

WANGANUI DISTRICT COUNCIL

Subject: **Plan Change 27 – Subdivision, Earthworks and Infrastructure Decision on Submissions**

Meeting Date: **6th, 7th, 15th and 16th May 2013**

1.0 INTRODUCTION

- 1.1 The Resource Management Act 1991 (RMA) requires each part of the District Plan to be reviewed not later than 10 years after the Plan becomes operative. The Plan was made operative on 27 February 2004. In accordance with Section 73(3) of the RMA, Council is presently reviewing the District Plan in Phases. This Plan Change is part of a series of changes proposed as part of Phase 2.
- 1.2 This report records the public notification and hearing process in relation to Plan Change 27. It records the Hearings and Regulatory Committee's decision made pursuant to its delegated authority to hear and determine all District Plan Changes, except for those delegated to an Independent Commissioner.

2.0 PROCEDURAL MATTERS

- 2.1 The Hearing was convened to hear submissions on 6th, 7th, 15th and 16th May 2013. The Committee then closed the meeting at 12.30pm on 16th May, and deliberated on relevant submissions on the 16th May and 27th June 2013.
- 2.2 The Hearings Panel members were: Councillors Sue Westwood (Chair), Hamish McDouall, Nicki Higgie, Jack Bullock, Rob Vinsen and Randhir Dahya.
- 2.3 Submitters who presented or tabled information to support or expand their submissions were:
- New Zealand Historic Places Trust (Submitter 14)
 - Michael O'Sullivan, Steven Archer, Victoria Loughlin – Drover, Robert van Bentum (Submitter 3 and 17 to 26)
 - Jamie O'Leary (Further Submitter 1)
 - Horizons Regional Council (Submitter 11 and Further Submitter 2)
 - William Simmons (Further Submitter 2)
 - New Zealand Fire Service Commission (Submitter 1)
 - Ultrafast Fibre Limited (Submitter 16)
 - Kiwi Rail (Submitter 12)
 - Transpower Limited (Submitter 2)
 - New Zealand Transport Agency (NZTA) (Further Submitter 3)
 - Lance Attrill (Submitter 4 to 10)
 - Powerco Limited (Submitter 13)
 - Z Energy Limited, BP Oil NZ Limited, Mobil Oil NZ Limited (the Oil Companies) (Submitter 15)

- 2.4 Plan Change 27 was publicly notified in accordance with Clause 5 of the 1st Schedule of the Resource Management Act 1991 on 1st November 2012, with the period for submissions closing on 4th December 2012.
- 2.5 A total of 28 submissions were received. All submissions were summarised along with the decisions requested, and this document was publicly notified in accordance with Clause 7 of the First Schedule of the Act.
- 2.6 The further submission period closed on 13th February 2013. Four further submissions were received. Further submissions have been summarised, in Appendix 1 to this report, under the relevant original submission.

3.0 SCOPE OF THE PROPOSED PLAN CHANGE

- 3.1 The Plan Change reviews the Objectives, Policies and other provisions in the Operative District Plan relating to Subdivision, Earthworks and Infrastructure.
- 3.2 The findings of Subdivision, *Infrastructure and NZS 4404 in the Wanganui District Plan - Technical Paper 2C – November 2012* highlighted the ambiguity in the Operative Plan, the disconnect between engineering documents and the Plan, and the lack of direction in terms of flexible approaches and urban design which are features of contemporary practice. The Plan Change sought to more closely align Council documents and provide for alternative solutions to infrastructure provisions that incorporate urban design principles.
- 3.3 The Plan Change also recognises the difficulty in achieving sustainable subdivision where there is a lack of information on the available capacity in Council's infrastructure networks, and the idea that growth needs to be managed in order to fairly distribute the costs associated with development and reduce the cost to the ratepayer. Minimum site sizes have been established in order to provide clear direction in terms of what levels of service should be provided. In addition, provisions have been included promoting alternative infrastructure designs to enable growth, while avoiding or mitigating adverse effects on infrastructure capacity and reducing cost to the community.
- 3.4 The Plan Change seeks to protect the outcomes of *draft Springvale Structure Plan*, which is still in draft form and not adopted by Council. The Plan Change has also informed the development of the Springvale Indicative Future Development Area. This includes a concept plan identifying the general location of anticipated infrastructure needs.
- 3.5 NZS 4404: 2004 and the Wanganui specific supplement document are to be embedded in the Plan. This includes the introduction of the associated themes of urban design and flexibility from NZS 4404:2010, particularly regarding the management of stormwater including a catchment based approach.
- 3.6 The default activity status is amended to Restricted Discretionary and minimum allotment sizes are introduced in the residential zone. This is linked to provisions that recognise that there are deficiencies in the capacity and level of service available from reticulated infrastructure in some areas and insufficient knowledge about the reticulated network as a whole.
- 3.7 Earthworks provisions are introduced into the Plan.
- 3.8 As the topics in Plan Change 27 generally apply district wide, the Plan Change supports amendments made in other areas of the Plan by Plan Changes 23 to 26, and Plan Change 28. In particular in setting minimum allotment sizes and subdivision activity status.

4.0 RELEVANT STATUTORY CONSIDERATIONS

4.1 RMA PART II CONSIDERATIONS

Sustainable management is defined in the Resource Management Act 1991 as meaning “managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while –

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

4.2 In accordance with Section 5 of the Resource Management Act, Plan Change 27 has been developed with a focus on providing for the Community’s health and safety and social and economic wellbeing whilst avoiding or mitigating any adverse effects of activities on the environment, including people and property.

4.3 Objectives O4, O17, O40, O41, O42, O43, O44, O45 and OX1 state:

O4 Recognition of Maori Culture and Traditions	<i>Traditional practices and beliefs in resource management are recognised and valued.</i>
O17 Infrastructure Development	<i>Infrastructure development which is co-ordinated, effective and efficient in the use of natural and physical resources to meet the present and foreseeable future needs of the District</i>
O40 Sustainable subdivision and Infrastructure	<p>Sustainable subdivision and infrastructure development in the Residential areas of Wanganui that:</p> <ul style="list-style-type: none"> a. <i>Integrates infrastructure appropriately with land uses;</i> b. <i>Provides a safe, healthy and livable residential environment;</i> c. <i>Connects infrastructure and communities together;</i> d. <i>Is resource and energy efficient;</i> e. <i>Has low environmental impact and integrates the natural environment;</i> f. <i>Avoids or mitigates adverse effects on historic heritage including archaeological sites.</i>
O41 Urban Design, Subdivision and Infrastructure	<p>Subdivision and infrastructure development that demonstrates the following qualities of good urban design defined in the New Zealand Urban Design Protocol:</p> <ul style="list-style-type: none"> a) <i>Context</i> b) <i>Character</i> c) <i>Choice</i> d) <i>Connections</i> e) <i>Creativity</i> f) <i>Collaboration</i> g) <i>Crime Prevention Through Environmental Design (CPTED)</i>
O42 Subdivision qualities	<p>Subdivision and infrastructure development that:</p> <ul style="list-style-type: none"> a. <i>Performs its function effectively,</i> b. <i>Is flexible in design,</i> c. <i>Provides resilience to natural hazards,</i> d. <i>Is durable over its lifespan.</i> e. <i>Provides capacity in reticulated services for the intended future land uses in the catchment;</i> f. <i>Provides for ongoing maintenance;</i> g. <i>Achieves lifecycle costs that are affordable to the community;</i> h. <i>Takes into account the risk of climate change.</i>
O43 Subdivision and Network Utilities	<i>Subdivision and development in Wanganui that does not compromise the effective operation, maintenance, upgrading and development of existing network utilities.</i>
O44 Development and Maori values	<i>Development that avoids or mitigates adverse effects on the cultural values of items and places of significance to Maori.</i>
O45 Quality earthworks	Earthworks and land modification in Wanganui that:

development	<ol style="list-style-type: none"> 1. <i>Maintains or enhances:</i> <ol style="list-style-type: none"> a. <i>Amenity values</i> b. <i>Landforms and natural processes</i> c. <i>The efficiency and effectiveness of infrastructure</i> d. <i>The safety of people and property</i> e. <i>The stability of soils, AND;</i> 2. <i>Has appropriate regard to cultural heritage sites and values.</i>
OX1 Recognising the importance of the Electricity Transmission Network	<i>To recognise the importance of the national grid to the local, regional, and national social and economic well-being by;</i> <ol style="list-style-type: none"> a. <i>Providing for the sustainable, secure and efficient use and development of the electricity transmission network.</i> b. <i>Minimising risks to safety; and</i> c. <i>Preventing sensitive activities and manage the expansion of existing such activities, from locating within a transmission corridor where they would affect or be affected by the transmission line.</i>

- 4.4 The purpose of Plan Change 27 is to update the subdivision and infrastructure provisions of the District Plan to include provisions to manage earthworks, recognise gaps in information around infrastructure capacity, the lack of infrastructure capacity in some areas, increase flexibility, and promote quality urban design through adopting approaches contained within NZS 4404 2010.
- 4.5 As a result of submissions, the Committee included protection for some network infrastructure and cultural heritage, which resulted in the insertion of a new Objective (OX1) to address the protection of electricity transmission infrastructure, and amendments to O40 and O45 to promote the identification and protection of significant heritage items and values. However, the Committee largely retained the key directions of the Plan Change.
- 4.6 Plan change 27, as amended by this decision, is considered to be the most sustainable approach to the environmental issues facing the District in that:
1. It promotes an even handed, but precautionary approach that recognises gaps in knowledge, and the finite nature of physical resources (particularly of infrastructure), by providing for the social and economic well-being of the community by providing flexible and alternative approaches to infrastructure provision to enable growth for future generations;
 2. The health and safety of the community are promoted by improved design quality, the management of risk associated with earthworks to life and property, and the protection of electricity transmission infrastructure.
 3. The cultural well-being of the community is provided for by the identification and protection of cultural heritage, and by incorporating Maori world view into resource management processes.
- 4.7 The actual effect of these changes to the District Plan is detailed in Appendix 1 of this report.
- 4.8 Section 6 of the Resource Management Act 1991 requires all persons exercising functions and powers under it, in relation to the management of use development and protection of natural and physical resources to recognise and provide for matters of national importance, including:
- (e) *The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*
 - (f) *The protection of historic heritage from inappropriate subdivision, use and development.*

4.9 Plan Change 27 is considered to be consistent with Section 6 of the RMA as it include Objectives, Policies and methods that require subdivision, earthworks and infrastructure development to incorporate Maori world views, including practices and beliefs into resource management processes and the move to identify and manage cultural and historic heritage during the development process as follows:

O4 Recognition of Maori Culture and Traditions	<i>Traditional practices and beliefs in resource management are recognised and valued.</i>
O40 Sustainable subdivision and Infrastructure	<i>Sustainable subdivision and infrastructure development in the Residential areas of Wanganui that:</i> a. <i>Appropriately integrates infrastructure with land uses;</i> b. <i>Provides a safe, healthy and livable residential environment;</i> c. <i>Connects infrastructure and communities together;</i> d. <i>Is resource and energy efficient;</i> e. <i>Has low environmental impact and integrates the natural environment;</i> f. <i>Avoids or mitigates adverse effects on historic heritage including archaeological sites.</i>
O44 Development and Maori values	<i>Development that avoids or mitigates adverse effects on the cultural values of items and places of significance to Maori.</i>
O45 Quality earthworks development	<i>Earthworks and land modification in Wanganui that:</i> 1. <i>Maintains or enhances:</i> a. <i>Amenity values</i> b. <i>Landforms and natural processes</i> c. <i>The efficiency and effectiveness of infrastructure</i> d. <i>The safety of people and property</i> e. <i>The stability of soils, AND;</i> 2. <i>Has appropriate regard to cultural heritage sites and values.</i>

4.10 Section 7 requires all persons exercising functions and powers under it, in relation to the management of use development and protection of natural and physical resources to have particular regard to other matters, including:

- (a) *Kaitiakitanga:*
- (b) *The efficient use and development of natural and physical resources.*
- (c) *The maintenance and enhancement of amenity values.*
- (f) *Maintenance and enhancement of the quality of the environment.*
- (i) *The effects of climate change.*

4.11 With regard to (a), Plan Change 27 provides for the excise of kaitiakitanga by developing earthworks provisions that promote involvement of Iwi where there are excavations of large scale, or high risk of uncovering matters of significance to Maori.

4.12 With regard to (b), in recognition of the lack of information on the capacity available in Council's reticulated services and known areas of constraint, the Plan Change promotes restraint in using the infrastructure systems, but enables the development of land by promoting alternative approaches to infrastructure development. This decision

acknowledges that this is not the preferred position, and that the matters contained within the Plan Change will require review as more complete information comes to hand. It is noted that this information is programmed and currently funded. The protection of existing electricity transmission infrastructure has been included as a result of this decision. The Committee acknowledges its responsibilities pursuant to that National Policy Statement for Electricity Transmission (NPSET), and the Proposed One Plan in protecting this infrastructure as a key piece of physical resource critical to provide for economic well-being and the health and safety of the community.

- 4.13 With regard to (c), the promotion of urban design principles by Plan Change 27 seek to improve the amenity of the urban area. In addition, alternative and low impact approaches to the provision of infrastructure promote the incorporation of natural processes and landforms into design and construction including earthworks. These matters have been retained by the Committee.
- 4.14 The matters in (f) are closely aligned to those in (c), but more closely relate to the introduction of an urban design focus.
- 4.15 With regard to (i), climate change has been identified in terms of foresight in developing infrastructure.
- 4.16 Section 8 requires all persons to take into account the principles of the Treaty of Waitangi. It is acknowledged by the Committee that there is an obligation to actively protect the interests of Maori, Iwi, Hapu and Whanau, including traditional practices. These are recognised in Plan Change 27 in general, but more specifically with regard to earthworks and infrastructure development, and sites, items, and values more widely.

O4 Recognition of Maori Culture and Traditions	<i>Traditional practices and beliefs in resource management are recognised and valued.</i>
O42 Subdivision qualities	<i>Subdivision and infrastructure development that:</i> <i>a. Performs its function effectively,</i> <i>b. Is flexible in design,</i> <i>c. Provides resilience to natural hazards,</i> <i>d. Is durable over its lifespan.</i> <i>e. Provides capacity in reticulated services for the intended future land uses in the catchment;</i> <i>f. Provides for ongoing maintenance;</i> <i>g. Achieves lifecycle costs that are affordable to the community;</i> <i>h. Takes into account the risk of climate change.</i>
O44 Development and Maori values	<i>Development that avoids or mitigates adverse effects on the cultural values of items and places of significance to Maori.</i>
O45 Quality earthworks development	<i>Earthworks and land modification in Wanganui that:</i> <i>1. Maintains or enhances:</i> <i>a. Amenity values</i> <i>b. Landforms and natural processes</i> <i>c. The efficiency and effectiveness of infrastructure</i> <i>d. The safety of people and property</i> <i>e. The stability of soils, AND;</i> <i>2. Has appropriate regard to cultural heritage sites and values.</i>

5.0 RELEVANT POLICY STATEMENTS AND PLAN PROVISIONS

5.1 Horizons Regional Council – Regional Policy Statement/ Regional Plan

Sections 75(3) and 75(4) of the Act require that a district plan must give effect to any regional policy statement and must not be inconsistent with any regional plan. Horizons Regional Council's Operative Regional Policy Statement and Proposed One Plan are considered to be relevant to this Plan Change in that they include

requirements around suitable site sizes, the protection of infrastructure, and the management of heritage.

An assessment of how the provisions in Plan Change 27 compare with the objectives and policies of the Operative Regional Policy Statement and the Proposed One Plan are considered in Table 1 below.

Table 1

Operative Regional Policy Statement (RPS)		Proposed Plan Change 27
Objectives	Policy	Evaluation
Obj. 1 To take into account the principles of Te Tiriti o Waitangi (Treaty of Waitangi)	1.1 To actively protect the resource management interests of nga hapu and nga iwi of the Manawatu-Wanganui Region in their lands and resources.	Objectives O4 and O44 give effect to RPS Objective 1 directly.
Obj. 2 To provide for participation by nga hapu and nga iwi of the Manawatu-Wanganui Region in resource management planning and decision making.	2.1 To recognise nga hapu and nga iwi of the Manawatu-Wanganui Region as Treaty (Te Tiriti o Waitangi - Treaty of Waitangi) partners in resource management and to provide for their participation in Regional Plans and resource consent decisions.	Objective O4 gives effect to RPS Objective 2 directly.
Obj 6. To avoid, remedy or mitigate the adverse effects of urban development.	6.1 In providing for urban development the social, economic and environmental costs of development are to be considered by taking into account the following matters: c. the protection of intrinsic values, amenity values, heritage and cultural values, and the natural features and landscapes of the Region; d. the protection of areas of cultural, spiritual or historic significance to Maori; e. the efficient use of resources, including energy, transport and utility infrastructure.	Objective O40 gives effect to the Objectives and Policies of the RPS by promoting low impact subdivision and infrastructure development and historic heritage. Objective 41 gives effect to the Objectives and Policies of the RPS by promoting the qualities of good urban design contained in the New Zealand Urban Design Protocol. Objective O45 gives effect to Objective 6 and Policy 6.1 of the RPS by maintaining or enhancing the stability of soils, and landforms and natural processes and maintaining intrinsic, heritage, and Maori values.
Obj 10. To protect heritage resources of regional significance.	10.1 To identify and promote the protection of regionally significant natural and cultural heritage resources. These include places or natural resources which: a. have a high degree of importance or are part of history in the Region; or b. have a high degree of importance in the provision of knowledge of the Region's history; or c. are rare or unique in the Region; or d. have special cultural or spiritual	Objectives O4 and O44 give effect to RPS Objective 10 directly. Objective 43 gives effect to the Objectives and Policies of the RPS by promoting design of urban areas to take into account the context and character in which it locates. Objective O45 gives effect to Objective 10 and Policy 6.1 of the

<p>Obj 30: To have land transport systems and public utility networks which meet the needs of the Region, while avoiding, remedying or mitigating adverse environmental effects.</p>	<p>significance to tangata whenua; or e. are already protected by a national protection mechanism; or f. exhibit a high degree of technological accomplishment.</p> <p>30.1 To promote a land transport system which: a. ensures the most efficient use of energy; and b. will achieve a reduction in the reliance on non-renewable energy sources; and which minimises any adverse effects: d. on areas of special significance to tangata whenua; and e. on amenity values; and f. on outstanding natural features and landscapes; and g. on cultural and heritage resources.</p> <p>30.2 To minimise the adverse effects of land use and development on the safe and efficient operation of the existing transport system.</p>	<p>RPS by maintaining or enhancing the stability of soils, and landforms and natural processes and maintaining intrinsic, heritage, and Maori values.</p> <p>Objective O40 gives effect to the Objectives and Policies of the RPS in that it supports the integration of infrastructure and land uses, energy efficiency, and low impact infrastructure development.</p> <p>Objective O44 gives effect to the Objectives and Policies of the RPS in that it requires development that avoids or mitigates adverse effects on the values of items and places of significance to Maori.</p>
Regional One Plan (As Amended by Decision August 2010)		Proposed Plan Change 23
Objective	Policy	Evaluation
<p>Obj 3-1 To have regard to the benefits of infrastructure[^] and other physical resources of regional or national importance</p> <p>Obj 3-1B Urban development occurs in a strategically planned manner which allows for the adequate and timely supply of land[^] and associated infrastructure[^].</p>	<p>Policy 3-1 (a) The Regional Council and Territorial Authorities[^] must recognise the following infrastructure[^] as being physical resources of regional or national importance: (ia) the National Grid and electricity distribution and transmission networks defined as the system of transmission lines, subtransmission and distribution feeders (6.6kV and above) and all associated substations and other works to convey electricity (ib) pipelines and gas facilities used for the transmission and distribution of natural and manufactured gas (iii) the road[^] and rail networks as mapped in the Regional Land Transport Strategy (iv) the Palmerston North and Wanganui airports[^] (vi) telecommunications and radiocommunications facilities (vii) public or community sewage treatment plants and associated reticulation and disposal systems (viii) public water supply* intakes, treatment plants and distribution systems</p>	<p>O17 gives effect to the Objectives and Policies of the One Plan by taking a strategic approach to the provision of Infrastructure.</p> <p>O40 gives effect to the Objectives and Policies of the One Plan by promoting the integration of infrastructure and land uses, connecting communities with infrastructure, and has low environmental impact.</p> <p>O43 gives effect to the Objectives and Policies of the One Plan by promoting development that does not compromise the effective operation, maintenance, upgrading and development of existing network utilities.</p> <p>Objectives O4 and O44 give effect to the One Plan Objective 1 directly.</p> <p>Objective 41 gives effect to the Objectives and Policies of the One Plan by promoting the qualities of good urban design contained in the New Zealand Urban Design Protocol.</p>

- (ix) public or community drainage systems, including stormwater systems
- (x) the Port of Wanganui.

Policy 3-3 In managing any adverse environmental effects[^] arising from the establishment, operation*, maintenance* and upgrading* of infrastructure[^] or other physical resources of regional or national importance, the Regional Council and Territorial Authorities[^] must:

(a) allow the operation*, maintenance* and upgrading* of all such activities once they have been established, no matter where they are located,

(b) allow minor adverse effects[^] arising from the establishment of new infrastructure[^] and physical resources of regional or national importance, and

(c) avoid, remedy or mitigate more than minor adverse effects[^] arising from

the establishment of new infrastructure[^] and other physical resources of regional or national importance, taking into account:

(i) the need for the infrastructure[^] or other physical resources of regional or national importance,

(ii) any functional, operational or technical constraints that require infrastructure[^] or other physical resources of regional or national importance to be located or designed in the manner proposed,

(iii) whether there are any reasonably practicable alternative locations or designs, and

(iv) whether any more than minor adverse effects[^] that cannot be adequately avoided, remedied or mitigated by services or works can be appropriately offset, including through the use of financial contributions.

Policy 3-3A: Territorial Authorities[^] must proactively develop and implement appropriate land[^] use strategies to manage urban growth, and they should align their infrastructure[^] asset management planning with those strategies,

<p>Obj 4-1 (a) To have regard to the mauri* of natural and physical</p>	<p>Policy 4-1 The Regional Council must enable and foster kaitiakitanga^ and the relationship between hapū* and iwi* and their ancestral lands^, water^, sites*, wāhi tapu* and other taonga* (including wāhi tūpuna*) through increased involvement of hapū* and iwi* in resource management processes</p> <p>Policy 4-2 (a) Wāhi tapu*, wāhi tūpuna* and other sites* of significance to Māori identified: (i) in district plans^, (ii) as historic reserves under the Reserves Act 1977, (iii) as Māori reserves under the Te Ture Whenua Māori Act 1993 (iv) as sites recorded in the New Zealand Archaeological Association's Site Recording Scheme, and (v) as registered sites under the Historic Places Act 1993 Reserves Act 1977, must be protected from inappropriate subdivision, use or development that would cause adverse effects^ on the qualities and features which contribute to the values of these sites*.</p> <p>(b) Potential damage or disturbance (including that caused by inappropriate subdivision, use or development) to wāhi tapu*, wāhi tūpuna* and other sites* of significance to Māori not identified (for confidentiality and sensitivity reasons) by hapū* or iwi* under (a), above, must be minimised by the Regional Council facilitating the compilation of databases by hapū* and iwi* to record locations which need to remain confidential.</p> <p>7-10 The Regional Coastal Plan^ and district plans^ must include provisions to protect historic heritage^ of national significance, which may include places of special or outstanding heritage value registered as Category 1 historic places, wāhi tapu, and wāhi tapu areas under the Historic Places Act 1993.</p>	<p>Objectives O4 and O44 give effect to the One Plan Objective 1 directly.</p>
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<p>resources^ to enable hapū* and iwi* to provide for their social, economic and cultural wellbeing. (b) Kaitiakitanga^ must be given particular regard and the relationship of hapū* and iwi* with their ancestral lands^, water^, sites*, wāhi tapu* and other taonga* (including wāhi tūpuna*) must be recognised and provided for through resource management processes.</p> <p>Obj 7-3 Protect historic heritage^ from activities that would significantly reduce heritage qualities.</p>		<p>Objectives O40 and O41 gives effect to the Objectives and Policies of the One Plan by promoting the qualities of good urban design contained in the New Zealand Urban Design Protocol, and managing the appropriateness of subdivision and development regarding historic heritage.</p>
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6.0 SUMMARY OF SUBMISSIONS

6.1 Refer to Appendix 1 to this report for a summary of each submission.

7.0 PRINCIPAL ISSUES IN CONTENTION

The submitters identified the following concerns about the Plan Change:

7.1 Quality and Extent of Knowledge

- Council already has sufficient knowledge of its reticulated infrastructure system to be confident it can accommodate growth.
- A perceived lack of information should not stifle growth.

7.2 Overly Restrictive and Prescriptive Plan Provisions

- A 'one size fits all' approach is not appropriate; prefer a framework based on risk management.
- Access widths should accommodate topography and wide RoW requirements will prevent infill development.
- Preventing the use of pump stations will eliminate significant areas of land that are otherwise sufficient to develop.
- The avoidance of segregation strips prevents developers from recovering some of the costs of installing infrastructure.

7.3 Infrastructure Focused

- Development should not be led by infrastructure, but reflect areas of demand.
- Not enough land in the 'right' places to develop.

7.4 Minimum Allotment Size

- There is sufficient infrastructure capacity to enable growth to occur without minimum allotment sizes being imposed.
- Allotment sizes proposed will not meet the requirements of the market, particularly for higher density development and will stifle growth.

7.5 Springvale Indicative Development Area

- Don't delay the rezone and 'get on with it'.
- Provisions stifle development that has been anticipated and planned for.

7.6 Scope of Plan Change

- Include provisions that apply across the District to protect infrastructure networks.

7.7 NPSET and NZECP 34

- Compliance with the NZECP does not meet the requirements of NPSET.

7.8 Protect Historic Heritage

- Section 6 requires the protection of historic heritage

8.0 **SUMMARY OF EVIDENCE HEARD**

8.1 **Key evidence presented by Submitters:**

8.1.1 Quality and Extent of Knowledge

- Submitters questioned the validity of the claim by Council staff that there is a lack of knowledge of the capabilities of Council's reticulated infrastructure.
- Mr van Bentum (MWH) (on behalf of Submitters 3, and 17 – 26) stated that Council currently has sufficient knowledge and understanding on the capacity of its infrastructure. This was based on his 12 years' experience working for Council's infrastructure team.
- Mr Van Bentum also went on to state that, while there are gaps in Council understanding of some areas of infrastructure capacity, it is not difficult to see that there is in fact surplus capacity in many areas.
- In addition, Mr van Bentum asserted that, given the low rate of growth and development occurring in Wanganui there seems little justification to control or prohibit development in short term in short time on the basis of waiting for Councils understanding of its infrastructure to catch up.

8.1.2 Overly Restrictive and Prescriptive Plan Provisions

- Mr O'Sullivan (on behalf of Submitters 3, and 17 – 26) reiterated the submitters concerns about the prescriptiveness of the Plan Change. He stated that the provisions did not seem to relate to any valid objectives. This was due, in his opinion, to the view that the Objectives are based on the assumption that there are deficiencies in Council's infrastructure network.

- Mr O’Sullivan offered an alternative approach as outlined in the group’s submission. This approach was based upon levels of risk around infrastructure and ground conditions, with lower risk applications being given a more permissive path through the consent process than those with higher levels of risk. In the opinion of the submitter, the proposed provisions represented a ‘blanket approach’ where proposals should be considered on their individual merits.
- Mr O’Sullivan provided an example where, in an infill situation, a developer purchases an existing property with an existing dwelling on it. In order to make that economic for a developer and improve the overall environment they might need to create 2 additional lots on the rear of the site. However, imposing minimum lot sizes would make this process uneconomic resulting in no benefit to the wider community.
- Mr O’Leary (Further Submitter 1) supported the discussion of Mr O’Sullivan, but focussed on the imposition of a minimum allotment size provision as restrictive. This was also supported by Mr van Bentum who agreed on the basis that Council has enough knowledge regarding its infrastructure system and a size restriction was unnecessary.
- Mr Attrill (Submitter 4 to 10) also stated that, in his view, the Plan Change was overly prescriptive. In particular he referred to the increase in minimum Right of Way widths, and that this would reduce the ability of some infill development. This was also noted by Submitter 3.
- Both Mr Attrill and Mr O’Leary (Further Submitter 1), stated that vehicle crossings should be put in place at the building consent stage. While acknowledging the benefits of connectivity, Mr Attrill also felt that removing the ability to use segregation strips to recover expenses was unnecessary.
- Finally, Mr Attrill discussed the ‘prohibition’ of pump stations to service land. Submitter 3 agreed with Mr Attrill’s position that by removing them as a method to service land developers would only be left with gravity options. This is not possible on some land that the development community felt was prime for residential development.

8.1.3 Infrastructure Focused

- Mr van Bentum (MWH) (on behalf of Submitters 3, and 17 – 26) stated infrastructure appeared to be the driver of the Plan Change. He questioned whether this was appropriate, and stated it was a very conservative approach to development, combined with a poor understanding of the issue surrounding infrastructure. This position was supported by Mr O’Sullivan.
- Ms Berube (on behalf of Submitters 3, and 17 – 26) stated that there are other matters that should have been considered apart from infrastructure capacity on its own. In particular, matters of urban design. In addition, the lack of consideration of these matters terminally flawed the Plan Change.
- Mr O’Leary (Further Submitter 2) commented that ‘the Market’ or market demand had not been sufficiently accommodated in the promulgation of the Plan Change at the expense of the management of infrastructure. Essentially, there was no provision for where the market was currently seeking to locate. Further to this, he went on to claim that this would have an adverse effect on the economic well-being of the community.

8.1.4 Minimum Allotment Size

- The issue of minimum allotment sizes, either the appropriate size or even to have them at all, was raised in a number of submissions, but only substantially addressed at the hearing by Mr O’Leary (Further Submitter 1) in support of Submitters 3, and 17 – 26. Mr O’Leary stated that using a minimum allotment size is prescriptive and, moving forward, far too restrictive. His comments refer to both the Residential Zone and the former Restricted Services Residential Zone.
- Mr O’Leary stated that high density redevelopment would not proceed with the provisions in Plan Change 27 as proposed, even where there is capacity available in reticulated services. He requested that there be no minimum allotment size. He noted, in his experience of the market that, in an ideal new development, in a greenfield site situation, various size sections for various socio economic groups would be desirable. In his view, a framework would promote getting the right mix of housing options and opportunities. This was supported by Mr van Bentum who stated that there was enough knowledge of, and capacity within Council’s infrastructure services to achieve this. This was also supported by Mr O’Sullivan who asserted that the effects of allotment sizes would be adequately managed by the existing land use provisions, and therefore not required.
- In response to a question from the Committee, Mr O’Leary stated that former Restricted Services Residential Zone minimum allotment size proposed would probably stymie some of the development potential in that area. He stated that the existing provisions were clear in that all services were to be located on site, and if that was achieved then there was no need for a minimum allotment size.

8.1.5 Springvale Indicative Development Area

- Several submitters requested that the land identified as the Springvale Indicative Future Development Area should be rezoned Residential. Mr O’Leary (Further Submitter 1) briefly commented during the hearing that Council should not delay and proceed to rezone the Springvale area Residential.
- In particular, during the hearing Mr Attrill (Submitter 4-10) noted that when his land was acquired it was zoned Residential for future development, but subsequently changed to Restricted Services Residential in the early 2000’s. Mr Attrill’s father was ‘assured’ that that the land could be developed ‘without hassle’.
- Mr Attrill stated that he had little problem with the layout of the Draft Springvale Structure Plan, in particular around connectivity, but did not wish to have his development constrained.

8.1.6 Scope of Plan Change

- Paragraphs 7 and 8 of the tabled evidence by Ms Butler on behalf of New Zealand Railways Corporation (Kiwi Rail) (Submitter 12) succinctly sums up the position of Kiwi Rail as follows:

“With regard to omitting to do early consultation, I agree this could always be better and may be in part due to the sectional review process which make it difficult, in my view, to introduce Plan-wide initiatives.

The Plan Change process is however, a statutory process where formal submissions are made and further submissions invited. There are no submissions against the changes sought by Kiwi Rail, only those in support (NZTA and Powerco). While this would have been better to have had these provisions included in the proposed plan text, this does not negate the legitimacy of KiwiRail's submissions to include this new control as part of the submission process".

- The evidence of Ms Nightingale for Transpower (Submitter 2) had a similar tone and, in paragraphs 61 and 62 from her written evidence in particular, stated the following:

"Although the majority of Transpower's assets are within the Rural zone, some assets are located in the Rural Lifestyle Zone and the Residential Zone (i.e the zones which are subject to these Plan Changes). It is therefore appropriate to regulate activities in those zones in relation to the electricity transmission network, as part of these Plan Changes. The NPSET does not only apply to parts of lines in rural zones – it applies to all lines in all zones.

Plan Change 27 (subdivision, Earthworks and Infrastructure) applies across all zones of the District Plan. There is no rationale or justification for not giving effects to the NPSET in Plan Change 27 in particular, although Transpower's view, all of the Plan Changes present the most appropriate and efficient opportunity to give effect to the NPSET".

- In addition, Ms Nightingale stated that, in Transpower's experience, urban residents have little interest in the proposals, and that rural residents would have a "general awareness" of the proposals as Transpower has been engaging with Horticulture New Zealand, and Federated Farmers all over New Zealand. In particular, Transpower and Federated had signed agreements, or were on the verge of doing so "in some areas".
- Ms Nightingale further reiterated that the submission phase was an appropriate stage to propose the relief sought.
- While Mr Hurley, also on behalf of Transpower, conceded that engagement earlier in the process was closer to the ideal, he supported the position of Ms Nightingale. He also noted that as part of the Plan Change the existing requirement for building platforms to be set back 20 metres from Transmission lines was being removed. Therefore, the relief sought by Transpower was within the scope of the Plan Change.

8.1.7 NPSET and NZECP 34

- The view of Ms Nightingale on behalf of Transpower (Submitter 2) was that the recommendations in the Planners Report did not 'give effect' to the NPSET, Policy 10 and 11. In particular, this was based around how the Reporting Officer viewed the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34).
- Ms Nightingale gave an explanation of the purpose and content of both the NPSET and NZECP 34, and also outlined their distinctions. In particular

noting that, while safety are key cornerstones of each document, the NPSET has a broader focus and is a planning tool, whereas the NZECP 34 is not a planning tool and does not address maintenance, upgrades, reverse sensitivity, or amenity issues.

- In response to the Reporting Officer's report, Ms Nightingale noted four key reasons as to why NZECP 34 did not give effect to the NPSET as follows:
 - i. *firstly, the Council has no decisions-making roles under NZECP 34 and Policy 10 requires Council to have this role;*
 - ii. *secondly, NZECP34 does not provide a method for the Council to "manage" activities;*
 - iii. *thirdly, NZECP does not avoid reverse sensitivity effects;*
 - iv. *fourthly, NZECP does not prevent underbuild."*
- Ms Nightingale went on to explain that the construction of buildings under lines (underbuild) posed an issue of access for maintenance and upgrade purposes for Transpower. In addition, NZECP 34 would only be enforced 'after the fact'.
- Mr Hurley reiterated his view that relying on NZECP 34 would not 'give effect to' the NPSET as it does not give the Ministry of Business, Innovation and Enterprise (who administer NZECP 34) or Transpower the opportunity to get involved in the consenting process. In addition to this, any breach is only noted after the fact. However, he did acknowledge that there were some complementary aspects to the two documents, but also noted the NZECP is not an RMA document.
- Mr Hurley promoted electricity transmission yards and associated land use and earthworks provisions, as proposed by Transpower's submission, as the most appropriate method to give effect to the NPSET.

8.1.8 Protect Historic Heritage

- The evidence of Ms Allen on behalf of the New Zealand Historic Places Trust (NZHPT)(Submitter 14) addressed the Officers Report. Ms Allen stated that there were differences between the functions of the Historic Places Act (HPA) and the RMA that were misunderstood. In particular the HPA and NZHPT have no direct powers to protect historic heritage. In her view, this was the role of Council by way of Section 6(f) of the RMA.
- The subdivision approval stage for greenfield sites were identified as the main opportunity to "identify and protect important cultural sites and areas". In addition, it was stated by Ms Allen that most subdivisions were processed on a non-notified basis, which therefore meant that the Objectives and Policies appropriately recognise and provide for Section 3 matters. In her view, this sent a clear direction down to the front counter level that enables fundamental questions around site layout and other matters regarding the incorporation of natural and cultural heritage matters at an early stage.

8.2 Key evidence presented in the Officer's report:

8.2.1 Quality and Extent of Knowledge

- Mr Witham noted that a lot of unverified or anecdotal evidence and assertions were made regarding the capacity of Council's reticulated infrastructure network during the course of the hearing. However, in his view many of these assertions relate to small portions of catchments, do not consider the remaining downstream portions of servicing catchments, and the effects of additional development on these. In his response to submitters, he referred the Committee to the Evidence of Mr Benadie, Council's Senior Wastewater Engineer.
Mr Benadie went on to state where incremental development continues without a closer relationship to infrastructure and without the management of infrastructure there is a significant level of risk. This risk of accepting anecdotal rather than quantitative information will not fall on developers, it will fall on the community.
- Mr Benadie agreed that the assertions regarding surplus capacity in the reticulated infrastructure system were anecdotal at best. He also noted a programme of capacity modelling beginning in the 2013/2014 financial year that would more accurately assess the behaviour of various infrastructure catchments. Mr Hughes, Council's Infrastructure Manager, agreed with Mr Benadie's evidence, and went on to provide examples where there were catchments under pressure or that regularly fail.
- Mr Witham discussed the evidence of Submitter 3 and 17 to 26 presented by Ms Berube. In his view, the submission was confusing and contained matters that weren't addressed in any of the original submissions. However, in noting this, he did address the assertion that there was not sufficient information regarding urban design and there is no high level design strategy to make a decision other than that sought by Submitters 3 and 17 to 26. In his view, perfect information was not a requirement of the RMA. Council need only be satisfied that the issues were resource management based and sufficiently certain. A lack of information, in this instance regarding infrastructure capacity, is sufficiently certain.

8.2.2 Overly Restrictive and Prescriptive Plan Provisions

- Mr Witham stated that, in his opinion, the view of some submitters that the provisions within Plan Change 27 were overly restrictive and prescriptive was erroneous. He went on to discuss that a range of approaches and tools have been used throughout the Plan Change. This means that management of an issue is not exclusively by Rule, Standard, or Assessment Criteria alone. It is therefore critical that when forming an opinion on a particular provision that this is examined in the entire context of the remaining provisions of the Plan Change. For example, Standard R267 addresses minimum allotment sizes. However, reading this provision in isolation from the remaining Policies, Standards and Assessment Criteria will not identify the particular areas of flexibility that apply to this provision."
- In addition, he stated that, in his view, Plan Change 27 provides a balance between flexibility and certainty
- It was his view that the provisions were not written as a 'one size fits all' response. Mr Witham stated that, while minimum allotment provisions were proposed, where the issues could be addressed, this provision could be set aside by the use of alternative infrastructure approaches, or excess capacity in infrastructure catchments where this could be proved.
- Mr Witham noted, in response to Mr Attrill's evidence the changes to the Right of Way minimum widths. While reduced width may be desirable in some

instances, the resulting compromises of safety standards made this unworkable. Mr Witham.

- He also disagreed with Mr Attrill's position on vehicle crossings and 'segregation strips', noting that crossings can be bonded and segregation strips prevent connectivity to Council's services and roads. However, upon hearing the evidence of Mr Attrill regarding pump stations, he amended his position on development that requires their use. He suggested that, while their use need not be a Discretionary Activity, the proposed assessment criteria remain to address some of the effects on the environment they produce.
- Mr Hughes noted that one of the biggest complaints of the development community is that they never know with certainty how an application will turn out, and that it 'costs them a fortune to fail'. In his view "this plan reduces their chances of failing" by identifying minimum allotment sizes, providing explicit opportunities to pursue alternative servicing arrangements, and enabling the development of acceptable solutions, saving time and effort. In addition, he noted that the relationship and communication with the development community has improved significantly.

8.2.3 Infrastructure Focused

- Mr Witham stated that infrastructure was at the core of the significant resource management issues within the District. In addition he stated that infrastructure has a strong relationship with development, therefore the provision of infrastructure should, in part, be guided by it amongst other relevant factors.
- It was his view, that the Wanganui context was complex. A declining population, a low to moderate demand for new dwellings, known infrastructure deficiencies, sporadic location of development meant that careful management was required in the face of limited information and severe financial constraints.
- However, he acknowledged that while new areas of greenfield and intensive brownfield development land will need to be identified and promoted he identified what he thought were current barriers to this as follows:
 - i. Providing infrastructure costs money.
 - ii. It is unaffordable to service all land that individuals may wish to develop.
 - iii. Some of the more desirable areas have deficiencies that require significant capital expenditure to enable additional development.
 - iv. To reclaim at least part of the cost of new capital investment capital works have to be programmed and land appropriately zoned.
 - v. Holding costs of infrastructure investment is significant.
 - vi. Limited (but improving) levels of knowledge about existing servicing capacity and constraints.
 - vii. No effective strategic management framework."
- His view was that a comprehensive and strategic approach to identifying, rezoning and managing residential land would assist in making decisions on the type of land on offer, factoring in matters such as urban design. However, this was currently absent.
- The evidence above was supported by Mr Hughes and Mr Benadie. Mr Hughes detailed examples of where there were existing deficiencies in some

reticulated catchments. He noted the cost of infrastructure, and stormwater in particular, was significant.

- Mr Witham acknowledged that Plan Change 27 would not be a sustainable position in the long term for Wanganui. As more complete information becomes available, consideration could be given to developing a strategic framework to identify and promoting new greenfield land for development, suitable brown fields lands for more intensive development, and associated plan changes and any required infrastructure investment.

8.2.4 Minimum Allotment Size

- Mr Witham drew to the attention of the Committee the requirement of Plan Change 27 and 23 for sites in the Rural Lifestyle Zone to provide for its own sanitary servicing on-site. As such, the requirements of Proposed One Plan require a minimum allotment size of 5000m² to provide for on-site effluent disposal as a permitted activity. Council is required to 'give effect' to the Regional Policy Statement.
- For the Residential zone Mr Witham stated that minimum allotment sizes provided the ability to plan and manage infrastructure and gives certainty in terms of available capacity. Failure to identify a density control implies there are no restrictions on the capacity of infrastructure. In addition, the identification of a specific allotment size removes ambiguity and doubt over the suitability of an application. Uncertainty can result in delays and increased costs. The minimum allotment size also identifies where additional information or service provision will be required to be provided by a developer (to exceed that density) rather than to create a pass/fail gateway. Both the evidence of Mr Hughes and Benadie agreed with this position, with Mr Hughes noting that uncertainty was something to which developers were averse.
- The Committee asked questions of Mr Witham regarding the lack of provision for higher density development. Mr Witham acknowledged that at this time no explicit locations have been identified for higher density development. In his view, Council does not have enough information currently to be certain of being able to service such development. Further to this, he noted that consultation identified that more intensive brownfield redevelopment was not an economic proposition at present.
- The Committee also asked why 450m² was the minimum allotment size. Mr Witham responded that this size reflected by the bulk of existing development in Wanganui and was a reasonable level of investment in infrastructure provision for Council to support. Mr Hughes agreed with this point.
- The provisions proposed enabled development of a higher density where capacity was available or provided by the developer at a suitable level of service, and at their own cost. In Mr Witham's view, this provided an appropriate balance between providing certainty and flexibility for developers and was an enabling approach.
- Both Mr Witham and Mr Hughes placed significant emphasis on the programme of infrastructure modelling that has been funded over the next three financial years to determine where capacity does or does not lie in reticulated services. In their view, the study would enable detailed catchment specific management.

8.2.5 Springvale Indicative Development Area

- Mr Witham noted that Council was undertaking a structure planning exercise to determine the appropriateness of rezoning this area to provide for residential development. Work had proceeded to include a draft proposed infrastructure layout to be embedded in the Plan, and provisions put in place to protect significant infrastructure features. Investigations were not complete, and Council had not committed to develop residential infrastructure. It was not appropriate to rezone the area at this time.
- Mr Witham referred to the Discretionary Activity provisions proposed for on-going development of Mr Attrill's land. There were several caveats on this, including sufficient infrastructure capacity or arrangements being available, and only if the indicative infrastructure was not compromised. Mr Witham referred to the lack of certainty regarding infrastructure capacity.

8.2.6 Scope of Plan Change

- Mr Witham was of the view that the relief requested from both KiwiRail and Transpower was largely outside the scope of the Plan Change. However, Mr Witham stated that "It is my view that the relief sought (from Transpower) may be appropriate for the Residential and Rural Lifestyle Zones, but not within the subdivision provisions across all zones." Mr Witham agreed with Transpower that, within those zones, in combination with the obligation to give effect to the NPSET it provided sufficient scope to allow relief in these zones to be granted. Additional plan changes would be required to give full effect to the NPSET. He disagreed with Mr Hurley's view that the deletion of the existing 20 metre buffer for new allotments relating to transmission lines provided scope.
- The merits of granting the relief KiwiRail sought were finely balanced. He acknowledged that adjoining Territorial Authorities had incorporated, or were looking to incorporate the relief proposed by KiwiRail. However, his view was that, as opposed to the relief sought from Transpower, that there was less of an obligation on Council to manage the issue when compared to Transpower's submission. He did acknowledge that Horizons Regional Council's Proposed One Plan encouraged the protection of transport networks.

8.2.7 NPSET and NZECP 34

- Mr Witham agreed with the majority of evidence given regarding the role of NZECP 34 in addressing the matters in the NPSET. Several consequential amendments were recommended including the addition of an objective and policy and the retention of the existing 20 metre buffer requirement between new allotments and transmission lines. However, Mr Witham disagreed with Ms Nightingale about the role of NZECP 34 and earthworks.
- Mr Witham tabled Figure 1 and Figure 2 from the NZECP 34 (the Code) document provided as Appendix A to the evidence of Ms Nightingale. These figures were obscured in the evidence supplied by Ms Nightingale and are useful to identify the required setbacks for excavation and construction near towers, poles and stay wires.
- It was accepted that the Code is a compulsory Code of Practice developed through the Electricity Act to manage safety issues as they relate to safe distances to electric lines and associated support structures and enforced by the Ministry of Business Innovation.
- However, Mr Witham identified Clause 2.2.1 of the Code which requires the written consent of a pole owner for earthworks within specific parameters of poles and stay wires; as does clause 2.4.1 for construction of buildings and

structures. His view was that the RMA does not override these provisions, or the provisions in the Electricity Act.

- Where a pole owner does not supply their written approval for earthworks as required by the Code, regardless of whether Council grants resource consent or not, the activity cannot proceed pursuant to NZECP 34. In his view the proposed provisions for earthworks relating to poles and support structures were therefore unnecessary and ineffective and should not be included.
- Mr Witham recommended the use of an advice note for permitted earthworks in R274 that refers to the Code and compulsory compliance with it. In addition, it was recommended that, as required by the NPSET, the location of transmission lines be placed on the District Plan Map. It was his view that this would be sufficient to meet the requirements of the NPSET with regards to earthworks.

8.2.8 Protect Historic Heritage

- Mr Witham agreed with a number of points and minor corrections proposed by NZHPT. However, Mr Witham disagreed with Ms Allen's evidence regarding the recognition of known archaeological sites and values. He noted that these are being examined in Phase 5 of the District Plan Review.
- Mr Witham also disagreed with the level of protection of historic/cultural heritage sought by NZHPT. The relief sought for Objective O40 sought to 'avoid or minimise(s)' adverse effects on historic heritage. In his view, Objective O40 is the keystone Objective for subdivision, earthworks and infrastructure in the Plan. Therefore, O40 carried significant weight in terms of determining outcomes. In his opinion, this was more stringent than is required by the Act, not appropriate, and neither efficient nor effective in meeting the purpose of the Act.
- Mr Witham discussed Section 6(f) of the Act which requires decision makers to '*recognise and provide for ... the protection of historic heritage from inappropriate subdivision, use, and development*'. However, his view was that this does not anticipate, nor require, that all historic heritage be protected at all times. Rather, protection need only be provided for, and only from 'inappropriate' subdivision and development. In addition, Section 6 is subservient to Section 5 which has an enabling approach to well-being which avoiding remedying or mitigating adverse effects.

9 SUMMARY OF SUBMISSIONS

9.1 Refer to Appendix 1 to this report for a summary of each submission.

10 MAIN FINDINGS ON PRINCIPAL ISSUES

10.1 Quality and Extent of Knowledge

While the Committee acknowledges the experience and qualifications of those giving evidence, no technical evidence was produced at the hearing proving that there is capacity available in Council's reticulated infrastructure network, either in whole or in part. After much debate, the Committee prefers the evidence of Mr Benadie, Mr Hughes and Mr Witham that there is insufficient information, and that this information will be provided by Council's modelling exercise currently under way.

10.2 Overly Restrictive and Prescriptive Plan Provisions

The Committee finds that, on balance while acknowledging the constraints around information and capital expenditure, the provisions within the Plan Change are necessary and provide some level of flexibility. However, the Committee accepts that

this position is not ideal and expects that new information around infrastructure capacity should provide more flexibility. The Committee does agree that establishing a minimum allotment size and detailing circumstances where this may be waived reduces uncertainty for the development community.

10.3 Infrastructure Focused

The Committee agrees with the evidence of Mr Witham, Mr Benadie and Mr Hughes that issues around infrastructure are significant resource management issues for the District. We also acknowledge that there is a strong relationship between development and the ability to service new allotments. The Committee notes that as more information becomes available through the modelling exercise undertaken over the next three years spare capacity can be used to encourage efficient development.

10.4 Minimum Allotment Size

In reaching its decision on subdivision the Committee wishes to acknowledge the limitations placed on it with regard to the lack of quantifiable information regarding the performance and capacity of the reticulated services network. The 2012 – 2022 Ten Year Plan has programmed funding for a modelling of Council's reticulated infrastructure network. The Committee agrees that the modelling exercise will allow more specific and better informed management of subdivision including minimum allotment sizes. This will result in a re-examination of the appropriateness of the subdivision framework, and where deemed necessary, result in future changes to the District Plan.

10.5 Springvale Indicative Development Area

The Committee agree with the evidence of Mr Witham that stated work is continuing on the Springvale Indicative Future Development Area regarding infrastructure location, design and funding. Until such time as this work is complete and affected landowners are consulted, it is inappropriate to encourage additional development.

10.6 Scope of Plan Change

The Committee agreed with the evidence of Mr Witham to Ms Nightingale and Mr Hurley in that the scope of the Plan Change included the Residential and Rural Lifestyle zones only. Therefore, relief sought outside these zone was outside the scope of the Plan Change. However, we agree with Mr Witham again in granting relief to Transpower in that the obligation to give effect to the NPSET provided sufficient scope to allow relief in these zones to be granted. The merits of granting the relief KiwiRail sought were finely balanced. However, there was less of an obligation on Council to manage the issue when compared to Transpower's submission and the Committee was not convinced there was an existing issue that required management.

10.7 NPSET and NZECP 34

The Committee agrees with the evidence of Ms Nightingale, Mr Hurley and Mr Witham in part. We find that NZECP does not adequately address the matters of maintenance, access and reverse sensitivity in the NPSET. However, on the point of the role of NZECP 34 and earthworks, the Committee prefers the evidence of Mr Witham. We find that the provisions in NZECP 34 regarding earthworks. We find that including rules in the Plan would be redundant, ineffective and unnecessary as the lines operator has the ability to refuse permission through the NZECP 34 even if resource consent is granted.

10.8 Protect Historic Heritage

The Committee largely accepts the evidence of Ms Allen with regard to the importance of identifying and protecting historic heritage. However, it also accepts the evidence of Mr Witham that Council's obligations under Section 6(f) of the Resource Management Act 1991 which do not anticipate, nor require, that all historic heritage be protected at all times. Rather, protection need only be provided for, and only from 'inappropriate' subdivision and development. In addition, Section 6 is subservient to Section 5 which has an enabling approach to well-being which avoiding remedying or mitigating adverse effects

11 Section 32 REPORT EVALUATION

- 11.1 The s.32 report has been updated to include an evaluation of the amendments to the Plan resulting from Council's Decision on Submissions. These changes as recorded in the report attached as Appendix 4.

12 STATEMENT OF DECISIONS AND REASONS

- 12.1 Refer to Appendix 1 to this report for the Council's decision and reasons relating to each submission. Refer to Appendices 2 and 3 for the complete version of the Plan change text and maps.

13 Appendices:

- 1: Decisions on Submissions and Reasons for Decisions –**
- 2: Marked- Up Version of Plan Change 27 following Decisions on Submissions–**
- 3: Planning Maps affected by Decisions on Submissions–**
- 4: Section 32 Evaluation**

Signature of Chairman

Councillor Sue Westwood
