and resilience of communities.
13. The location and design of housing and accessory buildings ensures high onsite amenity and effective use of private open space.
14. The importance of open spaces, permeable areas and vegetation in residential areas and the positive contribution trees and vegetation make to residential amenity values.
15. The scale, character and intensity of the effects of non-residential activities in the residential zone and compatibility with residential activities.

15.3 Objectives and policies

Objective 1 ¹²⁸

To maintain or enhance the mixed residential character and amenity of Feilding's Residential Zone, including the neighbourhood amenities for its residents.

Policies

- 1.6 To maintain the low density residential development pattern of Feilding.
- 1.7 To achieve a high quality residential streetscape environment through providing for trees on berms and in public areas, and room for planting on residential lots.
- 1.8 To ensure all residential lots have adequate access to sunlight for homes and outdoor living areas without prolonged shading from buildings and structures.
- 1.9 To ensure vehicle parking is provided onsite, to minimise on street parking in residential areas.

Objective 2 ¹²⁹

To promote development within Growth Precinct 4 that creates an attractive, healthy and safe place to live.

Policies

- 2.1 To enable development in general accordance with the Growth Precinct 4 Structure Plan (Map 8.1).
- 2.2 To minimise adverse visual effects on adjoining residential properties through controls on the height and scale of buildings.
- 2.3 To encourage an active street frontage through design controls for new ~~dwellings~~ residential units¹³⁰, garages and fencing, whereby garages do not dominate the streetscape.
- 2.4 To ensure buildings and structures in Growth Precinct 4 are located and designed to manage the risk of natural hazards.
- 2.5 To require development to provide appropriate permeable surface areas to minimise the effects of stormwater flooding.

¹²⁸ Supported by SO33/008 (Horizons)

¹²⁹ Supported by SO33/009 (Horizons)

¹³⁰ SO28/009 (Manawatū District Council)

- 2.6 To ensure development achieves sustainable connectivity that enables people to easily and effectively move around by driving, walking and cycling as demonstrated by the Growth Precinct 4 Structure Plan. To encourage good connectivity within and between new and existing residential areas that enables future staged development of adjoining land.¹³¹
- 2.7 ~~To ensure subdivision and development provides for sustainable and efficient connectivity within Growth Precinct 4 that enables people to easily and effectively move around by driving, walking and cycling.~~¹³²
- 2.7 To manage the risk of stormwater inundation by requiring low impact stormwater design solutions, minimum floor levels and by ensuring all lots have adequate pervious surface.¹³³

Objective 3 ¹³⁴

To control the effects of commercial and non-residential activities on the character and amenity of the residential environment within Growth Precinct 4.

Policies

- 3.1 To restrict commercial and non residential activities in the Residential Zone which are unsightly or otherwise detract from the amenity values and ambience of the Residential Zone.
- 3.2 To control the effects of the scale and character of commercial and non-residential activities and buildings within the Residential Zone.
- 3.3 To avoid the establishment of activities which create adverse effects on the amenity and ambience of the residential environment.
- 3.4 To ensure outdoor storage spaces are screened from public viewpoints.

Objective 4 ¹³⁵

To ensure that any multi-unit residential development and retirement living achieves high quality residential amenity.

Policies

- 4.1 To encourage comprehensively designed higher density development that is attractive to residents, responsive to housing demands, achieves high quality urban design and onsite amenity, is integrated and sympathetic with the amenity of the surrounding

¹³¹ SO28/011 (Manawatū District Council)

¹³² SO28/011 (Manawatū District Council)

¹³³ SO33/003 (Horizons)

¹³⁴ Supported by SO33/008 (Horizons)

¹³⁵ Supported by SO33/008 (Horizons)

residential area and provides a positive contribution to Growth Precinct 4.

- 4.2 To ensure ~~dwellings~~ residential units¹³⁶ have living areas that are located and orientated to optimise sun exposure, natural lighting and views to public spaces.
- 4.3 To ~~avoid~~ discourage¹³⁷ habitable rooms that face south only.
- 4.4 To require private and public areas to be differentiated and defined, while ensuring buildings retain reasonable visual privacy and daylighting for all adjacent residential units and properties.
- 4.5 To ensure higher density development incorporates open space and landscaping that is well planned and designed to deliver high levels of residential amenity and well located, good quality open spaces.
- 4.6 To ensure individual residential¹³⁸ units or multi residential¹³⁹ units on a site are clearly expressed and entrances are signalled and readily visible from the street or entranceways.

15.4 Rules

Rules in this chapter apply to Growth Precinct 4 and the chapter needs to be read in conjunction with the District Wide Rules in Chapter 3.

15.4.1 Permitted Activities – ~~Dwellings~~ Residential Units¹⁴⁰ and Accessory buildings

The following activities are Permitted Activities within Growth Precinct 4, provided that they comply with the standards in Rule 15.4.2 below:

- a. One ~~dwelling~~ residential unit¹⁴¹ on a site.
- b. Accessory buildings.

15.4.2 Standards for Permitted Activities – ~~Dwellings~~ Residential Units¹⁴² and Accessory Buildings

¹³⁶ SO28/009 (Manawatū District Council)

¹³⁷ SO28/004 (Manawatū District Council)

¹³⁸ SO28/009 (Manawatū District Council)

¹³⁹ SO28/009 (Manawatū District Council)

¹⁴⁰ SO28/009 (Manawatū District Council)

¹⁴¹ SO28/009 (Manawatū District Council)

¹⁴² SO28/009 (Manawatū District Council)

The permitted activities specified in Rule 15.4.1 above for Growth Precinct 4 must comply with the following standards:

a. Site Coverage

Maximum building site coverage of 35%.

b. Building Envelope

i. Maximum height 9m

ii. All parts of a building must be contained within a 45 degree plane commencing at 2.8 metres above ground level inclined inwards at right angles in plan. See Figure 15.1 below.

iii. The height recession plane in condition b.ii above does not apply to:

a. Eaves

b. Solar panels and water heaters

c. Antennas, aerials or chimneys

d. Gable roof ends, if the total area of that part of the building above the height recession plane does not exceed 1/3 of the gable end height.

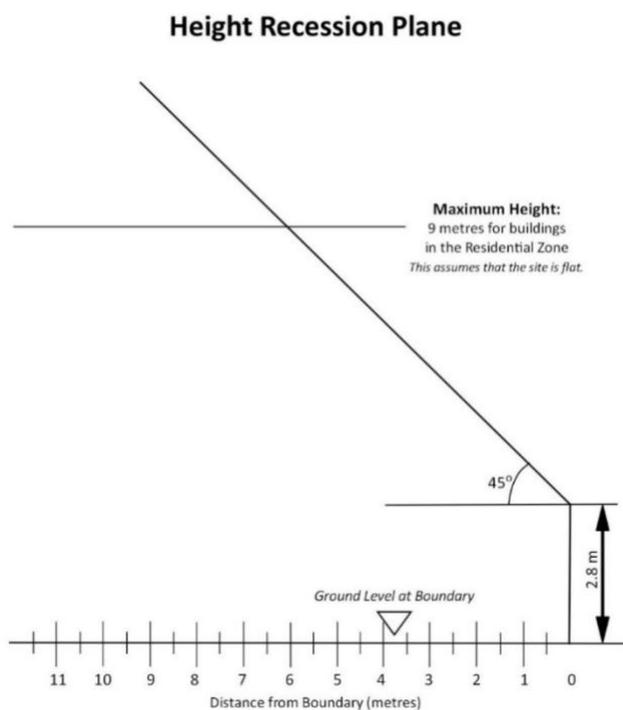


Figure 15.1

c. Minimum Floor Levels

Floor levels must be above the flood and stormwater inundation level predicted for a 0.5% annual exceedance probability (AEP) (1 in 200 year) flood event, plus 350-500 mm freeboard for habitable residential units ¹⁴³(including attached garages).¹⁴⁴¹⁴⁵

Guidance Note: Council has a model for stormwater that can be used to predict minimum floor levels for areas within Growth Precinct 4. Liaison with Council's Land Development Manager is recommended. Refer to Manawatū Whanganui Regional Council for flood information on the Makino (Mangakino) Stream.¹⁴⁶

d. Yards ^{147 148}

¹⁴³ SO28/009 (Manawatū District Council)

¹⁴⁴ SO28/003 (Manawatū District Council)

¹⁴⁵ SO33/003 (Horizons)

¹⁴⁶ SO33/003 (Horizons)

¹⁴⁷ SO10/004 (Michael Duindam)

¹⁴⁸ SO19/004 (Haydon Christian)

~~i. All dwellings and accessory buildings must be setback 3m from all yard boundaries.~~

i. The following yard setbacks apply to all residential units¹⁴⁹:

a. Front and rear setback: 3m

b. Front opening garage: 6m

c. Side boundary: 3m one side and 1.5m the other side.

Where the residential unit¹⁵⁰ is on a corner site, one road frontage is to be nominated as the frontage.

ii. The following yard setbacks apply to all accessory buildings:

a. Side and rear boundary: 1.5m

b. Between other buildings on the site: 1m.

c. 3 metres from the boundary with any road unless it is a garage or carport facing the road and having direct access from the road, in which case the minimum separation distance shall be 6 metres.

iii. No new ~~dwelling~~ residential unit¹⁵¹ or accessory buildings are erected within 10 metres of the landward edge of the Makino (Mangakino) Stream.

Guidance Note: If no frontage is nominated through a subdivision consent for corner sites, the location of the proposed access will determine the frontage for the purposes of the above rule.¹⁵²

e. Outdoor Living Courts

All ~~dwellings~~ residential units¹⁵³ shall have an outdoor living court:

i. At least 36m² in area.

ii. That is capable of containing a circle 6m in diameter.

¹⁴⁹ SO28/009 (Manawatū District Council)

¹⁵⁰ SO28/009 (Manawatū District Council)

¹⁵¹ SO28/009 (Manawatū District Council)

¹⁵² SO19/004 (Haydon Christian)

¹⁵³ SO28/009 (Manawatū District Council)

- iii. Accessible directly from the main living area.
- iv. Orientated east, north or west of the ~~dwelling~~ residential unit¹⁵⁴.
- v. The outdoor living court cannot comprise:
 - a. part of the outdoor living court of another ~~dwelling~~ residential unit¹⁵⁵;
 - b. driveways, manoeuvring areas, and car parking spaces; or
 - c. accessory buildings.
- ~~f. Outdoor Service Courts~~ ^{156 157}
 - ~~i. Each dwelling shall have an outdoor service court adjoining the dwelling or outdoor living court no less than 20m² in area and at least 3m in width. This area must be free of driveways and manoeuvring areas.~~
- f. Permeable Surface Area ¹⁵⁸
 - i. ~~A minimum of 50% of the net site area shall be a permeable surface. This includes decks provided the surface material of the deck allows water to drain through to a permeable surface.~~¹⁵⁹
 - ii. Low Impact stormwater sensitive design solutions or devices must be implemented and maintained to treat road and hard stand runoff areas ancillary to any residential unit or accessory building consistent with Council's Engineering Standards.¹⁶⁰
- g. Access
 - i. Compliance with Rule 3B.4.2 and Council's Engineering Standards ~~for Land Development~~¹⁶¹.

¹⁵⁴ SO28/009 (Manawatū District Council)

¹⁵⁵ SO28/009 (Manawatū District Council)

¹⁵⁶ SO28/007 (Manawatū District Council)

¹⁵⁷ SO19/006 (Haydon Christian)

¹⁵⁸ Supported by SO10/007 (Michael Duindam)

¹⁵⁹ SO33/003 (Horizons)

¹⁶⁰ SO33/003 (Horizons)

¹⁶¹ SO28/013 (Manawatū District Council)

- ii. ~~A side boundary fence must not exceed 1.1 metres in height for a distance of 3 metres into the property from the road boundary when next to the driveway. After 3 metres the fence may be a maximum of 1.8 metres in height.~~¹⁶²
- h. Parking
Compliance with Rule 3B.4.4-5¹⁶³
- i. Visual Amenity
 - i. No more than one derelict vehicle shall be kept within view of neighbouring property or a public place.
- j. Earthworks
Compliance with Rules 3D.4.1 and 3D.4.2.
- k. Fencing
Compliance with Rule 15.4.3.
- l. ~~Garages~~
~~Any road fronting garage wall that is either partly or wholly within 3m from a road front boundary must be screened along 70% of the frontage of the garage with vegetation capable of growing to a minimum of 1 metre tall. Glazing must be provided for at least 10% of the surface area of the road fronting garage wall.~~¹⁶⁴

Guidance Notes:

1. Earthworks are also regulated by the Manawatū-Whanganui Regional Council and a resource consent may be required under the rules of the One Plan.
2. Refer also the New Zealand Fire Service firefighting water suppliers code of practice SNZ PAS 4509:2008. This Code identifies what is required for the Fire and Emergency New Zealand Service¹⁶⁵ to have access to sufficient water for firefighting purposes.¹⁶⁶

¹⁶² SO29/005 (Proarch)

¹⁶³ SO28/005 (Manawatū District Council)

¹⁶⁴ SO28/006 (Manawatū District Council)

¹⁶⁵ SO38/001 (FENZ) tabled evidence

¹⁶⁶ SO38/001 (FENZ)

15.4.3 Permitted Activities – Fencing

Fencing in Growth Precinct 4 is a permitted activity provided:

- a. Boundaries with public spaces and road frontage:

~~A fence on a property boundary to any road, public walkway or reserve must be no higher than 1.1m in height if not visually permeable, or no more than 1.8m in height if visually permeable. Visually permeable is achieved when the fence has continuous vertical or horizontal gaps of at least 50mm width between fence material(s) for half the fence. Refer to diagram below for what is considered to be visually permeable. A fence must not exceed 1.1 metres in height for more than half the property boundary directly adjoining public open space (reserve, walkway or park) with the other half not exceeding 1.8 metres in height, unless the fence is of open construction in which case the fence must not exceed 1.8 metres in height.¹⁶⁷~~

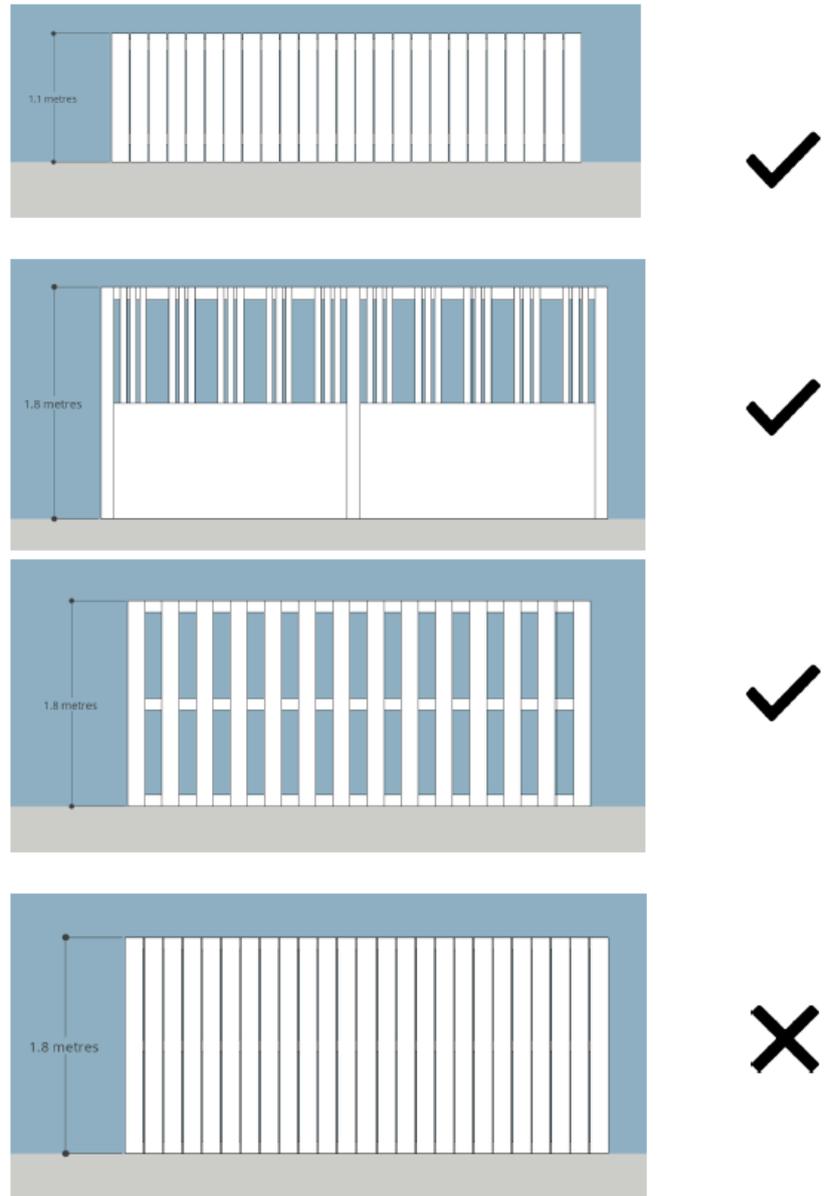
- ~~b. Boundaries with road frontage:~~

~~A fence must not exceed 1.1 metres in height along the entire property boundary directly adjoining a road frontage, unless the fence is of open construction in which case the fence must not exceed 1.8 metres in height and not over more than 1/3 of the frontage width.~~

- b. Side Boundary Fence

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

¹⁶⁷ SO10/003 (Michael Duindam)



15.4.4 Permitted Activities – Non-Residential Activities

The following activities are Permitted Activities within Growth Precinct 4, provided that they comply with the standards in Rule 15.4.5 below:

- a. Home occupations.

15.4.5 Standards for Permitted Activities – Non-Residential Activities

The permitted activities specified in Rule 15.4.4 above within Growth Precinct 4 must comply with the following standards:

a. Permitted Activity Performance Standards

Compliance with Rule 15.4.2.

b. Minimum Floor Levels

Floor levels for non-residential activities must be above the flood and stormwater inundation level predicted for a 0.5% annual exceedance probability (AEP) (1 in 200 year) flood event, plus 300mm freeboard.¹⁶⁸

c. Number of staff

Home occupations shall only involve people who reside at the house. No staff are permitted.

d. Site and Floor Area

No more than 40m² of the ~~dwelling~~ residential unit¹⁶⁹ or accessory building (including gross floor area and external storage areas) may be used for the activity.

e. Hours of Operation

Non-residential activities within the Residential Zone may only operate between 7am and 7pm (Monday to Saturday).

f. Retailing

Only goods manufactured and grown on the site may be retailed or distributed from the site.

g. Storage and Display

No equipment, raw materials, finished or partly processed products or rubbish shall be stored or displayed outdoors, or visible from a public space.

h. Noise

Compliance with Rule 3C.4.2.

¹⁶⁸ SO28/003 (Manawatū District Council)

¹⁶⁹ SO28/009 (Manawatū District Council)

15.4.6 Permitted Activities – Recreation Activities

The following activities are a Permitted Activity where undertaken by or on behalf of Manawatū District Council:

- a. Toilets and changing rooms (not including social facilities) less than 150m² gross floor area
- b. Playing fields, gardens, lawns, children’s play areas, walkways and cycleways
- c. Carparking areas
- d. Earthworks which comply with Rules 3D.4.1 and 3D.4.2.

Provided they comply with the following performance standards:

- e. Yards
A setback of 4.5m from all site boundaries.
- f. Height
The maximum height for any building shall be 9m.
- g. Noise
Compliance with Rule 3C.4.2.¹⁷⁰

15.4.7 Restricted Discretionary Activities – Activities Not Complying with Relevant Standards

The following activities are Restricted Discretionary Activities within Growth Precinct 4:

- b. Any permitted activity that does not comply with any of the relevant standards in Rules 15.4.2, 15.4.3, 15.4.5 or 15.4.6.

For these activities, the Council has restricted its discretion to considering the following matters:

- The safe, efficient and integrated operation of the roading network

¹⁷⁰ SO28/010 (Manawatū District Council)

- Location, design and appearance of the ~~dwelling~~ residential unit¹⁷¹ or accessory building
- Residential character and amenity values including onsite amenity
- Visual amenity effects on adjoining residential properties and surrounding streetscape
- Parking
- Landscaping
- Access
- Noise
- Fencing
- Council's¹⁷² ~~E~~ssential Infrastructure
- Natural hazards including stormwater management.

In determining whether to grant a resource consent and what conditions to impose, the Council will, in addition to the objectives and policies of Growth Precinct 4 and the Residential Zone and Chapter 3 District Wide Rules, assess any application in terms of the following assessment criteria:

- v. The degree of non-compliance with the particular performance standards that the proposal fails to meet.
- vi. Whether the application will result in any adverse effects on the amenity values of neighbouring properties or the character of the Residential Zone.
- vii. Whether the proposal contains sufficient onsite parking to meet the needs of the activity.
- viii. The extent to which noise, hours of operation, and other environmental disturbance on surrounding residential neighbours can be avoided or mitigated.
- ix. The extent to which additional traffic generated impacts on the safe and efficient operation of the roading network.

¹⁷¹ SO28/009 (Manawatū District Council)

¹⁷² SO18/012 and SO18/013 (Powerco)

- x. To ensure the activity is in character with or complementary to the surrounding residential neighbourhood.
- xi. Whether the proposed landscaping maintains or enhances the ambience and amenity values of the surrounding residential area.
- xii. The extent to which the site and building design mitigates any increase in peak stormwater run-off and peak stormwater flow due to the reduction in permeable surfaces.
- xiii. Whether the existing Council essential infrastructure network has sufficient capacity for the proposed development.
- xiv. The extent to which fencing enables passive surveillance onto public spaces.¹⁷³
- xv. The extent to which the dominance of fencing at the public interface is minimised.¹⁷⁴

15.4.8 Restricted Discretionary Activities – Retirement Living and Multi-Unit Residential Development

The following activities are Restricted Discretionary Activities:

- a. Development involving 2 or more ~~dwelling~~ residential¹⁷⁵ units on a site.
- b. Retirement village.

For these activities, the Council has restricted its discretion to considering the following matters:

- Amenity effects on surrounding residential environment and streetscape
- Design, scale and appearance of buildings and structures
- Site layout and access arrangements
- Onsite landscaping
- Privacy across boundaries and within the development

¹⁷³ SO10/003 (Michael Duindam)

¹⁷⁴ SO10/003 (Michael Duindam)

¹⁷⁵ SO28/009 (Manawatū District Council)

- The safe and efficient operation of the roading networks, and internal circulation, parking, loading and manoeuvring areas
- Residential character and amenity values including onsite amenity
- Lighting
- Access
- Natural hazards, including stormwater management

Performance Standards

a. Site coverage

A maximum site coverage of 40% applies to development of the site.

b. Building envelope

i. Maximum height 9m.

ii. All parts of a building must be contained within a 45 degree plane commencing at 2.8 metres above ground level inclined inwards at right angles in plan. See Figure 15.1 in Rule 15.4.2.

iii. The height recession plane in condition b.ii above does not apply to:

a. Eaves

b. Solar panels and water heaters

c. Antennas, aerials or chimneys

d. Gable roof ends, if the total area of that part of the building above the height recession plane does not exceed 1/3 of the gable end height.

c. Yards

i. The following yard setbacks apply to all residential units:176

a. Front and rear setback: 3m.

¹⁷⁶ SO28/009 (Manawatū District Council)

b. Front opening garage: 6m.

c. Side boundary: 3m one side and 1.5m the other side.

Where the residential unit ¹⁷⁷is on a corner site, one road frontage is to be nominated as the frontage.

ii. The following yard setbacks apply to all accessory buildings:

a. Side and rear boundary: 1.5m.

b. Between other buildings on the site: 1m. ¹⁷⁸

c. 3 metres from the boundary with any road unless it is a garage or carport facing the road and having direct access from the road, in which case the minimum separation distance shall be 6 metres .

d. Outdoor Living Court

i. Each residential¹⁷⁹ unit must be provided with a private outdoor living court within the site which can meet the following requirements:

a. At least 30m² in area that is free of driveways, parking spaces, buildings and manoeuvring areas.

b. Is able to accommodate a circle of 4 metres in diameter

c. Is accessible directly from the main living area for a length of not less than 2 metres

d. Is orientated to the west, north or east of the residential¹⁸⁰ unit.

e. Separation distances between ~~dwellings~~ residential units ¹⁸¹ and buildings on the same site

¹⁷⁷ SO28/009 (Manawatū District Council)

¹⁷⁸ SO28/008 (Manawatū District Council)

¹⁷⁹ SO28/009 (Manawatū District Council)

¹⁸⁰ SO28/009 (Manawatū District Council)

¹⁸¹ SO28/009 (Manawatū District Council)

- i. 1.8 metres between each accessory building serving separate ~~dwelling~~ residential units¹⁸², except where the accessory building is joined by a common party wall.
 - ii. 1 metre between an accessory building and a ~~dwelling~~ residential unit¹⁸³, except for habitable rooms which must be 3m between an accessory building and a ~~dwelling~~ residential unit¹⁸⁴.
 - iii. 1.5m between a ~~dwelling~~ residential unit¹⁸⁵ and right of way or driveway.
 - iv. 3m between ~~dwelling~~ residential unit¹⁸⁶, except where the ~~dwelling~~ residential unit¹⁸⁷ is joined by a common party wall.
- f. Access
- Compliance with Rule 3B.4.2. and Council’s Engineering Standards for Land Development¹⁸⁸.
- g. Parking
- Compliance with Rule 3B.4.4.
- h. Permeable surface
- Compliance with Rule 15.4.2.h.
- i. Lighting
- All exterior lighting must not result in light spill to neighbouring properties.
- j. Fencing
- Compliance with Rule 15.4.2.i.

Guidance Note:

Refer also to the New Zealand Fire Service firefighting water supplies code of practice SNZ PAS 4509:2008. This Code identifies what is required for the

¹⁸² SO28/009 (Manawatū District Council)

¹⁸³ SO28/009 (Manawatū District Council)

¹⁸⁴ SO28/009 (Manawatū District Council)

¹⁸⁵ SO28/009 (Manawatū District Council)

¹⁸⁶ SO28/009 (Manawatū District Council)

¹⁸⁷ SO28/009 (Manawatū District Council)

¹⁸⁸ SO28/013 (Manawatū District Council)

Fire and Emergency New Zealand Service¹⁸⁹ to have access to sufficient water for fire fighting purposes.

In determining whether to grant a resource consent and what conditions to impose, the Council will, in addition to the objectives and policies of Growth Precinct 4 and the Residential Zone and Chapter 3 District Wide Rules, assess any application in terms of the following assessment criteria:

- i. How new development relates to the patterns of the height and width of primary building forms, predominant roof types and pitches in the surrounding residential areas.
- ii. The extent to which building materials are sympathetic to the surrounding residential environment.
- iii. Whether the development allows views of the street and communal spaces within the development, including views of outdoor carparking spaces from the dwelling residential unit.¹⁹⁰
- iv. The extent to which significant planting and trees are retained, and neighbourhood amenity character is reinforced with the type and species of new planting.
- v. The degree to which fences are sufficiently low to provide for visual connection between the dwelling residential unit¹⁹¹ and street and allow safe vehicle access across the footpath.
- vi. The degree to which carports and garages are visually compatible with and of a similar standard to the development as a whole.
- vii. The degree to which large, highly visible retaining walls are avoided or screened with appropriate planting.
- viii. Whether the site and building design mitigates any increase in peak stormwater run-off and peak stormwater flow due to the reduction in permeable surfaces.
- ix. Whether the proposal is consistent with Council's Engineering Standards for Land Development¹⁹².

¹⁸⁹ SO38/001 (FENZ) tabled evidence

¹⁹⁰ SO28/009 (Manawatū District Council)

¹⁹¹ SO28/009 (Manawatū District Council)

¹⁹² SO28/013 Manawatū District Council

- x. The extent to which the proposal provides each dwelling residential unit¹⁹³ with reasonable visual privacy and daylight.

15.4.9 Discretionary – activities not provided for

The following activities are Discretionary Activities within Growth Precinct 4:

- c. Any residential activity not otherwise specified as Permitted, Restricted Discretionary or Non-Complying Activity, or is not specifically provided for in this Plan.
- d. Any commercial or non-residential activity that is not otherwise specified as Permitted, Restricted Discretionary or Non-Complying Activity.

Performance Standard for commercial and non-residential activities

- a. The following information must be submitted to Council on lodgement of an application under this rule for commercial and non-residential activities:
 - i. A noise effects assessment prepared by a suitably qualified acoustic expert; and
 - ii. A traffic impact assessment prepared by a suitably qualified traffic engineer or traffic planner.
- b. Outdoor storage areas

Any outdoor storage area must be screened and not visible when viewed from any adjacent residential property, public road or open space.

In determining whether to grant a resource consent and what conditions to impose, the Council will, in addition to the objectives and policies of Growth Precinct 4 and the Residential Zone and Chapter 3 District Wide Rules, assess any application in terms of the following assessment criteria:

¹⁹³ SO28/009 (Manawatū District Council)

- i. The extent to which the effects of noise, hours of operation and other environmental disturbance on surrounding residential neighbourhoods are avoided, or can be remedied or mitigated.
- ii. To avoid, remedy or mitigate the visual impacts of any activities, and to preserve the character and amenity of the residential environment.
- iii. Whether the Noise Management Plan prepared by an acoustical consultant identifies noise management measures to avoid, remedy or mitigate adverse effects of noise, including best practicable options adopted to minimise sound emissions.
- iv. The extent to which the additional traffic generated impacts on the safe and efficient operation of the roading network, internal circulation, parking, manoeuvring and access provisions.
- v. The extent to which appropriate landscaping elements and plantings have been incorporated to enhance the character, ambience and amenity values of the adjoining residential neighbourhood.
- vi. The extent to which onsite planting will reduce the activities visual intrusion on the adjacent properties and break up areas of hard surfacing such as fence lines and paved areas.

15.4.10 Non-Complying

The following activities are Non-Complying Activities within Growth Precinct 4:

- a. Any Industrial Activity, including a service station.

Appendix 3: Extracts of the Definitions Chapter and Transport Revisions – PC(R2) Plan Change Recommended Version

DEFINITION EXTRACTS AND VEHICLE ACCESS

Definitions

Note the changes are shown as double underlining and strikethrough to represent recommendations from the Officers Report.

- Assisted Living Accommodation** means land and buildings used or designed to be used for supervised residential care and accommodation by 5 or more people (exclusive of the manager and the managers family) and includes, without limitation:
- a. Boarding Houses
 - b. Nursing homes.
 - c. ~~Retirement village~~
- Commercial Activity** means, for the purposes of Growth Precinct 4, the use of land and buildings for the display, offering, provision, sale or hireage of goods, equipment or service including restaurants and retail shops and outlets, but excludes service stations and supermarkets.
- Essential Infrastructure** means the Manawatū District Council reticulated sewage and reticulated water supply systems, stormwater systems, and gas, electrical power and telecommunication (including fibre) networks.¹⁹⁴
- Growth Precinct 4** means the area of Feilding as shown in the Precinct 4 Structure Plan Map in Appendix 8.1.
- Home Occupation** means, within Growth Precinct 4, an occupation, business, trade, craft or profession performed entirely within a dwelling or accessory building by a member of the household residing permanently on the property which occupation, business, trade, craft or profession is a secondary and lesser use of the property after the primary residential activities. Home occupation does not include any activity involving panel beating, spray painting, motor vehicle repair, heavy trade vehicles, manufacturing, industrial, light industrial, or the boarding, breeding or training of dogs, and catteries.

¹⁹⁴ Supported by SO18/002 (Powerco)

- Multi-unit Residential Development** means two 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.
- Open construction** ~~means, with respect to fencing, able to be viewed through and with not less than 65% openness over the elevation of the fence. Open areas exclude any surface of the fence which is solid, but may include wire mesh, or wrought iron or similar elements with a facing edge not thicker than 12mm and spaced at not less than 80mm centres.^{195 196}~~
- Permeable surface** means any part of a site which is grassed or planted in trees or shrubs and/or is capable of absorbing water or is covered by decks which allow water to drain through to a permeable surface. It does not include any area which:
- a. falls within the definition of site coverage except for decks as above
 - b. is occupied by swimming pools; or
 - c. is consists of an impermeable paved, concreted or asphalted with a continuous surface.¹⁹⁷
- Residential Activity** means the use of land and building(s) for peoples living accommodation.¹⁹⁸
- Residential Unit** means a building(s) or part of a building that is used for residential activity exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities.¹⁹⁹
- Retirement village** means a comprehensive development which may include housing, recreational, welfare, and medical facilities which is intended principally or solely for retired persons or people with disabilities.

¹⁹⁵ SO29/002 (Proarch)

¹⁹⁶ SO6/001 (Shaelyn Hirst)

¹⁹⁷ SO29/003 (Proarch)

¹⁹⁸ SO28/009 (Manawatū District Council)

¹⁹⁹ SO28/009 (Manawatū District Council)

(a) Vehicle Access

3B.4.3 Vehicle Crossings Access – Standards for Permitted Activities

For all zones the formation of vehicle crossings onto all roads must comply with the following standards:

- a. All vehicle crossings must be sited in accordance with the minimum sight distances and intersection spacing's as defined in Appendix 3B.3.
- ~~b. Vehicle crossings may only be constructed on Major Arterial Road or Minor Arterial Road identified in Appendix 3B.1 if there is no alternative legal access from the site to another road.~~
- ~~c. In the Outer Business Zone, vehicle access to sites from SH54/Aorangi Street, between Gladstone St and Eyre Street, must be left turn in and left turn out only.~~
- b.d. No new vehicle crossings will be located within 30m of any railway level crossing.
- ~~c.e.~~ Existing vehicle crossings that are within 30m of a railway level crossing must be maintained to ensure the sightline standards detailed in Appendix 3B.5 are met.
- ~~d.f.~~ No dwelling or accessory building will have access via an unformed legal road (paper road).
- ~~e.g.~~ Onsite manoeuvring must be provided for vehicles to enter and exit in a forward direction.
- ~~f.h.~~ Vehicle crossing movements must not exceed 100 car equivalent movements per day and the car equivalent movements must be calculated in accordance with Appendix 3B.4.
- ~~g.i.~~ Accessways and Vehicle crossings must comply with the sight distances and minimum spacing identified in Appendix 3B.3 Measurement of Sight Distances and Minimum Spacing.²⁰⁰
- ~~h.~~ Vehicle Crossings must comply with Diagram D in Appendix 3B.3 if there is more than one slow, heavy or long vehicle movements per week using the accessway and vehicle crossing.
- ~~i.~~ All vehicle crossings must be constructed or upgraded according to Council's Engineering Standards for Land Development²⁰¹.
- ~~j.~~ In addition to standards a. to k. above, for Major Arterial or Minor Arterial roads the following also apply:
 - i. Vehicle crossings may only be constructed on Major Arterial Road or Minor Arterial Road identified in Appendix 3B.1 if there is no alternative legal access from the site to another road.
 - ii. In the Outer Business Zone, vehicle access to sites from SH54/Aorangi Street, between Gladstone St and Eyre Street, must be left turn in and left turn out only.

Guidance Note: All vehicle crossings must be constructed according to Council policy and that Council's vehicle crossing application form is completed and submitted for approval.

²⁰⁰ Minor change to remove duplication with condition a.

²⁰¹ SO28/013 (Manawatū District Council)

Appendix 4: PC(R2) – New Appendix 5A Feilding Locality Nodal Area Map

Appendix 5A – Rural Subdivision Nodes

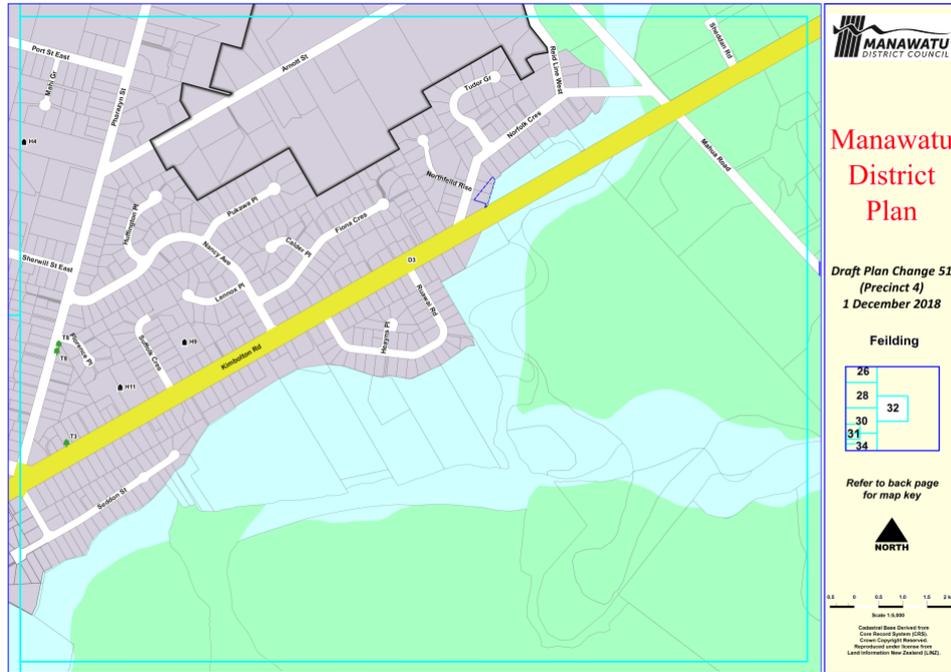
Diagram 1 – Feilding Locality



Appendix 10: PC(R2) – Planning Maps



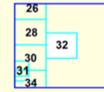




Manawatu District Plan

Draft Plan Change 51
(Precinct 4)
1 December 2018

Feilding



Refer to back page
for map key



Scale 1:6,000
Data derived from
Cadastral System (CSD)
Copyright Reserved.
Information derived from
Land Information New Zealand (LINZ)

Attachment 2

Appendix 1: Officer Recommendation on all Submissions – Growth Precinct 4 and New District Plan Structure

No	Submitter No. and Name		Provision of Plan	Support/ Oppose	Reason	Decision Requested	Officer Comment	Officer Recommendation
1	SO18/002	Powerco	Definition – Essential Infrastructure	Support	The definition of essential infrastructure as notified is supported. However, there are some concerns around how the words “essential infrastructure” are used in the policies and rules. These concerns relate to whether “essential infrastructure” has been used in some places of the Plan to mean the Council’s own infrastructure services, i.e. reticulated wastewater and water supply, and stormwater systems vested in the Council, rather than all essential services as defined, which includes electricity, gas and telecommunications.	Retain the definition of essential infrastructure as notified. <i>Supported by FS04/01</i> <i>Supported by FS07/12</i>	Support is noted. Note that the provisions relating to essential infrastructure are recommended to be changed as a result of other submissions.	Accept the submission. Accept further submissions FS04/01 and FS07/12.
2	SO29/002	Proarch Consultants Limited	Definition – open construction	Oppose	Oppose the definition of open construction as it is likely to result in additional resource consents and costs.	Primary relief is deletion of the definition, however, entirely preclude amendments to wording with a less restrictive framework.	The intent behind the definition of open construction was to enable flexibility for people to meet the requirements of the fencing rule provisions (Rule 15.4.3). This means that part of the fence could have trellis to enable passive surveillance if a landowner wishes to have a fence on a road boundary being greater than 1.1m high. In further discussions with some submitters new fencing provisions are recommended that would remove the need for the current definition of open construction to	Accept the submission in part and delete the definition of open construction as follows: Open construction means, with respect to fencing, able to be viewed through and with not less than 65% openness over the elevation of the fence. Open areas exclude any surface of the fence which is solid, but may include wire mesh, or wrought iron or similar elements with a facing edge not thicker than 12mm and spaced at not less than 80mm centres.

No	Submitter No. and Name		Provision of Plan	Support/ Oppose	Reason	Decision Requested	Officer Comment	Officer Recommendation
							be retained in the District Plan. Refer also to SO29/005 and SO10/003 for discussion on recommended changes to Rule 15.4.3 Fencing.	
3	SO6/001	Shaelyn Hirst	Definition – open construction	Oppose	Agree with the height of the solid fencing is necessary but the percentage of openness as stated is too restrictive. This definition reduces fencing choices and seem to be school-like fencing. These type of fences are institutional and gives little or no privacy to the residents. This definition contrasts the aim to "maintain or enhance the mixed residential character" as it leaves little or no room for variance in style, materials etc.	Adjust the definition to a more qualitative statement. Residents need more freedom to make stylistic choices on their properties. <i>Opposed by FS07/05</i>	The intent behind the definition of open construction was to enable flexibility for people to meet the requirements of the fencing rule provisions (Rule 15.4.3). This means that part of the fence could have trellis to enable passive surveillance if a landowner wishes to have a fence on a road boundary being greater than 1.1m high. In further discussions with some submitters new fencing provisions are recommended that would remove the need for the current definition of open construction to be retained in the District Plan. Refer also to SO29/005 and SO10/003 for discussion on recommended changes to Rule 15.4.3 Fencing.	Accept the submission in part and delete the definition of open construction as follows: Open construction means, with respect to fencing, able to be viewed through and with not less than 65% openness over the elevation of the fence. Open areas exclude any surface of the fence which is solid, but may include wire mesh, or wrought iron or similar elements with a facing edge not thicker than 12mm and spaced at not less than 80mm centres. Reject further submission FS07/05.
4	SO29/003	Proarch Consultants Limited	Definition – permeable surface	Oppose	Understand Council concern to control stormwater during peak events however oppose the current wording.	Seek amended wording to enable mitigation measures in the policies and rules that the definition relates to.	This definition has been included to provide clarity for plan users the terms used in Rules 8.4.1, 15.4.2, 15.4.6, 15.4.7. The rules require areas of each section to be free from	Accept the submission in part by amending the definition as follows: Permeable surface means any part of a site which is grassed or planted in trees or shrubs and/or is capable of absorbing water or is covered by decks which allow water

No	Submitter No. and Name		Provision of Plan	Support/ Oppose	Reason	Decision Requested	Officer Comment	Officer Recommendation
							<p>structures and impervious surfaces like concrete and paving. How the landowner achieves this through design is flexible.</p> <p>There are concerns over the use of 'paving' in the definition as this could include gobi block paving which still allows for some hard stand area. Through discussions the submitter suggested that the definition be amended by changing c to read "<u>is consists of an impermeable paved, concreted or asphalted with a continuous surface</u>". This suggested change provides greater clarity for plan users and is recommended.</p>	<p>to drain through to a permeable surface. It does not include any area which:</p> <ol style="list-style-type: none"> falls within the definition of site coverage except for decks as above is occupied by swimming pools; or is consists of an <u>impermeable paved, concreted or asphalted with a continuous surface.</u>
5	SO27/006	KiwiRail	8.1 Introduction	Support	Support Council recognising there are potential effects of subdivision on the safe and efficient functioning of the road network however these can also relate to the rail network. Passengers, train drivers and trains themselves, including the movement of freight are all susceptible to safety and efficiency effects as a result of inappropriate land use and development.	<p>Amend 8th bullet point in 8.1 as follows:</p> <p>Effects on the safe and efficient functioning of the road <u>loading-land transport network</u> including <u>network operations</u> additional vehicle accesses, traffic flows and patterns, road safety and the efficient movement of traffic.</p> <p><i>Supported by FS03/03</i></p>	<p>Council has mapped the distance between the centreline of the railway track and 100m. These maps show that Growth Precinct 4 is outside of the 100m limit. There are no network utilities within Growth Precinct 4 outside the road reserve.</p> <p>The content of the submission is more appropriately addressed through the upcoming Rural and Residential Zone reviews where provisions</p>	<p>Reject the submission.</p> <p>Reject further submission FS03/03.</p>

No	Submitter No. and Name		Provision of Plan	Support/ Oppose	Reason	Decision Requested	Officer Comment	Officer Recommendation
							<p>as requested by the submitter can be considered. Council has committed to working with the submitter during the preparation of those provisions that would be included in the draft chapters for the rural, residential and village zones in the future.</p> <p>Council has set down the review of the Rural Zone and wider Residential and Village Zone for 2020. As a result of this submission, the Council and Kiwirail will discuss the relevant provisions that are necessary to be included in these zones, and where additional provisions may best be located given the new National Planning Standards.</p>	
6	SO27/007	KiwiRail	8.2 Issues	Unstated	<p>The issues don't include effects of subdivision on the safe and efficient operation, maintenance, repair, upgrading, removal and development of local network utilities. Subdivision design can be a key factor in mitigating and managing reverse sensitivity effects i.e. lot sizes, and buffer areas can be used to promote higher amenity standards.</p>	<p>Add a further issue as follows:</p> <p><u>The need for subdivision design to manage reverse sensitivity effects where adjacent to lawfully established activities (including land transport networks).</u></p> <p><i>Supported by FS01/04</i></p> <p><i>Supported by FS03/03</i></p>	<p>Provisions for Network Utilities are included in Chapter 3A of the District Plan.</p> <p>There are no existing network utilities within Growth Precinct 4 other than those that are already existing in road reserve areas. Therefore, this issue is not necessary to be included for Growth Precinct 4.</p> <p>As discussed above, the content of the submission is more</p>	<p>Reject the submission.</p> <p>Reject further submissions FS01/04 and FS03/03.</p>

No	Submitter No. and Name	Provision of Plan	Support/ Oppose	Reason	Decision Requested	Officer Comment	Officer Recommendation	
						appropriately addressed through the upcoming Rural and Residential Zone reviews where provisions as requested by the submitter can be considered. Council has committed to working with the submitter during the preparation of those provisions that would be included in the draft chapters for the rural, residential and village zones in the future.		
7	SO18/003	Powerco	8.2. 1-9	Support	Issues 1-9 as outlined in the plan change are supported.	Retain Issues 1-9 as notified. <i>Supported by FS07/12</i>	Retention is noted. No submissions sought changes to the issues.	Accept the submission. Accept further submission FS07/12.
8	SO18/004	Powerco	8.3 Objective 1	Support	The intent of Objective 1 is supported.	Retain Objective 1 as notified, however minor rewording in the initial clause to remove wording "To ensure" and reword as an objective would be acceptable and does not change the intent. Suggested rewording is as follows: To ensure subdivision and land development within Growth Precinct 4 achieves the following overall urban design outcomes: The following urban design outcomes are achieved for Growth Precinct 4: a. A well-integrate... b. Connectivity with...etc.	Decision requested changes the overall drafting of Objectives in this chapter which is consistent with other recent chapters reviewed as part of the sectional district plan review. However, objectives should include clear outcome statements. Objective 1 can be improved as suggested by this submission. The changes do not materially alter the overall intent of Objective 1.	Accept the submission by amending Objective 1 as follows: To ensure subdivision and land development within Growth Precinct 4 achieves the following overall urban design outcomes: The following urban design outcomes are achieved for Growth Precinct 4: a. A well-integrated... b. Connectivity with...etc. Accept further submission FS07/15.

No	Submitter No. and Name	Provision of Plan	Support/ Oppose	Reason	Decision Requested	Officer Comment	Officer Recommendation	
					<i>Supported by FS07/12</i>			
9	SO33/001	Horizons Regional Council	8.3 Objective 1 a – h	Support	Support Objective 1(a)(d),(f) as these are consistent with One Plan objectives and policies.	Not Stated <i>Supported by FS07/15</i>	Support is noted. A change to the objective is recommended under SO 18/004, however this does not change Objective 1a, d, or f.	Accept the submission. Accept further submission FS07/15.
10	SO33/003	Horizons Regional Council	8.3 Objectives and Policies	Support	Support in part: Objectives 1(b), (c), (e), (g), (h) Policies 1.1, 3.3, 3.4, 3.5, 3.7, 3.8 Rules (viii)(ix)(xi)(xiv)(xv) Taken together these objectives do not adequately meet the stormwater management provisions of One Plan. 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. Proposal to incorporate a single large pond and its location do not appear to adequately address the stormwater discharge from Growth Precinct 4. Horizons has undertaken significant investment in works to support effective management and protection of Feilding CBD from inundation should not be relied on as an effective mitigation to the stormwater risks faced by increased urban development in Growth Precinct 4. Support the inclusion of rule performance standards identifying location of natural	1. Changes to the objectives, policies and rules to give effect to effective stormwater management arising from Growth Precinct 4. 2. Retain wording relating to Objective 1(h) in relation to natural hazards, except where changes are needed to address the stormwater issues. <i>Supported by FS07/15</i>	Support in part is noted. Stormwater quantity is proposed to be managed by larger lot sizes, permeable surface and site coverage. The Stormwater Report in Appendix 13 of the Section 32 Report identified how stormwater is to be managed. In addition, Council has completed its own stormwater model for the area of Growth Precinct 4. Council acknowledges that this will need to be updated over time as development occurs. The evidence of Mr Glenn Young (in Appendix 10) further discusses the work Council has undertaken in relation to stormwater management.	Accept the submission in part. Amend Policy 1.1 as follows: 1.10 Subdivision and development within Growth Precinct 4 is guided by a structure plan that identifies: f. Key transportation connections. g. Open Space and recreational opportunities. h. Shared pathways, including cycleways and walkways. i. Hazard areas, including overland flow paths j. <u>Optimal open space provision for stormwater detention infrastructure.</u> Add a new Policy under Objective 3 as follows: <u>Policy 3.9 To require an integrated Stormwater Management Plan to be lodged at the time of subdivision that demonstrates:</u> d. <u>how stormwater collection, attenuation and discharge is managed onsite for</u>

No	Submitter No. and Name	Provision of Plan	Support/ Oppose	Reason	Decision Requested	Officer Comment	Officer Recommendation
				<p>watercourses and overland flow path for effective natural hazard management.</p> <p>The overland flow path information in appendix risks becoming outdated given the potential for changes to ground levels.</p>		<p>Following meetings with Horizons, it is understood that they are wanting to see more contemporary stormwater management to be included in Growth Precinct 4 although no specific wording has been supplied. Changes are recommended to include additional policy and rule requirements about stormwater management and sensitive design principles. Councils' Engineering Standards have specific requirements for these approaches. The changes are consistent with the standards. The recommended changes require developers to carefully consider how stormwater will be managed and how contemporary stormwater management will be achieved. The recommended provisions address both stormwater quantity and quality.</p>	<p><u>the proposed development; and</u></p> <p>e. <u>best management practices to reduce stormwater runoff volumes and peak flow rates, and improve the quality of stormwater runoff is achieved.</u></p> <p>Add a new Policy under Objective 3 as follows:</p> <p><u>Policy 3.10 To require consent notices on titles outlining measures required to implement recommendations from any technical reports to achieve water sensitive stormwater designs within Growth Precinct 4, including requirements to maintain all measures.</u></p> <p>Add a new matter Council restricts its discretion to in Rule 8.4.1 as follows:</p> <ul style="list-style-type: none"> o <u>How stormwater sensitive design principles, including onsite attenuation, are integrated into subdivision design.</u> <p>Add a new performance standard to Rule 8.4.1 as follows:</p> <p><u>h. Stormwater Management Plan</u></p> <p><u>For Growth Precinct 4, a report from a Chartered Professional Stormwater Engineer identifying the potential stormwater risks to the site and infrastructure that supports development is required. This report must cover:</u></p> <ul style="list-style-type: none"> i. <u>A site specific hydrologic modelling assessment based on the proposed subdivision plan, and include assessment for how stormwater will be collected, attenuated and managed onsite.</u> ii. <u>Scoping of all internal stormwater infrastructure and how it will interact with the existing drainage system including connection to the existing stormwater network.</u> iii. <u>Treatment of all stormwater runoff prior to discharge to the primary network.</u>

No	Submitter No. and Name	Provision of Plan	Support/ Oppose	Reason	Decision Requested	Officer Comment	Officer Recommendation
							<p>iv. <u>Protection of treatment devices and treatment runoff during all phases of construction.</u></p> <p>v. <u>Outline how the development will hydraulically relate to its surrounding environs, including assessment of overland flow paths and potential flood impacts of proposed and existing development.</u></p> <p>vi. <u>Outline how the proposed stormwater management system will ensure that any changes in runoff from the site will be addressed.</u></p> <p>vii. <u>Outline how the proposed stormwater management system is consistent with Council's Engineering Standards and NZS4404:2010 Land Development and Subdivision Infrastructure.</u></p> <p>viii. <u>How the proposed stormwater management approach recognises the Makino Stream as a sensitive receiving environment.</u></p> <p><u>This report must also contain recommendations as to the location, design and construction of stormwater infrastructure that are appropriate to mitigate any characteristic or feature identified. Ongoing maintenance of the stormwater infrastructure recommended in the Report must also be outlined. A copy of any site calculations must accompany the report.</u></p> <p>Add a new assessment criteria to Rule 8.4.1 as follows:</p> <p>xv. <u>The extent to which the proposal incorporates water sensitive stormwater design principles, achieves pervious surfaces and recognises the Makino Stream as a sensitive receiving environment.</u></p> <p>Add a new policy in the Residential Zone under Objective 2 as follows:</p> <p><u>To manage the risk of stormwater attenuation by requiring low impact stormwater design solutions, minimum floor levels and by</u></p>

No	Submitter No. and Name		Provision of Plan	Support/ Oppose	Reason	Decision Requested	Officer Comment	Officer Recommendation
								<p><u>ensuring all lots have adequate pervious surface.</u></p> <p>Amend the permeable surface area performance condition in Rule 15.4.2 as follows:</p> <p>Permeable surface area</p> <p>i. <u>A minimum of 50% of the net site area shall be must be maintained as a permeable surface. This includes decks provided the surface material of the deck allows water to drain through to a permeable surface.</u></p> <p>ii. <u>Low impact stormwater sensitive design solutions or devices must be implemented and maintained to treat road and hard stand runoff areas ancillary to any residential unit or accessory building consistent with Council's Engineering Standards.</u></p> <p>Accept further submission FS07/15.</p>
11	SO33/002	Horizons Regional Council	8.3 Policy 1.2	Support	Support Policies 1.2-1.5, as these are consistent with One Plan objectives and policies.	Not Stated <i>Supported by FS07/15</i>	Support is noted.	Accept the submission. Accept further submission FS07/15.
12	SO1/001	Matt Alcock	8.3 Objective 2	Unstated	Objective 2 does not include a specific provision to incorporate school, shops, community facilities with the proposed 1700 households.	MDC provides specific provision for local amenities such as schools, shops and community facilities within growth area 4. <i>Supported by FS06/04</i> <i>Supported by FS07/01</i>	Council commissioned an Economic Report that identified a small commercial area could be established in this area, but a shopping complex is not required. There are a number of small shops/dairy's in the near vicinity. Based on the Economic Report it is not considered necessary to identify an area within Growth Precinct 4. The rules included in the Plan Change are sufficient to enable a commercial development, should a developer intend	Reject the submission. Reject further submissions FS06/04 and FS07/01.

No	Submitter No. and Name		Provision of Plan	Support/ Oppose	Reason	Decision Requested	Officer Comment	Officer Recommendation
							to do this in the future. From pre-plan change discussions with the Ministry of Education it is Council's understanding that there is sufficient capacity within existing schools to accommodate children within the Growth Precinct 4 area. The Ministry has not through any consultation throughout the development of this Plan Change indicated that a school site was required in this area.	
13	SO10/002	Michael Duindam	8.3 Objective 2	Support	Support the expectation that development in Growth Precinct 4 will create attractive, healthy and safe place to live. Recent developments have created poor urban design outcomes, which should not be repeated in future growth areas.	Objective 2 and supporting policies be adopted. <i>Supported by FS07/09</i>	Support is noted. As a result of submission SO18/005 the wording of Objective 2 is recommended to change. The recommended changes are not considered to change the intent of Objective 2, rather provide a clear outcome statement.	Accept the submission in part noting the recommended changes under submission SO18/005. Accept further submission FS07/09.
14	SO18/005	Powerco	8.3 Objective 2	Support	The intent of Objective 2 is supported.	Retain Objective 2 as notified, however minor rewording in the initial clause to remove wording "To ensure" and reword as an objective would be acceptable and that does not change the intent. Reword as follows: To ensure subdivision and development within Growth Precinct 4 achieves an attractive and sustainable urban neighbourhood - <u>An attractive and sustainable</u>	Decision requested changes the overall drafting of Objectives in this chapter which is consistent with other recent chapters reviewed as part of the sectional district plan review. However, objectives should include clear outcome statements. Objective 2 can be improved as suggested by this submission.	Accept the submission by amending Objective 2 as follows: To ensure subdivision and development within Growth Precinct 4 achieves an attractive and sustainable urban neighbourhood. An attractive and sustainable urban neighbourhood is achieved for Growth Precinct 4. Accept further submission FS07/12.

No	Submitter No. and Name		Provision of Plan	Support/ Oppose	Reason	Decision Requested	Officer Comment	Officer Recommendation
						<p><u>urban neighbourhood is achieved for Growth Precinct 4.</u></p> <p><i>Supported by FS07/12</i></p>	The changes do not materially alter the overall intent of Objective 2.	
15	SO27/008	KiwiRail	8.3 Objective 2	Unstated	Relates both to subdivision and development. Subdivision design can be a key factor in mitigating and managing reverse sensitivity effects, ie. Lot sizes and buffers areas can be used to promote higher amenity standards.	<p>Add an additional policy as follows:</p> <p><u>To require subdivision design to be compatible with the operation, safety, maintenance, upgrade and development of utilities including the land transport network.</u></p> <p><i>Supported by FS01/05</i></p> <p><i>Supported by FS02/04</i></p> <p><i>Supported by FS03/03</i></p>	<p>Provisions for Network Utilities are included in Chapter 3A of the District Plan.</p> <p>There are no existing network utilities within Growth Precinct 4 other than those that are already existing in road reserve areas.</p> <p>Therefore, this additional policy is not considered necessary to be included for Growth Precinct 4.</p> <p>As discussed above, the content of the submission is more appropriately addressed through the upcoming Rural and Residential Zone reviews where provisions as requested by the submitter can be considered. Council has committed to working with the submitter during the preparation of those provisions that would be included in the draft chapters for the rural, residential and village zones in the future.</p>	<p>Reject the submission.</p> <p>Reject further submissions FS01/05, FS02/04, FS03/03.</p>
16	SO33/004	Horizons Regional Council	8.3 Objective 2	Support	<p>Support in part: Objective 2</p> <p>Policies 2.1-2.7</p> <p>Generally support the wording proposed however there are</p>	<p>1. Changes to the objective and policies to include integration of indigenous biodiversity,</p>	<p>Support in part is noted.</p> <p>Provisions of the One Plan mentioned in this part of the submission</p>	<p>Accept the submission in part in so far as noting the support.</p> <p>Accept in part further submission FS07/15.</p>

No	Submitter No. and Name	Provision of Plan	Support/ Oppose	Reason	Decision Requested	Officer Comment	Officer Recommendation
				<p>additions that could be considered for this suite of objective and policies.</p> <p>Indigenous biodiversity is not considered within this Proposed Plan Change.</p> <p>Lack of enhancement of indigenous biodiversity is an issue that need to be addressed to be consistent with the provisions of the One Plan (Policy 6-3 and 6-4).</p> <p>Proposed subdivision makes no mention of Papakainga Housing. It should be noted that the One Plan acknowledges Hapu and Iwi interest in indigenous biodiversity and resource management issues generally.</p>	<p>particularly preventing further loss and enhancement of indigenous biodiversity within Growth Precinct 4.</p> <p>2. Consider the incorporation of policies that address the aspirations of Iwi and Hapu within the Rohe.</p> <p><i>Supported by FS07/15</i></p>	<p>relate to proactive management of indigenous biological diversity and fostering an ethic of stewardship.</p> <p>Appendix 1 of the District Plan includes sites of specific indigenous biodiversity value, and none are identified within Growth Precinct 4.</p> <p>The area that is along the Makino (Mangakino) Stream is to be rezoned as flood channel/recreation. Council is planning to enhance this area, in partnership with tangata whenua. The rezoning of the land is therefore considered to enhance the indigenous biodiversity of an area that is currently lacking.</p> <p>The proposed provisions do not specifically mention papakainga housing. Land is in private ownership. Rules have been written to enable multi-unit development (of which Papakainga housing would be similar). Council's intention is for the Rural Zone to be more enabling of Papakainga housing recognising the amount of Māori land in that</p>	

No	Submitter No. and Name		Provision of Plan	Support/ Oppose	Reason	Decision Requested	Officer Comment	Officer Recommendation
							zone. Council is working with tangata whenua on how Māori Urban Design Principles can be incorporated into the development of the Makino (Mangakino) Stream area.	
17	SO18/006	Powerco	8.3 Policy 2.1	Unstated	Policy 2.1 with its use of the word "require" creates tension with the matters of restricted discretion in Rule 8.4.1. which provides for deviations from the Structure Plan.	Reword Policy 2.1 if provision for deviations from the Structure Plan are intended to be allowed as per the matters of restricted discretion in Rule 8.4.1. <i>Supported by FS07/12</i>	The submitter has identified a circular issue between the proposed rules and the policy. Rewording the policy as suggested will assist future plan users when considering Discretionary Activity consent applications.	Accept the submission by amending Policy 2.1 as follows: To <u>ensure</u> require subdivision design to <u>implement</u> the Growth Precinct 4 Structure Plan in Appendix 8.1. Accept further submission FS07/12.
18	SO29/004	Proarch Consultants Limited	8.3 Objectives and Policies	Oppose	Opposes Chapter 8 Objectives, Policies 2.4 and 2.5 as existing land parcels in PC51 are likely to necessitate some form of rear lot rationalisation and use of short cul-de-sacs. These are supported urban design principles provided their use is controlled and intermixed with other urban planning devices. Do not support the inclusion of the word 'avoid' in light of <i>King Salmon</i> and <i>RJ Davidson</i> decisions.	Consider that the policies require further analysis through hearing process.	It is unclear from submission what specific changes the submitter is seeking. The key issue appears to be the use of 'avoid' in Policy 2.5. Agree that avoid is a strong policy wording and that discourage or restrict may be more appropriate. In discussing this submission point with the submitter they would prefer more specific language on the acceptable lengths for cul-de-sacs from a design perspective. This detail is contained in the Council's engineering standards. Repeating here in the District Plan is not considered necessary.	Accept the submission and amend Chapter 8 Policy 2.5 as follows: To avoid <u>discourage</u> the use of cul-de-sacs to enable a high level of accessibility and connectivity in the local street network.

No	Submitter No. and Name		Provision of Plan	Support/ Oppose	Reason	Decision Requested	Officer Comment	Officer Recommendation
19	SO1/002	Matt Alcock	8.3 Policy 2.5	Unstated	Policy 2.5 - Limiting accessibility through cul-de-sacs can be a good thing. The proposed grid (road) pattern can create 'rat runs' which can be exploited by enthusiastic drivers.	MDC investigate a mixture of roading and mandated walkways to achieve accessibility requirements. <i>Supported by FS06/05</i> <i>Supported by FS07/01</i>	The Structure Plan shows the key roads for Growth Precinct 4. Other roads are expected to be included as development occurs to create additional connections. Council has not specified where these are to occur to allow landowner flexibility. Roads will have footpaths and a shared path is proposed along some roads and the Makino Stream as shown on the Structure Plan.	Reject the submission. Note that changes are recommended to Policy 2.5 under submission SO29/004. Reject further submissions FS06/05 and FS07/01.
20	SO18/007	Powerco	8.3 Policy 2.7	Unstated	It is not always practical to achieve undergrounding for all infrastructure. Use of the word "require" in this policy is directive. Powerco considers that some flexibility in this policy is required where it is not practical to achieve undergrounding of infrastructure. In addition, sometimes it may not be practicable to require cables and pipes to remain underground where they connect with transformers, pillar boxes gas gates and District Regulator stations. The word "require" could prove problematic in consenting processes. If it is intended that there is policy support for Rule 8.4.1 (g) (i) then is it suggested that the policy be limited to new pipes and cables only, and/or include words that provide flexibility where undergrounding of all power and telecommunications infrastructure is not practicable. It is also considered that Policy 2.7 is better located in Section 3A.3 of the Plan.	i. Delete Policy 2.7 from Chapter 8; and ii. include a cross reference in Chapter 8 to the existing policy in Chapter 3A.3 relating to undergrounding of new cables and pipes. Alternatively: It may also be acceptable relief to include a specific policy exception within 3A.3 Policy 1.3 with a stronger policy direction than the word "encourage" specifically for Growth Precinct 4, and specifically for new cables and piping (i.e. not for all power and telecommunications infrastructure), given Rule 8.4.1 (g)(i). For example the words "Require where practicable..." or similar may be acceptable, which will allow for those circumstances where	The provision for undergrounding utilities has traditionally been in the subdivision provisions. This provision has been carried over from the existing provisions in the District Plan. Chapter 3A Policy 1.3 states "To encourage all new cables and lines, including electricity distribution lines (but not the National Grid) are installed underground." With the introduction of the National Planning Standards it is appropriate to remove Policy 2.7 and include a cross reference to the provision in Chapter 3A.	Accept the submission by deleting Policy 2.7 as follows: "To require all power and telecommunication infrastructure to be underground." Add a new cross reference under Objective 2 Policies as follows: Guidance Note: Refer also to <u>Policy 3A 1.3 which encourages all new cables and lines, including electricity distribution lines to be installed underground.</u> Accept the further submission FS07/12.

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						<p>pipes and cables connect to above ground infrastructure.</p> <p><i>Supported by FS07/12</i></p>		
21	SO33/005	Horizons Regional Council	8.3 Objective 3	Support	<p>Support Objective 3 and Rule f.</p> <p>Support the inclusion of performance standards requiring minimum floor levels to mitigate effects of a 0.5% AEP flood event.</p>	<p>Support wording or such wording of a similar effect.</p> <p><i>Supported by FS07/15</i></p>	<p>Support is noted. Submission SO28/003 has requested that Rule 8.4.1.f. and Rule 15.4.2.g be reviewed. As a result of that submission minor changes to Rule 8.4.1.f are recommended. Also note that changes are proposed to Objective 3 under SO18/008. the proposed changes under the other submissions do not alter the intent of the proposed rule or Objective 3.</p>	<p>Accept the submission in part in so far as the recommended changes under SO28/003 and SO18/008.</p> <p>Accept in part further submission FS07/15.</p>
22	SO18/008	Powerco	8.3 Objective 3	Support	<p>The intent of Objective 3 is supported.</p>	<p>Retain Objective 3 as notified. However minor rewording in the initial clause to remove wording "To ensure" and reword as an objective would be acceptable and where it does not change the intent. Suggested rewording is as follows:</p> <p>To ensure development of Growth Precinct 4 manages the potential risk to people and buildings from natural hazards. In the development of Growth Precinct 4 the potential risk to people and buildings from natural hazards is managed.</p>	<p>Decision requested changes the overall drafting of Objectives in this chapter which is consistent with other recent chapters reviewed as part of the sectional district plan review. However, objectives should include clear outcome statements. Objective 3 can be improved as suggested by this submission. The changes do not materially alter the overall intent of Objective 3.</p>	<p>Accept the submission by amending Objective 3 as follows:</p> <p>To ensure development of Growth Precinct 4 manages the potential risk to people and buildings from natural hazards. In the development of Growth Precinct 4 the potential risk to people and buildings from natural hazards is managed.</p> <p>Accept further submission FS07/12.</p>

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						<i>Supported by FS07/12</i>		
23	SO18/009	Powerco	8.3 Policy 3	Support	Policies 3.1-3.8 are supported.	Retain Policies 3.1-3.8 as notified. <i>Supported by FS07/12</i>	Support is noted.	Accept the submission. Accept further submission FS07/12.
24	SO18/010	Powerco	8.3 Objective 4	Unstated	<p>It is noted that the words in Objective 4 “To enable...” create a policy expectation in terms of implementation rather than a statement of desired outcome (objective).</p> <p>As written there is tension between Objective 4 and the matters of discretion in Rule 8.4.1 where deviations from the structure plan are contemplated as a restricted discretionary activity. Similarly policy 2.1 with its use of the word “require” also creates tension with the matters of discretion in Rule 8.4.1.</p>	<p>Review and reword Objective 4 to identify an objective. Remove reference to “in accordance with the Growth Precinct Structure Plan in Appendix 8.1”. For example the following wording for Objective 4 may be appropriate:</p> <p style="padding-left: 40px;"><u>To enable the development of Growth Precinct 4 in accordance with the Growth Precinct 4 Structure Plan in Appendix 8.1 and where development delivers an integrated infrastructure network for the entire site. A comprehensive spatial layout and an efficient and well integrated infrastructure network is delivered for Growth Precinct 4.</u></p> <p><i>Supported by FS07/12</i></p>	<p>Decision requested changes the overall drafting of Objectives in this chapter which is consistent with other recent chapters reviewed as part of the sectional district plan review. However, objectives should include clear outcome statements, and not include statements relating to methods (which the Structure Plan is considered to be). Objective 4 can be improved as suggested by this submission. The changes do not materially alter the overall intent of Objective 4.</p> <p>With the removal of reference of the Structure Plan in Objective 4 it is considered appropriate to include this reference in Policy 4.3. This provides the policy guidance for how future applications under this</p>	<p>Accept the submission by amending Objective 4 as follows:</p> <p style="padding-left: 40px;"><u>To enable the development of Growth Precinct 4 in accordance with the Growth Precinct 4 Structure Plan in Appendix 8.1 and where development delivers an integrated infrastructure network for the entire site. A comprehensive spatial layout and an efficient and well integrated infrastructure network is delivered for Growth Precinct 4.</u></p> <p>Amend Policy 4.3 as follows:</p> <p style="padding-left: 40px;">To ensure subdivision and development contributes to and does not undermine the integrated and comprehensive spatial layout for Growth Precinct 4 as identified in the Structure Plan in Appendix 8.1.</p> <p>Accept further submission FS07/12.</p>

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							Objective will be assessed.	
25	SO33/006	Horizons Regional Council	8.3 Objective 4	Support	Support in part: Objective 4 Policies 4.1-4.5 Horizons support the objectives and policies in so far as they provide for effective infrastructure and growth planning, provided that they account for the stormwater management issues.	Not Stated <i>Supported by FS07/15</i>	Support is noted. A change to Objective 4 is recommended under SO18/010, however this is not considered to change the intent of Objective 4.	Accept the submission in part in so far as changes are recommended under SO18/010. Accept further submission FS07/15.
26	SO18/011	Powerco	8.3 Policy 4	Support	It is considered that with an appropriately re worded Objective 4 policies 4.1, 4.2, and 4.3 can be supported. Policy 4.5 is written in a manner that requires consistency with another section of the Plan and is superfluous. Policy 4.4 provides the framework for Rule 8.4.1 in terms of the performance standards on infrastructure.	Retain Policies 4.1-4.3; amend Policy 4.5 to remove superfluous references to another chapter; amend Policy 4.4 to meet the intent: for example: To restrict <u>enable</u> subdivision and development within Growth Precinct 4 until <u>where</u> essential infrastructure of sufficient capacity to service the subdivision <u>can be provided</u> . If the intent is to restrict subdivision and development until the Council's essential infrastructure is in place, then as an alternative to the above, amend the policy to add the word " <u>the Council's</u> " before the words "essential infrastructure". <i>Supported by FS07/12</i>	Retention of policies 4.1-4.3 is noted. Policy 4.4 was intended to relate to Council infrastructure, being stormwater, wastewater and water. This policy was not intended to cover all network utilities nor all infrastructure. To provide clarity the provision should clearly only refer to Council infrastructure. The cross referencing in Policy 4.5 is intended to assist plan users navigate the different chapters in the District Plan. Therefore no change is recommended.	Accept the submission in part by amending Policy 4.4 as follows To restrict subdivision and development within Growth Precinct 4 until <u>Council's</u> essential infrastructure of sufficient capacity to service the subdivision. Accept in part further submission FS07/12.
27	SO20/002	New Zealand Transport Agency (NZTA)	8.3 Policy 4.1	Support	Whilst NZTA support policies 4.1 - 4.5, any appropriate upgrades and funding mechanisms for upgrades to intersections with SH 54 should be provided for prior to such effects occurring.	Amend policy 4.4 to specifically reflect the need for reference to the existing limitations on intersections with State Highway 54 and the need to work with the Transport	Support is noted. Including a policy in the District Plan for a funding matter is not considered to be best planning practice. There is	Reject the submission. Reject further submissions FS06/03 and FS07/13.

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				<p>NZTA acknowledges that local network will be impacted first during stages 1 and 2. From stage 3 adverse effects on State Highway network are broader and capacity and safety problems increase to an unacceptable level. At this point, system failures are considered to become more significant and some form of intersection upgrade is expected to be required to ensure the safe and efficient ongoing operation of SH 54 as well as Pharazyn Road and North Street. The applicant needs to provide specific details that state when development reaches a certain threshold, then the existing intersection will need to be upgraded. If Council choose to accept the Plan Change without setting a threshold, then a matter for discretion must include the impact/s on the safety and efficiency of the State Highway.</p> <p>The supporting material for PC51 does identify the need for upgrade options for Site 3 in particular, however, no further detail regarding funding or timelines of such an upgrade is provided.</p> <p>It may be appropriate that some form of cost share agreement is reached between parties to enable appropriate investigation and upgrades to take place. As noted above and in the review by Michael Town, Consultant Traffic Engineer of Beca Limited, Site 3 is likely to experience significant queues along local roads attempting to turn right onto the state highway prior to reaching stages 3 and 4 of planned growth in the area. For this reason, the Transport Agency requests that development within stages 2, 3 and 4 be subject to the identification of a suitable solution and funding mechanism for the upgrade of Site 3 in order that adverse effects as a</p>	<p>Agency to achieve a suitable solution prior to progression of PC 51.</p> <p>4.4 To restrict subdivision and development within Growth Precinct 4 until essential infrastructure is in place and of sufficient capacity to service the subdivision. To restrict subdivision and development within Growth Precinct 4 until essential infrastructure is in place and of sufficient capacity to service the subdivision, including but not limited to the following:</p> <ul style="list-style-type: none"> - Provision of a suitable intersection on upgrade solution for increased traffic volumes on State Highway 54 (Site 3), and in conjunction with the New Zealand Transport Agency (NZTA); and - Provision of a funding agreement including a combination of contributions from 	<p>no resource management issue that is being addressed by the changes requested. The matter of funding is more appropriately addressed in a separate agreement between Council and NZTA. Discussions are occurring between Council and NZTA however due to internal NZTA processes a formal agreement will take some time. Council has committed to working through an agreement separately outside the District Plan process. A letter has been provided to NZTA regarding this commitment – refer to the evidence of Mr John Jones in Appendix 9.</p> <p>There is sufficient time to address local road impacts and those onto the State Highway in the future. One of the recommendations of the Traffic Assessment was for Council to complete regular monitoring of the roading network. This is necessary to understand the speed of growth and the likely timing of roading improvements.</p> <p>Mr Jones outlines the monitoring that will be</p>	

No	Submitter No. and Name		Provision of Plan	Support/ Oppose	Reason	Decision Requested	Officer Comment	Officer Recommendation
					result of the proposed PC on the State Highway network can be sufficiently addressed.	the Transport Agency, the Council, and Developers. <i>Supported by FS06/03</i> <i>Supported by FS07/13</i>	undertaken in his evidence.	
28	SO33/007	Horizons Regional Council	8.4 Rules	Support	Horizons generally support the rules in Chapter 8, and the activity cascade, except where changes are needed to give effect to the issues raised in the submission.	Not Stated <i>Supported by FS07/15</i>	Support is noted. It is unclear what changes the submitter is seeking in regard to the Rules. As a result of other submissions minor changes to the rules are recommended. Refer to the discussion under SO33/003.	Accept the submission in part in so far as noting the support and the changes recommended under SO33/003. Accept in part further submission FS07/15.
29	SO19/001	Haydon Christian (Jennian Homes)	8.4.1 Restricted Discretionary Activity Performance Standard a – g	Support	By using an average of 600m ² developers can cater for both larger and smaller sites whilst adhering to this rule.	Therefore support average section size of 600m ² with a minimum of 350m ² .	Support is noted. The proposed provisions are based on an average lot size, which is part of the package required to manage stormwater so a reduction to a minimum lot size of 350m ² is not supported. It is noted that a lot size of 350m ² would enable a house size of around 120m ² while still achieving all performance standards in Rule 15.4.2. Should a development propose smaller lot sizes (where they do not achieve an average lot size of 600m ²) a discretionary activity consent is required allowing the effects to be assessed on a	Accept the submission in part in so far as the support of an average lot size.

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							case by case basis.	
30	SO28/002	Manawatu District Council	8.4.1 Restricted Discretionary Activity Performance Standard a – g	Unstated	Seeks amendments to improve the integration of subdivision and land use provisions, remove some potential areas of uncertainty, and ensure provisions while achieve the stated objectives.	Include a reference to Appendix 8.2 Overland Flow Paths in Rule 8.4.1.e(ii).	Including the reference as sought by the submitter adds clarity to the provisions.	Accept the submission and amend Rule 8.4.1.e.ii as follows: Existing overland flow paths <u>as shown in Appendix 8.2</u> are maintained and not filled in, dammed or diverted.
31	SO18/012	Powerco	8.4.1 Restricted Discretionary Activity	Unstated	The performance standards for a restricted discretionary activity include some matters that may be difficult for a developer to comply with in respect to non-Council "essential infrastructure". This includes the following clauses: g. Infrastructure i. All cables and pipes, including for gas, power and telecommunications must be placed underground. ii. All essential infrastructure must be available for connection within 30 metres of the nearest point of the land being subdivided. iii. ... iv. All new essential infrastructure proposed in a subdivision must be located within road reserve and vested in Council.	Amend Rule 8.4.1.g.by deleting clauses i, ii, iv and v. Alternatively identify and amend the situations where it is just the Council's essential infrastructure that is intended to apply: eg: g. ii All Council essential infrastructure must be available for connection within 30 metres of the nearest point of land being subdivided. (or similar And alternatively for i amend with an exception so that	The provisions of Rule 8.4.1.g have been reviewed as a result of this submission. Some provisions were only intended to relate to Council infrastructure – water, wastewater and stormwater, and not to other network utilities such as Powerco. Changes are recommended to provide clarity for Plan users for which provisions relate specifically to Council's infrastructure.	Accept the submission by making the following changes: Subdivision Chapter: Policy 4.4 To restrict subdivision and development within Growth Precinct 4 until Council's essential infrastructure is in place and of sufficient capacity to service the subdivision. Rule 8.4.1.g vi. All cables and pipes, including for gas, power and telecommunications must be placed underground, <u>except where they are required to be above ground for connection to associated infrastructure.</u> vii. All Council's essential infrastructure must be available for connection within 30 metres of the nearest

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				<p>v. Development must only occur in areas where essential infrastructure is available and of sufficient capacity for the subdivision.</p> <p>In terms of iv electricity, gas and telecommunications are not usually vested in the Council, so this part of the clause will not be able to be complied with. In terms of wastewater, stormwater, water supply, electricity/gas and telecomm infrastructure some may not be located in road reserve, some may be located in a utility reserve or utility allotment. Consequently, overall there are many circumstances when clause g.iv. will not be able to be met and this may not be what was intended.</p> <p>In terms of v. and the guidance note, it is unclear how activity status will be determined if essential infrastructure is not available and of sufficient capacity for the subdivision, but under the guidance note agreements are in place. Does the subdivision in these circumstances automatically default to a full discretionary activity? And is that what is intended?</p> <p>It is assumed, though it is not entirely clear, that if any of these standards are not complied with, the subdivision will default to a full discretionary activity under Rule 8.4.2(d).</p> <p>It is also unclear what role the assessment matters at the end of Rule 8.4.1 will have. Are they assessment matters for a discretionary activity, or are they additional matters to which the Council is restricting its discretion for an RD subdivision under 8.4.1?</p> <p>In addition, it is noted that clause iv in the assessment matters implies that deviations from the Growth Precinct 4</p>	<p>cables and pipes do not need to be located underground where they are required to be at the surface to connect with associated infrastructure.</p> <p>And:</p> <p>Clarify the activity status where agreements are being entered into for provision of essential infrastructure under the guidance note, to comply with Rule 8.4.1 g.v.</p> <p>If clause g.v. is intended to apply to all essential infrastructure (not just Council's essential infrastructure) amend to also allow agreements for non-Council essential infrastructure as a means of compliance with v.</p> <p>And:</p> <p>Provide clarity, and amend accordingly, in respect to Rule 8.4.1 that non-compliance with one or more of the performance standards will result in the activity defaulting to full discretionary activity under the rule.</p> <p>And</p> <p>Improve the layout and numbering of Rule 8.4.1, noting that the assessment criteria at the end of the rule have the same numbering as clauses within the performance standards.</p> <p>And</p> <p>Clarify and amend accordingly the intended activity status when the subdivision is not "in general accordance with" the Growth Precinct 4 Structure Plan. Clarify if this</p>		<p>point of the land being subdivided.</p> <p>...</p> <p>iv. All new Council's new essential infrastructure proposed in a subdivision must be located within road reserve and vested in Council.</p> <p>v. Development must only occur in areas where Council's essential infrastructure is available and of sufficient capacity for the subdivision.</p> <p>Guidance Note: In situations where development is proposed ahead of Council infrastructure investment, Council may enter into agreements with land owners as outlined in the Council Development Contributions Policy around the provision of Council's essential infrastructure.</p> <p>Rule 8.4.1 assessment criteria</p> <p>iv. The extent to which deviations from the Growth Precinct 4 structure plan will result in an alternative coordinated, comprehensive outcome that will satisfy the objectives and policies for Growth Precinct 4.</p> <p>xiiiv. The degree to which the subdivision provides for the integration of essential infrastructure into the existing Council network in a manner which is orderly, timely and efficient and that facilitates future development and</p>

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					Structure Plan can be contemplated as an RD activity in terms of whether it will result in an alternative co-ordinated, comprehensive outcome, yet, in accordance with Rule 8.4.2 any subdivision that is not in general accordance with Growth Precinct 4 Structure Plan in Appendix 8.1, is a discretionary activity.	can be considered as a matter of restricted discretion (as per clause iv) or if it is full discretionary and amend accordingly. And Amend the list of assessment matters at the end of Rule 8.4.1 to clarify if they constrain or add to the earlier matters the council will restrict its discretion to. <i>Supported by FS07/12</i>		capacity requirements. The degree to which the subdivision provides for the integration of essential infrastructure. Residential Zone Chapter Rule 15.4.76 matter of discretion <ul style="list-style-type: none"> o Council's essential infrastructure Accept further submission FS07/12.
32	SO28/012	Manawatū District Council	8.4.1 Restricted Discretionary Activity Performance Standard a – g	Unstated	Seeks amendments to improve the integration of subdivision and land use provisions, remove some potential areas of uncertainty, and ensure provisions while achieve the stated objectives.	Amend the wording of Performance Standard 8.4.1(g)(iv) to clarify Council requirements: "All new essential infrastructure proposed in a subdivision must be located within road reserve and vested in Council."	In reviewing submission SO18/012 changes are recommended to Rule 8.4.1.g. These changes are considered to address this submission.	Accept the submission in part in so far as the changes recommended under SO18/012.
33	SO10/001	Michael Duindam	Appendix 8.1 Structure Plan	Support	Support the proposed structure plan, specifically to have two vehicle bridges and a cycle only connection. This will improve connectivity significantly particularly on Root Street. Proposed open space along the stream will enhance recreational opportunities.	Structure Plan be adopted. <i>Supported by FS07/09</i>	Support is noted.	Accept the submission in part recognising changes proposed by submission SO28/001. Accept in part further submission FS07/09.
34	SO17/003	Public Health Services, MidCentral District Health Board (MCPHS)	Appendix 8.1 Structure Plan	Unstated	Extending the walkway to connect with the proposed recreation reserve with the reminder of the town will improve the connectivity and amenity value of the reserve. Linking the proposed reserve to the Green Spine would help make the development meet NZTA principles for cycling and walking.	Extend the proposed Makino Stream reserve so that it connects with the green spine.	The area the submitter is talking about is outside Growth Precinct 4. Council is currently completing a Walking and Cycling Strategy which will assist in identifying future walking and cycling connections. To link the future Makino Stream area to the green spine is difficult with the current land ownership. Council's intention is to	Reject the submission.

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							<p>extend walkways where land ownership and agreement allows. The Structure Plan does show a shared path along Roots Street to create a loop for users. It is therefore not possible to extend the reserve as requested by the submitter.</p> <p>Council has recently developed the walkway between nearby Te Moana and Johnstone Parks near the Oroua River providing residents with additional recreational choice in Feilding.</p>	
35	SO26/001	Haronga Whanau	Appendix 8.1 Structure Plan	Oppose	Seek amendments to structure plan to include the 'indicative subdivision scheme plan' attached to submission.	<p>The Structure Plan is amended to that the Haronga Whanau are not required to provide more than 1/2 of the width or area of any proposed public road notified in the Structure Plan from their land.</p> <p><i>Supported by FS07/14</i></p>	<p>The Structure Plan is intended to show overall direction for development and where key roads are required. It is not appropriate for individual developments to be shown on the Structure Plan as these may change over time, and would remove flexibility for landowners to change their minds.</p>	<p>Reject the submission.</p> <p>Reject further submission FS07/14.</p>
36	SO26/002	Haronga Whanau	Appendix 8.1 Structure Plan	Oppose	Shared pathways are not understood (and are undefined in the District Plan).	<p>Clarify Structure Plan if shared pathways alter the road widths or increase the land take required from private landowners through proposed designated roads or as part of proposed local roads.</p> <p><i>Supported by FS07/14</i></p>	<p>Shared pathways are expected to be within the road corridor widths specified in Councils Engineering Standards.</p>	<p>Reject the submission.</p> <p>Reject further submission FS07/14.</p>

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37	SO28/001	Manawatu District Council	Appendix 8.1 Structure Plan	Unstated	Seeks amendments to improve the integration of subdivision and land use provisions, remove some potential areas of uncertainty, and ensure provisions while achieve the stated objectives.	<ol style="list-style-type: none"> 1. Adjust the position of the proposed reserve on Roots Street East to clarify that this must be located at the proposed intersection, and have road frontage on at least two roads. 2. Amend the key by labelling 'areas subject to inundation' to "Areas subject to inundation <u>outside Precinct 4</u>". 3. Adjust the alignment of the proposed western road connection between Reid Line West and the future road designation so that this follows the edge of the Makino Stream proposed reserve. <p><i>Supported by FS05/03 (Late submission)</i></p>	<p>Changes requested will improve the clarity of the structure plan and correctly reflect where the park and roads are to be located.</p> <p>The legend on the Structure Plan map was unclear in relation to the areas subject to inundation which are outside the location of Growth Precinct 4.</p>	<p>Accept the submission. Refer to the recommended revised Structure Plan in Appendix 5.</p> <p>Accept further submission FS05/03.</p>
38	SO33/010	Horizons Regional Council	Appendix 8.1 Structure Plan	Support	Support in part While the rezoning of this rural area for residential activities to plan for urban growth is well understood, this does result in the loss of versatile soils for rural production. It should be noted that there is a limited amount of class II soils available in the region, and their loss is an issue identified in the One Plan (Issue 3-4).	<p>Not Stated</p> <p><i>Supported by FS07/15</i></p>	<p>Unclear what the specific changes the submitter is seeking. Council recognises that Feilding is surrounded by Class II soils. In this case, Growth Precinct 4 has been identified for planned growth since 2013 as part of the Feilding Urban Framework Plan. The intention to remove the Feilding Nodal Area in Appendix 5A of the District Plan was also to</p>	<p>Accept the submission in so far as the support in part.</p>

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							recognise the importance of retaining the remaining areas for production purposes.	
39	SO34/001	Sasha Eastwood-Bennitt	Appendix 8.1 Structure Plan	Unstated	<p>Have concerns about the proposed road along the submitter's boundary that is in the Precinct 4 Structure Plan. Would like more information about how this may effect their property in the future such as any visual and environmental impact it may have on water runoff in to their section, and boundary fencing obligations etc.</p> <p>Would also like more information about rating changes and accessing public supplied amenity orders (if water and sewer systems are built to pass my property will they have to 'plumb' in to them and what would the cost be?) or zone requirements that may occur if their property is to be in a residential zone as opposed to the rural one it is currently in.</p>	Please hold a public meeting to discuss changes that will affect current residents in Precinct 4	<p>Development in the future is to be in general accordance with the Structure Plan. Minor changes may result through subdivision applications. The future road on the submitters boundary will be required to meet Councils Engineering Standards and will include curb and channel. No additional water is expected onto the property.</p> <p>Council has completed extensive consultation on Growth Precinct 4 as outlined in the Section 32 Report. While Council is not intending to hold a further public meeting at this time, Council will need to undertake future communication around infrastructure upgrades and service connections once the plan change has been confirmed and development occurs.</p> <p>In terms of rating, this is decided by Council under the Rating Act. The change in zoning is determined under the Resource</p>	Reject the submission.

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							<p>Management Act.</p> <p>Council acknowledges the submissions which have raised rating concerns. Any changes to rating categories is a matter to be determined through a separate process. Council is reviewing all submissions referring to rating concerns and will be working through a formal response that will need to be taken to a full Council meeting for ratification, and then formal implementation. Any changes would not apply until the rezoning had been made operative.</p>	
40	SO10/005	Michael Duindam	15 General	Unstated	<p>Vegetation provides a cheap and meaningful contribution to streetscape amenity. No compulsion for landowners to provide vegetation and there can be a time lag for Council street trees to be planted because this is usually held off until most of a street has been developed. Requiring landowners to plant a specimen tree in their front yard at the time of development would add a valuable contribution to streetscape amenity and biodiversity.</p>	<p>New performance standard be added requiring a specimen tree to be planted in the front yard of properties developed in Growth Precinct 4.</p> <p><i>Supported by FS07/09</i></p>	<p>Council does not generally require specific planting on private sites where effects are internalised. Given the open nature of the area at the moment, planting will gradually improve over time and as the Makino (Mangakino) Stream area is enhanced. Council accepts that this is a natural transition for urban growth. Given the permeable surface requirements for all development it is likely that landowners will provide planting that will improve landscape</p>	<p>Reject the submission. Reject further submission FS07/09.</p>

No	Submitter No. and Name		Provision of Plan	Support/ Oppose	Reason	Decision Requested	Officer Comment	Officer Recommendation
							amenity and biodiversity more quickly. Council also has plans to develop a street vegetation plan in the future to replace the current street planting policy.	
41	SO10/006	Michael Duindam	15 General	Unstated	There should be a height limit on vegetation that should be applied at the boundary in the Residential Zone, like the Rural Zone. This will enable residents to protect their solar access and seek enforcement through Council for non-compliances. It would be sensible to introduce such a rule at the time a new growth area is being developed, so that future residents have an expectation of future amenity outcomes they can expect in their new suburb.	New performance standard be added to limit tree height along the boundary. <i>Supported by FS07/09</i>	Council does not generally require specific planting on private sites where effects are internalised. It is not considered necessary for a height limit to be placed on vegetation at a property boundary through the District Plan for the residential zone.	Reject the submission. Reject further submission FS07/09.
42	SO27/001	KiwiRail	15 General	Unstated	Fully understands PC51 is focussed on rezoning of Growth Precinct 4. However as noted in PC51 text, it is anticipated that future plan changes will later expand chapter 15 to apply district wide. Parts of Precinct 4 fall within 100m of the railway corridor boundary. This submission is intended to highlight the ongoing need for the plan to address this reverse sensitivity issue for both Precinct 4 and the wider residential zone. Kiwirail seeks to include this standard in development provision for any zones where noise sensitive activities are enabled.	Add a noise and vibration performance standard to the Residential Zone Chapter 15 which requires specific setbacks and indoor design noise levels when near a railway line. Should the permitted activity conditions not be met then a Restricted Discretionary Activity rule would apply as proposed in this submission. See original submission for details on requested provisions. [135] Supported by FS03/03	As outlined in submission SO27/006, Council has mapped the distance between the centreline of the railway track and 100m. These maps show that Growth Precinct 4 is outside of the 100m limit. The provisions requested by the submitter are more appropriately addressed through the Rural, Residential and Village Zone reviews which are scheduled for 2020.	Reject the submission. Reject further submission FS03/03.
43	SO27/002	KiwiRail	15.2 Issues	Support	Support Council recognising potential effects on the safety and efficiency of the roading network from residential development. However safety and efficiency effects can relate to the	Amend Issue 15.2 1 as follows: Effects of residential development on natural and physical resources,	As outlined in submission SO27/006, Council has mapped the distance between the centreline of the	Reject the submission.

No	Submitter No. and Name		Provision of Plan	Support/ Oppose	Reason	Decision Requested	Officer Comment	Officer Recommendation
					rail network. Passengers, train drivers and trains themselves, including the movement of freight are all susceptible to safety and efficiency effects as a result of inappropriate land use and development.	including the vibrancy of the town centre, infrastructure, wastewater, water supply, stormwater and the safety and efficiency of the <u>existing road network-land transport networks.</u> <i>Supported by FS03/03</i>	railway track and 100m. These maps show that Growth Precinct 4 is outside of the 100m limit. The provisions requested by the submitter are more appropriately addressed through the Rural, Residential and Village Zone reviews which are scheduled for 2020.	
44	SO33/008	Horizons Regional Council	15.3 Objective 1	Support	Support Residential objectives 1, 3 and 4 as these are consistent with One Plan objectives and policies.	Not Stated <i>Supported by FS07/15</i>	Support is noted.	Accept the submission. Accept further submission FS07/15.
45	SO27/003	KiwiRail	15.3 Policy 1	Unstated	One of the Operative Plan's key RMA issues is 'pressure from newly established 'sensitive' activities, such as residential uses, for established operations which have a level of perceived nuisance to be curtailed or closed down.'" While there are supportive objectives and policies in the operative 'utilities' section, for clarity, changes are sought to provide for the application of new rules and standards to the residential zone and Growth Precinct 4.	Add a new Policy 1.5 as follows: <u>To create high quality residential environments and amenity through the use of setbacks and design controls to manage effects of locating near network utilities including land transport networks.</u> <i>Supported by FS01/01</i> <i>Supported by FS02/01</i> <i>Supported by FS03/03</i>	As outlined in submission SO27/006, there are no existing network utilities within Growth Precinct 4 outside the road reserve. The provisions requested by the submitter are more appropriately addressed through the Rural, Residential and Village Zone reviews which are scheduled for 2020. Therefore this additional policy is considered to be unnecessary.	Reject the submission. Reject further submissions FS01/01, FS02/01, FS03/03.
46	SO27/004	KiwiRail	15.3 Policy 1	Unstated	Proposed policies may extend beyond the subject Precinct 4 development area but are directly related to future development within the Area. Changes are sought to ensure that the issue of reverse sensitivity is adequately referenced within the residential policy framework.	Add a new Policy 1.6 as follows: <u>To ensure to the extent reasonable possible, that subdivision, use and development does not compromise the safe and efficient operation, maintenance, repair,</u>	As outlined in submission SO27/006, there are no existing network utilities within Growth Precinct 4 outside the road reserve. The provisions requested by the submitter are more appropriately addressed through the Rural,	Reject the submission. Reject further submissions FS01/02, FS02/02, FS03/03.

No	Submitter No. and Name	Provision of Plan	Support/ Oppose	Reason	Decision Requested	Officer Comment	Officer Recommendation	
					<p><u>upgrading, removal and development of network utilities, including land transport networks.</u></p> <p>[136] Supported by FS01/02</p> <p>[137] Supported by FS02/02</p> <p><i>Supported by FS03/03</i></p>	Residential and Village Zone reviews which are scheduled for 2020. Therefore this provision is considered to be unnecessary.		
47	SO33/009	Horizons Regional Council	15.3 Objective 2	Support	<p>Support in part: Objective 2.</p> <p>Horizons generally supports the proposed changes to strengthen the District Plan's provisions relating to natural hazards. New policies and amendments to rules, to enable more comprehensive consideration and control of subdivision and residential development where there are risks of flood hazards, give effect to One Plan Policy 9-4(a) and (c) in particular.</p> <p>Ensuring buildings and structures are located and designed to manage the risk of natural hazards, rules about providing appropriate permeable surfaces and providing information about flooding, overland flows and liquefaction within the Growth Precinct gives effect to One Plan Policy 9-1(a)(i), with regard to our councils' joint responsibility for raising public awareness of the risk of natural hazards.</p>	<p>Horizons supports the inclusion of the rule performance standards on subdivisions and residential development providing a building platform and land free from hazard risks while also achieving a permeable surface for all lots. Seeks the same relief as set out above in relation to stormwater management, natural hazards, indigenous biodiversity and Te Ao Maori in relation to these issues being effectively managed in residential development.</p> <p><i>Supported by FS07/15</i></p>	<p>Support is noted. Policy 9-4 of the One Plan provides for other types of natural hazards, excluding flooding. It is not clear from the submission what changes are being sought. The provisions of this plan change address liquefaction and overland flow paths.</p> <p>As discussed under SO33/004 there is little existing indigenous vegetation on site that warrants protection, and papakainga housing is best provided for in the Rural Zone review.</p> <p>Refer also to the changes recommended under SO33/003.</p>	<p>Accept the submission in part in so far as changes recommended under SO33/003.</p> <p>Accept in part further submission FS07/15.</p>
48	SO27/005	KiwiRail	15.3 Policy 2	Unstated	<p>Proposed policies may extend beyond the subject Precinct 4 development area but are directly related to future development within the Area. Changes are sought to ensure that the issue of</p>	<p>Add a new Policy 2.8 as follows:</p> <p><u>To ensure new development is resilient and does not compromise</u></p>	<p>As outlined in submission SO27/006, there are no existing network utilities within Growth Precinct 4 outside the road</p>	<p>Reject the submission.</p> <p>Reject further submissions FS01/03, FS02/03, FS03/03.</p>

No	Submitter No. and Name		Provision of Plan	Support/ Oppose	Reason	Decision Requested	Officer Comment	Officer Recommendation
					reverse sensitivity is adequately referenced within the Residential policy framework	<p><u>the safe, effective and efficient operation, maintenance, upgrade and development of network utilities including land transport networks.</u></p> <p>Supported by FS01/03</p> <p>Supported by FS02/03</p> <p>Supported by FS03/03</p>	reserve. The provisions requested by the submitter are more appropriately addressed through the Rural, Residential and Village Zone reviews which is scheduled for 2020. Therefore this provision is considered to be unnecessary.	
49	SO28/004	Manawatū District Council	15.3 Policy 4.3	Unstated	Seeks amendments to improve the integration of subdivision and land use provisions, remove some potential areas of uncertainty, and ensure provisions while achieve the stated objectives.	Amend Policy 4.3 as follows: <p>"To avoid <u>discourage</u> habitable rooms that face south only."</p>	Having habitable rooms that face south only is poor planning. The policy was intended to ensure that this did not happen. Acknowledge that 'avoid' is strong language and that discourage will achieve a similar outcome.	Accept the submission and amend Policy 4.3 to read: <p>To avoid <u>discourage</u> habitable rooms that face south only.</p>
50	SO19/002	Haydon Christian (Jennian Homes)	15.4.2 Standards for Permitted Activities Dwellings and Accessory Buildings	Unstated	Building coverage of 40% works well when designing modern functional homes on smaller sections.	Council could allow higher coverage if retention tanks were used on sites of coverage 35%+ making them stormwater neutral.	Council has completed a number of studies to identify how stormwater is best managed in this area. The provisions relating to building coverage are part of the package required to manage stormwater. Permeable surface provisions are another key element for development. A site coverage of 35% has worked well to manage amenity within Feilding under the operative District Plan. This area is not intended to be	Reject the submission.

No	Submitter No. and Name		Provision of Plan	Support/ Oppose	Reason	Decision Requested	Officer Comment	Officer Recommendation
							high density as indicated by the submission reference to smaller sections. Should development seek to achieve a different building coverage amount then a resource consent would be required which would allow a site specific assessment to be made.	
51	SO19/003	Haydon Christian (Jennian Homes)	15.4.2 Standards for Permitted Activities Dwellings and Accessory Buildings	Unstated	Extra 500mm freeboard seems excessive. Understand the need to mitigate inundation however standard floor height above 1/200 year flood has previously been used when working directly with Horizons. Flood heights should be reviewed upon Horizons completing any proposed flood protection.	Require the flood mapping is reviewed as the land is developed. A fixed datum needs to be provided for all developed sites. Flood heights should be reviewed upon Horizons completing any proposed flood protection. <i>Opposed by FS03/02</i>	Freeboard is used to provide for climate change (over and above the minimum floor level). Refer also to the discussion under SO14/001 and SO28/003. Council acknowledges that the stormwater model will need to be updated and reviewed in the future. Mr Young discusses the updating of the Model in his evidence.	Accept the submission in part in so far as changes proposed under SO28/003 and the need to update the model overtime. Reject further submission FS03/02.
52	SO14/001	Malcolm Bailey	Whole plan change	Support	Support Proposed Plan Change 51. However seeks clarification on Rule 15.4.2(c) relating to flood levels. <i>Floor levels must be above the flood level predicted for a 0.5% annual exceedance probability (AEP) (1 in 200 year) flood event, plus 500mm freeboard.</i> There are potential issues defining "above". Issue of determining what the 1 in 200 year flood level is. Is it the natural level? i.e. unmitigated by the Horizons Regional Council floodway that was installed after the 2004 flood. The floodway is currently engineered to cope with 1% AEP flood event with	For clarity, it would be preferable if the wording was: <u>Floor levels must not be below the flood level predicted plus a 500mm freeboard.</u> A good outcome would be to take into account all flood level mitigation and reduce the freeboard to 300mm. Otherwise unnecessary cost will be imposed. <i>Opposed by FS03/01</i> <i>Supported by FS05/05 (Late submission)</i> <i>Supported by FS07/11</i>	The references to 0.5% annual exceedance probability (AEP) is consistent with the requirements of the Horizons One Plan. There is no single level for the entire Growth Precinct 4 area given the variation in land. To assist landowners in understanding what this level is likely to be is provided for by the Stormwater Model that Council has. Council acknowledges that Model will	Accept the submission in part in so far as changes proposed under SO28/003. Accept in part further submissions FS05/05 and FS07/11; and reject further submission FS03/01.

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					<p>plans to upgrade to a 0.5% AEP flood event. Irrespective of the planned upgrade floodway would still substantially mitigate the impact of a 0.5% AEP flood event. Does this flood level take into account further mitigation that will be an inherent part of the roading that is part of Precinct 4 planning?</p> <p>In the absence of clarification there will be time consuming and costly processes required by individual property owners to sort this out. Anecdotally this problem currently exists with new builds in Precinct 4.</p>		<p>need to be updated and reviewed in the future.</p> <p>New Zealand Standard 4404: 2010 Land Development and Subdivision Infrastructure requires at Rule 4.3.5.2 a freeboard of 0.5m for habitable dwellings. Therefore the requirement to have 500mm freeboard as proposed is appropriate.</p> <p>Note changes are recommended as a result of submission SO28/003 that may address the submitters concerns.</p>	
53	SO28/003	Manawatū District Council	Whole plan change	Unstated	<p>Seeks amendments to improve the integration of subdivision and land use provisions, remove some potential areas of uncertainty, and ensure provisions while achieve the stated objectives.</p>	<p>Review the subdivision and residential zone policy and rules regarding required freeboard and minimum floor levels to ensure that the provisions recognise variability in freeboard required, and how the requirements apply to both habitable and non-habitable buildings.</p> <p><i>Supported by FS03/04</i></p>	<p>The provisions for the subdivision chapter and the residential chapter were wording differently, reflecting the different stages that each rule provision would likely apply. For instance, at the time of subdivision vs when development occurred in the absence of a subdivision.</p> <p>The subdivision requirements relate to identifying a building platform that is at or above the flood level predicted for a 0.5% AEP. The residential provisions for dwellings and accessory buildings relate</p>	<p>Accept the submission in part by amending Rule 15.4.2.c as follows:</p> <p>Floor levels must be above the flood level predicted for a 0.5% annual exceedance probability (AEP) (1 in 200 year) flood event, plus 500mm freeboard <u>for habitable residential units (including attached garages).</u></p> <p>Accept in part further submission FS03/04.</p>

No	Submitter No. and Name	Provision of Plan	Support/ Oppose	Reason	Decision Requested	Officer Comment	Officer Recommendation
						<p>to ensuring a minimum floor level plus freeboard as required under New Zealand Standard 4404: 2010 Land Development and Subdivision Infrastructure.</p> <p>The residential provisions could be made clearer that only habitable buildings (including attached garages) have a 500mm freeboard requirement. Under NZS 4404:2010 non-habitable residential buildings and detached garages are only required to have a 0.2m freeboard.</p>	

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54	SO10/004	Michael Duindam	15.4.2 Standards for Permitted Activities Dwellings and Accessory Buildings	Unstated	<p>Requiring side and rear boundaries to be a minimum 3m encourages inefficient use of space. This creates a dead space that will not be practicably utilised. These setbacks should be reduced to encourage more efficient development.</p> <p>Front facing garages should be setback further than 3m to accommodate large cars and other family cars to be parked on a driveway and not extend onto the footpath. Providing a 6m setback for garages that front to a street would safely accommodate all types of vehicles and reduce potential conflicts with pedestrians and other users.</p>	<p>Amend Rule 15.4.2(d) as follows:</p> <p>d. Yards</p> <p>i. All dwellings and accessory buildings must be setback 3m from all yard boundaries.</p> <p>i. <u>Any dwelling on a lot with frontage to a public road shall be located a minimum of:</u></p> <p>a. <u>3 metres from the boundary with any road unless it contains a garage or a carport facing the road and having direct access from the road, in which case the minimum separation distance for that part of the dwelling containing the garage or carport shall be 6 metres.</u></p> <p>b. <u>1.5 metres from any other boundary.</u></p> <p>ii. <u>Any dwelling without frontage to a public road shall be located a minimum of 1.5 metres from any boundary.</u></p> <p>iii. <u>Accessory Buildings shall be located a minimum of:</u></p> <p>a. <u>3 metres from the boundary with any road unless it is a garage or carport facing the road and having direct access from the road, in which case the minimum separation</u></p>	<p>The intention of the proposed provisions was to avoid houses being built to close to each other similar to what has been occurring in other recent developments, creating a ribbon development along the street frontage and impression of bulk.</p> <p>Submission SO19/004 below suggests an alternative approach to the yard performance standards. The changes recommended under that submission may address the submitters concerns.</p>	<p>Accept submission in part recognising changes also suggested in SO19/004.</p> <p>Accept in part further submission FS07/09.</p>

No	Submitter No. and Name		Provision of Plan	Support/ Oppose	Reason	Decision Requested	Officer Comment	Officer Recommendation
						<p><u>distance shall be 6 metres.</u></p> <p>b. <u>1.0 metre from any other boundary.</u></p> <p>ivii. No new dwelling or accessory buildings are erected within 10 metres of the landward edge of the Makino Stream.</p> <p><i>Supported by FS07/09</i></p>		
55	SO19/004	Haydon Christian (Jennian Homes)	15.4.2 Standards for Permitted Activities Dwellings and Accessory Buildings	Unstated	Dwellings and accessory buildings need to have their own setback rules.	<p>Dwellings: Front setback - 3m Front opening garage - 6m Side boundary - 3m one side and 1.5m other</p> <p>This allows for development of smaller sites.</p> <p>Accessory buildings: 1m off boundary and 1m between other buildings on site. This could be limited to a maximum size to define Accessory buildings for example 7m².</p>	<p>Suggested changes enable greater flexibility for how developments will occur in future, and creates some visual differences between new houses.</p> <p>The operative District Plan already contains a definition for yard, including images for user clarity.</p> <p>A guidance note to assist plan users is also recommended in relation to corner sites.</p>	<p>Accept submission in part by amending Rule 15.4.2 d as follows:</p> <p>Yards</p> <p>i. All dwellings and accessory buildings must be setback 3m from all yard boundaries.</p> <p>i. <u>The following yard setbacks apply to all residential units:</u></p> <p>a. <u>Front and rear setback</u></p> <p><u>3m</u></p> <p>b. <u>Front opening garage</u></p> <p><u>6m</u></p> <p>c. <u>Side boundary:</u></p> <p><u>3m one side and 1.5m the other side.</u> <u>Where the residential unit is on a corner site, one road frontage is to be nominated as the frontage.</u></p> <p>ii. <u>The following yard setbacks apply to all accessory buildings:</u></p>

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							<p>a. <u>Side and rear boundary: 1.5m</u></p> <p>b. <u>Between other buildings on the site: 1m.</u></p> <p>iii. <u>No new dwelling residential unit or accessory buildings are erected within 10 metres of the landward edge of the Makino Stream.</u></p> <p>Guidance Note: <u>If no frontage is nominated through a subdivision consent for corner sites, the location of the proposed access will determine the frontage for the purposes of the above rule.</u></p>	
56	SO19/005	Haydon Christian (Jennian Homes)	15.4.2 Standards for Permitted Activities Dwellings and Accessory Buildings	Unstated		<p>(i) Living court of 36m² - This could be achieved using any shape.</p> <p>(ii) Circle should be 4.5m diameter. This would allow for a rectangular area of 4.5m x 8m which meets living court requirement of 36m².</p>	<p>The intention of the provisions is to ensure all lots have a functional outdoor living area – whether this is a deck, paving or grass area.</p> <p>Submission SO28/007 sought the deletion of the Outdoor Service Court. In considering that submission (which has been recommended to be accepted) the retention of the Outdoor Living Court as currently written is important to ensure that all lots have a functional outdoor living area.</p> <p>The permeable surface provisions in rule 15.4.2.g may also assist in ensuring quality outdoor space.</p>	Reject the submission.
57	SO19/006	Haydon Christian (Jennian Homes)	15.4.2 Standards for Permitted Activities Dwellings and Accessory Buildings	Unstated	Outdoor service courts area not achievable in most developments, a 1.5m setback on service side of dwelling is suitable for clothesline, wheelie bins.	Suggest to remove this clause.	<p>If the provisions requiring the Outdoor Living Court are retained as recommended above, then it is considered unnecessary to also require an Outdoor Service</p>	<p>Accept the submission by deleting Rule 15.4.2.f as follows:</p> <p>f. Outdoor Service Courts</p> <p>Each dwelling shall have an outdoor service court adjoining the dwelling or outdoor living court no less than 20m² in area and at least 3m in width. This area must be free of</p>

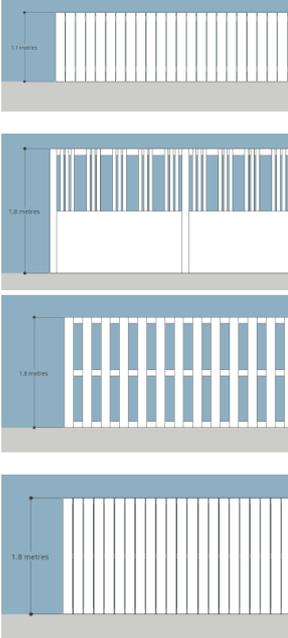
No	Submitter No. and Name	Provision of Plan	Support/ Oppose	Reason	Decision Requested	Officer Comment	Officer Recommendation
						Court. Removing the outdoor service court enables greater flexibility for site development.	driveways and manoeuvring areas.
58	SO28/007	Manawatū District Council	15.4.2 Standards for Permitted Activities Dwellings and Accessory Buildings a – m	Unstated	Remove the requirement for outdoor service court in Rule 15.4.2(f) in order to provide greater flexibility around site development and building placement.	Delete performance standard 15.4.2(f). If the provisions requiring the Outdoor Living Court are retained as recommended above, then it is considered unnecessary to also require an Outdoor Service Court. Removing the outdoor service court enables greater flexibility for site development.	Accept the submission by deleting Rule 15.4.2.f as follows: f. Outdoor Service Courts Each dwelling shall have an outdoor service court adjoining the dwelling or outdoor living court no less than 20m² in area and at least 3m in width. This area must be free of driveways and manoeuvring areas.
59	SO10/007	Michael Duindam	15.4.2 Standards for Permitted Activities Dwellings and Accessory Buildings	Support	Support the permeable surface rule as it promotes more environmentally sensitive design by internalising adverse effects.	That the permeable surface performance standard is adopted. <i>Supported by FS07/09</i>	Support is noted. Accept the submission. Accept further submission FS07/09.
60	SO19/007	Haydon Christian (Jennian Homes)	15.4.2 Standards for Permitted Activities Dwellings and Accessory Buildings	Unstated	Permeable surface area - this percentage does not allow for development of smaller or rear sites.	Suggest that stormwater is neutral on the site then the coverage can increase to 75%. Council has completed a number of studies to identify how stormwater is best managed in this area. The provisions relating to permeable surface are part of the package required to manage stormwater. This area is not intended to be high density as indicated by the submission reference to smaller sections. Should development seek to achieve a different permeable surface area then a resource consent would be required which would allow a site specific assessment to be made.	Reject the submission.

No	Submitter No. and Name		Provision of Plan	Support/ Oppose	Reason	Decision Requested	Officer Comment	Officer Recommendation
							I note that the evidence of Mr Young does not support a change in permeable surface area.	
61	SO28/005	Manawatu District Council	15.4.2 Standards for Permitted Activities Dwellings and Accessory Buildings a – m	Unstated	Seeks amendments to improve the integration of subdivision and land use provisions, remove some potential areas of uncertainty, and ensure provisions while achieve the stated objectives.	Correct the cross reference in Performance Standard 15.4.2(i) to Rule 3B.4.5.	There was an error in reference for the cross reference to the Transport section in Chapter 3 of the District Plan. It is important to ensure correct cross referencing to assist plan users.	Accept the submission and amend Rule 15.4.2(i) as follows: Compliance with Rule 3B.4.4.5
62	SO17/001	Public Health Services, Mid-Central District Health Board (MCPHS)	15.4.2 Standards for Permitted Activities Dwellings and Accessory Buildings	Support	Submission relates to Rule 15.4.2(k) – Earthworks Existing residential properties neighbour precinct 4's boundaries. Subdivision earthworks could expose neighbouring residents to construction dust containing particulate matter including PM10 that can cause a nuisance as well as adverse health effects. PM10 is a non-threshold contaminant. Any increase in ambient concentrations will result in adverse effects.	MCPHS support provision 15.4.2 k) being retained for all subdivision earthworks. MCPHS recommend the following condition be included in Rule 15.4: <u>There shall be no noxious, dangerous, objectionable or offensive dust to the extent that it causes an adverse effect at or beyond the boundary of the site.</u> This is a recommended condition for managing off-site effects of dust in the MfE's 2016 publication 'Good Practice for Assessing and Managing Dust.'	Support for 15.4.2 k) is noted. Council recently introduced new earthwork rule provisions in to the District Plan under the District Wide Chapter 3. Earthworks in the Residential Zone are controlled under Rules 3D.4.1 and 3D.4.2. Rule 3D.4.2.b already requires all dust and sedimentation control to be installed and maintained during construction works. This is considered to be more specific than the requested provision and seeks to manage health risk to nearby landowners. The need for the requested additional performance standard in the residential zone is therefore considered unnecessary. Any earthworks that do not meet	Reject the submission.

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						3D.4.2.b would require a consent.		
63	SO28/006	Manawatu District Council	15.4.2 Standards for Permitted Activities Dwellings and Accessory Buildings a – m	Unstated	Delete performance standard m regarding garage setbacks as this requirement is provided for by Performance Standard 15.4.2 (d).	Delete performance standard 15.4.2(m).	In light of the recommended changes to the yard rules under SO19/004 above, the requirements for garages is not considered necessary. It could create unnecessary confusion for future land use consent applications.	Accept the submission and delete performance standard 15.4.2.m as follows: <ul style="list-style-type: none"> m. Garages <ul style="list-style-type: none"> Any road fronting garage wall that is either partly or wholly within 3m from a road front boundary must be screened along 70% of the frontage of the garage with vegetation capable of growing to a minimum of 1 metre tall. Glazing must be provided for at least 10% of the surface area of the road fronting garage wall.
64	SO29/005	Proarch Consultants Limited	15.4.2 Standards for Permitted Activities Dwellings and Accessory Buildings	Oppose	Oppose parts of Chapter 15 including 15.4.2, 15.4.2.i and parts of wording at 15.4.2.e,g,h,l,m and 15.4.3	Seek amended wording to provide greater clarity.	In reference to Rule 15.4.2 Standards for Permitted Activities it is not clear from the submission what specific changes the submitter is seeking. Further discussion with the submitter they have confirmed that they do not seek amended wording to these provisions. However, Rule 15.4.2.h performance standard ii. is an error and is already covered by Rule 15.4.3. Therefore this duplicated provision should be deleted. In response to submissions on the fencing rule (R15.4.3) and the definition of Open Construction changes are recommended. Refer to	Accept the submission in part. Remove Rule 15.4.2.h.ii as follows: <ul style="list-style-type: none"> h. Access i. Compliance with Rule 3B.4.2 and Council's Engineering Standards for Land Development. ii. A side boundary fence must not exceed 1.1 metres in height for a distance of 3 metres into the property from the road boundary when next to the driveway. After 3 metres the fence may be a maximum of 1.8 metres in height.

No	Submitter No. and Name	Provision of Plan	Support/ Oppose	Reason	Decision Requested	Officer Comment	Officer Recommendation	
						SO29/002, SO6/001, and SO10/003.		
65	SO38/001	Fire and Emergency New Zealand (late submission)	15.4.2 Standards for Permitted Activities Dwellings and Accessory Buildings a – m	Support	<p>FENZ's role includes promoting fire safety and fire prevention, and extinguishing fires. PC51 provides an opportunity to better facilitate FENZ's role in promoting fire safety and fire prevention, by including appropriate rules which will enable people and communities to provide for their health and safety with regard to fire safety.</p> <p>FENZ supports PC51 in part subject to amendments being made.</p> <p>FENZ supports the intention of guidance note relating to fire safety as stated in Rule 15.4.7 however seeks greater certainty as to the water available for firefighting supply, at all new habitable dwellings within the residential zone.</p>	<p>Seeks that an additional requirement is added to the performance standards for all new 'dwellings and accessory buildings', under Section 15.4.2 which reads as follows:</p> <p><u>n. All new habitable structures within the residential zone shall be provided with a firefighting water supply in accordance with the New Zealand Fire Service Firefighting Code of Practice SNZ PAS 4509:2008.</u></p>	<p>There is a guidance note under Policy 3.6 of the Subdivision Zone regarding the need for developers to also refer to the New Zealand Fire Service Firefighting Code of Practice SNZ PAS 4509:2008. It is considered that through the subdivision requirements this can be assessed. The specific reference to retirement living and multi-unit development reflects that the provision of water for firefighting at subdivision stage may not have considered the more intensive development.</p> <p>For clarity recommend that the same guidance note is included under Rule 15.4.2.</p>	<p>If the Hearing Panel accept this late submission, accept the submission in part by including a guidance note at the end of Rule 15.4.2 as follows:</p> <p>Guidance Note: Refer also <u>the New Zealand Fire Service firefighting water suppliers code of practice SNZ PAS 4509:2008. This Code identifies what is required for the Fire Service to have access to sufficient water for firefighting purposes.</u></p>
66	SO10/003	Michael Duindam	15.4.3 Permitted Activities Fencing	Neutral	<p>High solid fences close off dwellings to the street undermining amenity values of streetscapes by creating hard, uninviting edges. High solid fences adversely affect safety by removing passive surveillance opportunities.</p> <p>Support the side boundary fencing rule as it will improve safety outcomes for pedestrians by opening up sight lines for motorists and pedestrians alike.</p> <p>There should be an opportunity for landowners to have fences facing road frontage to be higher than 1.1m, provided it is open construction. This may</p>	<p>Amend Rule 15.4.3 as follows:</p> <p>b. Boundaries with road frontage: <u>A fence must not exceed 1.1 metres in height along the entire property boundary directly adjoining a road frontage, unless the fence is of open construction in which case the fence must not exceed 1.8</u></p>	<p>The intent behind the definition of open construction was to enable flexibility for people to meet the requirements of the fencing rule provisions (Rule 15.4.3). This means that part of the fence could have trellis to enable passive surveillance if a landowner wishes to have a fence on a road boundary being</p>	<p>Accept the submission and amend Rule 15.4.3 as follows:</p> <p>Fencing in Growth Precinct 4 is a permitted activity provided:</p> <p>a. Boundaries with public spaces and road frontage: <u>A fence on a property boundary to any road, public walkway or reserve must be no higher than 1.1m in height if not visually permeable, or no more than 1.8m in height if visually permeable. Visually permeable is achieved when the fence has continuous vertical or horizontal gaps of at least</u></p>

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				help prevent young kids or dogs from escaping a front yard.	<p>metres in height and not over more than 1/3 of the frontage width. A fence must not exceed 1.1 metres in height along the entire property boundary directly adjoining a road frontage, unless the fence is of open construction in which case the fence must not exceed 1.8 metres in height.</p> <p>Supported by FS07/09</p>	<p>greater than 1.1m high.</p> <p>Submitters are concerned about a lack of flexibility while still needing to achieve high quality streetscapes.</p> <p>The intention of the rule was to help create safe neighbourhoods where passive surveillance is achieved and appealing open spaces.</p> <p>In further discussions with some submitters new fencing provisions are recommended that would remove the need for the current definition of open construction to be retained in the District Plan, and provides clarity for plan users for what fencing is being sought.</p> <p>The addition of assessment criteria to Rule 15.4.6 was also suggested by the submitter.</p> <p>Changes are recommended, if the panel consider there is scope within the submission, to add assessment criteria to assist plan users for how they should assess fencing when consent is required.</p>	<p>50mm width between fence material(s) for half the fence. Refer to diagram below for what is considered to be visually permeable. A fence must not exceed 1.1 metres in height for more than half the property boundary directly adjoining public open space (reserve, walkway or park) with the other half not exceeding 1.8 metres in height, unless the fence is of open construction in which case the fence must not exceed 1.8 metres in height.</p> <p>b. Boundaries with road frontage: A fence must not exceed 1.1 metres in height along the entire property boundary directly adjoining a road frontage, unless the fence is of open construction in which case the fence must not exceed 1.8 metres in height and not over more than 1/3 of the frontage width.</p> <p>b. Side Boundary Fence:</p>

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								<p>A side boundary fence must not exceed 1.1 metres in height for a distance of 3 metres into</p>  <p>the property from the road boundary when next to the driveway. After 3 metres the fence may be 1.8 metres in height.</p> <p>Add the following new assessment criteria to Rule 15.4.76:</p> <p>x. <u>The extent to which fencing enables passive surveillance onto public spaces</u></p> <p>xi. <u>The extent to which the dominance of fencing at the public interface is minimised.</u></p> <p>Accept further submission FS07/09.</p>
67	SO28/010	Manawatū District Council	15.4.5 Standards for Permitted Activities Non Residential Activities a - g	Unstated	Seeks amendments to improve the integration of subdivision and land use provisions, remove some potential areas of uncertainty, and ensure provisions while achieve the stated objectives.	Include provisions to enable Council to develop reserves and ancillary buildings as a permitted activity in the Precinct 4 Residential Zone.	The future reserve on Port Street is to be zoned residential as the final extent and shape is currently unknown. Enabling recreational activities would allow council to develop this area	<p>Accept the submission by adding a new rule in Chapter 15 as follows:</p> <p><u>15.4.6 Permitted Activities – Recreation Activities</u></p> <p><u>The following activities are a Permitted Activity where undertaken by or on behalf of Manawatū District Council:</u></p> <p>a. <u>Toilets and changing rooms (not including social facilities) less</u></p>

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							<p>in the future before the final defined area is ultimately rezoned recreation (likely in 2021 as part of the Recreation Zone review).</p> <p>A similar rule to what currently exists for the Recreation Zone is recommended.</p>	<p>than 150m² gross floor area</p> <p>b. <u>Playing fields, gardens, lawns, children's play areas, walkways and cycleways</u></p> <p>c. <u>Carparking areas</u></p> <p>d. <u>Earthworks which comply with Rules 3D.4.1 and 3D.4.2.</u></p> <p><u>Provided they comply with the following performance standards:</u></p> <p>a. <u>Yards</u> <u>A setback of 4.5m from all site boundaries.</u></p> <p>b. <u>Height</u> <u>The maximum height for any building shall be 9m.</u></p> <p>c. <u>Noise</u> <u>Compliance with Rule 3C.4.2.</u></p> <p>Consequential renumbering of rules in this chapter is also required.</p>
68	SO18/013	Powerco	15.4.6 Restricted Discretionary Activities – activities not complying with relevant standards	Unstated	<p>For activities not complying with the relevant standards the Council has restricted its discretion to considering a number of matters including “essential infrastructure”.</p> <p>The further assessment criteria state: ...</p> <p>ix Whether the existing Council essential infrastructure network has sufficient capacity for the proposed development.</p> <p>It is not clear whether the second list of criteria, for example ix, above, narrows the focus of the first matter or whether it is an additional consideration.</p>	<p>Amend the matters the Council has restricted its discretion to in Rule 15.4.6 as follows:</p> <ul style="list-style-type: none"> o <u>Council essential</u> Essential infrastructure. <p>Alternatively, clarify the role of the additional matters in terms of the matters the council will restrict its discretion to, and amend accordingly.</p> <p>Powerco seek that the reference to “council essential infrastructure” in ix be retained as notified.</p> <p><i>Supported by FS07/12</i></p>	<p>The original intention of the assessment criteria was to mean Council not other network utility infrastructure. The definition of essential infrastructure was previously widened in response to earlier consultation, however the rule was not subsequently amended. Changing the criteria as clarity for plan users.</p>	<p>Accept submission and amend Rule 15.4.76 as follows:</p> <p>For these activities, the Council has restricted its discretion to considering the following matters:</p> <p>...</p> <ul style="list-style-type: none"> o <u>Council e</u>Essential infrastructure <p>Accept further submission FS07/12.</p>
69	SO28/008	Manawatū District Council	15.4.7 Restricted Discretionary Activities Retirement Living and Multi unit Residential Development	Unstated	<p>Seeks amendments to improve the integration of subdivision and land use provisions, remove some potential areas of uncertainty, and ensure provisions while achieve the stated objectives.</p>	<p>Include additional performance standards relating to building height and yard setback distances in relation to external site boundaries to ensure the potential effects</p>	<p>Rule currently focusses on internal matters to ensure good internal outcomes. It is considered appropriate to include height and yard</p>	<p>Accept the submission by amending Rule 15.4.87 as follows:</p> <p>b. <u>building envelope</u></p> <p>i. <u>Maximum height 9m</u></p> <p>ii. <u>All parts of a building must be contained within a 45 degree plane commencing at</u></p>

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						are appropriately addressed.	setbacks to avoid effects on neighbours should a landowner seek to do multi-unit development.	<p><u>2.8 metres above ground level inclined inwards at right angles in plan. See Figure 15.1 in Rule 15.4.2.</u></p> <p>iii. <u>The height recession plane in condition b.ii above does not apply to:</u></p> <p>a. <u>Eaves</u></p> <p>b. <u>Solar panels and water heaters</u></p> <p>c. <u>Antennas, aerials or chimneys</u></p> <p>d. <u>Gable roof ends, if the total area of that part of the building above the height recession plane does not exceed 1/3 of the gable end height.</u></p> <p>c. <u>Yards</u></p> <p>i. <u>The following yard setbacks apply to all residential units:</u></p> <p>a. <u>Front and rear setback 3m</u></p> <p>b. <u>Front opening garage 6m</u></p> <p>c. <u>Side boundary: 3m one side and 1.5m the other side.</u> <u>Where the residential unit is on a corner site, one road frontage is to be nominated as the frontage.</u></p> <p>ii. <u>The following yard setbacks apply to all accessory buildings:</u></p> <p>a. <u>Side and rear boundary: 1.5m</u></p> <p>b. <u>Between other buildings on the site: 1m.</u></p> <p>Make consequently numbering changes to the remaining performance conditions.</p>
70	SO28/009	Manawatū District Council	15.4.7 Restricted Discretionary Activities Retirement Living and Multi unit Residential Development	Unstated	Seeks amendments to improve the integration of subdivision and land use provisions, remove some potential areas of uncertainty, and ensure provisions while achieve the stated objectives.	Replace all reference to unit with "dwelling" to improve clarity of the rule.	The terms dwelling and unit are used interchangeably throughout the proposed provisions. For clarity for plan users one term should be used.	<p>Accept the submission and replace the terms 'dwelling' and 'unit' with 'residential unit' throughout Chapter 8 and 15.</p> <p>Include a new definition in Chapter 2 of the District Plan for residential unit as follows:</p> <p><u>Residential unit means a building(s) or part of a building that is used for</u></p>

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						<p>The term dwelling is currently defined in the District Plan. In considering this submission a review of the National Planning Standards was undertaken. The Standards do not define the term dwelling, rather the term 'residential unit' is used. Residential unit is defined as <i>"means a building(s) or part of a building that is used for residential activity exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities."</i> Residential activity is defined in the standards as <i>"means the use of land and building(s) for peoples living accommodation."</i></p> <p>To change the use of the dwelling and unit to Residential Unit for Growth Precinct 4 provisions would be appropriate. A consequential change to include the two above definitions in Chapter 2 of the District Plan would also be required.</p> <p>If the Hearing Panel were of the mind that the scope of the submission does not enable the above changes,</p>	<p><u>residential activity exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities.</u></p> <p>Include a new definition in Chapter 2 of the District Plan for residential activity as follows:</p> <p><u>Residential activity means the use of land and building(s) for peoples living accommodation.</u></p>

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							then the term unit should be replaced with dwelling.	
71	SO11/001	Christopher Price	Nodal Zone	Unstated	The parts of Feilding Nodal Zone, not in Precinct 4, should not be removed as part of Plan Change 51. Should be part of Plan Change 53, which will deal with all matters within the Rural Zones and including the possible removal or amendment of all Nodal Zones. Removing Feilding Nodal Zone is premature now as no decision is made regarding what will replace it. Creation of new Rural subdivision rules will be contentious, and all parts of the Manawatū District, excluding urban area of Feilding, should be dealt with at the same time.	Leave the Feilding Nodal Area, apart from that in Precinct 4, until Plan Change 53 is dealt with. <i>Supported by FS07/10</i>	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 <i>"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."</i> In addition, the Nodal area has been mapped while considering the wider residential area of Feilding. The map in Appendix 6 identifies those properties that are larger than 10,000m ² which is the smallest size necessary to meet the minimum lots size of 5,000m ² required under the One Plan for onsite wastewater servicing. The deferred residential zoning covering	Reject the submission Reject further submission FS07/10.

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						<p>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.</p> <p>There is sufficient Plan guidance to remove the nodal area over Growth Precincts 1-3.</p> <p>In terms of land to the north and east of Growth Precinct 4. Some of this area is covered by the Flood zone related to the Makino, Kiwitea and Oroua Rivers – which all make development inappropriate.</p> <p>The remaining Nodal area has limitations and any sites would need to be self sufficient 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 connections to Feilding.</p> <p>Overall considered that removal of the Feilding Locality Nodal area remains appropriate.</p>	

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72	SO12/001	Bill Riordan	Nodal Zone	Oppose	Oppose the removal of all of the Feilding nodal Area at this time. Rezoning of precinct 4 requires removal of nodal rules, but until all rural rules are addressed the remaining nodal area of Feilding should remain and be considered as part of the overall rural subdivision rules. Little information has put forward by the Council as to whether there will be a similar 'buffer' or transition area from residential to full rural zoning. It is premature to remove all of the nodal area without proper consultation and deliberation.	Seek Council to leave the Feilding nodal area that is outside the area of Precinct 4 that is being rezoned to residential in place until such time as a District wide review of the rural subdivision rules are undertaken.	Refer to discussion under SO11/001.	Reject the submission.
73	SO13/001	Simon Manthel	Nodal Zone	Oppose	Oppose the parts of the Feilding Nodal Zone not in Precinct 4 should be removed as part of the Plan Change 51 and should be made as part of the Plan Change 53 that will deal with matters arising with the rural zones.	This should be dealt with and considered as part of Plan Change 53 instead of Plan Change 51.	Refer to discussion under SO11/001.	Reject the submission.
74	SO15/001	Garry Simpson	Nodal Zone	Oppose	Disagree with removing the Feilding Nodal Zone at this stage. This should be dealt with at a later date as part of Proposed Plan Change 53. Don't think there should be such intensive subdivision in a flood prone area.	Not remove the Feilding Nodal Zone at this stage.	Refer to discussion under SO11/001.	Reject the submission.
75	SO2/001	Wayne and Nicola Hosking	Nodal Zone	Unstated	Propose to continue with their 5 lot Nodal subdivision at 102 Reid Line West. Proposed subdivision would comply with Performance Standards of current Rural Zone. Supporting evidence is attached from Wright Tanks stating that the proposed subdivision will be able to properly dispose of effluent within its boundaries and will have enough reserve area provided a secondary aerated treatment system is used. Scheme Plan of proposed subdivision is also attached.	Continue with the proposed subdivision during and after Precinct 4 is being changed.	The District Plan cannot ensure the continuation of a subdivision in the way sought by the submitter. For that to occur the submitter would need to lodge a subdivision application for it to be processed. Reviewing the Council files, it is understood that a subdivision application was lodged by the submitter 31 May 2019 for a 5 lot subdivision. Refer also to discussion under SO11/001.	Reject the submission.

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76	SO23/001	Kent Derby	Nodal Zone	Oppose	Oppose removal of nodal zone. The zone should be considered in the context of the rural subdivision in the district as a whole.	To defer the removal of the Feilding nodal zone until its status can be considered as part of a revision and harmonisation of rural division rules across the whole district.	Refer to discussion under SO11/001.	Reject the submission.
77	SO24/001	Wayne Christensen	Nodal Zone	Unstated	Removal of the Feilding Nodal Zone should not be included in PC51.	Deal with nodal under a separate plan change.	Refer to discussion under SO11/001.	Reject the submission.
78	SO25/001	Emma Miller	Nodal Zone	Support	Support the change to remove the nodality zone. However oppose the increase in rates to those currently under the Nodal zone when re-zoned residential. These properties are self sufficient from a sewerage and water point of view and there is no current option to be able to connect to any town services.	Those properties currently zoned nodal not have an increase in rates when this is removed.	Support for the nodal area to be removed is noted. Refer to SO16/001 for discussion on the rating issue raised by the submission.	Accept the submission in part in so far as support for the Nodal area to be removed.
79	SO30/001	Tania Osborne	Nodal Zone	Oppose	The parts of Feilding Nodal Zone, not in Precinct 4, should not be removed as part of Plan Change 51 but should form part of Plan Change 53, which will deal with all matters within the Rural Zones and including the possible removal or amendment of all Nodal Zones. Removing Feilding Nodal Zone now is premature as no decision has been made regarding what will replace it. Proposed removal of Feilding Nodal Area was not well publicised. This is an extremely important topic which deserved much better publicity.	Possible removal of Feilding Nodal Area should be dealt with as part of PC53 and not PC51.	Refer to discussion under SO11/001.	Reject the submission.
80	SO31/001	Geoworks Limited	Nodal Zone	Oppose	Concerned about the removal of Feilding Nodal Area. Primary focus of PC51 is to introduce new provisions for rezoning of Precinct 4 area from Rural (Feilding Nodal Area) to Residential. Fear that Council's ratepayers will not be aware that the proposal seeks to remove the entire Feilding Nodal Area. Any removal of Feilding Nodal Area should be part of a broader discussion around the entire Rural Zone. Section 32 report fails to have sound justification for the removal of Feilding Nodal	Not to remove the Feilding Nodal Area as part of PC51.	Refer to discussion under SO11/001.	Reject the submission.

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					<p>Area. Substantial parts of Feilding Nodal Area fall outside the Growth Precincts.</p> <p>No recognition of the development that has previously occurred around the following areas:</p> <ul style="list-style-type: none"> - Entire Mt Taylor Area NE side of Reid Line West between Makino Road and Arnott Street - Area between Mahua Road and Kimbolton Road. <p>There is considerable demand for lifestyle blocks at present and to replace this lifestyle area with Precinct 4 is not like for like.</p>			
81	SO32/001	Brad Nicol-Devco limited	Nodal Zone	Oppose	<p>Proposed Plan Change must provide for lifestyle sized land parcels. Provision of 2000m² lots as controlled activities instead of removing Nodal Zone altogether. Plan showing these areas is attached. This would provide a buffer between Rural and Residential Zones.</p> <p>Reasons for having 2000m² lots as identified on attached plans:</p> <ul style="list-style-type: none"> - These areas are already subject to residential development. - Council services will be available to these sites. - Areas proposed are limited in their ability to be utilised for sustainable rural practices. 	Seek that provisions for 2000m ² land parcels identified in submission (along Reids Line West) be provided for as controlled activities.	<p>The purpose of Growth Precinct 4 plan change is to rezone land for residential purposes. Sections of 2000m² are not considered to be residential sections in terms of the proposed provisions. 2000m² sized sections are also not a sufficient size to allow for onsite wastewater. Horizons Regional Council require a minimum lot size of 5,000m² for onsite wastewater purposes.</p> <p>The Council has completed studies to ensure that land within the Growth Precinct 4 area is able to be accommodated within the reticulation network. Additional areas outside Growth Precinct 4 will need to demonstrate ability to</p>	Reject the submission.

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						manage wastewater onsite. Applications for sites outside Growth Precinct 4 would be assessed on a case by case basis.		
82	SO37/001	Clark Family trust	Nodal Zone	Unstated	Propose to continue with their Nodal subdivision on Makino Road. Proposed subdivision would comply with Nodal Rules of the current plan. Proposed lots exceed minimum lot size requirement under the One Plan. Subdivision occurring in area surrounded by lifestyle blocks. Scheme Plan of proposed subdivision is also attached.	Parts of Feilding Nodal Zone, not in Precinct 4, should not be removed as part of PC51. Deal with as part of PC53 Rural Zone.	The District Plan cannot ensure the continuation of a subdivision in the way sought by the submitter. For that to occur the submitter would need to lodge a subdivision application for it to be processed. At the time of writing this evidence no subdivision consent has been lodged with Council for this property. Refer also to discussion under SO11/001.	Reject the submission.
83	SO4/001	Beau and Nan Maurice	Nodal Zone	Unstated	Propose to continue with their Nodal subdivision on Mahua Road. Proposed subdivision would comply with Nodal Rules of the current plan. Proposed lots exceed minimum lot size requirement under the One Plan. Subdivision occurring in area surrounded by lifestyle blocks. Scheme Plan of proposed subdivision is also attached.	Continue with the proposed subdivision during and after Precinct 4 is being changed and at a time when they are ready to do so. Nodal Zone and rules to remain in this area. <i>Supported by FS07/03</i>	The District Plan cannot ensure the continuation of a subdivision in the way sought by the submitter. For that to occur the submitter would need to lodge a subdivision application for it to be processed. At the time of writing this evidence no subdivision consent has been lodged with Council for this property. Refer also to discussion under SO11/001.	Reject the submission. Reject further submission FS07/03.
84	SO9/001	Wayne Wilson	Nodal Zone	Oppose	Removal of the Feilding Locality Noda Zone - Appendix 5A Diagram 1. When the submitter built the house they built the house in the middle of the section to comply with the setback rules. The only benefit with the proposed	Retain the Feilding Locality Nodal Zone as affecting Bella Court. <i>Supported by FS07/08</i>	The Plan Change does rezone areas that were developed under the Nodal area overlay. Council recognises that not all land will be subdivided in	Reject the submission. Reject further submission FS07/08.

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					change of zoning is the property can be subdivided. However this is practically not possible due to the location of the house. Nodal zone was retained when the residents of Bella Court opposed the zone change last time. The proposal has no positive benefit to the residents of Bella Court but does provide negative outcomes.		the future, as this is a decision for the landowner. The Residential Zoning provides more flexibility for landowners, than retaining the Rural Zone provisions.	
85	SO16/001	Greg Back-house	Planning Maps	Oppose	Do not support the provision to change zoning if it incurs a rates increase for no additional services or infrastructure development. A rating change will be quite unfair to some residents and will include a substantial increase to our overall annual property rates cost. We strongly object to the proposed rezoning if there is an increase in rates with no corresponding increase in services and infrastructure. The rating increases alluding apply to the Feilding General rate, Feilding Rooding Targeted Rate, and Parks, Reserves and Sportsgrounds rate. Do not enjoy the general services that Feilding Residential ratepayers do. Aware that the long term plan articulates addition of 3 waters, roading and infrastructure upgrades, however there is no definitive completion dates published. So until such time the works have been completed we feel the status quo should remain.	Request that specific areas, including lower Roots St East of Precinct 4 be exempt from the proposed zoning change from Feilding rural to Feilding residential if it is indeed directly linked to a rates increase.	Rating is decided by Council under the Rating Act. The change in zoning is determined under the Resource Management Act. Council acknowledges the submissions which have raised rating concerns. Any changes to rating categories is a matter to be determined through a separate process. Council is reviewing all submissions identifying rating concerns and will be working through a formal response that will need to taken to a full Council meeting for ratification, and then formal implementation. Any changes would not apply until the rezoning had been made operative. The intent of the Plan Change is to enable residential development which is necessary given the relatively high growth Feilding is experiencing. It	Reject the submission.

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							is therefore not appropriate to retain the Rural Zone provisions for Growth Precinct 4.	
86	SO7/002	David Lloyd	8 General	Unstated	<p>Change of rating category for Bella Court as part of the proposed new zoning. Five sections were subdivided when Bella Court subdivision was approved in early 2000's. Rules then meant houses were built approx in the middle of the sections. Whilst there is a need for more and smaller sections, I cannot see why the Council want to apply changes to existing developments.</p> <p>I received a response from Beth Harker (rating) on 29/03/2016 stating that properties in Bella Court would have a rating remission in place until a subdivision on a property was lodged with Council.</p>	<p>That MDC provide assurance that the written guarantee I received is honoured.</p> <p><i>Supported by FS07/06</i></p>	Refer to the discussion under SO16/001.	<p>Reject the submission.</p> <p>Reject further submission FS07/06.</p>
87	SO8/001	Bradley Miller	8 General	Support	Support zone changes but oppose any increase in rates.	<p>Not Stated.</p> <p><i>Supported by FS05/04 (Late submission)</i></p> <p><i>Supported by FS07/07</i></p>	Refer to the discussion under SO16/001.	<p>Accept the submission in so far as supporting the zone changes.</p> <p>Accept in part further submissions FS05/04 and FS07/07.</p>
88	SO26/004	Haronga Whanau	Whole plan change	Unstated	In absence of essential infrastructure any rezoning of land should not enable a revaluation of land under the Local Government (Ratings) Act 2002. Seek written assurance that Council will adopt a remission policy on land with respect to rates. Seeks to mitigate the adverse economic effects on landowners who may continue to use the land for primary industry and rural lifestyle rather than subdivide and create residential sections.	<p>Residential rates should only apply when the land is fully serviced and subdivide for residential use for each current title as at 30 April 2019.</p> <p><i>Opposed by FS05/01 (Late submission)</i></p> <p><i>Supported by FS07/14</i></p>	Refer to the discussion under SO16/001.	<p>Reject the submission.</p> <p>Accept further submission FS05/01 and reject further submission FS07/14.</p>

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89	SO18/001	Powerco	8 General	Support	<p>Powerco supports the Council's efforts through Proposed Plan Change 51 to ensure integrated infrastructure provision for Growth Precinct 4.</p> <p>Powerco considers that it will have adequate capacity to supply gas to the proposed new lots. However, in terms of electricity capacity, significant upgrades are required to service the area. Upgrading will be required in order to distribute electricity further geographically without voltage drop, as well as maintaining reliability and resilience standards.</p>	<p>It is best if any new infrastructure provision including for gas and electricity can occur simultaneously with the new development to minimise disruption to other infrastructure. Early communication from the Council and developers is required.</p> <p>Powerco's electrical and gas assets provided as an attachment.</p> <p><i>Supported by FS07/12</i></p>	Submission is noted.	<p>Accept the submission in so far as noting the comments made.</p> <p>Accept further submission FS07/12.</p>
90	SO19/008	Haydon Christian (Jennian Homes)	8 General	Unstated	<p>It is imperative that Council considers commercial development in Precinct 4. There is a requirement for a well designed boutique shopping complex to service a population of 6000+. Feilding township is seeing a considerable increase in traffic to its CBD.</p>	Not Stated.	<p>Council commissioned an Economic Report that confirmed a small commercial area could be developed in this area, but a larger shopping complex is not required. There are several small dairy's in the near vicinity. Overall it is not considered necessary to identify an area on the Structure Plan. The rules included in the Plan Change are sufficient to enable a commercial development, should a developer intend to do this in the future. Any commercial development would need to be assessed on a case by case basis taking into specific consideration the future roading impacts,</p>	Reject the submission.

No	Submitter No. and Name		Provision of Plan	Support/ Oppose	Reason	Decision Requested	Officer Comment	Officer Recommendation
							and stormwater management.	
91	SO36/002	Jack MacKenzie	8 General	Unstated	Feilding is vulnerable to unforeseen flooding. Particularly in the area around Makino Stream, serious infrastructure for controlling water would have to be an integral part of the proposed plan.	Is stormwater adequately addressed in proposed plan? <i>Supported by FS07/17</i>	Council commissioned a specific stormwater model to be developed for Growth Precinct 4. This model identifies overland flow paths and minimum floor levels for dwellings. Refer also to the discussion under SO33/003.	Accept the submission in part in so far as changes recommended under SO33/003. Accept in part further submission FS07/17.
92	SO17/004	Public Health Services, Mid-Central District Health Board (MCPHS)	8 General	Unstated	Development of Precinct 4 has the potential to significantly increase the number of properties in Feilding thereby creating demand for recreational areas like Rimu Park. Proposed reserve neighbouring Makino Stream would offer a very different form of recreation opportunity from Rimu Park. If the Feilding population significantly increases, then playing fields such as those offered by Rimu park would be of greater value.	That Rimu Park not be rezoned residential until a park meeting similar recreational needs and that offers more recreational opportunities is developed.	Rimu Park is not moving. To avoid confusion and clarify that Rimu Park is to remain, showing the existing recreation zoning is appropriate. The reserves status under the Reserves Act will remain.	Accept the submission by amending the Structure Plan to show Rimu Park with the Recreation Zone (refer Appendix 5).
93	SO35/002	Allan Harold Dodge	Whole of Plan Change	Unstated	Rimu Park - There is no significant developmental resources that have gone into Rimu Park since it came on stream. Reserves Act must be considered for Rimu Park. The beauty of the countryside is observed in the Fauna and Flora (details in submission).	No land swapping of Rimu Park for Community Mental Health reasons. But may be reduce the area of Rimu Park to 1.5-2ha. Keep the new proposed park as well. <i>Supported by FS06/07</i> <i>Supported by FS07/16</i>	Rimu Park is not moving. To avoid confusion and clarify that Rimu Park is to remain, showing the existing recreation zoning is appropriate. The reserves status under the Reserves Act will remain.	Accept the submission by amending the Structure Plan to show Rimu Park with the Recreation Zone (refer Appendix 5). Accept further submissions FS06/07 and FS07/16.
94	SO36/003	Jack MacKenzie	8 General	Unstated	The idea of land swap defies most accepted principles of urban development. Rimu Park is widely used as a recreation area. There is a need for green areas as	Urge Council to keep and develop Rimu Park and add more parks and greenbelts as well.	Rimu Park is not moving. To avoid confusion and clarify that Rimu Park is to remain, showing the existing	Accept the submission by amending the Structure Plan to show Rimu Park with the Recreation Zone (refer Appendix 5). Accept further submission FS06/08 and FS07/17.

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					vegetation keeps our cities cool.	<p><i>Supported by FS06/08</i></p> <p><i>Supported by FS07/17</i></p>	<p>recreation zoning is appropriate. The reserves status under the Reserves Act will remain.</p> <p>The structure plan shows an additional park and greenbelt along the Makino Stream. Council is already discussing land purchase with a landowner.</p>	
95	SO7/001	David Lloyd	8 General	Unstated	<p>Road Safety: Extra traffic causing problems at several places specially at road junction between North Street, Pharazyn Street and Kimbolton Road. This is a dangerous junction. A roundabout can be the best option.</p> <p>Pedestrian Safety: Issue of providing a crossing on Aorangi Street at the junction with Kimbolton Road. Nothing has been done to ensure that the young and elderly can safely cross three lanes of traffic from the CBD to Countdown and The Warehouse.</p> <p>Community Facilities: Council charges a large fee for recreational facilities when subdividing yet the Council has not built any new community facilities, playgrounds or park at the north end of the town.</p> <p>Water: Question of water supply and quality. The submitter noticed a drop in water pressure at their property over a past couple of years. More housing will put more pressure on the water supply. No lessons learnt from the Havelock North fiasco and no adequate testing done on the quality of water supply.</p>	<p>Council to carefully consider the points raised.</p> <p><i>Supported by FS06/02</i></p> <p><i>Supported by FS07/06</i></p>	<p>Road safety – There is sufficient time to address local road impacts and those onto the State Highway in the future. One of the recommendations of the Traffic Assessment is for Council to complete regular monitoring of the roading network. This is necessary to understand the speed of growth and the likely timing of roading improvements. The evidence of Mr Jones outlines this monitoring.</p> <p>Pedestrian Safety – it is noted that this comment relates to land outside the scope of this plan change. Pedestrian refuge areas have been recently constructed in the area referred to by the submitter. The reference in the submission to sheep pens were installed by Kiwirail on land</p>	<p>Reject the submission.</p> <p>Reject further submission FS06/02 and FS07/06.</p>

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							<p>in their ownership.</p> <p>Community facilities – Council has recently completed the Te Moana Park Revitalisation Project and developed the Te Moana to Johnston Park walkway. Council is investing in the future Makino Stream reserve as part of the future development of Growth Precinct 4. These collectively all demonstrate that Council is facilitating recreation opportunities to the north of Feilding.</p> <p>Water – Council has reviewed capacity needs for the reticulation network and identified works required over time to enable the full development of Growth Precinct 4. There is no concern over water supply for the Growth Precinct.</p>	
96	SO3/001	Nicholas Peter Thomson	Whole of Plan Change	Unstated	There are three dangerous road intersections/bottlenecks between PC4 and exit from Feilding en route to Palmerston North. These are Kimbolton Road/North Street, Kimbolton Road/East Street and East Street/Aorangi Road.	<p>MDC give priority to develop less dangerous and more free flowing traffic interchanges at the mentioned intersections. Plans to solve this problem must be made available to public as soon as possible.</p> <p><i>Supported by FS06/01</i></p> <p><i>Supported by FS07/02</i></p>	<p>Council commissioned a Traffic Assessment Report to support the proposed plan change. That report identified that local road improvements are required as Growth Precinct 4 is developed over time. Council will monitor the roading network consistent with ongoing</p>	<p>Reject the submission.</p> <p>Reject further submissions FS06/01 and FS07/02.</p>

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							reporting. Mr Jones discusses this in his evidence in Appendix 9. The intersections the submitter is referring to are largely on the State Highway where decisions on upgrades and improvements are managed by the New Zealand Transport Agency.	
97	SO36/001	Jack Mac-Kenzie	8 General	Unstated	There is traffic congestion already in Feilding. Adding major residential area to currently existing ones will impact on the ability to get around comfortably. Balance is required between development and restrain to growth.	The plan must include consideration to the overall effects of increasing Feilding's population. <i>Supported by FS07/17</i>	Council commissioned a Traffic Assessment Report to support the proposed plan change. That report identified that local road improvements are required as Growth Precinct 4 is developed over time. Council will continuously monitor the roading network consistent with ongoing reporting. Growth Precinct 4 was first identified through the Feilding Urban Growth Framework Plan (2013) and was intended to ensure residential growth is planned for in a comprehensive and integrated manner. This is critical given the growth that is currently being experienced in Feilding.	Reject the submission. Reject further submission FS07/17.
98	SO35/003	Allan Harold Dodge	Whole of Plan Change	Unstated	Liquefaction study - Soil samples should have been taken in mid-winter when the water table is likely to be higher. Feilding community needs to know of the potential	Retest in mid winter. <i>Supported by FS07/16</i>	Council's Geotech Engineer has reviewed the report in light of the submission. The response is	Reject the submission. Reject further submission FS07/16.

No	Submitter No. and Name		Provision of Plan	Support/ Oppose	Reason	Decision Requested	Officer Comment	Officer Recommendation
					earthquake risks with their mid-winter soils.		attached in Appendix 8. Mr Sundar has confirmed that "The soils encountered in the proposed development site are not susceptible to liquefaction. Regardless of the levels of the water table these soils will not liquefy during seismic shaking."	
99	SO35/004	Allan Harold Dodge	Whole of Plan Change	Unstated	<p>MDC should be on standby for worse events than 2004 flood event. This type of event needs to be prepared for and prevented as much as physically and financially possible. This must be factored into Precinct 4 planning.</p> <p>A 20m riparian strip on both sides of the Makino Stream will prevent Precinct 4 dwellings from getting inundated like they did in the 2004 event. The submitter recommends planting within the 20m strip with both native and exotic species that can handle drought and flood conditions. Species detailed in the submission.</p>	<ol style="list-style-type: none"> 1. That Makino Stream has a 20m Riparian border on both sides extending the 10m zone. 2. Plant natives and eliminate noxious weeds as much as possible. 3. Plant tutu, flax and kahikatea. <p><i>Supported by FS07/16</i></p>	<p>The Structure Plan shows an area of land adjacent to the Makino (Mangakino) Stream that will be recreation in the future. In some places this area is significantly wider than 10m. The width is also dependent on landownership. The Liquefaction Report recommended a 10m setback for buildings. This has been shown in the Structure Plan and remains appropriate.</p> <p>Council has its own plant nursery, and intends to work with iwi to complete planting in the future. While specific discussions have not been had on location and planting is it highly likely natives will be used.</p>	<p>Accept the submission in part in so far as native plants will be used for future enhancement of the Makino (Mangakino) Stream area.</p> <p>Accept in part further submission FS07/16.</p>
100	SO35/005	Allan Harold Dodge	Whole of Plan Change	Unstated	<p>Archaeology - The submitter provided some background historical information of an early dairy factory at Makino.</p>	<p>Not stated.</p> <p><i>Supported by FS07/16</i></p>	<p>Submission is noted.</p>	<p>Accept the submission in so far as noting the historical information provided.</p> <p>Accept in part further submission FS07/16.</p>

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101	SO17/002	Public Health Services, MidCentral District Health Board (MCPHS)	Whole plan change	Oppose	<p>Submission relates to Precinct 4 Structure Plan Report, 5.2 Land Contamination Assessment</p> <p>Land contamination analysis was only commissioned for one site, lot 146 DP 3479, 54 Roots Street which represents a very small portion of Precinct 4. Precinct 4 land not part of Lot 146 DP 3479 was outside scope of Opus report. No comprehensive rationale provided as to why analysis of that site meets NES Soils in the section 32 report.</p> <p>Opus DSI report recommended that a PSI is undertaken across the property title block. That recommendation is not included in the 5.2 Land Contamination Assessment report. Land Contamination's summary of Opus for Lot 146 DP 3479 contaminated land report contradicts the recommendations of the Opus report. 5.2 report states that site is suitable for residential use and no remediation is required. Opus report recommendations include:</p> <ol style="list-style-type: none"> i. Residential development around TP2 should be avoided or the site remediated. ii. For any development to be considered, on-site remedial options should be considered to remove contaminated materials and provide appropriate conditions for development. <p>Opus DSI report did not conclude that all aspects of NES Soils were met for Lot 146 DP 3479 or Precinct 4.</p>	<p>Chapter 15 is amended to include rules for future subdivision within Precinct 4 site assessment that meets Recommendations pertaining to Lot 146 DP3479 in Opus DSI are required to be met prior to any subdivision of that lot.</p> <p>Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 Section (8)(4) provisions, as well as section (9), (3) and (4).</p>	<p>Council had commissioned a report to investigate the only known HAIL site in Precinct 4. The results are contained in Appendix 9 of the Section 32 report. As discussed by Council's land contamination expert, additional testing was completed for the landowner. As outlined in Appendix 7, nine additional soil samples were collected.</p> <p><i>"Statistical analysis of the arsenic in soil samples show that the initial soil sample detecting a level of 29mg/kg is an outlier. All sample results from the delineation sampling are below the soil guideline values for a resident (10% produce) end use."</i></p> <p>The landowner has also stated that there has never been a sheep dip on the site or any other structure that could lead to contamination.</p>	Reject the submission.
102	SO20/001	New Zealand Transport Agency (NZTA)	Whole plan change	Support	<p>Broadly supports Growth Precinct 4 and Structure Plan as a mechanism for planned urban growth through a plan change process. Provides a good opportunity for effective integration of proposed land use with the surrounding services and</p>	<p>Requests that this be included in the Structure Plan so it is included in the District Plan and thereby ensuring it is statutorily required to be developed.</p>	<p>Support is noted.</p>	<p>Accept the submission in so far as the Structure Plan being included in the District Plan. Some minor changes to the Structure Plan are recommended under SO28/001.</p> <p>Accept further submission FS07/13.</p>

No	Submitter No. and Name		Provision of Plan	Support/ Oppose	Reason	Decision Requested	Officer Comment	Officer Recommendation
					infrastructure including the State Highway network. Support provisions in proposed section 8 and 15. NZTA supports the inclusion of these provisions within the plan as necessary for a functioning transportation network which adequately provides for pedestrians and cyclists alike.	<i>Supported by FS07/13</i>		
103	SO21/001	Tina Aomarere	Whole plan change	Support	Support rezoning of Port Street East.	To continue to rezone and develop the area.	Support is noted.	Accept the submission.
104	SO22/001	Lisa Poulsen	Whole plan change	Unstated	Several primary schools are under pressure with large rolls. Should not use green space for more classrooms. Land should be set aside for a new school. This would allow children to be independent.	A school should be developed in growth area to reduce pressure on existing primary schools. <i>Supported by FS06/06</i>	From pre-plan change discussions with the Ministry of Education it is Council's understanding that there is sufficient capacity within existing schools to accommodate children within the Growth Precinct 4 area. The Ministry has not through any consultation throughout the development of this Plan Change indicated that a school site was required in this area. Understand that the Ministry regularly review the need for new schools or new classrooms.	Reject the submission. Reject further submission FS06/06.
105	SO22/002	Lisa Poulsen	Whole plan change	Unstated	Public areas should be developed at the start of the project rather than the end to provide an open spaces environment for the 'early settlers'.	Develop Makino (Mangakino) Stream area when first houses are being built.	Council has already identified the purchase of land along the Makino (Mangakino) Stream in Long Term Plan, and discussions are underway with a landowner. The area will be developed over time as development occurs and new roads are constructed. Precinct 4 is an area for future	Reject the submission.

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							growth and Council does not expect it to be fully developed until 2038. There is sufficient time to develop the wider area incrementally as development occurs between now and 2038.	
106	SO26/003	Haronga Whanau	Whole plan change	Unstated	Documents referred to in parts of PC51 which have not been included in the notified documents.	Documents referred to in parts of PC51 which have not been included in the notified documents. <i>Opposed by FS05/02 (Late submission)</i> <i>Supported by FS07/14</i>	It is unclear what documents the submitter is referring to.	Reject the submission. Accept further submission FS05/02 and reject further submission FS07/14.
107	SO26/005	Haronga Whanau	Whole plan change	Unstated	PC51 is a significant plan change and places public control over private land use.	It is essential the Plan facilities and delivers a high liveable residential area, that the Plan underpins an improvement to social and economic wellbeing of the community; by creating urban environments with greater social and cultural vitality and that the proposed set down in the Plan do not add layer upon layer of cost to the provision of housing and community wellbeing or prevent, deter or undermine a legitimate use of land of another individual where the environmental effects are minor. <i>Supported by FS07/14</i>	Consider the provisions, including rules are appropriate to deliver a high quality urban environment for the future. The performance standards in the rules are required to manage the site-specific constraints, such as stormwater and minimum floor levels. Many of the provisions are consistent with the other requirements in the wider Feilding Residential Zone.	Reject the submission. Reject further submission FS07/14.
108	SO28/011	Manawatū District Council	Whole plan change	Unstated	Seeks amendments to improve the integration of subdivision and land use provisions, remove some potential areas of uncertainty, and ensure provisions while achieve the stated objectives.	Review whether Residential Policy 2.6 and 2.7 are more appropriately located within the Subdivision Section.	Policies 2.6 and 2.7 in the Residential Zone chapter were intended to cover those situations where development may occur in the absence of subdivision. For example, a house being built where a future	Accept the submission by deleting Policies 2.6 and 2.7 and adding a new Policy 2.6 as follows: <u>To ensure development achieves sustainable connectivity that enables people to easily and effectively move around by driving, walking and cycling as demonstrated by the Growth Precinct 4 Structure Plan.</u>

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							road is identified. In further reviewing these provisions improvements could be made to the policies to provide greater clarity for plan users.	
109	SO28/013	Manawatu District Council	Whole plan change	Unstated	Seeks amendments to improve the integration of subdivision and land use provisions, remove some potential areas of uncertainty, and ensure provisions while achieve the stated objectives.	Replace all references to 'Councils Engineering Standards for Land Development' with "Council Engineering Standards". The direct reference should not be included as this document has not been incorporated by reference.	This submission addresses an administrative issue. It is considered appropriate that references are replaced as requested by the submitter.	Accept the submission by replacing references to Councils Engineering Standards for Land Development with "Councils Engineering Standards" as follows: ...Council's Engineering Standards for Land Development. On the following provisions: Subdivision Chapter: Introduction Objective 3 Policies Guidance Note Objective 4 Policies Guidance Note Rule 8.4.1.b.i Rule 8.4.1.g.iii Residential Chapter: Rule 15.4.2.h.i Rule 15.4.87.performance standard f Rule 15.4.7. assessment criteria ix Rule 3B.4.3 Rule 3B.4.3.i.
110	SO29/001	Proarch Consultants Limited	Whole plan change	Support	Support PC51 as it has been well researched. Support the updated and cross section references proposed as they are helpful to the legibility of the plan.	Submit that MDC create a publically available online schedule of amendments to the ODP and an accessible PDF version of its District Plans as they are archived and replaced.	The District Plan will be changed throughout the Sectional District Plan review process into a new structure. Part of the future changes will be to align with the National Planning Standards which requires changes in the future to be noted. Submission is noted and will be further considered outside of the	Reject the submission in so far as no changes are proposed to the Plan Change.

No	Submitter No. and Name	Provision of Plan	Support/ Oppose	Reason	Decision Requested	Officer Comment	Officer Recommendation	
						Plan Change process.		
111	SO33/011	Horizons Regional Council	Whole plan change	Support	<p>Horizons Transport Team supports the Proposed Plan Change for the following reasons:</p> <ul style="list-style-type: none"> - Changes provide for development of multi-modal transport via shared pathways, walkways and cycleways which is consistent with the requirements of the Regional Land Transport Plan. - There is a strong theme in the consultation to date requesting adequate public transport services be provided in Growth Precinct 4. <p>Currently undertaking review of Feilding services and will consider urban growth and future transport demand.</p>	<p>Given the possibility of future public transport services in this area, we request that MDC ensure that road and footpath design / layout is adequate to enable public transport infrastructure to be developed so as not to stifle growth of the network.</p> <p>Request MDC to consider adding specific reference to possible future public transport networks and infrastructure under the Objectives and Policies of the subdivision chapter.</p> <p><i>Supported by FS07/15</i></p>	<p>The road widths required under the District Plan and Councils Engineering Standards are of sufficient size to allow for bus usage in the future. The District Plan does not determine bus routes and therefore the addition of policies as requested is not considered necessary.</p> <p>Development in general accordance with the Structure Plan will ensure connectivity within Growth Precinct 4 which will enable a future bus service route.</p> <p>It is unclear what specific changes the submitter is seeking as the actual provision of a bus service is beyond the scope of the District Plan.</p>	<p>Reject the submission.</p> <p>Reject further submission FS07/15.</p>
112	SO35/001	Allan Harold Dodge	Whole plan change	Unstated	<p>To boost the mental health of future Precinct 4 residents, MDC should plan for more green open spaces. The submitter stated the benefits of planting trees being; clean air, climate change, energy and conservation. Submitter suggested Coppicing as an example of energy conservation.</p> <p>Precinct 4 should have affordable housing to accommodate all types of residents whatever their income, health or age.</p>	<p>Whole of Precinct 4 should be planned and then constructed with the objective in mind that MDC is building: "A Resilient Feilding Community".</p> <p><i>Supported by FS07/16</i></p>	<p>Submission is noted. The intent of the Plan Change provisions and Structure Plan were all developed to achieve the goal that growth in Feilding is resilient. Consider that the proposed plan provisions allow for choice, enable greenspace and manage stormwater through a package of provisions, all of which relate to a</p>	<p>Accept the submission in so far as the plan change is considered to enable a resilient Feilding community for the future.</p> <p>Accept in part further submission FS07/16.</p>

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							resilient community. It is unclear what specific changes the submitter is seeking.	
113	S05/001	Shane Wareham	Whole plan change	Support	Support proposed provisions. Effect on the possibility of subdivision of 51 Roots Street East. Effect of drainage and run off water on the property. Effect of roading and services in regard to possible subdivision of the property.	Is there a plan to establish a local road along the property's eastern boundary? Is there a plan to divert the waterway on the property's eastern boundary? <i>Supported by FS07/04</i>	Development in the future is to be in general accordance with the Structure Plan. Minor changes may result through subdivision applications. The future road on the submitters boundary will be required to meet Councils Engineering Standards and will include curb and channel. No additional water is expected onto the property.	Reject the submission. Reject further submission FS07/04.