

**BEFORE THE HEARINGS PANEL**

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

**AND**

**IN THE MATTER** of a request by Te Kapiti Trust to change the Manawatū District Plan under Clause 21 of Schedule 1 of the Resource Management Act 1991 (Private Plan Change 1)

---

**SECTION 42A REPORT OF DANIEL BATLEY  
ON BEHALF OF MANAWATŪ DISTRICT COUNCIL**

**PLANNING**

**Dated 28 April 2023**

---

## TABLE OF CONTENTS

A.	EXECUTIVE SUMMARY .....	5
B.	INTRODUCTION.....	5
C.	CODE OF CONDUCT .....	6
D.	SCOPE .....	6
	Purpose of the Report .....	7
	Structure of the Report .....	7
E.	THE SITE AND CONTEXT .....	9
	Site and Surrounding Environment .....	9
	District Plan Context.....	11
	Rural 2.....	11
	Village Zone .....	13
F.	THE PLAN CHANGE PROPOSAL.....	13
	Part 2 of Schedule 1 of the RMA .....	13
	The Plan Change .....	16
G.	STATUTORY & POLICY FRAMEWORK .....	17
	Section 31 Functions.....	17
	Section 32 Evaluation .....	18
	Section 74 and 75 of the RMA.....	19
H.	PROCEDURAL MATTERS .....	21
I.	ASSESSMENT OF ENVIRONMENTAL EFFECTS.....	21
	Flooding and Stormwater Management .....	22
	Water Supply .....	27
	Wastewater .....	27
	Transport .....	29
	Ecology .....	30

Geotechnical.....	31
Versatile Land .....	31
Open Space, Amenities and Social Facilities.....	33
Quality Built Environment .....	33
Mana Whenua Values .....	35
Summary of Effects.....	35
<b>J. ASSESSMENT OF PLAN CHANGE PROPOSAL AND ISSUES RAISED BY SUBMISSIONS.....</b>	<b>35</b>
Approach to Submissions .....	35
Three Waters .....	35
Roading.....	37
Local Character and Amenity.....	38
Recreation .....	41
Connectivity.....	42
Wetland .....	43
Soil .....	43
Community Facilities .....	44
Population Growth .....	44
Cultural Impact Assessment .....	45
General .....	45
<b>K. STATUTORY AND POLICY ANALYSIS .....</b>	<b>46</b>
National Policy Statement for Urban Development 2020.....	47
National Policy Statement for Freshwater Management 2020.....	49
National Policy Statement for Highly Productive Land 2022.....	50
National Environmental Standard for Freshwater 2020 .....	53
National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011.....	55
Horizons Regional Council: One Plan.....	55
Plans of Adjacent Territorial Authorities .....	56

Manawatu District Plan .....	56
Other Non-Statutory Documents .....	57
L. SECTION 31 EVALUATION.....	58
M. SECTION 32 EVALUATION.....	58
Evaluation of the Plan Change Proposal (including recommended modifications) against the MDP Objectives .....	60
Identification of Alternatives:.....	65
Benefits and Costs .....	66
Level of Detail Corresponds to Scale and Significance of Anticipated Effects.....	66
The Risk of Acting or Not Acting.....	66
Summary.....	67
N. PART 2 MATTERS.....	68
O. CONCLUSIONS AND RECOMMENDATIONS.....	69
P. APPENDICES.....	71
Appendix A: Summary of Submissions .....	71
Appendix B: Section 42A of Mr Bell – Stormwater.....	71
Appendix C: Section 42A of Mr Williams – Urban Design .....	71
Appendix D: Section 42 A of Ms Thompson - Infrastructure.....	71
Appendix E: Section 42A of Mr Johnstone – Parks and Recreation.....	71
Appendix F: Peer Review Report of Mr Kelly – Roading.....	71
Appendix G: Peer Review Report of Ms Dykstra – Soils .....	71
Appendix H: Strategic Planning Memorandum of Mr Mackay.....	71

## **A. EXECUTIVE SUMMARY**

1. The key conclusions of my section 42A report are:
  - a) Having assessed the Plan Change Proposal in relation to key issues raised in submissions and through technical evidence and against the relevant statutory requirements I have reached the conclusion that it is broadly appropriate. I can therefore support a number of aspects of the Plan Change Proposal as detailed in this report and summarised in Section O.
  - b) In one particular area, I recommend modifications. This area relates to the management of the interface between the application site and the adjoining properties along Florin Lane. I consider that these modifications are appropriate having regard to submissions, technical advice and with respect to relevant District Plan and Regional Policy Statement provisions.
  - c) As outlined above however, I am unable to confidently come to an overall conclusion as to whether The Proposed Plan Change achieves the purpose of the RMA due to the insufficient level of information with regard to the Highly Productive Land matter outlined above in this report. I consider that the NPS distils these issues in the context of the protection of highly productive soil, I cannot say that the Proposed Plan Change promotes the sustainable management purpose of the RMA.

## **B. INTRODUCTION**

2. My name is Daniel John Batley. I am a Senior Consultant Planner at Evergreen Consulting Limited and have been contracted to Manawatu District Council. I have ten years' plus of experience in planning including preparing land use applications, processing resource consents, and policy planning work.
3. I have been engaged by Manawatū District Council (**the Council**) in relation to the request by Te Kapiti Trust to rezone 21.88 ha of land from Rural 2 Zone to Village Zone, with an area set aside for public open space, and an adjacent 10.48 ha to remain as Rural 2 zone (the "**Plan Change Proposal**" or "**the application**"). The Plan Change Proposal involves the introduction of the Rongotea South Structure Plan (the "**Structure Plan**").

4. I have read the information submitted as part of the Application, including further information supplied in relation to clause 23 of the First Schedule of the RMA.
5. My role has included:
  - a) Assessing the plan change application for completeness once it was formally lodged with Council.
  - b) Co-ordinating the further information requests on behalf of Council.
  - c) Informing the notification process for the Plan Change Proposal.
  - d) Preparing the summary of submissions.
  - e) Co-ordination the Council technical analysis team, including consultant experts.
  - f) Undertaking Joint Witness Conferencing.
  - g) Preparing this section 42A report on behalf of Council.
6. I am familiar with the site for the Plan Change Proposal, having visited it on numerous occasions, including most recently on 27 April 2023.

#### **C. CODE OF CONDUCT**

7. I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. I confirm that I have stated the reasons for my opinions I express in this report, considered all the material facts that I am aware of that might alter or detract from those opinions, and that the report and the issues I have addressed are within my area of expertise.
8. Statements expressed in this report are made within the scope of my expertise, except where I rely on the technical advice I have referred to in this report.

#### **D. SCOPE**

9. This report is prepared on behalf of Manawatu District Council (“MDC”) under the provisions of Section 42A (“s42A”) of the Resource Management Act 1991 (“RMA”) for this private Plan Change Proposal. The Applicant for Proposal is Te Kapiti Trust (“TKT” or “**the Applicant**”). The purpose of this report is to assess the Plan Change Proposal under the relevant provisions of the RMA, taking into account the submissions received and to provide recommendations to the Commissioners on the issues presented.

10. Section 42A(1) of the RMA provides for a Council Officer or Consultant to prepare a report of relevant information provided by the Applicant or any person who made a submission on any matter described in Section 39(1) of the RMA, and allows the decision-maker to consider the report at the hearing.
11. This section 42A report is effectively an independent review and assessment of the plan change request.
12. The data, information, facts, and assumptions I have considered in forming my opinions are set out in this report. Where I have set out my professional opinions, I have given reasons for those opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

### **Purpose of the Report**

13. The purpose of this report is to assess the Plan Change Proposal under the relevant provisions of the RMA, taking into account the submissions, and further submissions received, and to provide a recommendation to the Commissioners on the issues. It has been prepared in accordance with s42A of the RMA to assist the Commissioners with deliberations.
14. The report includes recommendations to the Commissioners to accept, accept in part or reject submissions collectively by theme under topic headings from the summary of submissions. Where appropriate, it also includes recommended changes to the plan change provisions. In response to submissions, I have in every instance considered efficiency, effectiveness and appropriateness and my recommendations represent the most appropriate response in accordance with s32AA. In accordance with section 32AA(1)(c), the assessment of each change has been undertaken at a level of detail that corresponds to the scale and significance of the proposed changes.
15. In accordance with clause 29(4)(b) of Part 2 of the First Schedule of the RMA, I have provided reasons for my recommendations to allow or not allow submissions or further submissions generally by themes.

### **Structure of the Report**

16. In preparing this report, I have reviewed and considered the Rongotea Private Plan Change Application, including Appendices A to K.
17. In addition to my own observations, I rely on the evidence of:
  - a) Mr Jonathon Bell – Principal River Engineer (Stormwater)
  - b) Mr Tim Williams – Planning and Urban Design Consultant (Urban Design)
  - c) Ms Wendy Thompson – Strategic Infrastructure Planner (Water and Wastewater)
  - d) Mr Carl Johnstone – Community Assets Manager (Open Spaces)
  - e) Mr Nicholas Jessen – Legal Advisor
  - f) Mr Matthew Mackay – Principal Policy Planner (Strategic Planning)
18. I have reviewed, and where necessary relied on, the peer reviews provided by other technical experts engaged by the Council to assist with the reporting on this private plan change, as follows:
  - a) Mr Tim Kelly – Transportation Engineer (Roading)
  - b) Ms Esther Dykstra – Soil Scientist (LUC Capability)
19. All submissions received have been categorised based on themes under topic headings used in the summary of submissions (see “Reasons” Column of the summary of submissions table in Appendix A). As some submissions relate to multiple topics, cross references are included to refer to the discussion and recommendation sections of other topics.
20. Issues raised in the submissions are addressed as follows:
  - a) Three Waters
  - b) Roading
  - c) Local Character and Amenity
  - d) Recreation
  - e) Connectivity
  - f) Amenity
  - g) Wetland
  - h) Soil
  - i) Community Facilities
  - j) Population Growth
  - k) Cultural Impact Assessment
  - l) General



21. While all submitters have been acknowledged in the summary of submissions (Appendix A), due to the similarity of relief sought, responses have not necessarily been written for each individual submission point. Responses have been written for individual submissions that raise matters that differ from other submissions within the same thematic group or that request specific amendments to the private plan change provisions.
22. Responses have not been written for all further submissions because the further submissions generally:
  - a) Sought to emphasise the content of the corresponding original submission.
  - b) Did not present new or additional evidence; or
  - c) Stated either support or opposition to the original submissions of other submitters.
23. Where further submissions present additional evidence these have been dealt with within the report where the primary submission point has been addressed.
24. The assessment of submissions generally follows the following format:
  - a) Submission Information – summarises matters raised in the submissions with a brief outline of relief sought.
  - b) Discussion – discusses responses to the relief sought.
  - c) Recommendation – outlines a recommendation to the Commissioners in response to the relief sought.
25. In accordance with section 42A(1A) and (1B) of the RMA I have attempted to minimise the repetition of information already included in the application and where I have considered it appropriate, I adopt that information.

## **E. THE SITE AND CONTEXT**

### **Site and Surrounding Environment**

26. The site of the Proposed Plan Change (hereon referred to as the “**application site**” or “**the site**”) is located at 14 Banks Road, Rongotea and is legally described as Section 36 Block II Douglas District and Lot 15 DP 565962. These allotments are held in two separate records of title being RT: WN37/256 and 1011936 respectively. The Certificates of Title are contained within Appendix A of the application.

27. The application site encompasses a total area of 31.36 Hectares. It is located adjacent to the south-west extent of the existing village edge of Rongotea.
28. The application site is currently maintained for grazing and cropping activities, with the majority of the site most recently planted with maize. The property is currently leased and maintained by a local farming operator.
29. The site is mostly flat and slopes down to the west toward the Ruivaldts Drain that traverses the application site in a north to south manner. This Campbells Drain is also contained within the application site and extends from the Ruivaldts Drain in a westerly direction out of the site. Both drains are part of the Te Kawau Drainage Scheme (see Figure 2 of the application. Adjoining the Ruivaldts Drain in the southern portion of the site are the remnants of a natural inland wetland as also shown in Figure 2.
30. The receiving environment beyond the application site is a mixture of pastoral land, rural-lifestyle development and village/residential development. To the south of the site is a recently developed rural-lifestyle development which borders the majority of the southern extent of the site. A number of rural residential properties occupy this area along the southern boundary of the site. These lots form a small, clustered settlement. Dwellings within several of these properties offer relatively proximate views across the site.
31. To the east, across Banks Road, and to the west is land maintained for grazing and maize planting purposes. The existing Rongotea Wastewater Treatment Facility is also located to the south-west of the application site, identified as Designation 33 in the MDP. To the north of the application site is the southern extent of Rongotea Village with the urban edge directly adjoining the northern boundary of the application site.
32. Rongotea is a well-established provincial village that is positioned to the south-west of Feilding, and is the second largest settlement in the Manawatu District. The village is also located approximately 15km from Palmerston North City to the south-east. Rongotea contains a primary school, community and recreational facilities and other local amenities.

33. The application site currently gains access via an existing rural vehicle crossing to Banks Road, along the eastern boundary. There is also an access point at the southernmost point of Trent Street located along the northern boundary of the site.

### **District Plan Context**

34. In accordance with the provisions of the Manawatu District Plan (Operative 1 December 2002) (“**MDP**”) the site is zoned Rural 2. The site is also encompassed by the “Nodal Area” as defined by the MDP.

### **Rural 2**

35. As outlined in Section 5 – Subdivision of the MDP, the Rural 2 Zone has been applied to the areas of the District where there has been less-versatile land identified. The zone has an average lot size set at 4 hectares with a minimum lot size of 0.8 hectares. This was based on the consideration that the finite demand for rural blocks was unlikely to ever have a major impact on the availability of the District’s large areas of non-elite soils for productive uses. As a result, the controls for subdivision are largely based on considerations of the impact of development on landscape and rural character.
36. The MDP further identifies that seeking to promote a level of amenity for rural residents in in line with the matters of importance in the RMA. Many rural residents expect this environment to be an ‘idyllic’ place whilst managing reverse sensitivity effects. On this basis, the minimum lot size is set at 0.8 hectares (Controlled Activity) to aid in protecting the rural character and amenity. However, rural house allotments down to 0.4 hectares are provided for by the MDP as a Discretionary Activity in specified areas (Nodal Areas).
37. Under the MDP, the location of a nodal area is defined in Chapter 2 – Definitions. The definition for a nodal area is:

means any land within the Feilding, Rangiwahia or Hiwinui subdivision nodes identified in Appendix 5A and any land within 1km of any of the following places:

- a. Colyton School.
- b. Taikorea Hall.
- c. Glen Oroua School.

- d. Apiti Village Zone boundary.
  - e. Utuwai School. f. Pohangina Hall.
  - g. Rongotea Village Zone boundary.
  - h. Bunnythorpe Village Zone boundary.
  - i. Cheltenham Village Zone boundary.
  - j. Sanson Village Zone boundary.
  - k. Kimbolton Village Zone boundary.
  - l. Halcombe Village Zone boundary.
  - m. Waituna West School.
38. As the application site is located within 1km of the Rongotea Village Zone boundary, it is considered to be within a 'Nodal Area' as defined above.
39. It is important to note that the MDP provides for subdivision in the Rural 2 Zone as a Controlled Activity subject to compliance with the relevant performance standards. I do not intend to repeat these here however, I note that the provisions provide for subdivision of allotments down to a minimum lot size of 0.8 hectares provided such allotments are balanced out by a base portion of an area at least half the parent lot size or an area of 20 hectares, whichever is smaller. Where there are non-compliances with the Controlled Activity standards, applications move to either Restricted Discretionary, Discretionary or Non-complying Activities. The assessment focus for these applications is directed to pay close attention to the impact of the proposal on the existing rural character and amenity in the surrounding environment.
40. The intent of this rule structure is to provide for subdivision of smaller allotments where these are balanced out by larger allotments to maintain the rural character of the surrounding area. Furthermore, to prevent the clustering of dwellings which detract from the look and feel of the rural area. The MDP identifies protecting rural character within the Objectives and Policies of Section 4, by restricting ribbon development along rural roads.

41. Policy 5.3.3(a) of the MDP provides support for some smaller-lot subdivision (i.e. down to 0.4 hectares) in identified rural and peri-urban localities which already have the character of a settlement. This is where such subdivision would be compatible with the amenities of the area. This is only provided for as a Discretionary Activity, which in itself signals the level of scrutiny Council is to apply when considering such applications.

### **Village Zone**

42. The Village Zone provides for a peri-urban environment that reflects a Village environment with lower density residential development. The zone is seen to sit between the Residential Zone and the Rural Zones in terms of the density of development provided for. Consideration is to be applied to managing new development to recognise the character and amenity values of the surrounding environment.
43. The minimum lot sizes, at a Controlled Activity level, are 500m<sup>2</sup> for 'sewered' allotments and 800m<sup>2</sup> for 'unsewered' allotments. This provides for a lower density of housing when compared to the Residential Zone which allows for development down to smaller densities. The key consideration for subdivision applications is to ensure that any new development occurs in a manner that is in keeping with the existing local character and amenity.

## **F. THE PLAN CHANGE PROPOSAL**

### **Part 2 of Schedule 1 of the RMA**

44. Schedule 1 of the RMA sets out the process for changes to a district plan, in particular Part 2 of this schedule. Clause 21 states that any person may request a change to a district or regional plan and Clause 22 requires that the request to change a plan must be made to the appropriate local authority in writing. A request for a plan change shall:
- a) Explain the purpose and reason for the plan change.
  - b) Contain an evaluation report prepared in accordance with Section 32.
  - c) Where environmental effects are anticipated, the request shall describe those effects, taking into account clause 6 and 7 of Schedule 4, in such detail that corresponds with the scale and significance of the actual or potential

environmental effects associated with the implementation of the plan change.

45. The current strategic context for growth in the Manawatu District is summarised in the memo attached in Appendix G of this report. Mr Mackay summarises that MDC is currently working through its obligations under the National Policy Standard for Urban Development 2020. Ongoing work is being undertaken in this space however, no current work programs are underway with regard to reviewing the existing provision of Village Zone land in the district. This has given rise to the Private Plan Change application by TKT for the application site. I do not intend to repeat Mr Mackay’s memorandum here but instead adopt it for the purposes of this report.
46. As a private plan change application, the proposal has been initiated by TKT as the Applicant pursuant to Section 73(2) of the Act. Part 2 of Schedule 1 of the Act addresses the procedure for receiving and processing a request to change a District Plan. The application has followed this process as outlined below:

<b>Processing Milestone</b>	<b>Date</b>
Private Plan Change Lodged	5 August 2022
Further Information Request	8 September 2022
MDC accepts private plan change	1 December 2022
Plan change notified	8 December 2022
Summary of submissions notified	16 February 2023
Further submissions closed	4 March 2023

47. As outlined above, a request for further information was made by Council on 8 September 2022. The further information request was in relation to the following areas:

- a) Stormwater Management

- b) The proposed provisions
- c) Urban Design
- d) Provision of infrastructure
- e) Open green space
- f) Consultation with iwi authorities

48. The above request was responded to on 19 and 20 September 2022. The Applicant provided:

- a) A revised set of planning provisions for the Rongotea South Development Area
- b) Amended provisions for the existing Village Zone in the MDC District Plan
- c) Further stormwater management information
- d) Further Urban Design information
- e) Further information on iwi consultation
- f) Further infrastructure information

49. A further request, under clause 23(2) of Schedule 1 of the RMA, for further information was made by Council on 1 November 2022, following the receipt and review of the further information received as outlined above. The further information request was in relation to the following areas:

- a) The proposed provisions in regard to stormwater management
- b) Stormwater management and flood control
- c) Wetland Area
- d) National Policy Statement for Highly Productive Land: 2022

50. The above further request was responded to on 14 November 2022. The Applicant provided revised Plan Change Proposal documentation addressing the

abovementioned points in Paragraphs 56 and 58 to reflect the revised work completed following the further information requests. This information addressed the following specific matters:

- a) Plan change provisions
- b) Stormwater Management
- c) National Policy Statement for Highly Productive Land: 2022

51. The Plan Change proposal was accepted for public notification at Council’s meeting held on 1 December 2022 under Clause 25(2)(b) of the RMA.
52. The Plan Change Proposal was publicly notified on 8 December 2022, with the submission period closing on 31 January 2023. A total of 14 submissions were received. These submissions were summarised and publicly notified for further submissions on 16 February 2023 with the period for further submissions closing on 3 March 2023. One further submission was received by that date.

#### **The Plan Change**

53. As noted above, the site comprises approximately 31.36ha of land which is zoned entirely as Rural 2 within the MDP.
54. The Plan Change Proposal is detailed at length within section 4.1 of the document entitled “Private Plan Change Application: Rongotea South Development Area – July 2022” prepared by The Property Group. I adopt this description for the purposes of this report, for clarification a summary of the Proposed Plan Change is provided below:
- a) The Proposed Plan Change seeks to rezone 20.88 hectares of land currently zoned Rural 2, to Village Zone.
  - b) An adjacent site of 10.48 hectares will retain the underlying Rural 2 Zoning.
  - c) Introduce a new District Plan Chapter entitled “Rongotea South Development Area” to guide the subdivision phase of development.



- d) Spatially identify the development area by way of a structure plan with an associated planning framework with consideration given to the National Planning Standards.
- e) Subdivision is to be provided for as a Restricted Discretionary Activity with requirements for inclusion of a Comprehensive Development Plan and Integrated Stormwater Management Plan as part of all applications.
- f) The development area will gain access via new roading connections to Banks Road and Trent Street.
- g) A provision of a variety of lot sizes to support different housing typologies.
- h) Connectivity for multiple transport nodes throughout the development area.
- i) The creation of new public open spaces and restoration of a natural inland wetland.

## **G. STATUTORY & POLICY FRAMEWORK**

55. There are a range of statutory provisions under the RMA that are of relevance to the consideration of requests for private plan changes. These include the provisions applicable to both public and private plan changes as well as specific provisions in the First Schedule of the RMA for private plan changes.

### **Section 31 Functions**

56. The functions, that are required to be maintained when evaluating appropriateness, of Council are set out in section 31 of the RMA. These include the establishment, implementation and review of objectives, policies and methods. This is done with a lens toward:
- a) Achieving integrated management of the effects of the use, development and protection of land and associated natural and physical resources of the district under section 31(1)(a) of the RMA.

- b) Ensuring that there is sufficient development capacity in respect of housing and business land to meet the expected demands for such, within the district, under section 31(1)(aa) of the RMA.
- c) Controlling any actual or potential effects of the use, development, or protection of land under section 31(1)(b) of the RMA.

### **Section 32 Evaluation**

57. TKT has completed and evaluation of the Proposed Plan Change in accordance with section 32 of the RMA. Section 32(1) states that an evaluation must:
- a) Examine the extent to which the objectives and policies of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and
  - b) Examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by –
    - i. Identifying other reasonable practicable options for achieving the objectives; and
    - ii. Assessing the efficiency and effectiveness of the provisions in achieving the objectives; and
    - iii. Summarising the reasons for deciding on the provisions; and
  - c) Contain a level of detail that corresponds to the scale and significance of the environment, economic, social and cultural effects that are anticipated from the implementation of the proposal.
58. An assessment under section 32(1)(b)(ii) must –
- a) Identify and assess the benefits and costs of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for –
    - i. Economic growth that are anticipated to be provided or reduced; and
    - ii. Employment that are anticipated to be provided or reduced; and
  - b) If practicable quantify the benefits and costs referred to in paragraph (a); and

- c) c. Assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

#### **Section 74 and 75 of the RMA**

59. In regard to this Plan Change Proposal, the tests that must be applied to the consideration of the presented request can be summarised as follows and are to include whether the request:
- a) Is in accordance with and assists the Council in carrying its functions under section 74(1)(a) and section 31 of the RMA.
  - b) Is in accordance with Part 2 of the Act under section 74(1)(b) of the RMA.
  - c) Is in accordance with a national policy statement, a national planning standard and any regulation under section 74(1)(ea) and (f) of the RMA.
  - d) Gives effect to any national policy statement, national planning standard or any regional policy statement under section 75(3) of the RMA.
  - e) Examines the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the Act under section 32(1)(a) of the RMA.
  - f) Examines the extent to which the provisions of the request are the most appropriate way to achieve the objectives of the RSDA and the purpose of the request under section 32(1)(b) of the RMA.
60. In evaluating the appropriateness of the Plan Change Proposal, particular regard must also be had in relation to:
- a) An evaluation report prepared in accordance with s32 (s74(1)(d) and (e)).
  - b) Any proposed regional policy statement, and management plans and strategies prepared under any other Acts and consistency with the plans or proposed plans of adjacent territorial authorities (s74(2)).
  - c) Actual and potential effects on the environment, including, in particular, any adverse effect in respect to making a rule (s76(3)).

must take into account:

d) Any relevant planning document recognised by an iwi authority (s74(2A)).

must not have regard:

e) To trade competition or the effects of trade competition (s74(3)).

must ensure that:

f) It is not inconsistent with a water conservation order or regional plan (s75(4)).

61. As outlined above, Section 75(3) of the RMA states that a District Plan must give effect to any national policy statement; any New Zealand coastal policy statement; and any regional policy statement. Section 75(4) of that RMA states that a District Plan must not be inconsistent with a regional plan for any matter specified in section 30(1).

62. The application was submitted with an assessment of statutory and non-statutory documents within sections 6 of the application. Below, I provide further assessment, where necessary, of the relevant statutory and non-statutory documents for the Plan Change Proposal.

63. In summary, the statutory documents that are considered relevant to this proposal are:

a) National Policy Statement for Urban Development 2020

b) National Policy Statement for Freshwater Management 2020

c) National Policy Statement for Highly Productive Land 2022

d) National Environmental Standard for Freshwater 2020

e) National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011

f) Horizons Regional Council One Plan

g) Manawatu District Plan

64. Since the lodgement of the Plan Change Proposal, it is important to note that new national direction came into effect on 17 October 2022 in the form of the National Policy Statement for Highly Productive Land (NPS-HPL). This has not been considered

by the Applicant as part of their AEE but will be addressed within my report below to the extent possible on the information available.

#### **H. PROCEDURAL MATTERS**

65. In accordance with the Panel’s minute of 28 March 2023, expert conferencing between the Applicant’s, Council’s and submitters’ stormwater experts occurred on 13 April 2023. Expert conferencing between the Applicant’s and Council’s planning experts occurred on 27 April 2023.

66. A Joint Witness Statement had been completed by the stormwater experts and conferencing was ongoing between the planning experts. The Applicant at the time of this report, has committed to providing further information addressing:

- a) An assessment of the Plan Change Proposal against Regulation 3.6(4) of the NPS – HPL: 2022.

67. This section 42A report therefore represents a point in time of the assessment of the Plan Change Proposal and is not fully complete pending the receipt and assessment of the further information referred to above.

#### **I. ASSESSMENT OF ENVIRONMENTAL EFFECTS**

68. Clause 22 of Schedule 1 to the RMA requires a private plan change request to include an assessment of environmental effects that are anticipated by the Plan Change Proposal. This is to be completed taking into account the Fourth Schedule of the RMA.

69. An assessment of actual and potential effects on the environment is included in the Proposed Plan Change request. The Applicant identifies and evaluates the following actual and potential effects relating to the following topics:

- a) Flooding and Stormwater Management
- b) Water Supply
- c) Wastewater
- d) Transport

- e) Ecology
- f) Geotechnical
- g) Versatile Land
- h) Open Space, Amenities and Social Facilities
- i) Quality Built Environment
- j) Mana Whenua Values

### **Flooding and Stormwater Management**

70. An assessment of flooding and stormwater effects has been completed by the Applicant. This assessment has been informed by a technical report completed by GHD Ltd and included as Appendix C to the application. The GHD report outlines that its purpose is to:
- a) Document the investigations undertaken as part of the high-level three waters serviceability assessment to determine if growth within the proposed plan change area can be accommodated with the existing infrastructure or with feasible upgrades.
  - b) Assess the 0.5% AEP flood risk to the site for assessment under the One Plan, including floodplain modelling as required by Horizons Regional Council.
  - c) Provide concept-level sizing of core three waters infrastructure for the plan change area, including water trunk mains, sewer trunk mains, stormwater mains and stormwater treatment and attenuation area(s), to inform the structure plan development and servicing feasibility assessment.
71. The specific details of the technical assessment are included in the report in Appendix C (to the application) and I do not intend to repeat these here.
72. The Applicant has addressed the risks of flooding within the development area under section 7.1 of the application and notes that there is a flood risk within the application site that is confined to the open drains that traverse the area. The area impacted to the greatest extent is in the location of the Ruivaldts and Campbells Drain. The Proposed Plan Change identifies this area as being flood prone and avoids this area. All land

subject to flood risk is excluded from the developable area and is contained within those areas identified as open space reserve within the Structure Plan.

73. The Applicant's assessment states that the Proposed Plan Change area is located within the upstream reaches of Horizons' Te Kawau Drainage Scheme. The proposed stormwater management of the site has been based on the following objectives:
- a) Manage overland flow paths onto the site from the catchment upstream.
  - b) Collect and convey all run-off generated on the site to centralised treatment and attenuation facilities.
  - c) Discharge treated and attenuated flow to the Campbells drain.
74. The assessment notes that to inform the stormwater solution and required attenuation area to service the development, a specific stormwater model was developed. This model included consideration of indicative planning controls of minimum lot sizes, permeable area controls and areas of open space and road reserves to determine the post development flow rates.
75. It is noted that the original application referred to the provision of stormwater management proposal adjacent to the proposed wetland. It is noted here that the proposed wetland is a restoration of a natural inland wetland that exists within the application site.
76. This management proposal was referred to as 'Option A'. In summary, Option A includes the provision of a stormwater detention area in close proximity (within 100m) of the proposed wetland. This option also includes the discharge of stormwater to the proposed wetland area. MDC raised concerns with Option A, due to the location of the attenuation pond adjacent to the natural inland wetland and whether this solution would protect the values of such.
77. As a result, a new approach was also presented by the Applicant, now referred to as 'Option B'. This option provides for the stormwater attenuation area to be located greater than 100m from the natural inland wetland.
78. The proposed management approach includes a combined treatment and attenuation approach to achieve hydraulic neutrality with the proposed stormwater network has been sized to manage the runoff from the development site only. This means that a

series of cut-off drains, culverts pipes and an attenuation area will be required. I do not intend to repeat the technical analysis here but rather emphasise the point that the overall stormwater management approach is integrated across the whole development area and as such needs to be provided for in an integrated manner.

79. The outlined management approach is based on a high-level concept design and is likely to be refined during the subdivision process. The Joint Witness Statement completed by the stormwater experts concluded that there is sufficient information at this stage of the process to determine that there is a practical and feasible solution available for the stormwater management of the application site. In particular, the following was stated:

- a) Julia Jung – Horizons: In terms of water quantity, the stormwater treatment devices used for option A and B (i.e. pond, raingarden and swale) meet industry standards for stormwater treatment and peak flow attenuation. Detailed design that supports the resource consent, I believe, will discuss any adverse effects and issues and mitigation measures in detail, if any e.g. discharge velocity.
- b) Jonathon Bell – MDC: The information provided as part of the PPC application shows that the management of stormwater can feasibly be undertaken in such a way that the downstream effects of the development will be no more than minor. The provisions of PPC1, and the consenting of the detailed design under Horizons Regional Plan will ensure that any potential adverse effects will be managed.
- c) Reiko Baugham – TKT: The proposed provisions, in addition to the Horizons Regional Plan, require sufficient detail to inform the mitigation required to manage both quality and quantity issues that may arise from stormwater discharge from the subdivision.

80. Council’s stormwater expert Jonathan Bell has also independently assessed the Plan Change Proposal on behalf of Council. Mr Bell’s evidence is included in Appendix B to this report, and concludes:

- a) Two potential options for the management of stormwater in the east sub-catchment have been discussed as part of the request. These are referred to



as 'Option A' and 'Option B', in the interests of clarity I will continue to use this nomenclature. These options have been described in detail in the application, so in the interests of brevity I do reproduce that information here.

- b) In essence both options will capture stormwater from the development and convey it via a reticulated network to an attenuation facility. In Option A this attenuation would utilise an existing wetland area and a constructed attenuation basin.
- c) In Option B the attenuation would be in the form of a constructed attenuation basin and a constructed wetland.
- d) Stormwater management in the west sub-catchment is shown to be achieved using kerb and channel run-off to rain gardens before discharging to Ruivaldts Drain.
- e) It has been demonstrated that stormwater from the development can feasibly be managed in such a way that the development can be hydraulically neutral. This means that the peak rates of run-off from the site will not be increased by the development. This being the case, it can be said that the development will not create or exacerbate a flood risk to any other properties.

81. The Plan Change Proposal also contains a specific planning framework within the Rongotea South Development Area (Chapter 17) to ensure stormwater management is adequately addressed through future subdivision processes. This includes:

- a) Objective DEV-01 – sets out that future housing needs are to be met through the integrated provision of infrastructure.
- b) Policy Dev1-P1 - sets out the requirement for development to occur in accordance with the Rongotea South Structure Plan and a Comprehensive Development Plan. Point e. of this policy requires provision for a stormwater attenuation pond for stormwater treatment.
- c) Policy Dev2-P2 – sets out that adequate permeable areas are provided, an integrated approach to stormwater is taken that provides for treatment and attenuation prior to discharge back to the existing network, and prior to any development or subdivision occurring, an integrated Stormwater

Management Plan is submitted to Council with a minimum set of requirements in points a. to e.

- d) Policy DEV1-P3 – sets out that consent notices are to be utilised through subdivision outlining measures to implement any recommendations from technical reports to achieve water sensitive stormwater design.
- e) DEV-R1 – sets out the matters of discretion for all subdivision. MD03 specifically refers to the provision of stormwater, MD07 refers to the avoidance of flooding and stormwater inundation, MD08 refers to the location of the stormwater attenuation pond with respect to the natural wetland, and MD09 requires consistency with MDC’s engineering standards.
- f) Performance Standard DEV1-S6 – is the requirement for the Comprehensive Development Plan which includes outlining the servicing required for development, including the location of the stormwater treatment and attenuation pond.
- g) Performance Standard DEV1-S8 – is the requirement for a Stormwater Management Plan to be provided as part of any subdivision application with specific direction on the matters to be addressed.

82. The above District Plan framework ensures that stormwater management is at the forefront of any subdivision proposal. Any future application must demonstrate how stormwater management is to be provided in an integrated manner across the entire development area. Whilst the stormwater attenuation areas are not shown on the proposed structure plan, the planning provisions clearly identify the need to ensure any stormwater facilities are incorporated into the subdivision design and located in a suitable area.

83. It is noted that the Applicant’s planning Expert and I have undertaken JWS conferencing in regard to the Stormwater provisions and the outcome of the JWS produced by the Stormwater Experts. The planning statement, at time of writing this report, is in the process of being completed however, I can indicate that both planning experts agree that the planning framework will ensure that adequate stormwater provision will be made for the development area.

84. Based on the technical report completed by GHD, assessment completed by the Applicant, and the assessment completed by Council’s stormwater expert, I consider

that subject to further investigation and detailed engineering design at the resource consent stage, the Proposed Plan Change development area can be adequately serviced in terms of stormwater management and the consequential flood risk will be acceptable and appropriate for the site and surrounding receiving environment.

### **Water Supply**

85. The Applicant has provided a Three Waters Assessment report, completed by GHD Ltd and included in Appendix D of the application, that investigates the existing capacity of the water supply network in Rongotea. The technical work completed concluded that there is sufficient capacity within the existing water supply network to enable the Proposed Plan Area to efficiently connect into the existing network.
86. It is noted that any future upgrades required as a result of future development within the Rongotea South Development Area in the Rongotea area can be investigated by Council at that time. Future capacity can be addressed as part of routine upgrades or through arrangements with future developers in accordance with Council's Development Contributions Policy.
87. In addition, the Proposed Plan Change Provisions provide a mechanism for further control over essential services being in place as subdivision is a restricted discretionary activity, with the availability of infrastructure a matter of discretion.
88. Council's Strategic Infrastructure Planner Wendy Thompson has reviewed the proposal and provided evidence in Appendix D to this report. Ms Thompson confirms the findings of the GHD report and states that there is currently water supply capacity within the Rongotea Area. It is also noted that any future necessary upgrades will be determined by development rates and will be factored into future upgrade and renewal programs within the LTP.
89. Based on the assessment provided from GHD and the assessment of Ms Thompson, I consider that the development area can be adequately serviced from a water supply perspective.

### **Wastewater**

90. The Applicant has provided a Three Waters Assessment report, completed by GHD Ltd and included in Appendix D of the application, that investigates the existing capacity of the existing wastewater network in Rongotea. The technical work completed indicates that the existing treatment facility does not have sufficient capacity, in its current form, to provide for the existing population of Rongotea.
91. It is acknowledged that Rongotea's wastewater is currently directed to facultative ponds that have exceeded their design capacity for the existing Rongotea population. As a result, the Council is currently undertaking a Wastewater Centralisation Project that involves conveying wastewater from various rural villages to Feilding's wastewater treatment plant.
92. This work involves various pumpstation upgrades within Rongotea. Council's Strategic Infrastructure Planner, Wendy Thompson has reviewed the proposal and provided evidence in Appendix D to this report. Ms Thompson confirms that the centralisation project will accommodate projected growth within Rongotea, including from the Proposed Plan Change area. This project is due for completion within the 2023/2024 financial year. It is expected that the project will be completed prior to development occurring at the application site.
93. In addition, the Proposed Plan Change Provisions provide a mechanism for further control over essential services being in place as subdivision is a restricted discretionary activity, with the availability of infrastructure a matter of discretion. This is further reinforced under proposed Performance Standard S7 which specifically relates to the provision of infrastructure. For brevity I will not repeat the provision here but add that any subdivision cannot proceed unless suitable infrastructure connections are available to the development area. Essentially, the structure of the proposed framework is to ensure that the infrastructure is available, with suitable capacity, before any subdivision can progress.
94. Based on the assessment provided from GHD and the assessment of Ms Thompson, I consider that the development area can be adequately serviced from a wastewater supply perspective.

## Transport

95. An assessment of Transport effects from the Proposed Plan Change were assessed by East Cape Consulting Ltd and included in Appendix E to the application. This assessment considered the existing roading environment. The technical report was also used to inform a suitable roading network for the Proposed Plan Change area and proposed Structure Plan. The conclusion of the assessment was that the additional traffic movements generated by the proposed development area are not expected to result in an increase in transportation effects that cannot be easily accommodated within the existing roading environment.
96. The assessment notes that the plan change will require infrastructure upgrades to widen Trent Steet which can be managed at subdivision stage via mechanisms in Council's Development Contributions Policy. Overall, the design of the new street network within the Rongotea South Development Area enables safe and connected transportation options that will encourage walking and cycling to access the existing social and community facilities at Rongotea.
97. Council's Transport expert, Mr Tim Kelly of Tim Kelly Transportation Planning Ltd (included as Appendix F of this report), has assessed the application and concludes that the transportation assessment is technically robust and the overall conclusions regarding the ability for additional traffic activity to be accommodated by the immediate and wider road networks are reasonable, particularly given the rural nature of the area.
98. It is noted that Mr Kelly also raised a number of specific points with regard to the information supplied in the Applicant's transportation assessment. These points were considered by Council and were not considered to require further attention as part of the Plan Change process. In my opinion, the proposed provisions sufficiently provide for the management of traffic related effects as part of future subdivision applications. Furthermore, the inclusion of a requirement for a Comprehensive Development Plan to be supplied with all subdivision applications, will ensure that specific design of road corridors and access arrangements will be sufficiently addressed.
99. It is noted that Mr Kelly has not provided further evidence to support this section 42A report, once the submissions were received and the hearing date set, Mr Kelly was

unable to provide advice within the timeframes. No submissions have raised traffic related matters and as outlined above, the proposed provisions are considered to be sufficient to manage any traffic related matters through the subdivision process.

100. Based on the above, I consider that any potential traffic related effects can be adequately managed and the Proposed Plan Change area can be adequately serviced from a roading perspective.

### **Ecology**

101. The Applicant has provided an ecology assessment by Adam Forbes of Forbes Ecology. The assessment considered whether conditions existing for a wetland to be present within the Proposed Plan Change area. The assessment utilised the Ministry for the Environment's latest wetland delineation tools to determine wetland status in accordance with the definition in the National Policy Statement for Freshwater Management (NPS-FM).
102. The assessment by Mr Forbes notes that the application of the wetland delineation tools has resulted in the delineation of 3.96Ha of natural inland wetland within the application site and as identified within Figure 9 of his report.
103. The Applicant identifies that the NPS-FM requires Councils to map all existing wetlands and encourage their restoration. It is noted that in response to this finding in the Ecology report, the structure plan was revised to ensure that the area delineated as wetland was contained as much as possible within the area recommended for vesting to council as open space reserve. This area encompasses the regional council scheme drains and so ongoing access is maintained.
104. All works associated with the restoration of the area identified as natural inland wetland and all works and activities within 100m of the wetland are governed by the NES-FM. As outlined above in this report, the original stormwater management solution for the application site was to be sited in conjunction with the wetland area. Due to concerns with consistency with the NES-FM and possible consenting as a Non-Complying Activity, a revised stormwater management design was requested by Council and provided by the Applicant's experts.

105. The assessment completed by Mr Forbes was considered by Council to be sufficient for the purposes of progressing the Plan Change Proposal. No peer review of this report was sought.
106. Based on the assessment in the application, Mr Forbes' assessment and the proposed planning framework, I agree that the Proposed Plan Change provides an appropriate balance of protecting and enhancing natural environments while also providing for new ecosystem services to support future development. I also accept the Applicant's conclusion that water sensitive design has been incorporated into the Structure Plan via the proposed stormwater solution and via clear policies to guide the subdivision and development phase. The protection and restoration of the area defined as wetland that can be realised by the PPC, provides the opportunity for positive effects on landscape, cultural and ecosystem values.

#### **Geotechnical**

107. I accept the Applicant's assessment of geotechnical effects. Specifically, I agree that prior to any intensive land development on the site, the Building Act generally requires a detailed geotechnical investigation to confirm the stability of the site and to recommend any site-specific engineering requirements for development. The Plan Change Proposal will not alter the need for an investigation to be undertaken and as such, there are no reasons why the plan change should not proceed, from a geotechnical perspective.

#### **Versatile Land**

108. The Applicant has provided a site-specific soils assessment as part of the application and appended in Appendix H. This assessment says the following:
- a) In summary, our 1:15,000 site-specific mapping based on first principles using Lynn et al (2009) shows that the site contains no Versatile Land or Highly Productive Land. All map units have an LUC Class of 4w or 6w. In the case of the 4w land this is because of an underlying pan and perched water table that has led to low Available Water Holding Capacity and poor drainage. The 6w land is low lying with a rising water table.

- b) From my perspective as an experienced NZ pedologist this is land highly suited to use for housing and should **not** be protected for future productive use.
109. A peer review of this report was sought by MDC and undertaken by EcoAgriLogic, as to the methodology followed by the original report. This peer review concluded the following:
- a) EcoAgriLogic has reviewed the report by LUC Assessments Ltd. In our professional opinion, the report's conclusions can be considered adequate.
  - b) It has found the conclusion that the site is not Versatile Land as defined in the Manawatū District Plan is supported by data obtained and presented in the report.
  - c) It has also found that the conclusion that the site is not HPL (transitional definition) is supported by the soil data presented in the report. The assessment is based according to the methodology in the Land Use capability Survey Handbook (Lynn et al., 2009).
  - d) MfE will provide further guidance on best practice for undertaking more detailed assessment of LUC early 2023.
  - e) This peer review did not assess the transitional definition of the HPL of the site with regards to potential future urban development and/or plan change to rezone as not enough information was provided in the report.
110. Despite the site-specific assessment provided by the Applicant, I acknowledge that there is a significant issue in this application as to whether the soils must be regarded as highly productive soils within the meaning of the NPS-HPL. In that respect, I have considered and accept the legal advice of the Council's lawyer, that the land must be regarded as highly productive for the purposes of the NPS:HPL.
111. Accordingly, while there is evidence supplied by the Applicant to indicate that the land is well suited for a rezoning, I consider that there is a clear requirement under the NPS that the application must be consistent with clause 3.6 of the NPS:HPL before rezoning to an urban zone can be allowed.
112. I recognise that the site-specific soils report may be regarded as evidence as to the relatively lower productive capacity of these soils for the purposes of considering the effects of this plan change and the test under clause 3.6, however at this stage I have



not had the opportunity to review other necessary information provided by the Applicant under cl 3.6.

### **Open Space, Amenities and Social Facilities**

113. I adopt the Applicant's assessment of Open Space, Amenities and Social Facilities. Specifically, I agree that the existing social and community facilities of Rongotea are conveniently located within walking distance of the PPC area to enable future residents to meet their social and cultural needs. The Proposed Plan Change provides for much needed additional open space to support the well-being of existing and future residents of Rongotea.
114. Community Assets Manager has also assessed the application and has provided further evidence included in Appendix E to this report. Mr Johnston echoes the assessment above and considers the structure plan to be a positive outcome with regard to open space areas and public facilities.
115. Mr Johnston also notes that there is no current provision for additional open space in Rongotea within the Long Term Plan, but acknowledges that the vesting of such assets will be worked through with developers at time of future subdivisions. Provision for future open space areas can also be accounted for in future Long Term Plan processes to provide for the area if it was to be rezoned and developed.

### **Quality Built Environment**

116. I adopt the Applicant's assessment of providing a Quality Built Environment. The Applicant has provided an Urban Design report in Appendix B to the Application that has informed their assessment. I agree with the following:
- a) The urban design assessment sets out the environmental conditions of the plan change area and the structure plan demonstrates how future development is able to respond to these conditions. This includes revitalising existing stormwater and drainage channels, transitioning the density from existing residential boundaries and optimising the location of reserves and active and green streets to achieve an integrated development pattern.
  - b) In regard to the amenity effects on neighbours, the density provisions provide for larger lots on the permitter providing a suitable transition between the

existing residential lots on the northern boundary, and the lifestyle sites to the south. The proposed density seeks to balance market demand, stormwater capacity of the site and the local character and context of Rongotea village.

- c) The Structure plan clearly indicates that future development can deliver a safe and legible street layout, that can successfully integrate with the existing roading network.
- d) For the reasons outlined above, the proposed rezoning and spatial layer structure plan is likely to have positive effects on the quality of the built environment. The PPC responds effectively to an identified need for new home ownership options, with opportunities to improve community and social well-being.

117. Council's Urban Design expert, Mr Tim Williams of Williams & Co, has assessed the application and technical report and as provided additional evidence in Appendix C to this report. Mr Williams notes and concludes that:

- a) Overall, the proposed re-zoning, use of a structure plan and accompanying planning provisions will suitably provide for the expansion of Rongotea in a planned and integrated manner and establishes a framework that can ensure good urban design outcomes.
- b) Two matters are recommended to be further refined in the provisions (these modifications are reflected in the recommendations of this report):
  - i. Ensuring adequate provisions are in place to require the landscaping of and fencing controls to the boundary with the lifestyle lots on Florin Lane, and
  - ii. Ensuring the walkway is developed through the open space/reserve area.

118. Based on the assessment in the application, the technical report in Appendix B and the assessment of Mr Williams on behalf of Council, I consider that the proposed provisions, including the recommended modifications as part of this report, as set out in Appendix I of the application, will appropriately mitigate any potential effects in regard to providing for a Quality Built Environment.

### **Mana Whenua Values**

119. I adopt the Applicant's assessment of Mana Whenua values. It is noted that the Applicant has made extensive effort to consult with the interested parties with respect to the Plan Change Proposal.

### **Summary of Effects**

120. As noted above, any anticipated environmental effects of the Plan Change Proposal have been adequately addressed. I consider that any potential effects that may arise as a result of development can be mitigated through the proposed planning framework.

## **J. ASSESSMENT OF PLAN CHANGE PROPOSAL AND ISSUES RAISED BY SUBMISSIONS**

121. A total of 14 submissions and one further submission were received on the Proposed Plan Change.
122. No formal pre-hearing meetings have been held with submitters.
123. This section provides an assessment of:
- a) the material included within the request, both in terms of environmental effects and the statutory and policy framework, and
  - b) submissions and further submissions received.
124. It also outlines the outcomes recorded in the JWS and the expert advice received to inform the overall recommendations within this report. For ease, I have grouped these into topics, which each topic covering both the assessment of the request and the submissions.

### **Approach to Submissions**

In accordance with Clause 10(3) of the First Schedule of the RMA, I have undertaken the following evaluation on an issues-based approach, as opposed to a submission-by-submission approach. I have organised the evaluation in accordance with the issues raised in the submissions.

### **Three Waters**

125. The matters in regard to Three Waters were raised in submissions S01, S03, S09, S011, S013 and S014.
126. These matters included the following:
- a) That infrastructure will not cope.
  - b) Concern of flooding during high rainfall events and stormwater run-off from the development area.
  - c) The infrastructure is ready and sufficient capacity exists within the network.
  - d) The reserve concept for stormwater management should be encouraged. Consideration to putting an easement over the two additional overland flow paths should be given to ensure these flow paths are maintained.
  - e) Stormwater treatment and attenuation pond within 100m proximity of identified natural inland wetlands. Regulation 54 of the National Environmental Standard for Freshwater (2020) determines that the diversion or discharge of water within, or within a 100m setback from, a natural wetland is a non-complying activity. The Applicant has not addressed how the requirements of the NES-FM 2020 will be met.
127. As outlined previously in this report, the Applicant has provided a technical report, completed by GHD Ltd, addressing the provision of Three Waters infrastructure to the development area. This report has concluded that there is sufficient capacity, subject to detailed design at subdivision stage, to supply the development area with respect to water supply and wastewater disposal.
128. With respect to stormwater provision and the management of stormwater flows and run-off within the application site, the GHD report has also addressed this matter. The concerns raised in relation to the NES-FM have been noted and a revised stormwater management proposal, Option B, has been presented.
129. Council's stormwater expert and Strategic Infrastructure Planner have both assessed the application and consider there to be sufficient information available to determine that the application site can be adequately serviced from a Three Waters perspective.

130. A JWS has been completed between the stormwater experts for the Applicant, Council and Horizons, where it was concluded that a practical and feasible stormwater management solution is available for the application site subject to more detailed design through the subdivision process for future development.
131. A JWS has been drafted between the Applicant's planning expert and myself in response to the Stormwater Experts' JWS. This has concluded that the proposed provisions and planning framework for subdivision will adequately manage future development and ensure any potential stormwater effects are mitigated.
132. Based on the above, and the further assessment elsewhere in this report, I do not consider that the proposal should be declined, or amendments made to the proposed provisions, with regard to Three Waters matters.

### **Roading**

133. The matters in regard to Roothing were raised in submissions S01, S010, S011, and S012.
134. These matters included the following:
- a) Traffic congestion.
  - b) New linking road will mean new area in keeping with village structure.
  - c) Support for provision of access through to village.
  - d) No overall concerns.
  - e) Does not expect the proposal to adversely impact the safe operation of the surrounding state highway network or nearby freight connections.
  - f) A new connection is provided for to Witham Street.
135. Roothing effects have been addressed earlier in this report. The Applicant has provided a technical report with respect to the proposal from a transport planning perspective. This report was peer reviewed by Council's independent traffic expert. These assessments have concluded that the proposal is not considered to give rise to any adverse traffic effects and the additional movements can be accommodated within the wider roading network. Specific roading designs and access arrangements will need to

be submitted with any subdivision application and be subject to a further effects assessment at that time.

136. It is also noted that the Council has made a submission (S011) that states that “roading has no concern” in regard to the application. Furthermore, Waka Kotahi (S012) has also submitted as raised no concerns.
137. Council’s Urban Design expert, Mr Williams, has assessed the application and provided further evidence as outlined above. He also adds, in regard to the submission requesting the additional roading connection to Witham Street be provided on the structure plan:
- a) In my opinion the proposed walkway connection will provide an appropriate level of connectivity in this location. Given the presence of the Open Space/Reserve area shown in this location it is considered a better outcome for the road not to be extended or connected in this location. The walkway will ensure a better opportunity for integration with the open space and development of this area than would arise if a street was connected through.
138. I agree with Mr Williams’ assessment in regard to this matter. In addition, I add that the presence of the drainage system in this location would require extensive change to the existing landscape if a roading connection was to be provided. The modifications required would also impact on the proposed open green space and walkway proposed for this area on the structure plan. Furthermore, Witham Street is an unformed paper road. After conversations with Council’s planning and infrastructure teams, there are no immediate or future planned projects to form Witham Street.
139. Based on the above, and the further assessment elsewhere in this report, I do not consider that the proposal should be declined, or amendments made to the proposed provisions, with regard to Roading matters.

#### **Local Character and Amenity**

140. The matters in regard to Local Character were raised in submissions S01, S02, and S05.
141. These matters included the following:

- a) The quiet community will have its population nearly doubled and the building process will cause ongoing disruption.
  - b) Purchased a section in the area due to the quiet rural area and did not anticipate being surrounded by residential properties.
  - c) Worried about additional foot traffic in the area, additional noise, loss of privacy and damage to the private road.
142. The Applicant has provided a technical report (Urban Design) prepared by TPG, who has addressed the maintenance of local character through the planning provisions. This matter was also raised by MDC through their further information request where, in response, additional provision was made within the matters of discretion for future development to maintain and enhance local character and amenity.
143. It is noted that any future development will be subject to compliance with the District Plan provisions and a further effects assessment under Section 95 of the RMA at the time of a resource consent application.
144. Notwithstanding this, the Plan Change Proposal represents a natural and logical extension of the existing urban expanse of Rongotea. To some extent future growth within close proximity of an urban area can be considered a possibility. As assessed earlier in this report, the proposed planning framework is considered appropriate to manage future development within the application site. Furthermore, it is important to note that a change does not automatically constitute an adverse effect.
145. This has been reinforced by Council's Urban Design expert. Mr Williams has assessed the application and provided further evidence as outlined above. He also adds, in regard to the submissions raising concern with the change in character as a result of the Plan Change Proposal:
- a) The location of the proposed rezoning, directly adjoining the existing urban extent, is considered to represent a logical location for Rongotea to grow.
  - b) The location provides for Rongotea to grow where opportunities exist for growth to occur in a logical and connected manner.
  - c) The rezoning will result in a change to what the adjoining lots along Florin Lane are currently experiencing. To manage this transition, further

consideration of the boundary treatment in this location would assist to further integrate and manage this boundary.

- d) Further provisions are recommended to ensure that at detailed subdivision design stage, appropriate consideration is given to planting and fencing controls to assist in softening the transition between these boundaries.

146. Overall although the character and amenity these submitters currently experience will change the measures proposed and recommended through the re-zoning will adequately address and ensure the re-zoning integrates with these adjoining lifestyle properties.

147. I agree with the assessment of Mr Williams in relation to the boundary between the development area and the adjacent allotments along Florin Lane. The following modification to the planning provisions is recommended (additions underlined and in italics):

**Objectives**

DEV1 – O2

Subdivision in the Rongotea South Development Area creates a sustainable neighbourhood where:

- a. the development successfully integrates with the village character and existing environment of Rongotea;

**Performance Standards**

DEV1 – S6 Comprehensive Development Plan

Any development and subdivision must have a Comprehensive Development Plan that demonstrates how the proposal:

...

vii. Has given consideration to suitable boundary treatments, including but not limited to planting and fencing, to assist in softening the transition from the residential lots within the Rongotea South Development Area and the adjoining lots along Florin Lane.

148. The further evaluation of these modifications under section 32AA of the RMA is contained in Section M of this report.



149. Based on the above, and the further assessment elsewhere in this report, I do not consider that the proposal should be declined, subject to the amendments being made to the proposed provisions, with regard to local character matters.

### **Recreation**

150. The matters in regard to Recreation were raised in submissions S04, S09, S011, S013 and S014.

151. These matters included the following:

- a) Construct and form the “potential walkway” for the benefit of the wider community.
- b) A new recreational space will provide a safe and welcoming environment for all of the residents in the vicinity of the village.
- c) Council currently has no plans to expand the greenspace or recreational space in Rongotea Village.
- d) At this point in time there is no budget in place to support the development and maintenance of a greenspace in this area and as such this will need to be a consideration as part of Council’s Long Term Plan decision process.
- e) Council wishes to highlight that the cost and level of service commitment required to maintain the greenspace will have financial implications for Rongotea Village and Council and as such it is requested that provision be made in the Plan Change and Structure Plan to include flexibility around size and ownership options of the greenspace area.

152. The provision of open green space has been assessed by the Applicant within the application. I agree with this assessment, in particular that the existing social and community facilities of Rongotea are conveniently located within walking distance of the PPC area to enable future residents to meet their social and cultural needs. The PPC provides for much needed additional open space to support the well-being of existing and future residents of Rongotea.

153. As outlined previously in this report, Council’s Community Assets Manager has assessed the application and has provided further evidence included in Appendix E to this report.

Mr Johnston echoes the assessment above and considers the structure plan to be a positive outcome with regard to open space areas and public facilities.

154. Mr Johnston also notes that there is no current provision for additional open space in Rongotea within the Long Term Plan, but acknowledges that the vesting of such assets will be worked through with developers at time of future subdivisions. Provision for future open space areas can also be accounted for in future Long Term Plan processes to provide for the area if it was to be rezoned and developed.
155. I agree with this assessment and confirm that the exact size of the open green space and how it is to be managed is a matter that is to be worked through between the land developer and Council through the subdivision process as a number of various options would exist for the provision of this land. The proposed planning provisions ensure that open green space is a key consideration in future subdivision applications with the provision of such a requirement within the comprehensive development plan require for future applications.
156. Based on the above, and the further assessment elsewhere in this report, I do not consider that the proposal should be declined, or amendments made to the proposed provisions, with regard to recreation matters.

### **Connectivity**

157. The matters in regard to Connectivity were raised in submission S012 only.
158. These matters included the following:
- a) Supports a multi-modal approach to developments to promote a range of transport options and avoid increasing the current reliance on private vehicles for travel.
  - b) The proposed development is well located in terms of its proximity to the local primary school and small retail/service areas of the village.
  - c) Acknowledges that the Manawatu-Whanganui Regional Council have signalled that investigation of a bus route between Palmerston North and Rongotea.

- d) The proposed inclusion of walkways, multimodal pathways, and connections to the existing footpaths in Rongotea is critical to ensure safe and accessible multi-modal travel options are provided for future residents and users of the development.
- e) The sustainable benefits of multi-modal approaches to transport go beyond recreation.

159. I acknowledge these points and note that the proposed planning framework promotes good connectivity within future subdivision design. Furthermore, walking connections are promoted in the application for those areas identified as open green space.

160. Based on the above, and the further assessment elsewhere in this report, I do not consider that the proposal should be declined, or amendments made to the proposed provisions, with regard to connectivity matters.

#### **Wetland**

161. The matters in regard to the Wetland were raised in submission S07 only.

162. These matters included the following:

- a) Supports the redevelopment of the wetland within the subject site.

163. I acknowledge these points and note that the proposed planning framework promotes the restoration of the Wetland area. Furthermore, this is also promoted within the application and the wetland has been included on the proposed structure plan.

164. Based on the above, and the further assessment elsewhere in this report, I do not consider that the proposal should be declined, or amendments made to the proposed provisions, with regard to Wetland matters.

#### **Soil**

165. The matters in regard to Soil were raised in submissions S08 only.

166. These matters included the following:

- a) The site has been difficult to farm due to the soil conditions being heavy and difficult to drain away excess moisture.

167. I acknowledge the point raised by the submitter. Drainage has been addressed under the stormwater and three waters assessments contained earlier in this report. It is also noted that this particular submitter has not objected to the proposal.

168. Based on the above, and the further assessment elsewhere in this report, I do not consider that the proposal should be declined, or amendments made to the proposed provisions, with regard to these matters.

### **Community Facilities**

169. The matters in regard to Community Facilities were raised in submissions S09 only.

170. These matters included the following:

- a) There is a community recreation facility and community swimming pool. Local businesses are present to serve the needs of the community. The township is well placed to support sustainable growth.

171. I acknowledge the point raised by the submitter. It is also noted that this particular submitter has not objected to the proposal.

172. Based on the above, and the further assessment elsewhere in this report, I do not consider that the proposal should be declined, or amendments made to the proposed provisions, with regard to these matters.

### **Population Growth**

173. The matters in regard to Population growth were raised in submissions S011 only.

174. These matters included the following:

- a) The current Population of Rongotea 640 (2018 census), Estimated to be 710 based on 1.8% population increase between 2018 and 2022(2022)

175. I do not intend to provide additional assessment on this matter but rather acknowledge the point raised by the submitter. It is also noted that this particular submitter has not objected to the proposal.

176. Based on the above, and the further assessment elsewhere in this report, I do not consider that the proposal should be declined, or amendments made to the proposed provisions, with regard to these matters.

### **Cultural Impact Assessment**

177. The matters in regard to Cultural Impact Assessment were raised in submissions S011 only.
178. These matters included the following:
- b) Notes that a Cultural Impact Assessment has been prepared by Rangitāne in support of the Private Plan Change. MDC notes that other iwi/hapū are also formally recognised as having interest in this part of the Manawatū.
179. An assessment of Mana Whenua values has been undertaken by the Applicant in their application. This has been assessed further, earlier in this report. It has been acknowledged that the Applicant has made extensive effort to consult with all interested parties as part of this plan change process. Furthermore, no archaeological sites have been identified in this area. The proposed planning framework is also considered to give rise to Te ao Maori values and these have been incorporated where appropriate.
180. Based on the above, and the further assessment elsewhere in this report, I do not consider that the proposal should be declined, or amendments made to the proposed provisions, with regard to these matters.

### **General**

181. The General matters in regard to Plan Change Proposal were raised in submissions S06, S08, and S09.
182. These matters included the following:
- a) Sees this as a great asset to the Rongotea Area and as neighbours, only see positive for the district.
  - b) No power or stock water supply to the site and close proximity to residential neighbours reduces the productive rural options for the site.

- c) The township of Rongotea is well suited to expansion with other developments that have occurred creating opportunities for local businesses and the community alike.
- d) Recent developments have improved the entry to Rongotea along Banks Road.
- e) The redevelopment of the subject site will energise the village and provide recreational opportunities to current and future generations.
- f) The village is very self-sufficient and takes care of one another.

183. I acknowledge the points raised by the submitter. It is also noted that this particular submitter has not objected to the proposal.

184. Based on the above, and the further assessment elsewhere in this report, I do not consider that the proposal should be declined, or amendments made to the proposed provisions, with regard to these matters.

#### **K. STATUTORY AND POLICY ANALYSIS**

185. As noted earlier, the District Plan (including as amended by any plan change) must give effect to any operative national policy statement (s75(3)(a)) and any regional policy statement (s75(3)(c)); have regard to any management plan or strategy prepared under other Acts (s74(2)(b)(i)); take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district (s75(2A)); and must not be inconsistent with any regional plan (s75(4)(b)).

186. This section provides an overview of the policy framework under which the Plan Change Proposal must be considered. As outlined above, the statutory documents that are considered relevant to this proposal are:

- a) National Policy Statement for Urban Development 2020
- b) National Policy Statement for Freshwater Management 2020
- c) National Policy Statement for Highly Productive Land 2022

- d) National Environmental Standard for Freshwater 2020
- e) National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
- f) Horizons Regional Council: One Plan
- g) Manawatu District Plan

187. The contents of these documents, as they relate to the Plan Change Proposal, are considered within the application. I provide further assessment, where necessary, of the relevant statutory documents for the Plan Change Proposal and cross reference to the assessment provided in the application where it is considered appropriate to avoid repetition.

**National Policy Statement for Urban Development 2020**

188. The Applicant has identified the provisions within the NPS-UD that they consider to be relevant to this proposal and has provided a detailed assessment against these in section 6.1.1 of the application. In terms of key aspects of the NPS-UD relating to this Request, the Manawatu District Council is considered a ‘Tier 3’ territorial authority and therefore, the policy direction under Policy 8 of the NPS-UD is of particular relevance here.

189. Policy 8 directs Councils to be responsive to plan change requests that would result in additional development capacity and contribute to well-functioning urban environments. This is to apply even in cases where the capacity occurs out of sequence with planned release of land or is unanticipated.

190. The following reasons are provided as to why the proposal provides for additional development capacity:

- a) The Plan Change Proposal will provide for an additional 21 Hectares of Village Zone Land in Rongotea.
- b) The Plan Change proposal would provide for an additional 140-180 Village Zone allotments within the Rongotea Village.

- c) The Council has previously signalled the Rongotea Area as one that could be suitable for growth as part of its future planning.
- d) Development opportunities, for residential type living, are limited within the existing Village expanse of Rongotea.

191. The Application states (section 6.1.1) that the proposal will contribute to a well-functioning urban environment for the following reasons:

- a) It provides for a variety of lots sizes to enable differing housing typologies and price points.
- b) The location delivers good accessibility between housing and jobs, community services, and natural open spaces, including by way of public or active transport.
- c) Provisions have been included to enable Māori to express their cultural traditions and norms through involvement in the design of open spaces.
- d) The accessibility to local schooling and community facilities supports a reduction in greenhouse gas emissions.
- e) Stormwater management of the area improves resilience to the effects of climate change.

192. I agree with the assessment of the NPS-UD provided by the Applicant. In addition to the provisions they identify, I consider that the NPS-UD provision of most relevance to the Plan Change Proposal, is clause 3.8, which in turn relates to the implementation of Policy 8. This clause applies to a plan change that provides significant development capacity that is not otherwise enabled in a plan or is not in sequence with planned land release; and directs that particular regard is had to that development capacity if it would contribute to a well-functioning urban environment; and is well-connected along transport corridors.

193. I consider that the proposal would provide significant development capacity that is not otherwise enabled, and similarly that it would contribute to a well-functioning urban environment, for the reasons set out by the Applicant and noted above. In particular, I consider the locational benefits of the Site in terms of the adjacency to the existing village expanse of Rongotea, to contribute to the significance of the capacity. The plan change is also well-connected to transport corridors back to the existing village.



194. Also of particular relevance to the Plan Change Proposal is clause 3.4, which seeks to ensure that development capacity, as referred to above, is “infrastructure ready”. Being infrastructure ready under this regulation means that there is adequate infrastructure to support the development of the land. As outlined in the evidence of Ms Thompson, Council’s Strategic Infrastructure Planner (see appendix D of this report), there is capacity available within the existing water and wastewater infrastructure to account for the Plan Change Proposal area. In regard to stormwater, this is to be managed “on-site” as there is no reticulated stormwater network in the vicinity of the application site. The evidence of Mr Bell, Council’s stormwater expert (see Appendix B of this report), there is a practical and feasible stormwater design available to service the future development of the site.

### **National Policy Statement for Freshwater Management 2020**

195. The Applicant has outlined the provisions within the NPS-FM that they consider relevant to the proposal within section 6.1.1 of the application, and has provided a detailed assessment of such. The key aspect of this document that are relevant to the Plan Change Proposal is Policy 6 which aims to ensure:

**Policy 6** “there is no further loss of natural inland wetlands, their values are protected, and their restoration is promoted”

196. I agree with the assessment of the NPS-FM provided by the Applicant, that the proposal will not result in any further loss of the extent of the identified as a natural inland wetland on the structure plan and within the technical report supplied as Appendix F to the Plan Change application.
197. In addition, however, I consider that the stormwater management proposal referred to as “Option A” in the application, is potentially contrary to this policy. In summary, Option A includes the provision of a stormwater detention area in close proximity (within 100m) of the proposed wetland. This option also includes the discharge of stormwater to the proposed wetland area. As a result, Option A is considered to not protect the values of the wetland.
198. This matter is further addressed in the JWS completed by the stormwater experts and also separately by Mr Bell in his evidence. The conclusion is that, in regard to

stormwater quality, Option A would be more difficult to achieve due to its closer proximity to the wetland.

199. This matter is further addressed below under the assessment of the National Environmental Standard for Freshwater Management 2020.
200. The Applicant acknowledges the abovementioned concerns, within the application, due to the location of the attenuation pond adjacent to the natural inland wetland and whether this solution would protect the values of such. The application goes on to highlight that as a result of these concerns, additional investigations were undertaken into providing “Option B”.
201. It is acknowledged that Appendix I (Proposed Planning Provisions) submitted with the application, includes Stormwater Management provisions, which have been prepared alongside the Plan Change Proposal, to provide for the management of stormwater from the development. As assessed further within this s42A report, and relying on the advice received from Council’s stormwater expert and the JWS from the stormwater experts, the approach to stormwater management proposed as part of the application is aligned with current best practice stormwater management and the implementation of this can be appropriately addressed at the time of resource consent.

### **National Policy Statement for Highly Productive Land 2022**

202. The National Policy Statement for Highly Productive Land 2022 (“NPS-HPL”) came into force on 17 October 2022, after the application was lodged with Council. The NPS-HPL can be read with assistance from the guidance document (National Policy Statement for Highly Productive Land - Guide to implementation) published by the Ministry for the Environment in December 2022 and again in March 2023.
203. The application is noted as containing LUC Class 2 soils under the Land Use Capability system.
204. The sole objective of the NPS-HPL is:

“Highly productive land is protected for use in land-based primary production, both now and for future generations.”

205. The NPS-HPL contains policies (1 to 9) to support this key objective including policies relating to:
- a) Avoiding urban or rural lifestyle rezoning or the subdivision of highly productive land;
  - b) The protection of highly productive land from inappropriate use and development;
  - c) The protection of primary production activities on highly productive land from reverse sensitivity effects.
206. The Applicant has outlined the provisions within the NPS-HPL that they consider relevant to the proposal within section 6.1.1 of the application. In summary, the application considers that the NPS-HPL is not a relevant policy statement in this instance, for the following reasons:
- a) The definition of highly productive land refers to clause 3.5(7) for situations before land has been mapped and included in a regional policy statement.
  - b) Clause 3.5(7) requires territorial authorities to apply the NPS-HPL to references of land that are zoned general rural and considered LUC 1, 2 or 3 land.
  - c) The definition of LUC 1, 2 or 3 land means land identified as Land Use Capability Class 1, 2, or 3, as mapped by the New Zealand Land Resource Inventory or by any more detailed mapping that uses the Land Use Capability classification.
  - d) The assessment completed by Sharn Hainsworth and included as Appendix H was undertaken in accordance with the Land Use Capability Survey Handbook (Lynn et al. 2009) and at a more detailed scale (1:15,000) than that mapped by the New Zealand Land Resource Inventory (1:50,000 scale).
  - e) This assessment determined that the land is LUC Class 4w and 6w and does not contain Highly Productive Land (LUC 1, 2 or 3 land).
207. Of particular note, the technical report supplied by the Applicant, Appendix H of the application, specifically addresses the land use capability (LUC) of the application site. It is a site-specific assessment. In summary, the report concluded that the LUC of the site was more suited to that of Class 4 and 6 soils after more detailed mapping had been completed.

208. As outlined above, the application, and appended Versatile Land assessment, was lodged with Council prior to the NPS-HPL coming into force. Following the 17 October 2022 date, when the NPS-HPL came into force, closer attention was given to the relationship between the Plan Change Proposal and the NPS-HPL.
209. The Council engaged a peer review focused on the methodology used to ensure that industry best practice was followed in arriving at the stated conclusion for the application site. The peer review, completed by Esther Dykstra of EcoAgriLogic Ltd, is included as Appendix G of this report. It acknowledges that the report by Mr Hainsworth predated the NPS-HPL coming into force and concludes that, in their professional opinion, the conclusions of Mr Hainsworth can be considered adequate. The peer review did not assess the transitional definition of the NPS-HPL of the site with regard to the potential urban development or proposed rezoning as insufficient information had been provided at that time.
210. On 18 January 2023, the Applicant further submitted to Council a legal memorandum, addressing the application of the NPS-HPL to the Plan Change Proposal. This memorandum concluded was that the NPS-HPL is not applicable to the consideration of the Plan Change Request. It is noted that in response to the Panel’s Minute dated 28 March 2023, Council has provided its own legal opinion addressing this matter, concluding that the land should be regarded as Highly Productive Land and therefore subject to the NPS-HPL.
211. At the time of writing this report, Horizons Regional Council (“HRC”) has not yet notified changes to its regional policy statement to give effect to the NPS-HPL. However, it has until 17 October 2025 (being 3 years from the commencement date of the NPS-HPL) to do so. In the meantime, an “interim” definition of highly productive land applies, under clause 3.5(7) of the NPSHPL.
212. I also note that at the time of writing the report, myself any the planning expert for the Applicant have undertaken conferencing as per the Panel’s Minute dated 28 March 2023 in response to the provision of the Council’s legal opinion in this matter, circulated on 21 April 2023. The outcome of this is perhaps unsurprising as it depends on which legal advice we are each relying upon.

- a) I rely on the advice given on behalf of the Council, that the nearest equivalent zoning is “General Rural Zone” and it is therefore HPL under the transitional provisions.
  - b) The Applicant’s site-specific assessment is not “more detailed mapping” to exclude the land from the transitional definition of HPL.
  - c) The site has not been identified for future urban development by Council and it is not excluded from being HPL for this reason either.
213. Based on the advice that I have received, I consider that the NPS-HPL is relevant. I note that the Applicant intends to provide a “back up” assessment/position that intends to assess the request against clause 3.6(4) of the NPS-HPL. At the time of writing this report I have not seen this position/assessment. and so I cannot provide any further comment on this.
214. If the Panel accept the Council’s legal advice that the land is to be regarded as HPL, my conclusion based on current information is that clause 3.6(4) has not been satisfied. It is my opinion that in order for the Plan Change Proposal to be considered appropriate, it would need to pass the test outlined in clause 3.6(4) of the NPS-HPL.

#### **National Environmental Standard for Freshwater 2020**

215. Similar to the NPS-FM the National Environmental Standards for Freshwater 2020 (“NES-FW”) came into force in 2020. The NES-FW establishes requirements for carrying out certain activities that pose risks to freshwater and freshwater ecosystems. These provisions are relevant insofar as they relate to the existing watercourses and drainage systems, springs and any potential wetlands that have been identified within the site.
216. However, pursuant to Regulation 5, these regulations deal with the functions of regional councils and not with the functions of territorial authorities. Therefore, potential future infringements of the regulations will require resource consent application to the relevant regional council, which in this instance would be HRC.
217. It is acknowledged that potential future compliance, or otherwise, with NES-FW is not technically a relevant consideration as part of this Plan Change Proposal. However, as

referred to above, the application of these standards has informed the initial assessment of the Plan Change Proposal undertaken by Council.

218. The Applicant has addressed the NES-FM in section 6.1.6 of the application and outlines:

- a) As part of the further information stage, Council requested further consultation with Horizon's Regional Council over the stormwater aspects of the plan change application. Concern was raised on the proposed location of the constructed wetland for stormwater treatment and attenuation that is adjacent to the area assessed as a 'natural inland wetland' by Forbes Ecology. Council sought to understand how Horizon's Regional Council would view an application to discharge stormwater at this location, considering the implications under the NES-F.
- b) The results of this discussion led to an alternative location being explored. The GHD report (Appendix C) was revised to include an Option B which locates the stormwater attenuation pond 100m from the natural inland wetland. While this would involve additional earthworks, it would avoid the discharge associated with stormwater treatment being a non-complying activity under the NES-F.

219. It is noted that Part 3, clause 54 of the NES-FM states that the taking, use, damming, diversion, or discharge of water within, or within a 100m setback from a natural wetland is a non-complying activity under the NES-FM. After assessing the application, Council held concern that the primary stormwater management option for the application site (Option A) would likely trigger a requirement to obtain a resource consent under the NES-FM at a Non-Complying Activity level. This meant Council was concerned whether there was a feasible stormwater management option available for the application based on the information presented. Option B does not trigger the need for a Non-Complying Activity under regulation.

220. In response to the Panel's direction, the stormwater experts have prepared a JWS in regard to stormwater matters. This statement concludes that both Option A and Option B are feasible from an engineering opinion. This JWS does not address the specific uncertainty with regard to Option A and the application of the NES-FM to this Option.

221. In my opinion, the inclusion of Option A in the request is not supported due to the uncertainty raised by the Non-Complying Activity status for this method of stormwater management. This opinion is not intended to predetermine the outcome of such a consent process but rather is to highlight that this option does not provide for Council to undertake its functions under section 31 of the Act for the purpose of giving effect to the RMA itself.
222. The inclusion of Option B by the Applicant, in conjunction with the JWS prepared by the stormwater experts and the Advice prepared by Mr Bell, is in opinion, the preferred stormwater management option for the Plan Change Proposal.

**National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011**

223. The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (“NES-CS”) were gazetted on 13<sup>th</sup> October 2011 and took effect on 1st January 2012. The standards are applicable if the land in question is, or has been, or is more likely than not to have been used for a hazardous activity or industry and the Applicant proposes to subdivide or change the use of the land, or disturb the soil, or remove or replace a fuel storage system.
224. This standard is addressed by the Applicant within section 6.1.5 of the application where it is concluded that consent under the NES-CS would not be triggered by the proposed change in use of the land. A preliminary site investigation has been undertaken and supplied by the Applicant. The Applicant has included this assessment in Appendix G to the application. I concur with this assessment and no further assessment is considered to be necessary as part of the consideration of the request.

**Horizons Regional Council: One Plan**

225. Section 75(3)(c) states that a District Plan must give effect to any Regional Policy Statement and Section 75(4)(b) states that a District Plan must not be inconsistent with a Regional Plan for any matter specified in Section 30(1). The application contains an assessment of the Horizons One Plan in section 6.3 of the application and in Appendix J of the application. This assessment concludes that the proposed changes to the

District Plan will give effect to the policy direction set out in the One Plan. I agree with the Applicant's assessment that the proposed changes will give effect to the policy set by the One Plan.

226. The Applicant considers that the application site is not subject to natural hazards that would prevent development on the land. Furthermore, from a Regional Plan and Regional Policy Statement perspective, the application site can be considered as not being versatile land. Infrastructure is also available within the Rongotea network to provide for the integrated provision of infrastructure and urban development. The proposal is also considered to give effect to the provisions relating to Te Ao Māori. I concur with these assessments.
227. It is noted that the establishment of activities within the Site will either need to meet the permitted activity conditions of this plan, or be required to obtain a resource consent. I agree that the effects associated with stormwater discharges from future development of the Site will therefore be considered at the time of detailed development, and note that there is nothing particular about the Site or its proximity to other land uses that I would consider would impede the ability to appropriately mitigate effects such that consent could be obtained. This is in relation to the Option B stormwater proposal and not Option A.
228. I also note that Horizons, in their submission, did not raise any concerns with the incompatibility of the development of the Plan Change Proposal with the provisions of the One Plan.

### **Plans of Adjacent Territorial Authorities**

229. I do not consider there to be any directly relevant provisions in the District Plans of neighbouring territorial authorities that are affected by the Proposed Plan Change. Matters of cross-boundary interest are outlined in the District Plan (Section 11 – Cross Boundary Issues) and I do not consider that any of the identified issues are applicable to the Proposed Plan Change request.

### **Manawatu District Plan**

230. The Manawatu District Plan (“**MDP**”) has been operative since 1 December 2002 and has been subject to a number of operative plan changes as part of a rolling District Plan



review process. As a result, the District Plan has been separated into two separate parts. Part 1 – Reviewed Plan and Part 2 – Generation 1 District Plan. I do not intend to repeat the structure here as it can be readily accessed on the Council Website. I will note that there are a number various sections within the Plan that are relevant to the Plan Change Proposal. These include:

- a) Section 4 – Managing Land Use Effects (Part 2)
- b) Section 5 – Subdivision (Part 2)
- c) Chapter 3 – District Wide Rules (Part 1)
- d) Rule B2 – Village Zones (Part 2)
- e) Rule C2 – Zone Standards (Part 2)

231. As outlined above in this report, the Proposed Plan Change seeks a rezoning of the site from Rural 2 to Village Zone through the introduction of a new chapter within Part 1 of the Operative District Plan named “Chapter 17 - Rongotea South Development Area”. Subsequent amendments are also required to Section 4, Rule B2 and Rule C2 as outlined above and in Appendix I of the application. A new Appendix 17A is proposed being the “Rongotea South Structure Plan”.

232. An assessment of the proposal against the objectives and policies of the MDP has been undertaken by the Applicant within Section 6.4 and Appendix J of the application. I accept the assessment of the objectives provided by the Applicant.

233. It is acknowledged that MDC is in the middle of a review process with regard to the MDP, it is indicated that the district plan will be moving to align with the structure specified in the National Planning Standards. The Applicant’s approach, to align the structure of the Proposed Plan Change with the National Planning Standards structure, rather than the operative structure, is considered appropriate.

#### **Other Non-Statutory Documents**

234. The Applicant has also provided an assessment of the following non-statutory documents:

- a) Manawatu District Housing Strategy
- b) Iwi Planning Documents

- c) MDC Walking and Cycling Strategy 2020

235. I concur with the Applicant's assessment of these documents and do not add anything further here. I consider that the intent of the Proposed Plan Change request is consistent with these documents. The proposed planning provisions aim to address housing choice, Te ao Māori principles and walking and cycling through the subdivision and development process.

#### **L. SECTION 31 EVALUATION**

236. As outlined earlier in this report, the RMA, under section 31, sets the relevant functions of the Council that are to be maintained when evaluating appropriateness. I consider that the Proposed Plan Change is considered to be consistent with these functions given that the Plan Change Proposal:

- a) Establishes objectives, policies and methods that will ensure the integrated management of the effects of the use and development of the site.
- b) Establishes objectives, policies and methods that will enable development of this site.
- c) Demonstrates that there is sufficient infrastructure solutions and capacity available to adequately provide for the development of the site in an efficient and effective manner.
- d) Can control any actual or potential effects that may arise from the use and development of the site through the proposed planning framework.
- e) Has demonstrated that the flood risk within the application site can be avoided and mitigated.
- f) Has demonstrated that there are no land contamination risks at the site to prevent it from being suitable for residential development.
- g) Has demonstrated that there are no significant indigenous biological diversity factors present within the development site. However, the Plan Change proposes to restore a wetland within the plan change area.
- h) There are adequate provisions within the existing District Plan to assess noise impact from future development. Any adverse effects generated from noise can be assessed at the future consenting phase.

#### **M. SECTION 32 EVALUATION**

237. Section 32(1)(a) of the RMA requires assessment of whether the objectives of a plan change are the most appropriate way for achieving the purpose of the RMA in Part 2. Section 72 of the Act also states that the purpose of the preparation, implementation, and administration of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of the RMA. In addition, section 74(1) provides that a territorial authority must prepare and change its district plan in accordance with the provisions of Part 2.
238. Section 32(1) states that an evaluation must:
- a. Examine the extent to which the objectives and policies of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and
  - b. Examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by –
    - i. Identifying other reasonable practicable options for achieving the objectives; and
    - ii. Assessing the efficiency and effectiveness of the provisions in achieving the objectives; and
    - iii. Summarising the reasons for deciding on the provisions; and
  - c. Contain a level of detail that corresponds to the scale and significance of the environment, economic, social and cultural effects that are anticipated from the implementation of the proposal.
239. An assessment under section 32(1)(b)(ii) must –
- a. Identify and assess the benefits and costs of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for –
    - i. Economic growth that are anticipated to be provided or reduced; and
    - ii. Employment that are anticipated to be provided or reduced; and
  - b. If practicable quantify the benefits and costs referred to in paragraph (a); and
  - c. Assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.
240. MDC, in addition to meeting their requirements under s74 and s75 of the RMA is also required to meet a number of specific matters contained in s32 of the RMA relating to costs and benefits, risks of acting or not acting, efficiency and effectiveness, economic growth and employment.

241. An evaluation of alternatives, benefits and costs of a plan change and an evaluation report are required to be carried out by a person requesting a private plan change and this is to be made available for public inspection prior to public notification. (This material was placed on Council’s website at notification as part of the submissions process). A further assessment is required to be made by Council prior to making a decision on the plan change. Section 32 analysis is an evolving process and information presented in Hearing evidence will also contribute to the Hearing Panel’s deliberations.
242. The Applicant has provided a section 32 analysis as part of the Proposed Plan Change application. This firstly sets out the legislative requirements and considerations for a Section 32 Evaluation. Secondly it assesses the three evaluation steps under Section 32 of the RMA, these being:
- a) Examine the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA.
  - b) Examine whether the provisions in the proposal are the most appropriate way to achieve the objectives.
  - c) Assessment of other practicable design options for achieving the objectives.

**Evaluation of the Plan Change Proposal (including recommended modifications) against the MDP Objectives**

243. Section 4 of Part 2 of the MDP contains the General Objectives that apply to managing land use effects within the District. Having regard to Objectives LU1 to LU 37 in Section 4, I consider the following objectives are relevant to the Plan Change Proposal:
- a) LU1 – To recognise the potential adverse effects of activities upon the natural and physical environment, land and ecosystems and to avoid, remedy or mitigate these effects.
  - b) LU2 – To protect present and future District residents from potential adverse effects of land uses upon their amenities and their health and safety.
  - c) LU3 – To foster a climate where the District’s people can provide for their social and economic and cultural wellbeing and for their health and safety.
  - d) LU4 - To recognise the need for the Tangata Whenua to be able to use their land and traditional resources according to their cultural heritage.

- e) LU5 – To maintain and enhance the amenity values which make the District a pleasant place to live in and visit.
- f) LU6 – To promote integrated management of land and water resources.
- g) LU13 – To maintain and develop the unique character and separate identity of the District’s smaller settlements, namely Kimbolton, Apiti, Halcombe, Bunnythorpe, Longburn, Sanson, Rongotea, Himatangi Beach and Tangimoana. This distinctive “village” character is different from Palmerston North and Feilding, and results from elements such as:
  - i) A low density of residential development with larger section sizes and more open space.
  - ii) Different road formation standards with less concrete and asphalt and more grass and shrubs.
  - iii) Closer access to, and similarities with, the countryside.
- h) LU14 - To maintain or enhance the residential amenity within those communities, which includes:
  - i) A mixture of residential, commercial, service, industrial and community activities is achieved while protecting and enhancing the amenities of the village as a place to live.
  - ii) Access to adequate sunlight for residents’ homes and properties, without prolonged shadowing from buildings, trees or structures on other sites.
  - iii) Residents are not subjected to fumes, smoke or odour problems.
  - iv) A level of aural and visual privacy consistent with small township living, with a quiet neighbourhood at night. (Refer also: Objective LU 25).
  - v) A green, well-treed appearance and open streetscape, with planting on streets and in public places wherever possible, and with ample room for planting on private sections and front yards.
  - vi) Most vehicle parking being provided on-site rather than on the street
  - vii) Residents have access to public open space and to recreational and social opportunities, e.g. places of assembly, education facilities and community services. Adequate access is provided to these places for people with disabilities.
  - viii) The township generally has a tidy appearance.

- ix) Neighbourhood streets cater for pedestrians and local traffic rather than encouraging through traffic. Street design promotes traffic safety and recognises that walking and cycling are important methods of transport.
- x) Problems associated with dogs and other wandering, dangerous or noisy animals are kept to a minimum. Stock droving does not occur through the centre of the village.
- xi) Recognising that some of the villages are sited near broad-impact land uses.
- xii) A high level of amenity and avoidance of those activities that can detract from this including unfinished or derelict buildings, piles of junk and car bodies being stored outside. (Issue 5) (Refer also: Objective LU 5).
- j) LU25 – To avoid, remedy or mitigate the adverse effects of noise upon people’s health and amenities.
- k) LU26 – To minimise the risk to people and the environment from the use, transport and storage of hazardous substances and from contaminated sites.

**Assessment**

- 244. The objectives outlined above place emphasis on the protection of amenity values within the District, providing for integrated infrastructure, and avoiding remedying and mitigating adverse effects on amenities.
- 245. Plan Change Proposal includes the introduction of a new development chapter to manage subdivision within the Rongotea South Development Area. This also includes the introduction of a structure plan and planning framework to guide future subdivision and application requirements of such. As detailed in this report, the proposed framework introduces new objectives, policies and methods to ensure positive outcomes are achieved within the area.
- 246. All subdivision is to enter at a Restricted Discretionary Activity (RDA) level with prescribed matters of discretion to ensure amenity values, infrastructure provision and effects are adequately addressed. Applications are required to provide both a Comprehensive Development Plan and an Integrated Stormwater Management Plan to ensure that the development occurs in accordance with the objectives and policies of the Chapter 17.

247. The objectives and policies of Chapter 17 are consistent with the objectives of the MDP and in some instances, the proposed framework is considered to be more directive and seek to ensure a greater level of protection is provided for this area. Therefore, the proposed objectives are considered to be the most appropriate way to give effect to the RMA.
248. Having considered the proposed provisions, I believe these are the most appropriate and effective way to not only achieve the Chapter 17 Objectives but also the existing objectives of the MDP outlined above. This is for the following reasons:
- a) The RDA framework ensures that all future subdivision applications address the specific matters of discretion under this rule. These matters are consistent with the existing District Plan approach and in some instances more stringent.
  - b) The matters of discretion place emphasis on ensure amenity values are maintained and enhanced and a good quality built environment is provided for.
  - c) The Comprehensive Development Plan and Stormwater Plan requirements will ensure subdivision is present in an integrated manner that considers the entire development area and ensures decisions are made that provide for the integrated provision of infrastructure across the whole site.
249. Section 5 of Part 2 of the MDP contains the General Objectives that apply to managing subdivision within the District. Having regard to Objectives S1 to S11 in Section 5, I consider the following objectives are relevant to the Plan Change Proposal:
- a) S1 – To protect the life-supporting capacity of the District’s rural soils, particularly the versatile land, and to maintain the opportunity for them to be used for a wide range of options in the future.
  - b) S3 - To maintain a distinct difference in landscape appearance and character between urban and rural areas.
  - c) S4 - To avoid the potential effects of unserviced subdivision upon the District’s residents by ensuring that water supply, stormwater disposal and farm drainage needs are taken into account.
  - d) S6 - To ensure that the potential risk to future buildings from natural hazards is considered for each new allotment.

- e) S7 – To ensure that new driveways or roads resulting from subdivision do not unduly detract from traffic safety and efficiency.
- f) S8 – To provide for urban growth that adjoins existing urban areas and manage that growth to avoid, remedy or mitigate adverse effects through the design of safe, integrated infrastructure networks and the efficient use and development of land.
- g) S9 - To develop useful, attractive and sustainable urban neighbourhoods where:
  - (a) A range of lot sizes and housing types can be developed, in accordance with the existing character and context of each area.
  - (b) People have maximum accessibility to each other using vehicular and non-vehicular (pedestrian and cycling) transport networks to neighbourhood centres and reserves which provide for their needs.
  - (c) Public health and safety is promoted through good design of local streets, neighbourhood centres and reserves to ensure easy access and connectivity.
  - (d) 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.
  - (e) New urban areas establish an identity that is based on positive elements of Feilding’s established urban character and amenity, and recognise and maintain the ecological, cultural and historic heritage values of the site and surrounding area.
  - (f) Urban land is developed and used effectively ensuring larger residential lots retain the potential for planned and well-designed intensification.
  - (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.
  - (h) Public safety is maintained through good subdivision design that avoids or mitigates identified natural hazards.
- h) S10 – To create urban lots that have a size and shape that enables urban use.



- i) S11 - To avoid adverse effects on the natural values of streams, lakes, wetlands, the coastal area and indigenous forest areas arising from fragmentation of land ownership.

**Assessment**

- 250. As outlined above, I consider that the proposed objectives for Chapter 17 identify similar matters and seek similar outcomes to the objectives outlined in Section 5 of the MDP.
- 251. The Plan Change Proposal, in particular the proposed planning framework, is considered to be the most appropriate and effective way to give effect to these objectives.
- 252. It is noted that S1 and S8 addresses the protection of versatile soils within the District. As outlined below, I consider that I am unable to completely assess whether the proposed objectives are the most appropriate means of achieving the purpose of the Act due to the insufficient level of information with regard to Highly Productive Land matter as outlined above in this report. I am also unable to conclude that the Plan Change Proposal is an appropriate use of the site.
- 253. I do however consider the Plan Change Proposal to align with the objectives outlined above in that the proposed framework aims to protect amenity values and ensure there is adequate provision of infrastructure for development of the site. The framework also provides for a quality built environment for the reasons discussed elsewhere in this report.
- 254. I refer to the Council's technical advice of Mr Williams, Mr Bell, Ms Thompson and Mr Johnstone that all confirm that the Proposed Plan Change addresses the matters related to each of these technical experts areas of expertise.

**Identification of Alternatives:**

- 255. Given the nature of this application being a Private Plan Change put forward by a private Applicant, there was limited scope to consider an alternative growth area. The Applicant has provided an assessment of the following alternatives:
  - a) Status Quo
  - b) Apply Village Zoning as it currently stands with no Structure Plan

c) The Plan Change Proposal

256. It is noted that the process of development of the Plan Change Request has been based on careful evaluation of alternatives based on inputs from a wide range of experts influencing the design process throughout the process.
257. Overall, based on the information provided at the time, I generally agree the proposed Plan Change subject to recommended modifications is an appropriate use of the site and is an appropriate way to give effect to various objectives of the District Plan. However, due to the insufficient level of information with regard to Highly Productive Land matter as outlined above in this report. I am also unable to absolutely conclude that the Plan Change Proposal is an appropriate use of the site.

**Benefits and Costs**

258. Overall, I broadly agree with the Applicant that the Proposed Plan Change will result in significant community and environmental benefits while ensuring the flood management performance and infrastructure is protected subject to the recommendations provided in this planning report.
259. Overall, the costs in benefits of the proposed Plan Change are considered to be acceptable.

**Level of Detail Corresponds to Scale and Significance of Anticipated Effects**

260. I consider that the section 32 evaluation undertaken in the Plan Change Proposal, and this further evaluation, are sufficiently detailed as to correspond to the scale and significance of anticipated effects.
261. It is acknowledged that the scale and significance of the environmental, economic, social, and cultural effects anticipated from the implementation of the Proposed Plan Change is significant. I am comfortable the planning evaluation, technical reports and evidence and wider strategic considerations have ensured the level of detail informing the Plan Change Proposal is sufficient to meet the requirements of section 32.

**The Risk of Acting or Not Acting**

262. Overall, I do not consider that there is sufficient information relating to the subject matter of the plan change to make a decision on whether to accept, accept with modifications or reject it. Notwithstanding this I have signalled areas where more information may be provided at or before the hearing including with respect to the matter of HPL.
263. Overall, I consider that the risk of acting in light of these uncertainties and gaps in information, at this stage, would prevent the Plan Change from being approved.

### **Summary**

264. Based on the assessment undertaken by the Applicant in their section 32 analysis, the Applicant has concluded that the Proposed Plan Change is considered to be the most appropriate way to achieve the purpose of the Act. The proposed objectives for the Rongotea South Development area considered to be efficient and effective. The costs and benefits to the proposal have been assessed against other viable options to conclude that the PPC is the best option for delivering social, environmental, cultural and economic benefits.
265. I generally agree with the Applicant's assessment however, at this point in time, I consider that I am unable to completely assess whether the proposed objectives are the most appropriate means of achieving the purpose of the Act due to the insufficient level of information with regard to Highly Productive Land matter as outlined above in this report. I am also unable to conclude that the Plan Change Proposal is an appropriate use of the site.
266. In my view, the key factors in this assessment that need to be weighed up before determining that the proposal is the most appropriate approach to achieving the purpose of the RMA is whether, pursuant to clause 3.6 (4) and (5) of the NPS-HPL, the significance of the development capacity, and the benefits of such, outweighs the protection of Highly Productive Land under the NPS – HPL: 2022. With the express exception of the issue regarding the NPS-HPL and highly productive land, I consider:
- a) Based on the assessment completed in this report, I consider that the Plan Change Proposal, with the modifications recommended, is the most appropriate way to give effect to the objectives.

- b) Based on the assessment completed in this report, I consider that the Plan Change will result in significant community and environmental benefits while ensuring flood management performance and infrastructure is protected.
- c) The costs and benefits of the Proposed Plan Change are considered acceptable.
- d) I consider that the level of detail provided and level of evaluation and assessment that has been undertaken, are sufficiently detailed and correspond to the scale and significance of anticipated effects.

267. I also consider it relevant to undertake a specific evaluation of the Proposed Plan Change where I have recommended modifications to the to the planning framework. In particular, I have recommended that an additional provision is included to ensure adequate provisions are in place to manage the interface between the plan change area and the adjoining properties along Florin Lane. I consider this approach aligns with the further evaluation requirements of s32AA of the RMA.

268. I consider these modifications to be consistent with the theme of the Plan Change Proposal and thus, consider the evaluation provided by the Applicant, in regard to section 32, to carry over to the proposed modifications.

## **N. PART 2 MATTERS**

269. Under s 74(1)(b), any changes to the Plan must be in accordance with the provisions of Part 2 of the RMA. This sets out the purpose of the RMA (s 5), matters of national importance that must be recognised and provided for (s 6) and other matters that particular regard is to be had to (s 7).

270. I consider that the purpose of the RMA is currently reflected in the settled objectives and policies of the Manawatu District Plan which the Proposed Plan Change does not seek to change. The Proposed Plan Change instead seeks to introduce a new chapter in addition to the existing plan objectives that will further manage development within the new area. The appropriateness of the purpose of the plan change in achieving the purpose of the RMA is also a requirement under s 32, which is considered above.

271. The matter of the NPS-HPL, relates directly to section 5(2)(a) and (b) sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations and safeguarding the life-supporting capacity of soil.
272. These matters are directly relevant section 5 matters that, at this stage, have not been satisfied due to the incomplete level of information in this issue.
273. With the exception of the HPL matter, I do not consider any matter of national importance under s 6 to be of relevance to the Proposed Plan Change. In terms of other matters set out in s 7 of the RMA, I consider that the efficient use and development of natural and physical resources (s7(b)), the maintenance and enhancement of amenity values (s 7(c)) and the quality of the environment (s7(f)), and the finite characteristics of natural and physical resources (s7(g)) are relevant to the plan change. I consider these are matters that are ultimately considered in the effects assessment and submissions set out above.
274. I am unable to confidently come to an overall conclusion as to whether The Proposed Plan Change achieves the purpose of the RMA due to the insufficient level of information with regard to the Highly Productive Land matter outlined above in this report, which is relevant to matters under s 5(2)(a) and (b), and s 7(f). As I consider that the NPS distils these issues in the context of the protection of highly productive soil, I cannot say that the Proposed Plan Change promotes the sustainable management purpose of the RMA.

## **O. CONCLUSIONS AND RECOMMENDATIONS**

275. Having assessed the Plan Change Proposal in relation to key issues raised in submissions and through technical evidence and against the relevant statutory requirements I have reached the conclusion that it is broadly appropriate. Therefore, there are aspects of the Proposed Plan Change that I can support, including:
- a) That the potential landscape, visual, amenity and character effects from the development area can be appropriately mitigated over time to a minor effect;
  - b) The adverse social impacts of the proposal will be minimal and there will be some positive social impacts;

- c) The long-term positive effects associated with new walking and cycling infrastructure, impacts on community, culture, health and wellbeing and amenity/quality of life outweigh the potential adverse effects;
- d) The Applicant has attempted to address cultural values and is continuing to participate in ongoing dialogue. I am of the opinion that cultural values have been addressed to an appropriate extent within the Proposed Plan Change.
- e) The urban design components of the proposal can be appropriately mitigated or managed;
- f) The economic benefits of PPC81 are positive and construction of residential housing will provide positive outcomes for housing supply;
- g) Any potential noise effects will be appropriately managed and mitigated through the existing MDP provisions and will maintain an acceptable level of amenity at the surrounding dwellings;
- h) The site is geotechnically suitable for residential development;
- i) Any adverse effects in relation to archaeology or heritage will be acceptable;
- j) The impacts from earthworks will be acceptable provided all excavation and fill is undertaken in accordance with industry best practice;
- k) Adequate provision for open/green spaces have been made within the development area and I accept that additional areas can be determined at the time of subdivision consent.
- l) Reverse Sensitivity Effects can be managed within the proposed development through appropriate mitigation and management of potential effects;
- m) Effects in relation to transport and roading infrastructure can be appropriately managed.
- n) That the development area is serviceable in terms of stormwater treatment and control. However, this will be subject to further investigation and detailed engineering design at the Resource Consent stage for the development to meet MDC's level of service and avoid adverse effects on the neighbouring properties, asset owners and receiving environment.

276. In one particular area, I recommend modifications. These areas relate to the management of the interface between the application site and the adjoining properties along Florin Lane. I consider that these modifications are appropriate having regard to

submissions, technical advice and with respect to relevant District Plan and Regional Policy Statement provisions.

277. As outlined above however, I am unable to confidently come to an overall conclusion as to whether The Proposed Plan Change achieves the purpose of the RMA due to the insufficient level of information with regard to the Highly Productive Land matter outlined above in this report. I consider that the NPS distils these issues in the context of the protection of highly productive soil, I cannot say that the Proposed Plan Change promotes the sustainable management purpose of the RMA.

278. At this time, I have not made a specific recommendation on the Proposed Plan Change due to the outstanding information. It is recommended that the Applicant provide further assessment of matters in relation to the NPS-HPL before a final recommendation can be made.

## **P. APPENDICES**

**Appendix A: Summary of Submissions**

**Appendix B: Section 42A of Mr Bell – Stormwater**

**Appendix C: Section 42A of Mr Williams – Urban Design**

**Appendix D: Section 42 A of Ms Thompson - Infrastructure**

**Appendix E: Section 42A of Mr Johnstone – Parks and Recreation**

**Appendix F: Peer Review Report of Mr Kelly – Roading**

**Appendix G: Peer Review Report of Ms Dykstra – Soils**

**Appendix H: Strategic Planning Memorandum of Mr Mackay**

**Daniel Batley**

**28 April 2023**