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**Plan Change 45-Feilding Growth**

File Ref: 7/07200

Responsible Officer: Shayne Harris  
Support Services and Environment Group ManagerAuthor: Wendy Thompson  
Principal Planner

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**1. Purpose**

This report relates to submissions and further submissions ('submissions') that were received by the Council in relation to Plan Change 45 – Feilding Growth (PC45) to the Manawatu District Plan ('the Plan'). The Plan Change was publicly notified on 22 August 2013. The closing date for lodging submissions was Friday 18 October 2013.

The submissions and summary of decisions requested were publicly notified for further submission on 7 November 2013. The closing date for lodging further submissions was 21 November 2013.

This report has been prepared under section 42A of the Resource Management Act 1991 ('the RMA') to assist the hearings panel to consider the submissions on the proposed matters in Plan Change 45. This report summarises the decisions requested in the submissions, grouped by topics. It includes recommendations from the reporting planner identifying what amendments should be made to the Plan to address matters raised in submissions.

The recommendations contained in this report are not decisions of the Council. The Council will issue its decisions following consideration of the submissions, further submissions, any supporting evidence presented at the hearing, and this report. The Council's decisions will be realised after the hearing for Plan Change 45 has been completed.

**2. Overview of Proposed Plan Change**

Plan Change 45 proposes a more directive approach to coordinate urban development in and on the periphery of Feilding. The Plan Change rezones three of the five growth areas identified in the Framework Plan from rural land to residential land. These three areas are:

Growth Precinct 1: Ranfurly Road / Awahuri Road

Growth Precinct 2: Ranfurly Road / Halcombe Road

Growth Precinct 3: Halcombe Road/ Lethbridge Road.

The two other areas identified in the Framework Plan (Growth Precinct 4: Pharazyn Street/Reids Line West and Growth Precinct 5: Kawakawa Road) will be introduced into the District Plan through a separate plan change process in the future.

For each of Growth Precinct 1-3 the Plan Change introduces a structure plan to direct and co-ordinate subdivision and development within these areas. Each structure plan provides an:

- urban extent,

- neighbourhood focal point, as appropriate,
- a range of subdivision densities,
- the indicative location of collector roads and connection points,
- key local roads,
- esplanade reserves along streams and rivers, and
- areas of steep topography where development should be avoided or carefully managed.

They are intended for use as a 30 year (and greater) strategic plan. Specific details for each precinct is included in the Framework Plan which was adopted by Council in May 2013. The extent of each Structure Plan is included in Appendix 1.

Changes are proposed to the objectives and policies, rules and planning maps to include these growth precincts into the District Plan. The urban growth provisions in the operative District Plan allowed for growth outside residential areas on a case by case basis. Changes have been included in the District Plan to ensure urban growth areas are integrated, cost effective and designed to avoid, remedy or mitigate adverse effects on the environment. New policies are included to provide a more directive approach to managing and coordinating urban growth.

A deferred zoning is proposed to some parts of the growth precincts. The 'deferred' status is applied to areas where new or upgraded infrastructure is required prior to subdivision and development occurring. Until such time as this new or upgraded infrastructure is provide to enable subdivision and development to occur, the provisions of the rural zone continue to apply. A new definition has been added to section E of the Plan to ensure that land that has been identified within a deferred zoning are that the existing provisions apply to that land until such time as the deferred zoning status is uplifted.

Provisions are also proposed to reflect the need for subdivision to be undertaken in accordance with the relevant structure plans.

Planning maps are also proposed to be amended to reflect the rezoning.

### **3. Statutory Framework**

This section of the report briefly sets out the statutory framework within which the Council must consider the submissions. Through case law, the Environment Court has set out the following measures for evaluating objectives, policies, rules and other methods in district plans:

1. The objectives of the plan are to be evaluated by the extent to which they:
  - a. Are the most appropriate way to achieve the purpose of the RMA (s32(1)(a)); and
  - b. Assist the Council to carry out its functions in order to achieve the purpose of the Act (s72); and
  - c. Are in accordance with the provisions of Part 2 of the RMA (s74(1)).

2. The policies, rules and other methods in the Plan are to be evaluated by the extent to which they:
  - a. Are the most appropriate way to achieve the objectives of the Plan (s32(1)(b)); and
  - b. Assist the Council to carry out its functions in order to achieve the purpose of the Act (s72); and
  - c. Are in accordance with the provisions of Part 2 of the RMA (s74(1)); and
  - d. (If a rule) achieve the objectives and policies of the plan (s76(1)(b)).

The purpose of the RMA is 'to promote the sustainable management of natural and physical resources', and 'sustainable management' is defined in Section 5(2) as meaning:

"...managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while –

- (a) Sustaining the life supporting capacity of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
- (b) Safeguarding the life supporting capacity of air, water, soil and ecosystems; and
- (c) Avoiding, remedying or mitigating any adverse effects of activities on the environment."

Along with Section 5, Part 2 of the RMA includes Sections 6 (matters of national importance), 7 (other matters), and 8 (Treaty of Waitangi), which set out a range of matters that the Council needs to recognise and provide for in achieving the purpose of the RMA. Those matters are also relevant when considering submissions.

The District Plan must assist the Council to carry out its functions under Section 31 of the RMA. These functions are;

- "(a) The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the District;
- (b) The control of any actual and potential effects of the use, development, or protection of land, including for the purpose of –
  - (i) The avoidance or mitigation of natural hazards; and
  - (ii) The prevention or mitigation of any adverse effects of the storage, use, disposal or transportation of hazardous substances; and
  - (ia) the prevention or mitigation of any adverse effects of the development, subdivision or use of contaminated land;
  - (iii) The maintenance of indigenous biological diversity;
- (d) The control of the emission of noise and the mitigation of the effects of noise:

- (e) The control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes.”

In addition to the matters listed above, consideration of the following are also required:

1. The Plan must ‘give effect to’ any national policy statement and any New Zealand coastal policy statement (s75(3)(a) and (b)).
2. The Plan must ‘give effect to’ the regional policy statement (made after August 2005) (s75(3)(C)).
3. The Plan must be ‘not inconsistent with’ any regional plan (s75(4)).

#### **4. Analysis of Submissions**

This Section of the report discusses the decisions requested in submissions and recommends how the Committee could respond to the matters raised and decisions requested in submissions. The submissions are addressed under section headings for the sections of the plan change they relate to.

While the relevant statutory matters (identified in the Statutory Framework section of this report) will not necessarily be referred to directly, the discussion and recommendations have given appropriate consideration to these and other relevant matters.

A copy of each received submission together with the related further submissions is contained in Appendix 2. Any amendments to the Plan recommended in response to submissions are identified in this section of the report and are further detailed in Appendix 3.

A total of 16 submissions were received on PC45. A total of 5 further submissions were received on the original submissions received on PC45.

##### **4.1 Section 5.3.8, Objective S8)**

###### ***Submission 1/1 – Horizons Regional Council***

*The submitter requests that Objective 8 and its associated Policies a) i) and d) vi) be retained as written in PPC45.*

Officers note the support for Section 5.3.8, Objective S8) and recommend that the submission be accepted to the extent that they generally support the objective as outlined in PC45.

###### ***Submission 9/1 – Powerco***

*The submitter supports the general intent of the proposed changes, especially to the extent that they seek to ensure that urban growth and development is co-ordinated with the availability and provision of infrastructure. The submitter requests that Objective 5.3.8 and supporting policies b) and c) are retained without modification.*

Officers note the support of Section 5.3.8, Objective S8) and recommend that the submission be accepted to the extent that they generally support the objective as outlined in PC45.

###### ***Submission 1/9 – Horizons Regional Council***

The submitter requests that the following Objectives and Policies are retained within PPC45:

- *Objective S 8) and associated Policies*
  - *a) iv);*
  - *b);*
  - *c) iv); and*
  - *d) iii)*
  - *Policy g) of Objective S 9)*

Officers note the support of Section 5.3.8, Objective S8) and identified policies above, and recommend that the submission be accepted to the extent that they generally support the provisions.

**Officer's recommendations on submissions seeking relief to Section 5.3.8, Objective S8)**

That submissions 1/1, 1/9 and 9/1 be accepted for the reasons outlined above.

#### 4.2 Section 5.3.8, Objective S8), Policies

##### **Submission 9/2 – Powerco**

*The submitter requests that Policies a)(iv) and d)(iii) associated with Objective 5.3.8 are amended by adding "and energy supply" after... and effluent and stormwater disposal issues... in clause iv) and deleting "and" after the words water supply in clause iii) and add " and energy" between stormwater networks in clause iii) in order to recognise the importance of utility services other than council controlled utilities (i.e. water supply, effluent and stormwater disposal) as follows or with words to the same effect:*

*"a) Ensuring that any proposal for extension of the Residential or Village zoning of the District's existing townships takes into account:*

*...*

*iv) The need for new growth areas around existing townships to be provided with utility services, at the developers expense, so that water supply and effluent and stormwater disposal issues and energy supply are addressed. (Refer Also: Part 7.3, Page 67)"*

*"d) Providing for subdivision and development in the new Growth Precincts in accordance with the Structure Plans and Subdivision Design Guide to achieve the following outcomes:*

- i) A range of residential densities, where larger lots can be intensified in the longer term.*
- ii) A logical roading network that delivers strategic Collector Roads between existing and future urban areas and where a street network of Local Roads provide accessible residential areas.*

- iii) *Efficient provision of utility services, including reticulated waste water, water supply, ~~and~~ stormwater and energy networks, that are in accordance with identified growth demands”*

The request by the Submitter is supported as it clarifies that energy networks must also be in place before development takes place, and that future demand is considered early in the planning process. This corrects an omission in PC45. Note that submission 11/2 from Transpower does propose a change to Policy d). However, the reference to energy networks will be retained.

**Officer’s recommendations on submissions seeking relief to Section 5.3.8, Objective S8), Policies**

That submission 9/2 be accepted with the changes underlined being included in the District Plan.

- “a) *Ensuring that any proposal for extension of the Residential or Village zoning of the District’s existing townships takes into account:*

...

- iv) *The need for new growth areas around existing townships to be provided with utility services, at the developers expense, so that water supply and effluent and stormwater disposal issues and energy supply are addressed. (Refer Also: Part 7.3, Page 67)”*

- “d) *Providing for subdivision and development in the new Growth Precincts in accordance with the Structure Plans and Subdivision Design Guide to achieve the following outcomes:*

- i) *A range of residential densities, where larger lots can be intensified in the longer term.*
- ii) *A logical roading network that delivers strategic Collector Roads between existing and future urban areas and where a street network of Local Roads provide accessible residential areas.*
- iii) *Efficient provision of utility services, including reticulated waste water, water supply, ~~and~~ stormwater and energy networks, that are in accordance with identified growth demands”*

**Submission 1/17 – Horizons Regional Council**

*The submitter has requested that Policy a) iii) under Objective S 8) and the reference to the retention of highly versatile soils in the explanation beneath this Objective be retained as proposed in PPC45.*

Officers note the support of Section 5.3.8, Objective 8), Policy a) iii) and recommend that the submission be accepted to the extent that they generally support the provisions as outlined in PC45.

**Officer’s recommendations on submissions seeking relief to Section 5.3.8, Objective S8) Policy a) iii)**

That submission 1/17 be accepted for the reasons outlined above.

### **Submission 8/4 – KiwiRail**

*The submitter supports the amendment to Policy (a) ix.*

Officers note the support of Section 5.3.8, Objective 8), Policy a) ix) and recommend that the submission be accepted to the extent that they generally support the provisions as outlined in PC45.

### **Officer's recommendations on submissions seeking relief to Section 5.3.8, Objective 8) Policy a) ix)**

That submission 8/4 be accepted for the reasons outlined above.

### **Submission 11/2 - Transpower**

*The submitter requests that 5.3.8 Policy c) be amended by adding a new clause vi) as follows:*

*vi) ensure the safe, effective and efficient operation, maintenance, upgrading and development of the national grid.*

*The submitter requests that 5.3.8 Policy d) be amended by adding a new clause vii) as follows:*

*vii) enable the efficient use of land within the National Grid Yard while avoiding sensitive activities or structures that would inhibit the operation, access, maintenance or upgrade of transmission lines or support structures.*

*The submitter requests the retention of 5.3.8 Policy c) i) as notified unless the alternative change to policy c and d above are combined into a single policy as follows:*

*c) Providing for subdivision and development in the Growth Precincts in Feilding in accordance with Structure Plans and the Subdivision Design Guide to achieve the following outcomes:*

*i) development is well integrated and coordinated;*

*ii) development recognises and responds to the topographical and physical features of the land*

*iii) short and anticipated long term growth demands are met;*

*iv) good connections are made with existing infrastructure and transportation networks, taking account of the capacity limitations of those networks and any potential requirements for upgrading capacity to meet future demands;*

*v) certainty is provided on the location and pattern of development, including key roading linkages and infrastructure to meet future requirements;*

*vi) a range of residential densities are provided, including larger lots which can be intensified in the longer term;*

*vii) a logical roading network delivers strategic Collector Roads between existing and future urban areas and a street network of Local Roads that provide accessible residential areas;*

- viii) efficient utility services are provided, including reticulated waste water, water supply and stormwater networks, that are in accordance with identified growth demands;
- ix) neighbourhood focal points (such as local parks, shops or community facilities) provide meeting points and centres for individual neighbourhoods within a precinct;
- x) open space networks that comprise stormwater attenuation networks, a range of recreation opportunities, stream side esplanade reserves, and where appropriate, environmental protection corridors;
- xi) areas identified as high risk for flooding and potential seismic hazards are avoided; and
- xii) subdivision and development is designed and located to avoid adverse effects on, and from, the operation, access, maintenance or upgrade of the National Grid.

This submission was supported in part by Powerco (further submitter 16/1) provided specific recognition of all gas and electricity networks as well as council controlled utility networks are included.

Officer's support the combination of policies c and d into one policy as this avoids duplication and unnecessary repetition. The changes requested by the submitter will assist with user clarity. However, the existing policies refer to providing and managing subdivision and development in the growth precincts. On that basis the Officer's consider it appropriate to refer to both providing and managing in the revised policy c).

#### **Officer's recommendations on submissions seeking relief to Section 5.3.8, Objective S8), Policies**

That submission 11/2 be accepted including the additional reference to managing subdivision and development as outlined below:

- c) Providing for subdivision and development in the Growth Precincts in Feilding in accordance with Structure Plans and the Subdivision Design Guide to achieve the following outcomes:
  - i) development is well integrated and coordinated;
  - ii) development recognises and responds to the topographical and physical features of the land;
  - iii) short and anticipated long term growth demands are met;
  - iv) good connections are made with existing infrastructure and transportation networks, taking account of the capacity limitations of those networks and any potential requirements for upgrading capacity to meet future demands;
  - v) certainty is provided on the location and pattern of development, including key roading linkages and infrastructure to meet future requirements;
  - vi) a range of residential densities are provided, including larger lots which can be intensified in the longer term;
  - vii) a logical roading network delivers strategic Collector Roads between existing and future urban areas and a street network of Local Roads that provide accessible residential areas;

- viii) efficient utility services are provided, including reticulated waste water, water supply and stormwater and energy networks, that are in accordance with identified growth demands;
- ix) neighbourhood focal points (such as local parks, shops or community facilities) provide meeting points and centres for individual neighbourhoods within a precinct;
- x) open space networks that comprise stormwater attenuation networks, a range of recreation opportunities, stream side esplanade reserves, and where appropriate, environmental protection corridors;
- xi) areas identified as high risk for flooding and potential seismic hazards are avoided; and
- xii) subdivision and development is designed and located to avoid adverse effects on, and from, the operation, access, maintenance or upgrade of the National Grid.

#### **Submission 8/5 – KiwiRail**

The submitter requests a new policy to Objective 5.3.8 Urban Growth, Policy a) as follows:

“To control the location of subdivision and development of land near roads and the railway line to ensure noise from transport infrastructure does not cause adverse effects on the residential amenity and noise sensitive activities, and that subdivision design prevents adverse impacts on the safe and efficient use and operation of strategic roads and railway lines;”

#### **Submission 8/6 – KiwiRail**

The submitter requests new criteria to Policy c) as follows:

“Ensure that new noise sensitive development will be designed to adequately mitigate and reverse sensitivity effects from land transport networks noise/vibration effects areas”.

#### **Submission 8/7 – KiwiRail**

The submitter has requested a further outcome to Policy d) as follows:

“New subdivision and development achieves a high level of acoustic and vibration mitigation where located near strategic/lifeline land transport networks.

With regards to submissions 8/5, 8/6 and 8/7 by KiwiRail, there is no evidence in the submission as to why these provisions are necessary given the particularly small amount of proposed residential zoned land covered by PC45. Manawatu is a rurally based District with particularly small residential areas near the main truck line. Apart from a small section of Precinct 3, the land within Feilding near the railway line is already developed. Council is not aware of any complaints from residents near railway lines. In addition the land boundaries already provide a natural buffer between the railway line and future development.

Officers consider that these submissions are beyond the scope of PC45. The addition of these new provisions do not relate to any specific provision proposed by the plan change. A natural justice issue also arises given that the public could not have reasonably anticipated such a change when PC45 was originally notified.

As the Council has embarked on a sectional District Plan review, the subdivision and utility chapters are currently being reviewed. These matters would be more appropriately considered in those other chapter reviews. When the wider subdivision review is undertaken that would be the appropriate time for the submitter to provide evidence and a complete section 32 assessment for the introduction of such provisions.

**Officer's recommendations on submissions seeking relief to Section 5.3.8, Objective S8), Policies**

That submissions 8/5, 8/6 and 8/7 be rejected for the reasons outlined above.

**4.3 Section 5.3.8, Objective S8), Policies, Explanation**

***Submission 8/1 – KiwiRail***

*The submitter requests that the following is added to the Explanation:*

*"Subdivision has the potential to cause adverse effects on the ability of land transport networks, i.e. the strategic roading and rail network, to operate safely and efficiently through inefficient design. It is important that essential infrastructure is not compromised by reverse sensitivity issues involving noise (and vibration) and amenity concerns and further provisions in the Structure Plans/Design Guideline are necessary to achieve this"*

*"Both the Plan rules and the Structure Plan and Design Guideline need to reflect that development will be adequately controlled to ensure the reverse sensitivity effects are mitigated"*.

Explanations in the District Plan have no legal status. As outlined in the response to submissions 8/5, 8/6 and 8/7 above, Officers consider this submission to be beyond the scope of PC45.

**Officer's recommendations on submissions seeking relief to Section 5.3.8, Objective S8), Policies, Explanation**

That submission 8/1 be rejected for the reasons outlined above.

***Submission 8/9 – KiwiRail***

*The submitter has requested the following clause to be added to Criteria Approach, page 9:*

*"The railway network is a physical environmental feature which comprises the physical boundaries of some structure plan areas. New residential zones will be in very close proximity, and in some cases directly adjoin the rail corridor. This has the potential to give rise to reverse sensitivity effects on the operation of the rail network. New criteria will address and ensure that incoming development addresses reverse sensitivity effects."*

This request appears to be a consequence of the other new provisions requested by the submitter on reverse sensitivity. As already outlined above, Officers consider that this request is without any evidence of the scale or significance of effects, and is beyond the scope of PC45. On that basis Officer's recommend that this submission be rejected.

**Officer's recommendations on submissions seeking relief to Section 5.3.8, Objective S8), Policies, Explanation**

That submission 8/9 be rejected for the reasons outlined above.

### **Submission 9/3 – Powerco**

*The submitter requests that the following paragraphs in the explanation to Objective 5.3.8 and the associated Policies are amended by adding "and energy networks" after the words .. and stormwater disposal... in order to recognise the importance of utility services other than council controlled utilities (i.e. water supply, effluent and stormwater disposal) as follows or with words to the same effect:*

*Policy (a)(iv) refers to the provision of utility services (water supply, effluent and stormwater disposal and energy networks). It is essential that any extensions to townships with sewers are also provided with utility services. Whether connection to the town system or a completely new system is proposed, an agreement will need to be reached between Council and the developer about the costs of extending and connecting to utility services. (Refer: Part 7.3, Page 67).*

The addition of 'and energy networks' is consistent with the changes recommended to Section 5.3.8, Objective S8), Policy a) under submission 9/2. Energy networks are particularly important in any subdivision and should be in place prior to development taking place. Officers recommend that the submission be accepted with the changes underlined being accepted as this is a consequential change from accepting submission 9/2.

### **Officer's recommendations on submissions seeking relief to Section 5.3.8, Objective S8), Policies, Explanation**

That submission 9/3 be accepted for the reasons outlined above. Policy (a)(iv) be amended to read:

*iv) the need for new growth areas around existing townships to be provided with utility services, at the developers expense, so that water supply and effluent and stormwater disposal issues and energy networks are addressed.*

## **4.4 New Objective after Section 5.3.8, Objective S8)**

### **Submission 8/3 – KiwiRail**

*The submitter requests to add a further objective after S8 as follows:*

*"Subdivision, land use and development with the Structure Plan areas, will avoid, remedy or mitigate, any adverse effects on strategic transport networks by ensuring that subdivision, land use and development located adjacent to the strategic transport network (including the railway) is appropriately designed to avoid, remedy or mitigate reverse sensitivity effects such as noise and vibration".*

The submitter has provided no evidence based information to support the request for reverse sensitivity provisions. Council is not aware of any complaints from residents near railway lines. In addition, Officers consider that the submission of KiwiRail is beyond the scope of PC45. The new provisions do not relate to any specific provision proposed by the plan change i.e. they do not relate to modifications or amendments to existing provisions. In addition, the principal of natural justice is at stake in that the reader of the proposed plan change could not have reasonably anticipated that such provisions might be the outcome of the proposed plan change when notified; landowners could not have reasonably anticipated that their land might be affected as proposed by the submitter; and that any submitter affected by the proposed provisions

needs to be appropriately consulted and provisions with an opportunity to consider the provisions, and if necessary, submit and be heard at a hearing.

**Officer's recommendations on submissions seeking relief for a new objective under Section 5.3.8, Objective S8)**

That submission 8/3 be rejected for the reasons outlined above.

#### 4.5 Section 5.3.9, Objective S9)

##### Submission 8/10 – KiwiRail

*The submitter has requested a new Objective to 5.3.9 URBAN NEIGHBOURHOODS Objective S 9*

*"Reduce reverse-sensitivity noise and vibration effects arising from new development locating near to the rail transport network;" or*

*"Require noise sensitive land activities to be located and/or designed to mitigate any reverse sensitivity noise and vibration effects on airfields, strategic roads and rail lines".*

PC45 seeks to rezone land from rural to residential in various locations in the District. There is only a small piece of land near Lethbridge Road where development is potentially near the railway line. In this instance, the topography of the surrounding land means that development is unlikely to occur near the railway line.

The submitter has provided no evidence based information to support the request for reverse sensitivity provisions. Council is not aware of any complaints from residents near railway lines. In addition, Officers consider that the submission of KiwiRail is beyond the scope of PC45. The addition of these requested provisions do not relate to any specific provision proposed by the plan change i.e. they do not relate to modifications or amendments to existing provisions. In addition, the principal of natural justice is at stake in that the reader of the proposed plan change could not have reasonably anticipated that such provisions might be the outcome of the proposed plan change when notified; landowners could not have reasonably anticipated that their land might be affected as proposed by the submitter; and that any submitter affected by the proposed provisions needs to be appropriately consulted and provisions with an opportunity to consider the provisions, and if necessary, submit and be heard at a hearing.

PC45 seeks to make minor changes to the existing provisions, without a full review of the subdivision provisions for the District as a whole. The wider subdivision review is the appropriate time to consider the request of the submitter, particularly whether the provisions are appropriate given that the District is predominately rural and land within Feilding near the railway line is largely already developed.

When the wider subdivision review is undertaken would be the appropriate time for the submitter to provide evidence and a complete section 32 assessment for the introduction of such provisions.

**Officer's recommendations on submissions seeking relief to Section 5.3.9, Objective S9)**

That submission 8/10 be rejected for the reasons outlined above.

**Submitter 9/4 – Powerco**

*Submitter seeks the retention of Objective 5.3.9(g) without modification as follows:*

*Objective S 9) To develop useful, attractive and sustainable urban neighbourhoods where:*

...

*g) Utility services are strategically developed to ensure a sustainable, efficient and cost effective network is built to meet the needs of current and future development.*

Officers note the support of Objective 5.3.9 (g) and recommend that the submission be accepted to the extent that they generally support the objective as outlined in PC45. Officers recommend that the submission be accepted and no changes are required as a result of the submission.

**Officer's recommendations on submissions seeking relief to Section 5.3.9, Objective S9)**

That submission 9/4 be accepted for the reasons outlined above.

**Submission 1/2 – Horizons Regional Council**

*The submitter requests that Objective S9) be amended to include one additional sub clause which refers specifically to natural hazards as follows:*

*h) Public safety is maintained through good subdivision design that avoids or mitigates identified natural hazards.*

Consideration of natural hazards is an important part of any subdivision. The addition of this provision is consistent with the policies which refer to mitigating flood and potential seismic hazards. Council relies on Horizons Regional Council to supply robust flood information for the District Plan. Council has already been discussing the extent of flood hazard areas in preparation for the natural hazards chapter review as part of the Sectional District Plan Review.

**Officer's recommendations on submissions seeking relief to Section 5.3.9, Objective S9)**

That submission 1/2 be accepted for the reasons outlined above and Section 5.3.9, Objective S9) be amended to include an additional clause:

*h) Public safety is maintained through good subdivision design that avoids or mitigates identified natural hazards.*

**Submission 11/3 - Transpower**

*The submitter requests that Objective 5.3.9 S9) d) be amended as follows:*

*Development is not achieved at the expense of significant adverse effects on rural character that is the backdrop to the Feilding township, the National Grid, natural topography, open space and gully systems*

The inclusion of reference to the National Grid is appropriate given the National Policy Statement (NPS) and National Environmental Standard (NES) on electricity transmission. This was an omission during drafting of PC45.

**Officer's recommendations on submissions seeking relief to Section 5.3.9, Objective S9)**

That submission 11/3 be accepted for the reasons outlined above and Section 5.3.9 Objective S9 be amended to read:

*(ed) Development is not achieved at the expense of significant adverse effects on rural character that is the backdrop to the Feilding township, the National Grid, natural topography, open space*

**4.6 Section 5.3.9, Objective S9), Policies**

***Submission 8/10 – KiwiRail***

*The submitter has requested the following addition to Policy a:*

*“New buildings locating near to the rail network should include separation distances, design and materials to reduce noise and vibration to acceptable levels”.*

As highlighted in response to other points raised by the submitter, there is no evidence provided by the submitter for why noise and vibration matters are of concern in the context of PC45. PC45 seeks to rezone land from rural to residential in various locations in the District. There is only a small piece of land near Lethbridge Road where development is potentially near the railway line. Officers consider this submission is beyond the scope of PC45. Council does welcome discussion with KiwiRail in relation to the drafting of the utilities chapter and the scale and significant of effects specific to the Manawatu District.

**Officer's recommendations on submissions seeking relief to Section 5.3.9, Objective S9), Policies**

That submission 8/10 be rejected for the reasons outlined above.

***Submission 10/2 – Public Health Services***

*The submitter seeks objectives that should support access for all, including those with disability.*

*The submitter believes that Section 5.39, section 9 of the plan be amended so that it reads (addition is underlined):*

*S9 Promoting, useful, attractive and sustainable urban neighbourhoods where:*

*(a) people (including those with a disability) have maximum accessibility to each other and to places which provide for their needs and wants.*

Officers do not support the additional wording as requested by the submitter. The provisions in the Structure Plan, Design Guide, and proposed new objectives, policies

and rules are designed for all members of our community. It is therefore unnecessary to amend the provisions as requested.

#### **Officer's recommendations on general submissions**

That submission 10/2 be rejected for the reasons outlined above.

#### ***Submission 11/4 – Transpower***

*The submitter requests that Policy 5.3.9 a) i) be amended by adding an additional bullet point as follows:*

- *Identifying nationally and regionally significant infrastructure and avoiding significant adverse effects on, and from, that infrastructure.*

This submission was supported by Powerco (further submitter 16/2) as it is important to ensure new development does not affect or is affected by existing nationally and regionally significant infrastructure.

This addition to Section 5.3.9, Objective 9), Policy a) is consistent with the need to recognise the NPS and NES for electricity transmission, particularly the national grid which extends through the District. It is also noted that the Council is reviewing the utility provisions and the above recognition will be included through that plan change. Council anticipate that the utility provisions will be notified late 2014.

#### **Officer's recommendations on submissions seeking relief to Section 5.3.9, Objective S9), Policies**

That submission 11/4 be accepted for the reasons outlined above and Policy 5.3.9 a) i) be amended

i) New development that is integrated with the existing environment by:

...

- *Identifying nationally and regionally significant infrastructure and avoiding significant adverse effects on and from that infrastructure.*

#### ***Submission 1/3 – Horizons Regional Council***

*The submitter requests that Policy a) ii) under Objective S9) is retained as written in PPC45.*

Officers note the support of Section 5.3.9, Objective S9), Policy a) ii) and recommend that the submission be accepted to the extent that they generally support the provisions as outlined in PC45. Officers recommend that the submission be accepted and no changes are required as a result of the submission.

#### **Officer's recommendations on submissions seeking relief to Section 5.3.9, Objective S9)**

That submission 1/3 be accepted for the reasons outlined above.

## **4.7 Section 5.3.10, Objective S10), Policy**

**Submission 8/11 – KiwiRail**

The submitter has requested to alter Policy a with the addition of the following onto the end of Policy a:

*“including the avoidance, remedying or mitigation of reverse sensitivity effects”.*

This request appears to be a consequence of the other new provisions requested by the submitter on reverse sensitivity. As already outlined above, Officers consider that this request is without any evidence of the scale or significance of effects, and is beyond the scope of PC45. On that basis Officer’s recommend that this submission be rejected.

**Officer’s recommendations on submissions seeking relief to Section 5.3.10, Objective S10), Policy**

That submission 8/11 be rejected for the reasons outlined above.

**4.8 Section 5.3.10, Objective S10), Policy, Explanation****Submission 8/12 – KiwiRail**

The submitter requests the following line to be added to the end of the explanation of 5.3.10 Urban Allotments:

*“and address the long term reverse sensitivity effects”.*

This request appears to be a consequence of the other new provisions requested by the submitter on reverse sensitivity. As already outlined above, Officers consider that this request is without any evidence of the scale or significance of effects, and is beyond the scope of PC45. On that basis Officer’s recommend that this submission be rejected.

**Officer’s recommendations on submissions seeking relief to Section 5.3.10, Objective S10), Policy, Explanation**

That submission 8/12 be rejected for the reasons outlined above.

**4.9 Rule A1 1.2.3 Subdivision Consent Applications****Submission 1/4 – Horizons Regional Council**

The submitter requests that the requirement for subdivision consent applications to include supporting information and assessments to demonstrate the subdivision is in accordance with the relevant Structure Plan and the guiding principles of the Subdivision Design Guide set out in sub clause (iv) of Rule 1.2.3 A) be retained as proposed in PPC45.

Officers note the support of Rule A1 1.2.3 A) and recommend that the submission be accepted to the extent that they generally support the provisions as outlined in PC45. No changes are required as a result of the submission.

**Officer’s recommendations on submissions seeking relief to Rule A1 1.2.3**

That submission 1/4 be accepted for the reasons outlined above.

**Submission 1/8 – Horizons Regional Council**

The submitter requests that Rule 1.2.3 Subdivision Consent Application be amended to include additional information requirements for subdivision in the Feilding Growth Precincts, as follows:

- a) All applications shall be in the proper form and should include:
- i) The information required under Section 219 of the Act, namely:
  - iv) For subdivision proposal with a Growth Precinct:
    - c) A report prepared by a suitably qualified person which includes an investigation into the extent and degree of land contamination. If contamination is detected, this report should include proposed remediation or management controls to mitigate the risk to human health of the environment, and controls to monitor any residual contamination.

This submission was opposed by the Oil Companies (Z-Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd) (further submitter 18.1) as the proposed wording paraphrases the NES and results in more onerous information requirements than those of the NES. The further submitter suggests alternative wording.

Officers do not support the proposed change by the submitter as the wording paraphrases the provisions of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health. This is unnecessary as the NES has statutory standing in its own right and Council does not want to duplicate national provisions. However, it would be appropriate to include an advice note to highlight that a national regulation may also apply.

#### **Officer's recommendations on submissions seeking relief to Rule A1 1.2.3**

That submission 1/8 be accepted in part for the reasons outlined above. Add a new advice note to Rule A1 1.2.3 as follows:

Note: The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health may also apply and a consent may be required under those provisions.

#### **Submission 1/12 – Horizons Regional Council**

The submitters requests that PPC45 be amended to make it clear that any subdivision that does not adhere to the principles set out in the Subdivision Design Guide, particularly in relation to reticulated wastewater disposal, will be assessed as a Discretionary or Non-Complying Activity.

The current structure of the District Plan can be confusing for some users. The provisions requested by the submitter are already found in the general rules section of the District Plan. The Sectional District Plan Review proposes a complete restructure of the current District Plan into a number of chapters. When the residential and subdivision chapters are reviewed the new structure will be used which will help plan users to navigate the provisions. The residential and subdivision chapters are scheduled for review in late 2014/2015.

#### **Officer's recommendations on submissions seeking relief to Rule A1 1.2.3**

That submission 1/12 be rejected for the reasons outlined above.

### **Submission 1/13 – Horizons Regional Council**

*The submitter requests that the stormwater management provisions recommended in the MWH Engineering Services Assessment are incorporated into the District Plan requirements for subdivision within the Growth Precincts of PPC45, namely:*

- *Providing 16m<sup>3</sup> of property level on-site stormwater tank storage which discharges via orifice control to 10m of 'french' drain or soakaway drain with each property; and*
- *Roadside open drains to collect road runoff, directed to detention ponds located as sub-catchment level to attenuate the flows.*

The provisions recommended in the MWH report provide Council with possible approaches to stormwater management. However to include these in the District Plan as requested by the submitter would limit the ability of applicants to look at other stormwater management options, other alternatives or new technologies. The proposed areas to be rezoned are for growth for the next 30-50 years. During this time it is highly likely that the technologies may improve and new ways of stormwater management could be used. Council wants to enable flexibility on a case by case basis. For those reasons rejects the request of the submitter.

### **Officer's recommendations on submissions seeking relief to Rule A1 1.2.3**

That submission 1/13 be rejected for the reasons outlined above.

### **Submission 1/14 – Horizons Regional Council**

*The submitter requests that proposed Clause vi) of Rule 1.2.3 B) is deleted from PPC45.*

There is no Rule 1.2.3 B) in the District Plan, nor proposed in PC45 however after discussions with officers from Horizons the correct reference should have been Rule A1 1.2.6 B) not Rule 1.2.3 B) vi).

Officers still do not believe that this warrants being a discretionary activity. There are provisions already contained within the district plan and plan change 45 that ensure that stormwater is managed appropriately.

### **Officer's recommendations on submissions seeking relief to Rule A1 1.2.3**

That submission 1/14 be rejected for the reasons outlined above.

### **Submission 8/13 – KiwiRail**

*The submitter has requested the following to be added to Rule 1.2.3 A) iv) b):*

- b) *An evaluation against the Subdivision Design Guide (Appendix 9) demonstrating that the guiding principles (including meeting the setbacks) have been provided for in the proposed subdivision.*

Precinct 3 is the only area where rezoning is proposed near the railway line. The topography in this area automatically affects the proximity of development to the railway line. No setbacks are currently contained within the Structure Plan, and the

submitter has not indicated what a suitable setback, recognising topography of Precinct 3, would be. On that basis Officers recommend that this submission be rejected.

**Officer's recommendations on submissions seeking relief to Rule A1 1.2.3**

That submission 8/13 be rejected for the reasons outlined above.

**4.10 Rule A1 1.2.6 Notification and Service of Applications**

***Submission 11/6 – Transpower***

*The submitter requests that Rule A1 1.2.6 B) ii) be amended as follows:*

*ii) The application is for a restricted discretionary activity subdivision consent, except for any subdivision under Rule C1.2.1 A) vi) or subdivision which do not comply with Rule C2.2.4.1H) due to failure to meet Rule B3 3.3.1 D) in respect of separation from a dwelling or a potential dwelling on another site or*

The submitter has proposed a number of changes to reflect the provisions in the NPS and NES for electricity transmission. This was an omission at the time of drafting PC45.

**Officer's recommendations on submissions seeking relief to Rule A1 1.2.6**

That submission 11/6 be accepted for the reasons outlined above.

**4.11 Rule A1 1.3.1 Reservation of Control – Controlled Activity Land Use Applications**

***Submission 1/16 – Horizons Regional Council***

*The submitter requests that Rule A1 1.3.1 c) is amended to either:*

- Exclude multiple residential units on one lot within the three Growth Precincts, making such an activity Non-Complying; or*
- Require applications for multiple residential units on one lot with the three Growth Precincts to comply with any relevant Structure Plan and the subdivision Design Guide.*

Changes to Rule A1 1.3.1 do not form part of PC45. However it is noted that the minimum lot sizes proposed for the various precincts are greater than the 350m<sup>2</sup>, and generally range from 800m<sup>2</sup> to over 2000m<sup>2</sup> (as defined on the relevant structure plans). Officers therefore recommend no change to the Rule as requested by the submitter.

**Officer's recommendations on submissions seeking relief to Rule A1 1.3.1**

That submission 1/16 be rejected for the reasons outlined above.

**4.12 Rule A1 1.3.2 Reservation of Control – Controlled Activity Subdivision Applications**

***Submission 1/5 – Horizons Regional Council***

*The submitter requests that sub clause xiv) of Rule 1.3.2 A) is retained in so far as it gives Council the ability to assess consistency with any relevant Structure Plan and adherence to the principles set out in the Subdivision Design Guide as a matter of Control for subdivision consent applications.*

Officers note the support of Rule A1 1.3.2 A) and recommend that the submission be accepted to the extent that they generally support the provisions as outlined in PC45. No changes are required as a result of the submission.

#### **Officer's recommendations on submissions seeking relief to Rule A1 1.2.3**

That submission 1/5 be accepted for the reasons outlined above.

#### ***Submission 8/14 – KiwiRail***

*The submitter has requested that Rule 1.3.2 xiv) is retained.*

Officers note the support of Rule A1 1.3.2 and recommend that the submission be accepted to the extent that they generally support the provisions as outlined in PC45.

#### **Officer's recommendations on submissions seeking relief to Rule A1 1.2.3**

That submission 8/14 be accepted for the reasons outlined above.

#### ***Submission 8/15 – KiwiRail***

*The submitter has requested that the following control matter is added to 1.3.2 Reservation of Control – Controlled Activity Subdivision Application:*

*"The size, shape and arrangement of allotments and how this achieves the setbacks and will enable the development to address reverse sensitivity noise and vibration effects from adjacent or nearby land transport networks".*

As discussed in response to submission 8/13 earlier, Precinct 3 is the only area where rezoning is proposed near the railway line. The topography in this area automatically affects the proximity of development to the railway line. No setbacks are currently contained within the Structure Plan, and the submitter has not indicated what a suitable setback, recognising topography of Precinct 3, would be. On that basis Officers recommend that this submission be rejected.

#### **Officer's recommendations on submissions seeking relief to Rule A1 1.2.3**

That submission 8/15 be rejected for the reasons outlined above.

#### ***Submission 9/5 – Powerco***

*The submitter has requested to amend Rule A1 1.3.2 Reservation of Control-Controlled Activity Subdivision Applications by amending that rule to address the provision of network utilities such as electricity, gas and telecommunication, to new subdivision and development as follows or to the same effect:*

*(X) The extent to which connections to electricity, gas and telecommunication networks are available to service the needs of the development and /or subdivision.*

Energy networks are particularly important in any subdivision and should be in place prior to development taking place. It is important that the District Plan contains correct provisions in line with the NPS and NES. Officers recommend that the submission be accepted with the changes underlined being accepted but question the numbering of the new clause. Officers believe that a mistake has been made and the number should be (g) not (x).

**Officer's recommendations on submissions seeking relief to Rule A1 1.2.3**

That submission 9/5 be accepted in part for the reasons outlined above. Add a new clause to Rule A1 1.3.2 as follows:

*(X) The extent to which connections to electricity, gas and telecommunication networks are available to service the needs of the development and/or subdivision*

**4.13 Rule A1 1.3.3 Reservation of Control – Restricted Discretionary Activities*****Submission 11/7 – Transpower***

*The submitter requests that Rule A1 1.3.3 be amended by altering Clause F) and by including a new Clause L) as follows:*

*F) Where it is proposed to subdivide land to create new allotments within the National Grid Corridor or an area measured 20 metres either side of the centre point of a high voltage(110kV or higher) transmission line, the subdivision design should have particular regard to the following matters:*

*...*

*vi) The extent to which any earthworks and the construction of any subsequent buildings will comply with the NZ Electrical Code of Practice for Electrical Safety Distances (NZCEP:34-1993/NZECP34:2001);*

*L) In assessing applications for earthworks that do not comply with Rule B1 1.3.5 F) iii) a), Council has restricted its discretion to:*

*i) Any effects on the integrity of the National Grid;*

*ii) Volume, area and location of the works, including temporary activities such as stockpiles;*

*iii) Time of the works;*

*iv) Site remediation;*

*v) The use of mobile machinery near the National Grid which may put the National Grid at risk;*

*vi) Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001); and*

*vii) Any technical advice or recommendations arising from any consultation with Transpower New Zealand Limited.*

The submitter has proposed a number of changes to reflect the provisions in the NPS and NES for electricity transmission. This is important as the National Grid extends through Precinct 1. The national grid is critical infrastructure, and with the NPS and NES provisions it is important the District Plan contains correct provisions. However, the Council is currently drafting earthworks provisions for a new general rules chapter.

These provisions would more appropriately be included in that section of the Sectional District Plan Review to avoid unnecessary duplication.

**Officer's recommendations on submissions seeking relief to Rule A1 1.3.3**

That submission 11/7 be rejected for the reasons outlined above.

***Submission 8/18 – KiwiRail***

*The submitter requests a further category to Discretionary Activities, being:*

*"Any subdivision within a growth precinct that is not in accordance with the requirement specified in a relevant structure plan, or cannot comply with the noise and vibration standards and setback controls on the Rule/Design Guideline relating to the railway corridor"*

This request appears to be a consequence of the other new provisions requested by the submitter on reverse sensitivity. As already outlined above, Officers consider that this request is without any evidence of the scale or significance of effects, and is beyond the scope of PC45. In addition, it is unclear where in the plan this addition relates.

**Officer's recommendations on submissions seeking relief to Rule A1 1.3.3**

That submission 8/18 be rejected for the reasons outlined above.

***Submission 8/16 – KiwiRail***

The submitter has requested the following new control matter to be included:

*"The size, shape and arrangement of allotments and how this achieves the setbacks and will enable the development to address reverse sensitivity noise and vibration effects from adjacent or nearby land transport networks"*.

*(vii) Noise, Acoustic insulation and setbacks*

*Add a new matter of restricted discretion to Restricted Discretionary Activities with regard to: Noise, Acoustic insulation and setbacks*

This request appears to be a consequence of the other new provisions requested by the submitter on reverse sensitivity. As already outlined above, Officers consider that this request is without any evidence of the scale or significance of effects, and is beyond the scope of PC45. On that basis Officer's recommend that this submission be rejected.

**Officer's recommendations on submissions seeking relief to Rule A1 1.3.3**

That submission 8/16 be rejected for the reasons outlined above.

**4.14 Rule A1 1.3.4 Assessment of Discretionary Activity Applications**

***Submission 8/19 – KiwiRail***

*The submitter has requested further criteria to 1.3.4, these are:*

*(j) Whether the design, including location, and methods and construction techniques proposed are likely to avoid or mitigate reverse sensitivity effects on the strategic road and rail network*

*Assessment criteria for vibration:*

*The Council will consider a proposal for a restricted discretionary activity against the criteria below:*

- (a) The size, nature and location of the building on the site*
- (b) Special topographical, building features or ground conditions which will mitigate vibration impacts*
- (c) Any characteristics of the proposed use which make compliance with the standard unnecessary*

This request appears to be a consequence of the other new provisions requested by the submitter on reverse sensitivity and vibration. As already outlined above, Officers consider that this request is without any evidence of the scale or significance of effects, and is beyond the scope of PC45. In addition, it is unclear where in section 1.3.4 this change is sort. On that basis Officer's recommend that this submission be rejected.

#### **Officer's recommendations on submissions seeking relief to Rule A1 1.3.4**

That submission 8/19 be rejected for the reasons outlined above.

#### ***Submission 9/6 Powerco***

*The submitter requests that the assessment criteria xxix f) of Rule A1 1.3.4 Assessment of Discretionary Activity Application without modification.*

Officers note the support of xxix f) of Rule A1 1.3.4 and recommend that the submission be accepted to the extent that they generally support the rule as outlined in PC45. Officers recommend that the submission be accepted and no changes are required as a result of the submission.

#### **Officer's recommendations on submissions seeking relief to Rule A1 1.3.4 xxix f)**

That submission 9/6 be accepted for the reasons outlined above.

#### ***Submission 1/11- Horizons Regional Council***

*The submitted seeks Rule 1.3.4 A to be amended to require lots with an area of less than 5,000m<sup>2</sup> to be connected to reticulated wastewater services as a minimum.*

Council had not intended to require all sites be reticulated through this plan change. It is acknowledged that any development under 5000m<sup>2</sup> will need resource consent from Horizons Regional Council under the One Plan requirements, as currently occurs between the two Councils. The land for rezoning in each precinct allows for larger lot sizes than the traditional residential areas around Feilding. There is no evidence provided for why reticulation is required as requested. The current process between the two Councils is working efficiently. The deferred zoning also recognises that Council has infrastructure constraints and development needs to be gradual to allow for affordability.

**Officer's recommendations on submissions seeking relief to Rule A1 1.3.4**

That submission 1/11 be rejected for the reasons outlined above.

**4.15 B1 Residential (Deferred) Zone*****Submission 11/5 - Transpower***

*The submitter requests that section B1A be amended as follows:*

- (a) Until such time that deferred status is uplifted, the rules of the Rural Zone shall apply within any land shown as Residential (Deferred) Zone on the planning maps, except that Rule B 1 1.3.5 F) (Special Yard Requirements) shall also apply.*

***Submission 11/13 - Transpower***

*Amend Rule B1 by including new special yard requirements for the National Grid Yard under Clause 1.3.5 as follows:*

*F) Within the National Grid Yard, the following shall apply:*

*i. The following buildings and structures are permitted:*

- a) any building which is a Network Utility within a transport corridor or any part of electricity infrastructure that connects to the National Grid;*
- b) any fence less than 2.5m high;*
- c) any uninhabitable farm building or structure for farming activities (including horticulture activities), except for any milking/dairy shed or intensive farm building other than ancillary structures);*
- d) any public or safety sign required by law or provided by any statutory body in accordance with its powers under any law; and*
- e) any structure not exceeding 2.5m high or 10m<sup>2</sup> in area.*

*ii. Any building or structure permitted by 'i' above shall comply with the following conditions:*

- a) no building or structure shall be located within 12m from the outer visible edge of the foundation of a National Grid support structure (tower), unless it is a fence, network utility structure, public sign or safety sign; and*
- b) no building shall involve additions or alterations resulting in an increase in height or footprint to an existing building for a sensitive activity; and*
- c) any building or structure shall achieve a minimum vertical clearance of 10m below the lowest point of the conductor (wires) associated with any National Grid line; or*

- d) if condition 'c' is not complied with, any building or structure shall demonstrate that safe electrical clearance distances required by NZECP34:2001 are maintained.
- iii. earthworks undertaken by a Network Utility Operator or undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track shall be a permitted activity. Any other earthworks shall be permitted, provided that:
- a) within a distance measured 12 metres from the outer visible edge of any National Grid tower, any earthworks shall not exceed a depth (measured vertically) of 300mm; and
- b) any earthworks shall not create an unstable batter that will affect a transmission support structure; and
- c) any earthworks shall not result in a reduction in the ground to conductor clearance distances below what is required by Table 4 of NZECP34: 2001

Note: Vegetation to be planted within the transmission corridor should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.

Note: The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34: 2001) contains restrictions on the location of structures and activities in relation to the lines. Compliance with the permitted activity standards of the Plan does not ensure compliance with the Code of Practice.

#### **Submission 11/14 – Transpower**

The submitter requests amendment to Rule B1 1.4 as follows:

##### **1.4 RESTRICTED DISCRETIONARY ACTIVITIES**

A) Except where otherwise specified by Rule B1 1.6, Any permitted activity or controlled activity specified above which does not comply with any of the relevant standards in Rules B1 1.3.1 to 1.3.6 above shall be a restricted discretionary activity

#### **Submission 11/15 – Transpower**

The submitter requests a new non-complying rule for buildings, structures and earthworks in the national grid yard that are not otherwise permitted as follows:

##### **1.6.1 List of Activities**

- A) The following activities shall be non-complying activities in the Residential Zone:
- i) within the National Grid Yard:
- a) any building or structure that is not identified as a permitted activity under Rule B1 1.3.5 F);
- b) any earthworks that do not comply with Rule B1 1.3.5 F)iii)b) or Rule B1 1.3.5 F)iii)c); and

- c) *the establishment of any new sensitive activity or any change of land use to a sensitive activity*

**Submission 11/16 – Transpower**

*The submitter requests the addition of a note under Rule 1.1.1 A) xiii) as follows:*

*xiii) Earthworks ancillary to permitted activities or to approved controlled, restricted discretionary or discretionary activities. NB – for special earthworks provisions in the National Grid Yard, refer to Rule B1 1.3.5.*

**Submission 11/17 – Transpower**

*The submitter requests the addition of a reference to the yard provisions for the national grid yard in the general yard requirements listed under Clause 1.3.1 C)vi) as follows:*

- vi) *Setbacks from Road / Rail Crossings, the Makino Stream and the Oroua River, and the National Grid Yard shall apply - Refer Rule B1 1.3.5, Page 115.*

Submissions 11/5, 11/13, 11/14, 11/15, 11/16 and 11/17 are considered beyond the scope of PC45 as changes to Rule B1 1.3.5 was not part of the original plan change. The Council is currently reviewing the utility chapter provisions and within those, is reviewing activities within certain distances of transmission lines, including earthworks. That part of the sectional district plan review is the appropriate time to consider setbacks as requested by the submitter. Council has consulted with Transpower in relation to the utilities provisions and welcomes continued discussions in relation to the wider district provisions, rather than just those for PC45.

The current District Plan provisions for earthworks lack guidance and certainty for plan users. As part of the Sectional District Plan Review a review of the earthworks provisions is underway and new proposed wording is being considered. These draft provisions cover those items identified above. To avoid unnecessary duplication it would be appropriate to retain earthworks matters to the new proposed chapter. Council anticipates notification of the proposed utilities provisions in late 2014.

**Officer's recommendations on submissions seeking relief to Rule B1 Residential (Deferred) Zone**

That submissions 11/5, 11/13, 11/14, 11/15, 11/16 and 11/17 be rejected for the reasons outlined above.

**Submission 1/10 – Horizons Regional Council**

*The submitter recommends Rule B1 (b) is retained as written in PPC45.*

Officers note the support of Rule B1 (b) and recommend that the submission be accepted to the extent that they generally support the provisions as outlined in PC45. Submitter 7/2 has requested changes to this Rule and on that basis, officers recommend that the submission be accepted in part.

**Officer's recommendations on submissions seeking relief to Rule B1**

That submission 1/10 be accepted in part for the reasons outlined above.

**Submission 7/2 – Manawatu District Council**

*The submitter seeks amendment to Rule B1 (b) in that the relevant zoning map will require updating when the residential (deferred zone) ceases to have effect and the residential zone provisions apply.*

Officers agree with the submitter that when the appropriate changes occur to Rule B1 that changes are also made to the appropriate zoning map as well.

This change will ensure that the appropriate zoning map is altered to reflect the correct zoning as the same time as the deferred status is lifted. Officers also believe that the wording "*District Plan*" should be added to the sentence for clarity.

### **Officer's recommendations on submissions seeking relief to Rule B1**

That submission 7/2 be accepted. That the following amendments be made as a result of the submission (additions underlined, deletions strikethrough):

*Rule B1 (b) Residential (Deferred) Zone will cease to have effect and the Residential Zone provisions will apply along with changes to the relevant District Plan zoning maps following the passing of a Council resolution that there is adequate reticulated water, stormwater and wastewater provided by the Council or to the satisfaction of the Council to the subject land.*

#### **4.16 Rule C1 Status of Subdivisions**

##### ***Submission 11/8 – Transpower***

*The submitter requests that a new restricted discretionary activity rule be inserted for subdivision of land within the national grid corridor as follows:*

- vi) *Any subdivision of land within the National Grid Corridor that is also within a Growth Precinct (Appendix 8A) and which complies with the standard in Rule C2 2.1.1 (G).*

##### ***Submission 11/9 – Transpower***

*The submitter requests a new non-complying rule for subdivision of land within the national grid corridor that is not identified as a restricted discretionary activity as follows:*

##### ***Rule C1 1.3A – Non-Complying Activities***

*The following subdivisions shall be non-complying activities:*

*Any subdivision of land within the National Grid Corridor that is also within a Growth Precinct (Appendix 8A) that does not comply with the standard in Rule C2 2.1.1 (G).*

Officers recognise the importance of restricting subdivision within the National Grid Corridor, and the need to recognise the NPS and NES. However the drafting of these proposed provisions creates a circular rule provision. PC45 outlined that a new complying activity rule would be included in the District Plan for subdivision proposals that are not in accordance with the relevant structure plans for the growth precincts. This new non-complying activity rule in Section C1 of the District Plan does not appear in the track change provisions. To avoid confusion Officers recommend that a new non-complying activity be inserted in the District Plan, as originally intended by PC45.

**Officer's recommendations on submissions seeking relief to Rule C1 Status of Subdivisions**

That submission 11/9 be accepted for the reasons outlined above. Add a new provision as follows:

Rule C1 1.3.A – Non-Complying Activities:

The following subdivision shall be non-complying activities:

Any subdivision of land within the National Grid Corridor that is also within a Growth Precinct (Appendix 8A) that does not comply with the standard Rule C2 2.1.1 (G).

**4.17 Rule C2 1.1 Greenfield Subdivisions*****Submission 11/10 – Transpower***

*The submitter requests a new standard be inserted in Rule C2.1.1 as follows:*

G) Any subdivision of land within the National Grid Corridor shall identify a building platform to be located outside the National Grid Yard.

Council agrees that it is not appropriate to have a building included in close proximity to the national grid towers and transmission lines, particularly in terms of human health. An omission was made in finalising the structure plans without the national grid being represented.

**Officer's recommendations on submissions seeking relief to Rule C1 1.1 Greenfield Subdivisions**

That submission accept the submission for the reasons outlined above. Add a new provision as follows:

G) Any subdivision of land within the National Grid Corridor shall identify a building platform to be located outside the National Grid Yard.

**4.18 Definitions*****Submission 11/11 – Transpower***

*The submitter requests the inclusion of the following new definitions:*

National Grid means the assets used or owned by Transpower NZ Limited.

National Grid Corridor means the area measured either side of the centreline of above ground National Grid lines as follows: 32m for the 110kV National Grid lines on towers (NB - see diagram under definition of National Grid Yard)

National Grid Yard means: the area located 12 metres in any direction from the outer visible edge of a National Grid support structure foundation; and the area located 12 metres either side of the centreline of any overhead National Grid line on towers. (Diagram to be included in the definition - see a copy of submission)

Sensitive activities means those activities that are particularly sensitive to the National Grid high voltage transmission lines. Such activities include residential accommodation, educational facilities (excluding tertiary facilities), early childcare facilities, hospitals and homes for the aged.

The submitter requests the amendment of the greenfields definition as follows:

Greenfields means land in the Residential zone or deferred zone that has not previously been subdivided for urban purposes.

While not all submissions are recommended for addition into the District Plan, Officers recognise that it is important to have clear definitions. In reviewing the utilities provisions these terms will be used in the District Plan in the future. It is therefore appropriate to include them in the plan now.

#### **Officer's recommendations on submissions seeking relief to Section E Definitions**

That submission 11/11 be accepted for the reasons above.

55A National Grid means the assets used or owned by Transpower NZ Limited.

55B National Grid Corridor means the area measured either side of the centreline of above ground National Grid lines as follows: 32m for the 110kV National Grid lines on towers (NB - see diagram under definition of National Grid Yard)

55C National Grid Yard means: the area located 12 metres in any direction from the outer visible edge of a National Grid support structure foundation; and the area located 12 metres either side of the centreline of any overhead National Grid line on towers. (Diagram to be included in the definition - see a copy of submission)

32. Greenfields means land in the Residential zone or deferred zone that has not previously been subdivided for urban purposes.

## **4.19 New Rules**

### **Submission 8/2 – KiwiRail**

The submitter requests the creation of new rules into PPC45 to incorporate appropriate buffers to the railway corridor being:

- Buildings, balconies and decks shall be setback at least 10 metres from the rail corridor boundary.
- Trees and shrubs shall be setback at least 10 metres from the rail corridor boundary and shall not comprise nuisance or weed species.
- Trees and shall be maintained such that they do not encroach into the setback.
- Fences and walls adjoining the rail corridor boundary shall be:
  - Setback or sited in a way that enables maintenance to be undertaken without requiring access to the rail corridor, and
  - Maintained in a good state of repair fit for purpose, and free of graffiti.

- *Storage and service areas and shall be screened so they are not visible from the rail corridor.*
- *Where buildings, other than residential, are developed introduce appropriate screening and other provisions for service areas and storage area facing the rail corridor.*

*And;*

*Incorporate all the above into Design Guideline "Railway Corridor buffer" section set out in submission number 17.*

This request appears to be a consequence of the other new provisions requested by the submitter on reverse sensitivity and vibration. As already outlined above, there is no evidence in the submission as to why these provisions are necessary given the particularly small amount of proposed residential zoned land covered by PC45. Manawatu is a rurally based District with particularly small residential areas near the main truck line. Apart from a small section of Precinct 3, the land within Feilding near the railway line is already developed. Council is not aware of any complaints from residents near railway lines.

Officers consider that these submissions are beyond the scope of PC45. The addition of these new provisions do not relate to any specific provision proposed by the plan change. A natural justice issue also arises given that the public could not have reasonably anticipated such a change when PC45 was originally notified.

As the Council has embarked on a sectional District Plan review, the subdivision and utility chapters are yet to be reviewed. These matters would be more appropriately considered in those other sectional reviews. When the wider subdivision review is undertaken would be the appropriate time for the submitter to provide evidence and a complete section 32 assessment for the introduction of such provisions.

#### **Officer's recommendations on submissions seeking relief to introduce new rules**

That submission 8/2 be rejected for the reasons outlined above.

#### **4.20 Appendix 8A and District Planning Maps**

##### ***Submission 7/1 – Manawatu District Council***

*The submitter seeks that Appendices 8A, 8B and 8C proposed under plan change 45 be renumbered to Appendix 9A, 9B and 9C respectively.*

Since PC45 was notified, the Council made Plan Change 35 (Manfeild Park) operative. This changed the number of the appendices. This submission is a minor consequential numbering change.

##### ***Submission 11/12 – Transpower New Zealand Limited***

*The submitter seeks to amend planning map 33 and Appendix 8A Feilding Structure Plan – Precinct 1 (Ranfurly Road/Awahuri Road) to identify the electricity transmission network.*

Officers recommend that planning map 33 and Appendix 8A Feilding Structure Plan – Precinct 1 be amended to identify the electricity transmission network. The transmission lines are indicated on the wider District Plan Maps however, they have not been incorporated on the structure plan for Precinct 1 or planning map 33. This was an

omission during drafting. Officers agree that the electricity transmission network need to be shown on the planning maps in order to implement the National Policy Statement for Electricity Transmission.

**Officer's recommendations on submissions seeking relief to the Appendices and District Planning Maps**

That submission 7/1 be accepted with amendments made to the renumbering of the three structure plans.

That submission 11/1 be accepted with amendments map to planning map 33 and Appendix 8A

#### 4.21 Precinct 1

***Submission 4/1 – Alison Mudgeway***

*The submitter supports the general intent of the proposed changes. The submitter's main concern is to make sure that there is proper drainage for this area as there is a lot of runoff from the hill behind their property. The submitter would like to see planned service easements.*

Officers note the support for the general intent of PC45. Stormwater issues have been addressed by the Design Guide that accompanied PC45. Drainage is a matter that will be considered as part of any future subdivision application. It is at the time of subdivision final decisions on how stormwater will be managed will be determined. This is considered appropriate and common practice. If easements are necessary they will form part of the subdivision development. Officer's consider it is therefore unnecessary to identify planned service easements. On that basis officer's recommend that this submission be accepted in part.

**Officer's recommendations on submissions seeking relief to Precinct 1**

That submission 4/1 be accepted in part for the reasons outlined above.

***Submission 4/2 – Alison Mudgeway***

*The submitter requests that the Collector Road should go nearer to the pylons as no one will want to build near or under power wires.*

This submission was supported by Transpower NZ Limited (further submitter 19/2) as the use of road corridors is a good way to provide separation distances.

Satori Way is an existing council owned road with good sight visibility. Constructing a new road onto Awahuri Road near the pylons could result in poor sight lines and traffic safety concerns. There is also existing infrastructure within the road reserve of Satori Way. While officers acknowledge that where possible roads should go nearer pylons as a good way to provide separation distances, in this instance that is not recommended.

**Officer's recommendations on submissions seeking relief to Precinct 1**

That submission 4/2 be rejected for the reasons outlined above.

***Submission 4/3 – Alison Mudgeway***

*The submitter comments that the 10 metre wide tree buffer along Awahuri Road would leave very little frontage for existing houses and cut their morning sun nearly completely.*

There are areas along Awahuri Road where there is existing development. The 10 metre wide buffer shown on the structure plan is for future development, and will not be enforced on titles that already exist in the area. On that basis, Officer's recommend that this submission be rejected.

**Officer's recommendations on submissions seeking relief to Precinct 1**

That submission 4/3 be rejected for the reasons outlined above.

***Submission 5/1 – Peter and Amy Howe***

*The submitter supports the proposed plan change in general however they would like to continue the rural lifestyle uses on their property until such time that it is subdivided into residential sized sites.*

Officers note the general support for the plan change by the submitter. The plan change does not limit the continued use of the submitter's property until such time as it is subdivided for residential sized sites. Council will not change the rating of property to residential rates until such time as the use of the land changes. Officers recommend that the submission is accepted in part in so far as the support for the plan change.

**Officer's recommendations on submissions seeking relief to Precinct 1**

That submission 5/1 be accepted in part, with no amendments to the plan change required as a result of submissions.

***Submission 6/1 – Brigid and Peter Dee***

*The submitter opposes the plan change as precinct 1 is in a flood prone area. They seek that precinct 1 remain zoned Rural. If the zone changes to residential they could end up with neighbours that will eventually complain about animals or machinery noises common to the country. No need to pay for further council services once you decide to extend the sewer and water when they already have got their own facilities. Oppose the thought of our driveway becoming a walkway.*

This submission was supported in part by Horizons Regional Council (further submitter 21.1) as past evidence of flooding is something that needs to be considered and this reinforces Horizons original submission that development near Mangaone West Stream include adequate flood risk and mitigation assessment.

Council considered all growth options as part of the Feilding Framework Plan, which was the end result of investigations and inputs from urban planning and spatial analysis, engineering (natural hazards, slope stability and servicing) and community and landowner consultation. Any subdivision will have to provide for appropriate stormwater management. The proposed buffer zone is also recognising that

development needs to be set back from the stream. Stormwater management requirements are further specified in the Design Guide which will form an appendix in the District Plan.

Officers rely on the information provided by Horizons Regional Council in relation to flood risk areas. The Sectional District Plan Review will see the natural hazards chapter reviewed in the next financial year.

#### **Officer's recommendations on submissions seeking relief to Precinct 1**

That submission 6/1 be rejected for the reasons outlined above.

#### ***Submission 16/1 – Linda and Garry Simpson***

*The submitter wishes the Council to provide more flexibility, or extend the maximum limit of area for sections in the Density 2 to beyond 2000sq. m.*

Through the Plan Change, the minimum limit for the allotment size is 2,000sqm. Landowners can already create larger allotments they just cannot go below the recommended 2,000sqm. On that basis Officers recommend that this submission be rejected.

#### **Officer's recommendations on submissions seeking relief to Precinct 1**

That submission 16/1 be rejected for the reasons outlined above.

#### ***16/2 Linda and Garry Simpson***

*The submitter would like the Council to extend the Density 2 zoning to the west of the western boundary of their property, eliminating all nodal area from their property or alternatively they wish the Council to consider extending the nodal area to incorporate all of their property.*

The current structure plans and extent of Precinct 1 is based on property boundaries, not current land ownership. To extend the zoning would alter the current provisions and calculations that Council has made when determining the affordability and serviceability of future residential land. There is no evidence to suggest a larger area is necessary nor required. It is noted that as part of the future Sectional District Plan Review the retention of the current nodal areas will be reviewed, therefore the future of the current nodal areas is uncertain.

#### **Officer's recommendations on submissions seeking relief to Precinct 1**

That submission 16/2 be rejected for the reasons outlined above.

#### ***16/3 Linda and Garry Simpson***

*The submitter wishes that the Council reconsider the boundary for the Flood Channel 2. It was noted by the submitter that the boundary for the Flood Channel 2 extends to part of the southern boundary of their property. As this land is in a high lying area they consider this to be unrealistic as it does not follow the topography of the land, nor any flooding patterns throughout the area.*

Council has relied on the information provided by Horizons Regional Council in regards to the extent of the flood channel mapping. As part of the Sectional District Plan Review the natural hazards provisions in the plan will be reviewed. At that time Council will be

liaising with Horizons to ensure the most up to date information and modelling is used to define the extent of the flood hazard areas in the District. The extent of the Flood Channel Zone is not part of PC45.

**Officer's recommendations on submissions seeking relief to Precinct 1**

That submission 16/3 be rejected for the reasons outlined above.

***Submission 1/6 – Horizons Regional Council***

*The submitter requests that new methods and rules be developed for the 'indicative flood extent' area within Precinct 1 of PPC45 to ensure that the flood risk associated with the Mangaone West Stream is assessed and appropriately mitigated for any development within this area.*

This submission was supported in part by Transpower NZ Limited (further submitter 19.1) as flood risk needs to be appropriately managed in the future recognising that the National Grid traverses flood areas.

Officers rely on flood risk information from Horizons Regional Council. Reference to an indicative flood extent does not provide certainty to landowners or developers. The structure plan for Precinct 1 already includes a buffer area along the stream which would cover some of the area. The current provisions of the subdivision already require consideration of flooding matters. As part of the Sectional District Plan Review the natural hazards provisions in the plan will be reviewed. At that time Council will be liaising with Horizons to ensure the most up to date information and modelling is used to define the extent of the flood hazard areas in the District. This is considered more robust than including an indicative flood extent where Council does not have certain information from Horizons.

**Officer's recommendations on submissions seeking relief to Precinct 1**

That submission 1/6 be rejected for the reasons outlined above.

**4.22 Structure Plans**

***Submission 1/7 – Horizons Regional Council***

*The submitter requests that Structure Plans for Precinct 2 and 3 are amended to include existing surface waterways and that any development in proximity to these waterways consider and appropriately mitigates any flood risk.*

The maps that were provided as part of their submission show indicative flood areas. The scale of effect from the waterways is unclear, and the submitter has provided no information on the scale or significance of any flood risk to assist in understanding this issue. Stormwater management is a particular focus of the new provisions and it is considered that the proposed provisions introduced by PC45 will enable any flood risk to be managed during the future consenting process.

**Officer's recommendations on submissions seeking relief to Structure Plan**

That submission 1/7 be rejected for the reasons outlined above.

***Submission 8/22 – KiwiRail***

*The submitter requests to add diagrammatic extent of the railway buffer and effects areas sought in these submissions to Structure Plans areas located adjacent or near to the NIMT.*

This submission is a consequence of other previous submissions. As mentioned earlier there is a small amount of railway line within one precinct with a large buffer already created by the existing landownership. This submission is considered to be beyond the scope of PC45.

#### **Officer's recommendations on submissions seeking relief to Structure Plan**

That submission 8/22 be rejected for the reasons outlined above.

### **4.23 Design Guideline**

#### ***Submission 8/17 – KiwiRail***

*The submitter requests to add a further section titled "Rail Corridor Buffer" to be consistent with the Objectives and Policies sought to be incorporated into the Plan. The additional section would contain details of the buffers to provide adequate noise and vibration attenuation and details of setbacks as set out in these submissions;*

*Noise performance standard (submission)*

*Vibration performance standard and Buildings, balconies and decks shall be setback at least 10 metres from the rail corridor boundary*

*Trees and shrubs shall be setback at least 10 metres from the rail corridor boundary and shall not comprise nuisance or weed species.*

*Trees and shrubs shall be maintained such that they do not encroach into the setback.*

*Fences and walls adjoining the rail corridor boundary shall be:*

- Setback or sited in a way that enables maintenance to be undertaken without requiring access to the rail corridor, and*
- Maintained in a good state of repair fit for purpose, and free of graffiti.*

*Storage and service areas and shall be screened so they are not visible from the rail corridor.*

*Where buildings, other than residential, are developed introduce appropriate screening and other provisions for service areas and storage area facing the rail corridor.*

#### ***Submission 8/20 – KiwiRail***

*The submitter has requested the following text to be added to the Design Guideline in the section entitled Rail Corridor Buffer:*

*Airborne Noise*

*New, relocated and altered dwellings and noise sensitive activities shall be designed, constructed and maintained to ensure the following internal design noise limits shall not be exceeded, and shall take into account future use of the NIMT, by the addition of 3-5dB (depending on the Line) to existing measured or calculated sound levels.*

*Add a new table detailing the receiving environment, noise limits and compliance distance.*

*Where part of a habitable space straddles the compliance distance it shall meet the relevant criterion.*

*Where it is necessary to have windows closed to achieve the acoustic design requirements, an alternative ventilation system shall be provided.*

*A ventilation system installed shall comply with the following:*

- i) Consist of an air conditioning unit(s) provided that the noise level generated by the unit(s) must not exceed 40 dB LAeq(30s) in the largest habitable room (excluding bedrooms) and 35dB LAeq(30s) in all other habitable rooms, when measured 1 metre away from any grille or diffuser; or*
- ii) A system capable of providing at least 15 air changes per hour (ACH) in the largest habitable room(excluding bedrooms) and at least 5 air changes per hour (ACH) in all other habitable rooms; and*
- iii) The noise level generated by the system must not exceed 40 dB LAeq(30s) in the largest habitable room (excluding bedrooms) and 35dB LAeq(30s) in all other habitable rooms, when measured 1 metre away from any grille or diffuser; and*
- iv) The internal air pressure must be no more than 10 Pa above ambient air pressure due to the mechanical ventilation; and*
- v) Where a high air flow rate setting is provided, the system shall be controllable by the occupants to be able to alter the ventilation rate with at least three equal progressive stages up to the high setting.*

*Compliance for noise shall be demonstrated by providing the Council and KiwiRail Holdings Limited with a design report and a design certificate prepared by an experienced and qualified acoustic specialist, and an experienced and qualified mechanical engineer with respect to the ventilation system.*

### **Submission 8/21 – KiwiRail**

*The submitter has requested the following text to be added to the Design Guideline in the section entitled Rail Corridor Buffer:*

*"Ground-borne Noise: Annoyance*

*New, relocated, or altered noise sensitive activities/buildings within 60 metres of the rail corridor shall be designed and constructed to ensure the following levels of vibration from trains shall not be exceeded based on the procedures specified in the Norwegian Standard NS 8176E: 2nd edition September 2005 Vibration and Shock Measurement of Vibration in Buildings from Land Based Transport and Guidance to Evaluation of its Effects on Human Beings.*

*Add a new table consisting of the receiving environment and class C criterion*

*Ground borne Vibration: Building effects*

*All buildings within 20 metres of the rail corridor shall be designed and constructed to ensure the level of vibration from trains shall not exceed the criteria set out in the British Standard BS 7385-2:*

*Compliance for both vibration annoyance and building damage shall be demonstrated by providing the Council and KiwiRail Holdings Limited with a design report and a design certificate prepared by an experienced and qualified acoustic/vibration specialist".*

The above submissions are all consequential to the previous submissions raised by the submitter. As discussed earlier in this report, there is no evidence in the submission as to why these provisions are necessary given the particularly small amount of proposed residential zoned land covered by PC45. Manawatu is a rurally based District with particularly small residential areas near the main trunk line. Apart from a small section of Precinct 1, the land within Feilding near the railway line is already developed. Council is not aware of any complaints from residents near railway lines.

Officers consider that these submissions are beyond the scope of PC45. The addition of these new provisions do not relate to any specific provision proposed by the plan change. A natural justice issue also arises given that the public could not have reasonably anticipated such a change when PC45 was originally notified.

As the Council has embarked on a sectional District Plan review, the subdivision and utility chapters are yet to be reviewed. These matters would be more appropriately considered in those other sectional reviews. When the wider subdivision review is undertaken would be the most appropriate time for the submitter to provide evidence and a complete section 32 assessment for the introduction of such provisions.

#### **Officer's recommendations on submissions seeking relief to Design Guide**

That submissions 8/17, 8/20, and 8/21 be rejected for the reasons outlined above.

#### **4.24 General submissions**

##### ***Submission 1/15 – Horizons Regional Council***

*The submitter requests that PPC45 be amended to acknowledge the AB values of the Mangaone West Stream to alert plan users to the requirement to obtain consent from Horizons Regional Council (under POP Rule 13-23) for any discharge of contaminants into water or onto land that may enter the stream or its bed.*

There are a number of instances where any development within the District requires consideration of Regional Council plan provisions. It is considered unnecessary to include a reference for only one specific matter. Given that the District Plan is likely to be force for the next 10 years, during which time the One Plan provisions are likely to change, means that references can become out of date quickly. This was the case with the current District Plan where references to the Regional Council became outdated over time.

#### **Officer's recommendations on general submissions**

That submissions 1/15 be rejected for the reasons outlined above.

##### ***Submission 1/18 – Horizons Regional Council***

*The submitter requests that the following provisions are retained as proposed in PPC45:*

- *Clause b) and c) of Objective S 9.*
- *Clause iii), v) vi), and x) of Policy a) under Objective S 9).*

- *Sub-clauses a) and b) of Rule 1.2.3 A) iv).*
- *Clauses iii, xiv) and xv) of Rule 1.3.2 A).*
- *Sub-clause b) of Rule 1.3.4 A) xxix).*

Officers note the support of various provisions within PC45.

#### **Officer's recommendations on general submissions**

That submission 1/18 be accepted in part for the reasons outlined above.

#### ***Submission 2/1 – Feilding Promotion Inc***

*The submitted supports PPC45 and would like to see the possibility of including land on the east side of the Oroua River kept on the table for consideration and would like to see progress made on growth precincts 4 and 5.*

Officers note the support of PC45. Progress on growth precincts 4 and 5 continues with additional technical reports being prepared. These precincts will be the subject of a future plan change. Note that as a result of other submissions, minor changes have been recommended to the District Plan. On that basis Officers recommend that this submission be accepted in part.

#### **Officer's recommendations on general submissions**

That submission 2/1 be accepted in part for the reasons outlined above.

#### ***Submission 3/1 – Federated Farmers***

*The submitter supports the intent of sound residential planning but questions the need for so much growth area to be set aside at this stage given the low population growth predictions given for the District.*

This submission was partially opposed by Feilding Promotions Inc (further submitter 20.1) as it is important to plan ahead so that landowners and developers can see the future direction of Feilding particularly given reasonable growth in recent times and that growth is being encouraged.

The purpose of PC45 is to provide for residential growth in Feilding for up to 30 years (and greater). The plan change includes some land for rezoning now, and other land will have a deferred residential zoning. This ensures that the wider District community knows where Council envisages future development and allows for critical infrastructure planning. This is an appropriate planning response and ultimately seeks to reduce the need for private plan changes.

#### **Officer's recommendations on general submissions**

That submission 3/1 be accepted in part for the reasons outlined above.

#### ***Submission 3/2 – Federated Farmers***

*The submitter recommends that with so much greenfields subdivision due to occur it is critical that until such time as the rezoned land is utilised for housing that permitted rural activities such as farming can continue.*

The plan change does not limit the continued use of land for rural purposes where it is currently zoned rural. Council will not change the rating of property to residential rates until such time as the use of the land changes.

#### **Officer's recommendations on general submissions**

That submission 3/2 be accepted in part.

#### ***Submission 3/3 – Federated Farmers***

*The submitter recommends that the Council seriously considers incentivising infill housing above greenfield subdivision due to the type of population growth Feilding is expected to experience and the significant increase in people aged over 65 in the next 20 years.*

Council notes the comments of the submitter. As part of the Sectional District Plan Review the residential provisions will be reviewed. It is during that review that how infill housing is provided for will occur. Officers expect the review of the residential provisions to occur in 2015.

#### **Officer's recommendations on general submissions**

That submission 3/3 be accepted in part.

#### ***Submission 10/1 – Public Health Services***

*The submitter seeks that the proposed plan change for the Feilding growth adopts the Urban Design Protocol. They believe that the design protocols will encourage active transport in Feilding and this will enhance the health of Feilding residents.*

Council has identified specific urban design parameters that have been included in the Structure Plans and Design Guide. These include the provision for walking and cycling and the need for appropriate road connectivity in residential areas. It is unnecessary therefore to adopt the Urban Design Protocol given that Council has identified specific matters relating to this district.

#### **Officer's recommendations on general submissions**

That submission 10/1 be rejected for the reasons outlined above.

#### ***Submission 10/3 – Public Health Services***

*The submitter states that "Manawatu, the best and safest place to cycle in New Zealand" has been adopted by Council, and they support this vision and the associated projects. The submitter believes that it could be better supported within the objectives of the district plan.*

*They recommend that the District Plan policy include requirements for subdivision plan-developers and the policies in Section 5.3.9 be modified to include explicit mention of the need for improved provision for activity transport along the following lines:*

- To have regard to the particular safety needs of cyclists and pedestrians.*
- To maintain and enhance the use of public transport, walking and cycling as alternative modes to the private motor vehicle.*

- *To provide for bus stops, footpaths and cycleways as part of the subdivision where the subdivision will have a major impact on existing or planned walking /cycling infrastructure, or public transport.*

Many of the items requested by the submitter above are already provided for in PC45. The needs of cyclists and pedestrians is addressed by the various structure plans and provisions, however there is no public transport in Feilding. There is a bus route that operates between Feilding and Palmerston North, however there is no bus route within the town given the size and need for such a service.

#### **Officer's recommendations on general submissions**

That submission 10/3 be rejected for the reasons outlined above.

#### ***Submission 11/1 – Transpower New Zealand Limited***

*Submitter requests that the provisions of the proposed plan change are amended to ensure:*

- *the National Policy Statement for Electricity Transmission 2008 is given effect to as it relates to Feilding's future growth;*
- *the Regional Policy Statement is given effect to as it relates to Feilding's future growth; and*
- *the national grid network is protected (including through appropriate provisions to manage activities around the national grid) from reverse sensitivity and other adverse effects of subdivision, land use and development associated with Feilding's future growth.*

Officers note this general submission. Proposed changes have been recommended throughout this report to include provisions in the District Plan relating to the National Grid. This was an omission during the drafting of the plan change. Officers refer the Hearings Panel to other more specific submissions by the submitter for where changes are recommended.

#### **Officer's recommendations on general submissions**

That submission 11/1 be accepted in part for the reasons outlined above.

#### ***Submission 12/1 – Andrew Huang***

*Submitter states we should extend the CBD and the residential area to cope with population growth in Feilding over the next 10 years. Don't want to turn into a city because it will lose the reputation of friendly Feilding.*

Officers note the comments of the submitter. This plan change proposes to rezone some land now for residential purposes, and has identified where future growth is anticipated to occur through the proposed deferred zone. This ensures Council is appropriately planning for the future.

#### **Officer's recommendations on general submissions**

That submission 12/1 be accepted in part for the reasons outlined above.

#### ***Submission 13/1 – Gabriella Lewis***

*Submitter states that we need slight growth from town and residential areas to accommodate future growth but must keep the country – boutique historical feel of the town. This is our point of difference from Palmerston North.*

Officers note the comments of the submitter. It is noted that PC45 does not address growth in the business zones, nor will it change the historical feel of the town. This plan change proposes to rezone some land now for residential purposes, and has identified where future growth is anticipated to occur through the proposed deferred zone.

#### **Officer's recommendations on general submissions**

That submission 13/1 be accepted in part for the reasons outlined above.

#### ***Submission 14/1 – Jordyn Clark***

*Submitter states that the residential and CBD area need to be slightly expanded only as demand requires. Extending the business zones too far would destroy Feilding's historical structure.*

Officers note the comments of the submitter. It is noted that PC45 does not address growth in the business zones. This plan change proposes to rezone some land now for residential purposes, and has identified where future growth is anticipated to occur through the proposed deferred zone.

#### **Officer's recommendations on general submissions**

That submission 14/1 be accepted in part for the reasons outlined above.

#### ***Submission 15/1 – Tessa Webb***

*Submitter states that growth in moderation; better and not necessarily bigger is a good motto for us. We need to accommodate growth, but maintain the character of the town. Recognises that extending the inner business zone means you need to extend the residential area to allow for rising population.*

Officers note the comments of the submitter. The PC45 includes rezoning for residential now, while also indicating a deferred zoning so that it is clear to residents in the District where growth is anticipated.

#### **Officer's recommendations on general submissions**

That submission 15/1 be accepted in part for the reasons outlined above.

## **5. Long Term Plan**

### **Environmental and Regulatory Management**

Council aims to support a sustainable, growing and safe community by delivering friendly, informative and prompt regulatory services.

- District Planning
  - District Planning services are provided to ensure the sustainable management of natural and physical resources by managing/controlling development

## **6. Financial Implications**

The resource requirements are in accordance with existing budgetary allocation.

#### **7. Significance Policy**

This issue is not considered significant in terms of Council's Significance Policy.

#### **8. Policy Issues**

Delegation – Planning Functions

#### **9. Delegated Authority**

The Hearings Committee has delegated authority for making decisions on submission under Clause 10(3) of the First Schedule of the Resource Management Act (1991).

#### **10. Officer Recommendation**

**That**

- 1. Submissions, outlined in Appendix 2, be received.**
- 2. Officer's recommended amendments, outlined in Appendix 3, be adopted.**

**NB The officer recommendations contained in Appendix 3 on how the district plan should be amended in response to submissions to Plan Change 45 are made prior to the hearing of submissions and therefore without the benefit of evidence which may be presented at that time.**