
BEFORE THE HEARINGS PANEL

In the Matter of: The Resource Management Act 1991

And Proposed Plan Change 60:
Designations

Manawatu District Council

**SECTION 42A REPORT OF WENDY THOMPSON FOR PLAN CHANGE 60:
DESIGNATIONS**

Date: 23 November 2016

1.0 SUMMARY

- 1.1 This Section 42A Report has been prepared in accordance with Section 42A of the Resource Management Act 1991 (RMA or “the Act”).
- 1.2 The purpose of Proposed Plan Change 60(PPC60) is to update the Designations Schedule in Appendix 7A of the Operative Manawatu District Plan (District Plan) to give effect to the changes sought by a number of Requiring Authorities. The changes include the removal of designations, alteration of existing designations and the addition of new designations.
- 1.3 Section 1.2.4 A) and B) which discussed Public Works Designations and Outline Plans and Section 2.8.1 and 2.8.2 which discussed Designations and Roads will be deleted as a result of the introduction of the new Chapter 9 – Designations. Chapter 9– Designations will improve clarity and administration of the Plan.
- 1.4 In accordance with the First Schedule of the Act Requiring Authorities who have a designation in the District Plan (including Manawatu District Council (MDC)) provided written notice as to whether existing designations were to be included in the proposed District Plan, with or without modification.
- 1.5 In addition, some Requiring Authorities, including MDC (as requiring authority) advised of a number of requirements for new designations in the District Plan. These new notice of requirements (NOR’s) include a description of the site, as well as an assessment of potential effects on the environment.
- 1.6 Several modifications were requested by Requiring Authorities and were incorporated into PPC60. Additional minor amendments were sought through submissions. I consider all changes to be appropriate and recommend changes in the revised chapter attached as Appendix 1 to this evidence. Many of these relate to minor changes to legal descriptions and designation areas, wording changes, and corrections to mapping errors.
- 1.7 I have considered the effects on the environment of each new designation, as well as the existing designations, in accordance with section 168A and 171 of the Act.
- 1.8 I am further of the view that the changes proposed to the District Plan in introducing new Chapter 9 – Designations will improve clarity and administration of the Plan. Overall, I consider that the revised chapter better meets the purpose of the Act.

2.0 INTRODUCTION

- 2.1 My name is Wendy Thompson, and I am a Principal Planning Adviser for MDC. I hold the tertiary qualification of Bachelor of Regional Planning from Massey University.
- 2.2 I have over 20 years planning experience working in planning and regulatory roles in local government in New Zealand. My professional experience has included processing building, land use and subdivision consents, along with NORs and outline plans.
- 2.3 I have been involved with the review of sections of the Manawatu District Plan since 2012. I was responsible for co-ordinating the process of requesting Requiring Authorities of existing designations to confirm the 'roll over', modification to an existing designation, or the removal of an existing designation. I also received NORs to include new designations.
- 2.4 I confirm that I have read the Environment Court Code of Conduct for Expert Witnesses 2014 and I agree to comply with it. This evidence is within my area of expertise, except where I state I am relying on evidence from another expert. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

Attachments

- 2.5. The following Appendices are attached:
- (a) Appendix 1 – Recommended revised chapter (marked up plan text for PPC60) – including Schedule 7A
 - (b) Appendix 2 - Submissions Received
 - (c) Appendix 3 – Notice of Requirements for new designations
 - (d) Appendix 4 – Section 37 decision

3.0 KEY BACKGROUND

- 3.1 Clause 4 of the First Schedule of the RMA sets out that a territorial authority must invite Requiring Authorities to roll over their designations within an Operative District Plan as part of any District Plan review. Requiring Authorities are able to request that an existing designation be rolled over with or without modification, or be withdrawn. Where modifications are required the Requiring Authority must include in its notice details of the modification and reasons. In addition, where a territorial authority receives a NOR within

40 days of publicly notifying the Proposed District Plan, the territorial authority is, with the consent of the requiring authority, able to notify it as part of the plan change process.

- 3.2 Requiring Authorities were first invited to advise MDC as to the status of their designations (rollover, withdraw or new NOR) in 2012. The proposed plan change did not take place at that time, however, and a further request was sent to all Requiring Authorities in late November 2015.
- 3.3 After receiving written confirmation of the rollover of designations and NORs from Requiring Authorities, the notified schedule included 105 designations. These included designations that were either rolled over with or without modification, as well as new NORs which were included in the schedule for notification with PPC60. Twenty one delegations have been deleted from the schedule.
- 3.4 On 7 July 2016, MDC resolved to withdraw PPC60 along with Proposed Plan Changes 52 and 55 to the District Plan due to an administrative error in publication of the public notice. PPC60 was then notified on 14 July 2016, with submissions closing on 10 August 2016.
- 3.5 A total of five (5) submissions were received in relation to PPC60. Copies of these submissions are included in Appendix 2. No further submissions were received on PPC60. There were several submitters who included PPC60 in the title of their submission however the content of the submission did not contain any information on PPC60.

4.0 SCOPE OF REPORT

- 4.1 This s42A report addresses submissions received on the designations and any subsequent amendments to the proposed chapter. My report also assesses the new NORs put forward by each Requiring Authority as part of the District Plan review. I record for the avoidance of doubt that no Requiring Authority sought any designation to be rolled over with significant modification.
- 4.2 Otherwise I note:
 - (a) I have identified where changes are considered to be minor modifications as part of the rollover process within the table included in Appendix 1. I consider minor modifications to include corrections to legal descriptions and designation boundaries, typographical errors, or minor mapping areas that have a neutral effect on any

potential submitter. Unless stated otherwise, I have recommended making or confirming the requests for minor modification without providing detailed justification. I also identify for the avoidance of doubt changes which have been made in accordance with clause 16(2) of the Act where applicable.

- (b) Designations which have been rolled over from the Operative District Plan without modification, and where no submissions were received, have also been included in the schedule, without explanation. For the avoidance of doubt I have included the designation in the table with my recommendations below.

4.3 Finally, I note proposed (new) Chapter 9 which is intended to be advisory in nature only. It contains no objectives, policies or rules. This is because the legislative process for designations is included in the Act. A summarised version of these requirements as they relate to MDC's practices is included in the proposed Chapter 9 - Designations. This summary has been updated as part of the proposed plan change. No submissions have been received in respect of the new structure/layout of Chapter 9. What is now Chapter 9 replaces sections 1.2.4A and B and 2.8.1 and 2.8.2.

4.4 Against this background no formal assessment of the PPC 60 has been carried out against section 32 of the RMA. Notwithstanding, it is my view that including designations within a standalone chapter in the District Plan, with more up to date explanatory text as to the nature of a designation and related processes will improve clarity and administration of the Plan.

4.5 I also identify for avoidance of doubt changes which have been made in accordance with clause 16(2) First Schedule of the RMA, which essentially encompass alteration or corrections made to the KiwiRail designations.

Delegations

4.6 Clause 9(1) of the First Schedule provides that a Council must make and then notify its recommendation in respect of any designation (except a territorial authority designation) in a proposed plan to the relevant Requiring Authority pursuant to section 171 of the Act. The Panel has been delegated the power to make this recommendation on behalf of MDC.

4.7 Clause 9(2) of the First Schedule provides that when a designation of a territorial authority is included in a proposed plan, that territorial authority must make a decision on that

designation in accordance with section 168A(3) of the Act. The Panel has been delegated the power to make this decision on behalf of MDC.

5.0 EXISTING DESIGNATIONS

5.1 The following is a summary of the modifications sought to roll over designations by the Requiring Authorities and my officer recommendations. A full description of each new designation and the changes proposed from the Requiring Authorities to be included in Appendix 7A – Schedule of Designations are found in Appendix 3.

NZ Transport Agency

DESIGNATION	PURPOSE	ROLL-OVER	OFFICER RECOMMENDATION
D1, D2, D3, D4	To undertake maintenance, operation and use of, and improvements to the State Highway network.	Yes – With modification to the name of the requiring authority and designated purpose as shown in marked up text (Appendix 1)	Accept in full, as the proposed changes are minor and administrative.
D5	To undertake maintenance, operation and use of, and improvements to the State Highway network.	No – D5 which covers State Highway 57 does not run through the Manawatu District. The designation has been deleted from Appendix 7A-Schedule of Designations at the request of the Requiring Authority.	

KiwiRail Holdings Limited

DESIGNATION	PURPOSE	ROLL-OVER	OFFICER RECOMMENDATION
D6A, D6B	Railway Purposes	Yes- With modification to the requiring authority name as shown in marked up text (Appendix 1). Changes under 16(2) of the First Schedule have been made with the district plan zoning maps been amended and updated.	Accept in full, as the proposed changes are minor and administrative.

Manawatu District Council

DESIGNATION	PURPOSE	ROLL-OVER	OFFICER RECOMMENDATION
D7, D8, D11	Reservoir	Yes – With modification to the legal description as shown in marked up text (Appendix 1)	Accept in full, as the proposed changes are minor and administrative.
D9	Bunnythorpe WTP	No- The designation is located within the Palmerston North City Council area. The designation has been deleted from Appendix 7A – Schedule of Designations at the request of the Requiring Authority.	
D10	Himatangi Beach Public Hall	Yes – Without modification	Roll over
D12	Sanson Public Hall	Yes – With modification to the legal description as shown in marked up text (Appendix 1)	Accept in full, as the proposed changes are minor and administrative.
D13	Rongotea Hall	No- The designation is not required at the request of the Requiring Authority. The designation has been removed from Appendix 7A – Schedule of Designations.	
D14	Halcombe Public Hall	Yes – With modification to the legal description as shown in marked up text (Appendix 1)	Accept in full, as the proposed changes are minor and administrative
D15 , D23, D25	Sewage Treatment Purposes	Yes – With modification to the legal description as shown in marked up text (Appendix 1)	Accept in full, as the proposed changes are minor and administrative.
D16	Cheltenham Public Hall	Yes – With modification to the legal description purpose as shown in marked up text (Appendix 1)	Accept in full, as the proposed changes are minor and administrative.
D17	Kimbolton Public Hall	Yes – Without modification	Roll over
D18	Apiti Public Hall	Yes – With modification to the legal description as shown in marked up text (Appendix 1)	Accept in full, as the proposed changes are minor and administrative.
D19	Rangiwahia Public Hall	Yes – With modification to the legal description as shown in marked up text (Appendix 1)	Accept in full, as the proposed changes are minor and administrative.
D20	Beaconsfield Public Hall	Yes – With modification to the legal description as shown in marked up text (Appendix 1)	Accept in full, as the proposed changes are minor and administrative.

D21	Waituna West Public Hall	Yes – With modification to the legal description as shown in marked up text (Appendix 1)	Accept in full, as the proposed changes are minor and administrative.
D22	Utuwai Hall	No – The designation is not required at the request of the Requiring Authority and has been removed from Appendix 7A – Schedule of Designations	
D24	Ohakea Public Hall	Yes - With modification to the legal description as shown in marked up text (Appendix 1)	Accept in full, as the proposed changes are minor and administrative.
D26	Stanway Public Hall	Yes - With modification to the legal description as shown in marked up text (Appendix 1)	Accept in full, as the proposed changes are minor and administrative.
D27	Water Treatment Purposes	Yes – With modification to the legal description as shown in marked up text (Appendix 1)	Accept in full, as the proposed changes are minor and administrative
D28	Water Supply Purposes	Yes- With modification to the legal description and designation name as shown in marked up text (Appendix 1)	Accept in full, as the proposed changes are minor and administrative.
D29, D33, D36	Sewage Treatment Purposes	Yes – With modification to the legal description as shown in marked up text (Appendix 1)	Accept in full, as the proposed changes are minor and administrative.
D30	Kiwitea Public Hall	Yes- With modification to the legal description as shown in marked up text (Appendix 1)	Accept in full, as the proposed changes are minor and administrative.
D31	Pohangina Public Hall	Yes – With modification to the legal description as shown in marked up text (Appendix 1)	Accept in full, as the proposed changes are minor and administrative.
D32	Clydesdale Hall	No – The designation no longer required at the request of the Requiring Authority. The designation has been removed from Appendix 7A – Schedule of Designations.	
D34	Refuse Disposal Site	Yes – With modification to the legal description as shown in marked up text (Appendix 1)	Accept in full, as the proposed changes are minor and administrative.
D35	Sewage Treatment Purposes	Please note that this designation for the Feilding Wastewater Treatment Plan is subject to a notified	Roll over

		notice of requirement once consent orders are issued by the Environment Court.	
D37	Colyton Public Hall	Yes – With modification to the legal description purpose as shown in marked up text (Appendix 1)	Accept in full, as the proposed changes are minor and administrative.
D38	Bunnythorpe STP	No – The designation is located within the Palmerston North City Council area. The designation has been removed from Appendix 7A – Schedule of Designations at the request of the Requiring Authority	
D39	Oroua Downs Public Hall	Yes – With modification to the legal description purpose as shown in marked up text (Appendix 1)	Accept in full, as the proposed changes are minor and administrative.
D40	Taikorea Hall	No – The designation is no longer required at the request of the Requiring Authority. The designation has been removed from Appendix 7A – Schedule of Designations.	
D41	Rangioutu Hall	Yes - With modification to the legal description as shown in marked up text (Appendix 1)	Accept in full, as the proposed changes are minor and administrative.
D42	Longburn STP	No – The designation is located within the Palmerston North City Council area. The designation has been removed from Appendix 7A – Schedule of Designations at the request of the Requiring Authority	

Minister for Courts

DESIGNATION	PURPOSE	ROLL-OVER	OFFICER RECOMMENDATION
D43	Courthouse	No - The designation is no longer required at the request of the Requiring Authority. The designation has been removed from Appendix 7A – Schedule of Designations.	

Minister of Defence

DESIGNATION	PURPOSE	ROLL-OVER	OFFICER RECOMMENDATION
D44, D45, D46, D47	Defence Purposes (as described by the Defence Act 1990) Works and projects that comply with the	Yes – With modification to the legal description and designated purpose as shown in	Accept in full, as the proposed changes are minor and administrative

	permitted activities rules of the underlying zoning are incorporated into this designation and, in accordance with s 176A(2)(b) RMA, no outline plan is required for those activities. For avoidance of doubt, maintenance activities do not require an outline plan.	marked up text (Appendix 3)	
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Minister of Education

DESIGNATION	PURPOSE	ROLL-OVER	OFFICER RECOMMENDATION
D48	Educational Purposes	Yes – With modification to the designated name , designated purpose and legal description as shown in marked up text (Appendix 1)	Accept in full, as the proposed changes are minor and administrative.
D49, D50, D51, D52, D55,D56, D61, D62, D63, D66, D67, D68, D73,D74, D76	Educational Purposes	Yes – With modification to the designated purpose as shown in marked up text (Appendix 1)	Accept in full, as the proposed changes are minor and administrative.
D58, D59, D65, D69,	Educational Purposes	Yes- With modification to the designated purpose and designated site name as shown in marked up text (Appendix 1)	Accept in full, as the proposed changes are minor and administrative.
D57, D70,D72, D75	Educational Purposes	Yes- With modification to the designated purpose and legal description as shown in marked up text (Appendix 1)	Accept in full, as the proposed changes are minor and administrative.
D53,D54,D78	Educational Purposes	No- These schools are located within the Palmerston North City Council area and have been removed from Appendix 7A – Schedule of Designations at the request of the Requiring Authority	
D71	Educational Purposes	No- This designation is no longer required as the school has closed. The designation has been deleted from Appendix 7A – Schedule of Designations at the request of the Requiring Authority	

Minister of Police

DESIGNATION	PURPOSE	ROLL-OVER	OFFICER RECOMMENDATION
D79	Police Purposes – Feilding Police Station	Yes – Without modification	Roll over
D80	Police Purposes – Kimbolton Police Station	Yes – With modification to the legal description as shown in the marked up text (Appendix 1)	Accept in full, as the proposed change is minor and administrative. Designation has been implemented.

Radio New Zealand

DESIGNATION	PURPOSE	ROLL-OVER	
D81	Radiocommunication, Telecommunication & Ancillary purposes	No – This designation is located within the Palmerston North City Council area. The designation has been deleted from Appendix 7A – Schedule of Designations at the request of the Requiring Authority.	

Telecom New Zealand

DESIGNATION	PURPOSE	ROLL-OVER	OFFICER RECOMMENDATION
D82	Telecommunication, Radiocommunication & Ancillary purposes	Yes – With modification to the requiring authority name, underlying zoning and the deletion of the reference number as shown in the marked up text (Appendix 1)	Accept in full, as the proposed change is minor and administrative. The underlying zoning has been changed to reflect the zoning that was implemented in plan change 46. The zoning has changed from Business to Outer Business.
D83,D85,D86,D87,D88, D89, D90, D92, D93, D94, D95, D96, D97, D98, D99, D100, D102, D103, D104, D105,D106, D107	Radiocommunication, Telecommunication, and Ancillary purposes	Yes – With modification to the requiring authority name and the deletion of the reference number as shown in the marked up text (Appendix 1)	Accept in full, as the proposed change is minor and administrative.
D101	Radiocommunication, Telecommunication, and Ancillary purposes	Yes – With modification to the requiring authority name, site name, legal description and the deletion of the reference number as shown in the marked up text (Appendix 1)	Accept in full, as the proposed change is minor and administrative.

D84	Radiocommunication, Telecommunication, and Ancillary purposes	No – This designation is located within the Palmerston North City Council area. The designation has been deleted from Appendix 7A – Schedule of Designations at the request of the Requiring Authority
D91	Radiocommunication, Telecommunication, and Ancillary purposes	No – This designation is no longer required and has been deleted from Appendix 7A – Schedule of Designations at the request of the Requiring Authority

Transpower

DESIGNATION	PURPOSE	ROLL-OVER	
D108	Electricity Substation	No – This designation is located within the Palmerston North City Council and has been deleted from Appendix 7A – Schedule of Designations at the request of the Requiring Authority	

MWRC (horizons.mw)

DESIGNATION	PURPOSE	ROLL-OVER	
D109	Flood protection purposes including ongoing stop bank system maintenance and repair	No – This designation is located within the Palmerston North City Council area and has been deleted from Appendix 7A – Schedule of Designations at the request of the Requiring Authority	

Powerco Ltd

DESIGNATION	PURPOSE	ROLL-OVER	OFFICER RECOMMENDATION
D110, D111, D112, D113	Electricity Substation	Yes – Without modification	Roll over
D114	Gas Gate	No – This designation is located within the Palmerston North City Council area and has been deleted from Appendix 7A – Schedule of Designations at the request of the Requiring Authority	
D115	Line Function Services	No – This designation is located within the Palmerston North City Council area and has been deleted from Appendix 7A – Schedule of Designations at the request of the Requiring Authority	

6.0 NEW REQUIREMENTS

6.1 Seven NORs were received as part of PPC60. The NORs can be found in Appendix 3.

- 6.2 Written reasons must be given in support of a new designation and, where the effects on the environment have been considered by the Requiring Authority, unless otherwise stated, I have adopted the assessment provided in the written notice.

Manawatu District Council

- 6.3 Five of the new designations were sought by MDC, and for the purpose of water supply and sewage treatment. Many of the designations are placed over sites containing existing infrastructure facilities. In short, MDC seeks to designate the land on which they are situated to protect the infrastructure over the longer term.
- 6.4 I note that MDC seeks to designate a number of new sites without volunteering any associated conditions to avoid, remedy, or mitigate adverse effects on the environment. I have considered whether conditions should be imposed for each of the sites. I am of the view that conditions are not required due to the nature of the designation (and associated purpose), that the infrastructure already exists and that they have existed for some time. There have been no complaints to MDC over the years regarding their operation. Outline plans will also be necessary before any physical works take place on-site.

Other Requiring Authorities

- 6.5 The Ministry of Education applied for two new notices of requirement for Hato Paora College which is located near Cheltenham and St Joseph's School in Feilding. These two designations are to be placed over school sites that are already existing. In short the Ministry of Education seeks to designate the land on which they are situated.
- 6.6 I would like the Committee to note that the two new notices of requirement are outside the 40 working day limit stipulated under Section 170 of the Act. Section 170 states "*if a territorial authority is given notice of a requirements under section 168 and proposes to publicly notify a proposed plan under clause 5 of Schedule 1 within 40 working days of receipt of that, requirement the territorial authority may, with the consent of the requiring authority, include the requirement in its proposed plan instead of complying with section 169*".
- 6.7 The applicant has requested that under 37A(2)(b) that the time period be extended more than twice the maximum time period specified in the Act. They wish the two new designation to be included in Plan Change 60.

- 6.8 As a result of this request a decision has been made under Section 37 – Power of waiver and extension of time limits to approve the extension under delegated authority.
- 6.9 The section 37 decision is attached as Appendix 4.

7.0 SUBMISSIONS

Submitter Name: KiwiRail Holdings Limited

Submission No: S2/007 and S2/008

Summary:

Support changes proposed to the KiwiRail designations

Decision Sought:

Retain as notified

Officer Recommendation:

That submissions S2/007 and S2/008 be accepted.

Submitter Name: Manawatu – Whanganui Regional Council (Horizons)

Submission No: S5/004

Summary:

Horizons has lodged NoR's under section 168 for new designations for their flood and drainage assets within the District. These NoR's have not been addressed within PPC60, because they were to be considered as a separate plan change. Horizons confirms through its submission that it is comfortable with a later notification date. Council Officers will confirm that Horizons still wants to include its designations (for the purpose of s170 of the Act) shortly before notification of the later plan change.

Decision Sought:

There are no matters that Horizons wishes to comment on.

Officer Recommendation:

That submission S5/004 be noted.

Submitter Name: NZ Transport Agency

Submission No: S7/004

Summary:

State Highway 57 is not located within the Manawatu District. Designation D5 covering State Highway 57 should be removed.

Decision Sought:

Remove the designation D5 from Appendix 7A – Schedule of Designations.

Officer Recommendation:

That submissions S2/004 be accepted and designation D5 be removed from Appendix 7A-Schedule of Designations.

Submitter Name: Powerco**Submission No: S16/059****Summary:**

All the designations Powerco sought to include have been included in PPC 60 and those that were requested to be deleted have been removed. On that basis Powerco supports the inclusion of the four existing designations.

Decision Sought:

There was no decision requested

Officer Recommendation:

That submissions S16/059 be noted.

Submitter Name: Chorus New Zealand Limited**Submission No: S18/001****Summary:**

Chorus noted that their designations have been correctly recorded however under "Designation Site", each of Chorus's designation included the site and then in brackets an internal Chorus reference number.

Decision Sought:

They sought to have the internal Chorus reference number removed.

Officer Recommendation:

That submission S18/001 from Chorus New Zealand Limited be accepted. The Chorus reference number shall be removed from Appendix 7A – Schedule of Designations.

8.0 CONCLUSION

8.1 For the reasons identified above it is my recommendation that the Panel:

- (a) Recommend to each Requiring Authority that they accept the changes within the revised chapter attached at Appendix 1; and
- (b) Accept the changes and additions sought by MDC for its designations; and
- (c) Confirm the revised chapter (Chapter 9) set out at Appendix 1.

- 8.2 Overall, I am of the opinion that the changes will improve the clarity and administration of the District Plan; and give effect to the purpose and principles of the Act.

9.0 RECOMMENDATIONS

- 9.1 That the Hearing Committee receives this report:

New Notices of Requirement - MDC

- (a) **Approves** the notice of requirement by Manawatu District Council for a new designation (D117) for Water Supply Purposes for the Newbury Line Bore on land located at 629 Newbury Line, Feilding legally described as Sec 1 SO 302544 **be confirmed**, without conditions.
- (b) **Approves** the notice of requirement by Manawatu District Council for a new designation (D118) for Water Supply Purposes for the Awa Street Pump Station and Treatment Plant on land located at 18 Awa Street, Feilding legally described as Lot 2 DP 373971 **be confirmed**, without conditions.
- (c) **Approves** the notice of requirement by Manawatu District Council for a new designation (D119) for Water Supply Purposes for the Campbell Road Bore on land located at 401 Campbell Road, Feilding legally described as Sec 1SO 302526 **be confirmed** without conditions.
- (d) **Approves** the notice of requirement by Manawatu District Council for a new designation (D120) for Water Supply Purposes for the Rongotea Water Treatment Plant on land located at 3 Wye Street, Rongotea legally described as Lot 277 DP 160 **be confirmed**, without conditions.
- (e) **Approves** the notice of requirement by Manawatu District Council for a new designation (D121) for Sewage Treatment Purposes for the Himatangi Beach Sewage Treatment Plant at 469 lake Road, Himatangi Beach legally described as Lot 1 DP 456490 **be confirmed**, without conditions.

New Notices of Requirement – Other Requiring Authorities

- (f) **Recommends** that the notice of requirements by Ministry of Education for a new designation (D122) for Education Purposes for Hato Paora College located of Kimbolton Road legally described as Part Lot 1DP 358857 **be confirmed** and without conditions.
- (g) **Recommends** that the notice of requirement by Ministry of Education for a new designation (D123) for Education Purposes for St Joseph's School located off Derby Street, Feilding legally described as Lots 1-3 DP 23572 and Lot 567 DP 19 **be confirmed** without conditions.

Roll Over Requests

- (h) **Recommends** for approval the roll over requests from the Requiring Authorities under clause 4, Schedule 1 of the Resource Management Act 1991 as set out in Appendix 7A- Schedule of Designations in Appendix 1 of this report.
- (i) **Accepts, accepts in part or rejects** the submission as set out in Section 7 of this report for the reasons given.

Overall

- (j) **Confirms** the changes proposed to the Operative District Plan through the introduction of new Chapter 9 - Designations.

Wendy Thompson
Principal Planning Adviser
23 November 2016



Proposed Plan Change 60: Designations Hearing Report

Appendix 1

**Recommended revised chapter (marked
up plan text for PPC 60 including
Schedule 7A)**

Appendix 1

Marked Up Notified Plan Text

Guide to Format of this Document:

1. New text at notification is underlined.
2. Deleted text at notification is shown as ~~strikethrough~~.
3. All changes recommended following consideration of submissions are shaded yellow:
 - New text recommended is shown underlined; and
 - Text recommended to be deleted is shown as ~~strikethrough~~.
4. The relevant submission number references are footnoted.

9 CHAPTER 9 - DESIGNATIONS

9.1 Introduction

In general, land that is used or is proposed to be used for a public work is “designated” for that specific work (e.g road, school, police station). Public bodies such as Crown departments and local authorities have powers (under Sections 168 and 168A of the Resource Management Act 1991) to require that land, including private land, be set aside for public works for which they are financially responsible. Approved network utility operators also have these powers.

The process whereby public bodies require land for such purposes is referred to as a notice of requirement. The public body making the requirement is referred to as a ‘requiring authority’. Ministers of the Crown, local authorities and approved network utility operators are ‘requiring authorities’. When the requirement is included in the Plan, following Council assessment and requiring authority confirmation, it formally becomes a designation.

When land is designated within the District Plan it can only be used for the stated designated purpose. The designation authorises the requiring authority’s work and the activity on the site, are or route without the need for land use consent. Certain conditions may apply to the designation and where applicable these are stipulated in the District Plan. A designation however does not exempt a requiring authority from first obtaining an authority from the Heritage New Zealand if an archaeological site is to be destroyed, damaged or modified.

Any activity or works outside the scope of the designation will require resource consent unless the activity or works are permitted activities within the underlying zone. Further, written approval from the requiring authority is also required before any third party can undertake any activity within a designation that would prevent or hinder a public work, project, or work to which it relates.

Importantly, all designated land has an underlying zoning (which is generally the zoning which applies to the adjacent land) and this zoning applies

- (a) when a designation is removed or
- (b) for works which are not in accordance with the designation (i.e. which are undertaken for a purpose other than the designated purpose).

9.2 Outline Plans

An outline plan of a public work, project, or work to be undertaken on designated land must be submitted by the requiring authority to the Council before the proposed work is commenced, to allow Council to request any changes it considers necessary (refer Section 176A, Resource Management Act 1991).

An outline plan must show the physical features of the work, its location and relationship to the site and any other matters to avoid remedy or mitigate any adverse effects on the environment. The outline plan procedure enables Council to better ascertain the effects of future development and ensure they are controlled.

An outline plan is not required if the work has otherwise been approved under the Resource Management Act 1991, or if details of the work have been incorporated into the designation or if the Council waives the requirement.

9.3 Appendix 7A

Appendix 7A contains the Schedule of Designations within the Manawatu District. This schedule includes details of the designating authority and the location and legal description of the designated site.

No	Facility Requiring Authority	Designation Designation Site	Designated purpose	Underlying Zoning	Legal Description	Further Details
D1	New Zealand Transport Agency NZ Transport Agency	State Highway 1	State Highway To undertake maintenance, operation and use of, and improvements to the State Highway network	Various	Various	
D2	New Zealand Transport Agency NZ Transport Agency	State Highway 3	State Highway To undertake maintenance, operation and use of, and improvements to the State Highway network	Various	Various	
D3	New Zealand Transport Agency NZ Transport Agency	State Highway 54	State Highway To undertake maintenance, operation and use of, and improvements to the State Highway network	Various	Various	
D4	New Zealand Transport Agency NZ Transport Agency	State Highway 56	State Highway To undertake maintenance, operation and use of, and improvements to the State Highway network	Various	Various	

D5 ¹	New Zealand Transport Agency NZ Transport Agency	State Highway 57	State Highway To undertake maintenance, operation and use of, and improvements to the State Highway network	Various	Various	
D6A	Tranz Rail Ltd KiwiRail Holdings Limited	N.Island Main Trunk Railway	Railway Purposes	Various	Various	
D6B	Tranz Rail Ltd KiwiRail Holdings Limited	P.North – Gisborne Railway	Railway Purposes	Various	Various	
D7	Manawatu District Council	Highfield Reservoir	Reservoir	Rural 2	Lot 1 DP 18077 Blk XIV Oroua SD	
D8	Manawatu District Council	Fraser Drive Reservoir	Reservoir	Residential	Lot 154 DP 408224 Lot 1 323217	
D9	Manawatu District Council	Bunnythorpe WTP	Water Treatment Plant	Village	Lot 1 DP 74951	
D10	Manawatu District Council	Himatangi Beach Hall	Himatangi Beach Public Hall	Village	Pt Lot 30 DP 13009	
D11	Manawatu District Council	Himatangi Beach WTP	Reservoir	Village	Lot 3 DP 17461 Lot 1 DP 396606	
D12	Manawatu District Council	Sanson Hall	Sanson Public Hall	Village	Lot 1 DP 75673 Lot 1 DP 83509 Local purpose Reserve (Community Hall & Swimming Complex)	
D13	Manawatu District Council	Rongotea Hall	Rongotea Public Hall	Village	Sec 127 Pt Sec 128 DP 160	
D14	Manawatu District Council	Halcombe Hall	Halcombe Public Hall	Village	Lot 356 DP 42 Halcombe TNSP	
D15	Manawatu District Council	Halcombe STP	Sewage Treatment Purposes	Rural 2	Pt Lots 16, 17 DP 98 Blk VIII Rangitoto SD – Int in R/W over Pt Lot 16 DP 98 – GAZ 1979/1974 Sec 1 SO 38396	

¹ S2/004 – NZ Transport Agency

D16	Manawatu District Council	Cheltenham Hall	Cheltenham Public Hall	Village	Lot 12 Block I DP 134 <u>Blk VII Oroua SD</u>	
D17	Manawatu District Council	Kimbolton Hall	Kimbolton Public Hall	Village	All DP 3147	
D18	Manawatu District Council	Apiti Hall	Apiti Public Hall	Village	GAZ 85-4926 Secs 98 & 100 Town of Apiti	
D19	Manawatu District Council	Rangiwahia Hall	Rangiwahia Public Hall	Rural 2	Pt Sec 62 Rangiwahia Township Sec 170 Rangiwahia <u>TNSP Blk IV Apiti SD – GAZ 58-727</u>	
D20	Manawatu District Council	Beaconsfield Hall	Beaconsfield Public Hall	Rural 2	Lot 83 DP 96 <u>Blk III Oroua SD</u>	
D21	Manawatu District Council	Waituna West Hall	Waituna West Public Hall	Rural 2	Lot 1 DP 85107 <u>Blk XV Ongo SD</u>	
D22	Manawatu District Council	Utuwai Hall	Utuwai Public Hall	Rural 2	Lot 1 Sec 16 Block XII Apiti SD	
D23	Manawatu District Council	Kimbolton STP	Sewage Treatment Purposes	Rural 2	GAZ 86-1895 85-4486 Lots 1& 2 DP 57923 <u>Blk XIV Apiti SD – Lot 2 Subj to Sewerage Disposal Easement</u>	
D24	Manawatu District Council	Ohakea Hall	Ohakea Public Hall	Rural 2	Lot 4 DP 12795 <u>Blk XV Rangitoto SD</u>	
D25	Manawatu District Council	Sanson STP	Sewage Treatment Purposes	Rural 2	Lot 1 DP 42023 <u>Blk XV Rangitoto SD Section 1 SO 302447</u>	
D26	Manawatu District Council	Stanway Hall	Stanway Public Hall	Rural 2	Pt Lot 2 DP 147, Lot 1 DP 10327 Lot 1 DP 86808	
D27	Manawatu District Council	Feilding WTP	Water Treatment Purposes	Rural 1	Pt Lot 12 DP 73 <u>Blk XI Oroua SD – Water Works</u>	
D28	Manawatu District Council	Almadale Water Intake <u>Oroua No.1 Rural Water Supply Intake</u>	Water Supply Purposes	Flood Channel 2	Pt Lot 12 DP 73 Sec 19 Blk XII Oroua SD – Reserve GAZ	
D29	Manawatu District Council	Cheltenham STP	Sewage Treatment Purposes	Rural 1	Pt Sec 213 Sandon Township- <u>Blk VIII Oroua SD – Gaz 86-</u>	

					<u>4144-Sewage Disposal</u>	
D30	Manawatu District Council	Kiwitea Hall	Kiwitea Public Hall	Rural 1	Pt Sec 235 Sandon Township <u>Blk IV Oroua SD INT in sewage easements on DP 87870</u>	
D31	Manawatu District Council	Pohangina Hall	Pohangina Public Hall	Rural 2	Secs 7-14 Block V Town of Pohangina <u>Secs 8 & 9 Blk V Town of Pohangina</u>	
D32	Manawatu District Council	Clydesdale Hall	Clydesdale Public Hall	Rural 2	Lot 1 DP 7527	
D33	Manawatu District Council	Rongotea STP	Sewage Treatment Purposes	Rural 2	Lot 2 DP 48164 <u>Blk VII Te Kawanu SD</u>	
D34	Manawatu District Council	Feilding Tip	Refuse Disposal Site	Rural 2	<u>GAZ 77-171</u> Pt Lots 11 & 12 DP 999 – <u>Rubbish Dump-</u> <u>Lot 1 DP 8546 Lot 1 DP 30706 Blk XIII Oroua SD</u>	
D35	Manawatu District Council	Feilding STP	Sewage Treatment Purposes	Rural 1	Sec 1 SO 34329, Pt Secs 345, 348 Town of Sandon Not amended– Designation still under review	Please note that the designation is subject to a notified notice of requirement which is still being considered by the Environment Court. Decision pending.
D36	Manawatu District Council	Awahuri STP	Sewage Treatment Purposes	Rural 1	All DP2875 <u>Lot 2 DP 414302 Subj to R/W & Various Easements</u>	
D37	Manawatu District Council	Colyton Hall	Colyton Public Hall	Rural 2	<u>GAZ 64-2188</u> Pt Lot 10 DP 181 <u>Blk XV Oroua SD</u>	
D38	Manawatu District Council	Bunnythorpe STP	Sewage Treatment Purposes	Flood Channel 2	Lots 2 & 4, DP 47914	
D39	Manawatu District Council	Oroua Downs Hall	Oroua Downs Public Hall	Rural 2	Pt Lot 10 DP 5574 <u>Blk X Te Kawanu SD</u>	
D40	Manawatu District Council	Taikorea Hall	Taikorea Public Hall	Rural 2	Lot 2 DP 79834	
D41	Manawatu District Council	Rangiotu Hall	Rangiotu Public Hall	Rural 2	<u>All land on DP 3676 Blk IV Mt Robinson</u>	

D42	Manawatu District Council	Longburn STP	Sewage Treatment Purposes	Rural 1	Pt 1 DP 44837	
D43	Minister for Courts	Feilding Courthouse	Courthouse	Business	Sec 251 DP SBDN A Manchester District	
D44	Minister of Defence	Ohakea Airforce Base	<p>Defence Purposes (Aerodrome)</p> <p>Defence Purposes (as described by the Defence Act 1990)</p> <p>Works and projects that comply with the permitted activities rules of the underlying zoning are incorporated into this designation and, in accordance with s 176A(2)(b) RMA, no outline plan is required for those activities.</p> <p>For avoidance of doubt, maintenance activities do not require an outline plan.</p>	Rural 2	<p>Pt Sec 53, 55, 56 Block XV Rangitoto Survey District, Sec 45, 57, 58, 62, 73, 74, 75, 77 Block XV Rangitoto Survey District, Lot 1 DP 14231, Lot 1 and Pt Lot 2 DP 4423, Lot 2 DP 12916, Pt Lots 1, 2, 3 DP 7831, Lot 1 DP 21753, Pt Sec 12, 14, 19 Town of Sandon, Closed Road in SO 32702</p>	
D45	Minister of Defence	Ohakea STP	<p>Defence Purposes (Sewage Treatment)</p> <p>Defence Purposes (as described by the Defence Act 1990)</p> <p>Works and projects that comply with the permitted activities rules of the underlying zoning are incorporated into this designation and, in accordance with s 176A(2)(b) RMA, no outline plan is required for those activities. For avoidance of doubt, maintenance activities do not require an outline plan.</p>	Rural 1	<p>Pt Sec 49 Block XV Rangitoto Survey District (NZ Gazette 1961/1906)</p> <p>Pt Sec 49 Block XV Rangitoto Survey District (NZ Gazette 1939/2429)</p>	
D46	Minister of Defence	Wilson Rd Communications	<p>Defence Purposes (Radio Station)</p> <p>Defence Purposes (as described by the Defence Act 1990)</p> <p>Works and projects that comply with the permitted activities rules of the underlying zoning are incorporated into this designation and, in accordance with s 176A(2)(b) RMA, no</p>	Rural 2	<p>Pt Lot 1 DP 11049 (NZ Gazette 1939)</p> <p>Pt Lot 1 DP 11049 (NZ Gazette 1963/1240)</p>	

			<p><u>outline plan is required for those activities.</u></p> <p><u>For avoidance of doubt, maintenance activities do not require an outline plan.</u></p>			
D47	Minister of Defence	Wightmans Rd Base	<p>Defence Purposes (Administrative/RNZAF Band Hall Facility)</p> <p>Defence Purposes (<u>as described by the Defence Act 1990</u>)</p> <p><u>Works and projects that comply with the permitted activities rules of the underlying zoning are incorporated into this designation and, in accordance with s 176A(2)(b) RMA, no outline plan is required for those activities.</u></p> <p><u>For avoidance of doubt, maintenance activities do not require an outline plan.</u></p>	Rural 2	<u>Pt Sec 61 Town of Sandon</u>	
D48	Minster of Education	<p>Feilding Agricultural High School</p> <p><u>Feilding High School</u></p>	<u>Educational Purposes</u>	Residential	<p>Pt Sec 128 Town of Sandon, Lots 9-33 DP 2262, Lots 59 & 60 DP 60</p> <p><u>Lots 59 and 60, Lot 56, Lots 61, 62 Lot 58 Part Lots 19, 53, 55, 57 DP 20, Part Lot 21, Lot 2, Lot 5, Lots 24 and 25, Lots 1 to 28 and 30, Lot 29 Section 1, Lot 28, Lots 1 to 6 and 14, Lots 1 and 2, Lots 650, 651 and 652, Lots 671 and 672, Lot 673, Lot 4 Pt Sec 128 Town of Sandon Lots 9-26 DP 2262, Lots 27, 228, 332, 333 DP 2262, Lots 29, 330, 331 DP 2262</u></p>	
D49	Minister of Education	Feilding Intermediate School	<u>Educational Purposes</u>	Residential	Pt 195 DP100, Pts 6,8,12 & 17 DP 12202, Lot 5 DP24831	

D50	Minister of Education	Lytton St Primary School	<u>Educational Purposes</u>	Residential	Lots 1-5 DP 13767, Lots 764-766 DP 19, Pts Lots 761, 763, 767, 768, 773 DP 19	
D51	Minister of Education	Manchester St Primary School	<u>Educational Purposes</u>	Residential	Pts 70-73, 77-79, 81-86 & Lot 74 DP 19	
D52	Minister of Education	North St Primary School	<u>Educational Purposes</u>	Residential	Pt Lots 16 & 17 DP 20	
D53	Minister of Education	Longburn School	Longburn Primary School	Pt Lot 50 DP 526, Pt Sec 21 Karere District	Village	
D54	Minister of Education	Bunnythorpe School	Bunnythorpe Primary School and Teachers Residence	Lots 41-46 DP 217 & Lot 2 DP 30293	Village	
D55	Minister of Education	Tangimoana Primary School	<u>Educational Purposes</u>	Village	Sec 558 Town of Carnarvon	
D56	Minister of Education	Sanson Primary School	<u>Educational Purposes</u>	Village	Sec 1 SO 36708	
D57	Minister of Education	Rongotea Primary School	<u>Educational Purposes</u>	Village/ Recreation	Lots 269-276, Lot 280-289, Lot 353-358 DP 160 Lots 359 to 363 DP 160 <u>Lots 269-276, Lot 280-289, Lot 353-358 DP 160 Lots 359 to 363 DP 160, Section 1 Survey Office Plan 18049, Lot 1 DP88559</u>	
D58	Minister of Education	Halcombe Primary School and Teachers Residence <u>Halcombe Primary School</u>	<u>Educational Purposes</u>	Rural 2	Lots 267, 267A, 268A, 269, 269A, 270 & 270A, DP42 Pts 373&374 DP42	
D59	Minister of Education	<u>Cheltenham Primary School</u>	<u>Educational Purposes</u>	Rural 1	Lots 1-8 and 14 DP 134	
D60	Not allocated					
D61	Minister of Education	Kimbolton Primary School	<u>Educational Purposes</u>	Village	Pt Secs 33, 34 Kimbolton Suburban Pt Sec 82, Secs 104 & 105 Town of Kimbolton	
D62	Minister of Education	Apiti Primary School	<u>Educational Purposes</u>	Village	Secs 163-166 & 168 Block XI, Apiti SD	
D63	Minister of Education	Waituna West Primary School	<u>Educational Purposes</u>	Rural 2	Sec 20 Block XV Ongo SD	

D64	Not allocated					
D65	Minister of Education	Mt Biggs School Mt Biggs Primary School	<u>Educational Purposes</u>	Rural 2	<u>Lot 1 DP 4981, Lot 1 DP 15587, Lot 2 DP 15587</u>	
D66	Minister of Education	Awahou Primary School	<u>Educational Purposes</u>	Rural 2	Pt Sec 33 Block X Pohangina SD	
D67	Minister of Education	Kiwritea Primary School	<u>Educational Purposes</u>	Rural 1	Pt Sec 230 Town of Sandon, Pt Lot 2 DP 3502	
D68	Minister of Education	Glen Oroua Primary School	<u>Educational Purposes</u>	Rural 2	Lots 2 & 12 DP 2557, Lot 1 DP 72572	
D69	Minister of Education	Kopane Primary School and Teachers Residence Kopane Primary School	<u>Educational Purposes</u>	Flood Channel 2	Pt 1 DP 7235, Pt Lot 1 DP 4055	
D70	Minister of Education	Newbury Primary School	<u>Educational Purposes</u>	Rural 1	<u>Sec 347, Town Of PN</u>	
D71	Minister of Education	Waitohi School	Waitohi Primary School	Rural 2	Pt sec 229 & Sec 603, Town of Carnarvon	
D72	Minister of Education	Colyton Primary School	<u>Educational Purposes</u>	Rural 2	<u>Pt Sec 10 Subn H, Manchester District, Section 1 SO 328273, Lot 2 DP390606</u>	
D73	Minister of Education	Hiwinui Primary School	<u>Educational Purposes</u>	Rural 2	Pt Lot 1 Sec 29 Subn O, Manchester District	
D74	Minister of Education	Taonui Primary School	<u>Educational Purposes</u>	Rural 1	Pt Sec 576 Town of Bunnythorpe, Sec 1 Block II Kairanga SD	
D75	Minister of Education	Bainesse Primary School	<u>Educational Purposes</u>	Rural 2	<u>Pt Puketotara 8 & Secs 1 Block XV Te Kawanu SD</u>	
D76	Minister of Education	Oroua Downs Primary School	<u>Educational Purposes</u>	Rural 2	Lot 1 DP 13176, Pt 15 DP 1368, Pt 10 DP 1367	
D77	Not allocated					
D78	Minister of Education	Kairanga School	Kairanga Primary School		Pt Sec 1576 Block IX Kairanga SD, Lot 4 DP 18892	
			<u>Educational Purposes means:</u> <u>"includes the provision of instruction and/or training and may include such uses as early</u>			

			<u>childhood education services, schools, community education, tertiary educational institutions, work skills training centres, outdoor education centres, sport training establishments and out of school care services and includes their ancillary administrative and support facilities (including cultural, recreational, communal or accommodation)"</u>			
D79	Minster of Police	Feilding Police Station	Police Purposes – Feilding Police Station	Outer Business	Section 250 SBDN A Manchester District	
D80	Minister of Police	Kimbolton Police Station	Police Purposes –Kimbolton Police Station	Village	<u>Sections 19 & 20 Pt 21 DP 650</u>	
D81	Radio New Zealand Transmitter	Gillespies Line Transmitter	Radiocommunication, Telecommunication, and ancillary purposes and land uses	Flood Channel 1	Pt lots 1 and 2 DP 7073	
D82	<u>Spark New Zealand Trading Limited</u> <u>Chorus New Zealand Limited</u>	Feilding Exchange <u>(20106)</u> ²	Telecommunication, Radiocommunication & Ancillary purposes	<u>Outer Business</u>	Lot 1 DP 351838	
D83	Telecom New Zealand Chorus New Zealand	Longburn Repeater Station <u>(20117)</u> ²	Radiocommunication, Telecommunication, and Ancillary purposes	Rural 1	Sec 1 SO 24142	
D84	Telecom New Zealand	Bunnythorpe Exchange	Radiocommunication, Telecommunication, and Ancillary purposes	Village	Lot 1 DP 73010	
D85	Telecom New Zealand <u>Chorus New Zealand Limited</u>	Tangimoana Exchange <u>(20204)</u> ²	Telecommunication, Radiocommunication & Ancillary purposes	Village	Lot A Sec 558 Town of Carnarvon	
D86	Telecom New Zealand <u>Chorus New Zealand Limited</u>	Himatangi Beach Radio Site <u>(20211)</u> ²	Telecommunication, Radiocommunication & Ancillary purposes	Village	Lot 1 DP 72005	

² S18/001 – Chorus New Zealand Limited

D87	Telecom New Zealand <u>Chorus New Zealand Limited</u>	Sanson Exchange (20135) ²	Telecommunication, Radiocommunication & Ancillary purposes	Village	Lot 1 DP 74813	
D88	Telecom New Zealand <u>Chorus New Zealand Limited</u>	Rongotea Exchange (20132) ²	Telecommunication, Radiocommunication & Ancillary purposes	Village	Lot 1 DP 81870	
D89	Telecom New Zealand <u>Chorus New Zealand Limited</u>	Halcombe Exchange (20110) ²	Telecommunication, Radiocommunication & Ancillary purposes	Village	Lot 1 DP 81868	
D90	Telecom New Zealand <u>Chorus New Zealand Limited</u>	Kimbolton Exchange (20115) ²	Telecommunication, Radiocommunication & Ancillary purposes	Village	Lot 1 DP 81869	
D91	Telecom New Zealand Ltd	Apiti Exchange	Radiocommunication, Telecommunication, and ancillary purposes and land uses	Sec 105 Town of Apiti	Village	
D92	Telecom New Zealand <u>Chorus New Zealand Limited</u>	Rangiwahia Exchange (20129) ²	Telecommunication, Radiocommunication & Ancillary purposes	Rural 2	Sec 1 SO 28190	
D93	Telecom New Zealand <u>Chorus New Zealand Limited</u>	Rangiwahia VHF (20130)	Telecommunication, Radiocommunication & Ancillary purposes	Rural 2	Lot 1 DP 67187	
D94	Telecom New Zealand <u>Chorus New Zealand Limited</u>	Tapuae Exchange (20137) ²	Telecommunication, Radiocommunication & Ancillary purposes	Rural 2	Sec 1 SO 33663	
D95	Telecom New Zealand <u>Chorus New Zealand Limited</u>	Waituna West Exchange (20140) ²	Telecommunication, Radiocommunication & Ancillary purposes	Rural 2	Pt Sec 20 West Waitapu Village, Sec 1 SO 36346	
D96	Telecom New Zealand <u>Chorus New Zealand Limited</u>	Ridge Rd Radio Site (20141) ²	Telecommunication, Radiocommunication & Ancillary purposes	Rural 2	Lot 1 DP 78408	

D97	Telecom New Zealand <u>Chorus New Zealand Limited</u>	Apiti Radio Site Reid's Line Radio Site (20142) ²	Telecommunication, Radiocommunication & Ancillary purposes	Rural 2	Lot 1 DP 79319	
D98	Telecom New Zealand <u>Chorus New Zealand Limited</u>	Umutoi Radio Site (20238) ²	Telecommunication, Radiocommunication & Ancillary purposes	Rural 2	Lot 1 DP 77147	
D99	Telecom New Zealand <u>Chorus New Zealand Limited</u>	Cheltenham Exchange (20104) ²	Telecommunication, Radiocommunication & Ancillary purposes	Rural 1	Sec 1 SO 25527	
D100	Telecom New Zealand <u>Chorus New Zealand Limited</u>	Colyton Exchange (20105) ²	Telecommunication, Radiocommunication & Ancillary purposes	Rural 2	Sec 1 SO 25528	
D101	Telecom New Zealand <u>Chorus New Zealand Limited</u>	Pohangina Exchange Walton's Trig Radio Site (20239) ²	Telecommunication, Radiocommunication & Ancillary purposes	Rural 2	Sec 1 SO 24100 Lot 1 DP 79322	
D102	Telecom New Zealand <u>Chorus New Zealand Limited</u>	Komako Radio Site (20240) ²	Telecommunication, Radiocommunication & Ancillary purposes	Rural 2	Lot 1 DP 78409	
D103	Telecom New Zealand <u>Chorus New Zealand Limited</u>	Glen Oroua Exchange (20109) ²	Telecommunication, Radiocommunication & Ancillary purposes	Rural 2	Lot 1 DP 1035 Pt Sec 384 T own of Carnarvon Blk XI Te Kawau SD SO 26597	
D104	Telecom New Zealand <u>Chorus New Zealand Limited</u>	Bainesse Repeater Station (20102) ²	Telecommunication, Radiocommunication & Ancillary purposes	Rural 2	Sec 1 SO 24021	
D105	Telecom New Zealand <u>Chorus New Zealand Limited</u>	Himatangi Exchange (20111) ²	Telecommunication, Radiocommunication & Ancillary purposes	Rural 2	Pt Lot 4 DP 9194 being Pt rural Sec 312 Carnarvon Township Blks XIV & XIII Te Kawau SD SO 25611	
D106	Telecom New Zealand <u>Chorus New Zealand Limited</u>	Rangiotu Exchange (20131) ²	Telecommunication, Radiocommunication & Ancillary purposes	Rural 2	Sec 1 SO 26031	

D107	Telecom New Zealand <u>Chorus New Zealand</u>	Kairanga Exchange <u>(20112)</u> ²	Telecommunication, Radiocommunication & Ancillary purposes	Flood Channel 2	Sec 1 on SO 25516	
D108	Transpower Ltd	Bunnythorpe Substation	Electricity Substation	Lot 1 DP 76218, Lots 163-165 DP 217, Lot 33 DP 66580	Rural 2	
D109	MWRC (horizons.mw)	Mangaone Stream stopbanks (including stream channel) between Rangitikei Line and Pluto Place	Flood protection purposes including ongoing stopbank system maintenance and repair	Lot 1 DP 89587, Lots 1 and 2 DP 81647, Pt Secs 1800 and 180 Town of Palmerston North SO 35103 SO 37783 River Protection Works Gaz 2000 p4266 and Sec 1805 Town of Palmerston North SO 35103	Flood Channel 2	
D110	Powerco Ltd	Feilding Substation	Electricity Substation	Industrial	Lot 2 DP 305442	
D111	Powerco Ltd	Kairanga Substation	Electricity Substation	Rural 1	Lot 1 DP 84422	
D112	Powerco Ltd	Kimbolton Substation	Electricity Substation	Rural 2	Lot 1 DP 22864	
D113	Powerco Ltd	Sanson Substation	Electricity Substation	Rural 2	Lot 1 DP 24558	
D114	Powerco Ltd	Ashhurst Gas Gate	Gas Gate	Lot 1 DP 68867	Rural 2	
D115	Powerco Ltd	Line Function Services	Line Function Services (Kelvin Grove Road)	Lot 1 DP 59428	Rural 2	
D114	Powerco Ltd	Ashhurst Gas Gate	Gas Gate	Lot 1 DP 68867	Rural 2	
D115	Powerco Ltd	Line Function Services	Line Function Services (Kelvin Grove Road)	Lot 1 DP 59428	Rural 2	
D117	<u>Manawatu District Council</u>	<u>Newbury Line Bore</u>	<u>Water Supply Purposes</u>	<u>Sec 1 SO 302544</u>	<u>Rural 1</u>	
D118	<u>Manawatu District Council</u>	<u>Awa Street Pump Station and Treatment Plant</u>	<u>Water Supply Purposes</u>	<u>Lot 2 DP 373971</u>	<u>Industrial</u>	
D119	<u>Manawatu District Council</u>	<u>Campbell Road Bore</u>	<u>Water Supply Purposes</u>	<u>Sec 1 SO 302526</u>	<u>Rural 1</u>	

D120	<u>Manawatu District Council</u>	<u>Rongotea Water Treatment Plant</u>	<u>Water Supply Purposes</u>	<u>Lot 277 DP 160</u>	<u>Industrial</u>	
D121	<u>Manawatu District Council</u>	<u>Himatangi Beach Sewage Treatment Plant</u>	<u>Sewage Treatment Purposes</u>	<u>Lot 1 DP 456490</u>	<u>Rural 2</u>	
D122	<u>Ministry of Education</u>	<u>Hato Paora College</u>	<u>Education Purposes</u>	<u>Part Lot 1 DP 358857</u>	<u>Rural 1</u>	
D123	<u>Ministry of Education</u>	<u>St Joseph's School</u>	<u>Education Purposes</u>	<u>Lots 1-3 DP 23572 and Lot 567 DP 19</u>	<u>Residential</u>	

District Plan Consequential Changes

Delete Section 1.2.4A) and B), as follows

~~1.2.4 Public Works Designations and Outline Plans~~

- ~~A) The procedure for a notice of requirement is set down in Sections 168 and 171 of the Resource Management Act 1991.~~
- ~~B) Certain circumstances where **outline plans** are not required are listed in Section 176A (2). **Council** has the right to waive the requirement for an **outline plan** and will consider the need for such a plan on a case by case basis upon request from the requiring authority. Outline Plans will not be required in respect of:-~~
- ~~i) Any work which was fully disclosed in a notice of requirement under Section 168 of the Act.~~
 - ~~ii) Any work which the person or body responsible for its construction considers is immediately necessary to safeguard life or property; or to maintain or restore communication or transport links.~~
 - ~~iii) Any utility listed in Rule A2 2.5 of this Plan.~~
 - ~~iv) Such other works for which it is considered to be impractical or~~

Delete Section 2.8.1 and 2.8.2

~~2.8 DESIGNATIONS AND ROADS~~

~~2.8.1 Public Works Designations~~

- ~~A) The public works designations applying under this Plan are shown on the Planning Maps and listed in Appendix 7. (Pages 224-233).~~
- ~~B) The requiring authority may do anything on designated land that is in accordance with the designation, and no other person may do anything in relation to the land without the prior written consent of the requiring authority. (Section 176(1) of the Act).~~
- ~~C) The rules of this Plan shall apply in relation to designated land to the extent that the land is used for purposes other than the designated purpose. (Section 176(2)). The zoning which will apply is shown in Appendix 7A. In respect of highway and railway designations the zoning shall be the same as that of the adjoining land. If the zoning on opposite sides of the road or railway is different, the centreline shall be the zone boundary.~~

~~2.8.2 Zoning of Roads~~

- ~~A) Roads other than State Highways are not designated under this Plan and are zoned instead. The zoning of roads shall be the same as that of the adjoining land. If the zoning on opposite sides of the road is different, the road centreline shall be the zone boundary~~



Proposed Plan Change 60:

Designations

Hearing Report

Appendix 2

Submissions Received

9 August 2016

Manawatu District Council
Proposed Manawatu District Plan
Private Bag 10 001
FEILDING 4743

By email to: wendy.thompson@mdc.govt.nz

**SUBMISSION ON PUBLICLY NOTIFIED PROPOSED PLAN CHANGE OR VARIATION
(FORM 5)**

Manawatu District Plan: Plan Changes 52, 55 and 60

NAME OF SUBMITTER: KiwiRail Holdings Limited (KiwiRail)

ADDRESS FOR SERVICE: Level 1
Wellington Railway Station
Bunny Street
PO Box 593
WELLINGTON 6140

Attention: Rebecca Beals

Ph: 04 498 3389

Email: Rebecca.Beals@kiwirail.co.nz

KiwiRail Submission on Proposed District Plan Changes 52 (Industrial), 55 (District Wide) and 60 (Designations)

KiwiRail Holdings Limited (KiwiRail) is the State Owned Enterprise responsible for the management and operation of the national railway network. This includes managing railway infrastructure and land, as well as rail freight and passenger services within New Zealand. KiwiRail Holdings Limited is also the Requiring Authority for the designated corridors of the North Island Main Trunk and a small section of the Palmerston North to Gisborne Line within the Manawatu District. KiwiRail has an interest in protecting its ability to continue to operate, maintain and enhance these nationally significant networks into the future, as well as seeking to ensure the safety and amenity of those parties occupying land adjacent to the rail corridor.

KiwiRail's submission on the Proposed District Plan Changes is set out in the attached table. Insertions we wish to make are marked in **bold** and **underlined**, while recommended deletions are shown as ~~struck out~~ text. All requested changes include any consequential changes to the Plan to accommodate the requested change in the stated, or alternate, location.

KiwiRail does not wish to speak to our submission at this time, however in the event that Council have any queries on the submission points provided, we are available to discuss this.

Regards

A handwritten signature in blue ink, appearing to read 'Rebecca Beals'.

Rebecca Beals
Senior RMA Advisor
KiwiRail

Submission Number	Proposed Amendment	Support/Oppose/Seek Amendment	Feedback/Comments/Reasons	Relief Sought (as stated or similar to achieve the requested relief)
Plan Change 52: Industrial				
16: Industrial Zone				
1.	16.4.2.a	Seek Amendment	<p>KiwiRail support that setbacks from the boundaries for buildings are required, however note that no side or rear boundary setbacks are proposed within the Industrial Zone, and no setback from the rail corridor is proposed for structures.</p> <p>KiwiRail seek that a setback from the rail corridor boundary be required, to ensure that not only is amenity on site maintained, but also so that all necessary maintenance to buildings can occur without the requirement to access the rail corridor. Unlike roads, the rail corridor is not available for public access. The consequences of uncontrolled access to the rail network can be fatal. To ensure the safety of those parties occupying sites adjacent to the corridor and to ensure the safe operation of the rail network itself, the setback is sought.</p> <p>The setback is sought to only apply to buildings, with the land remaining available for access, landscaping or any other uses consistent with the zone standards. Further the setback is not sought to apply retrospectively, therefore will not impact on existing developments on industrial sites or existing use rights in the event of redevelopment of these sites.</p>	<p>Amend as follows:</p> <p><i>a. Building Set Back Yards and Height ...</i> <i>v. All buildings, excluding signs must be set back at least 5 metres from any boundary with a rail corridor.</i></p>
Plan Change 55: District Wide Rules				
3A: Network Utilities				
2.	Issues: 3A.2.6	Support	Council is supported in seeking to ensure that constraints on existing network utilities are recognised when considering new developments. KiwiRail note no reference to reverse sensitivity is provided for in the issues statements, however this	Retain as notified.

Submission Number	Proposed Amendment	Support/Oppose/Seek Amendment	Feedback/Comments/Reasons	Relief Sought (as stated or similar to achieve the requested relief)
			issue is reflected within subsequent objectives and policies within Chapter 3A.	
3.	3A.3 - Policies 1.1 and 1.4	Support	KiwiRail support that the Plan specifically provides for the ability to establish, operate, maintain and upgrade network utilities. KiwiRail also support the consideration of locational, technical and operational requirements in relation to network utilities.	Retain as notified.
4.	3A.3 – Policies 2.2 and 2.3	Support	KiwiRail support the requirements to manage potential effects from adjacent developments and activities on the ability to safely operate the network utility, including in relation to reverse sensitivity, vegetation, subdivision and development.	Retain as notified.
5.	3A.4.1 – Permitted Activities (a)	Support	Support is provided by KiwiRail for the operation, maintenance, minor upgrading and repair of existing network utilities being identified as a permitted activity.	Retain as notified.
6.	3A.4.1 – Permitted Activities (b)	Support	KiwiRail support that the construction, operation, maintenance, realignment and upgrading of roads and railway lines within the road reserve or railway corridor is provided for.	Retain as notified.
7.	3A.4.1 – Permitted Activities (j), and (k)	Support	That railway crossing warning devices and barrier arms are also specifically provided for as permitted activities is supported by KiwiRail.	Retain as notified.
8.	3A.4.2 – Permitted Activity Standard (o)	Support	KiwiRail support the Council in including the requirement for level crossings to be kept clear of buildings and obstructions as required by Appendix 3B.5.	Retain as notified.

Submission Number	Proposed Amendment	Support/Oppose/Seek Amendment	Feedback/Comments/Reasons	Relief Sought (as stated or similar to achieve the requested relief)
3B: Transport				
9.	3B.2 – Issue 1	Support	KiwiRail support Council in recognising that there are potential effects on the safety and efficient of the roading network that can arise, however KiwiRail believe that the safety and efficiency effects that can arise also relate to the rail network. Passengers, train drivers and trains themselves, including the movement of freight, are all susceptible to safety and efficiency effects as a result of inappropriate land use and development.	Retain as notified.
10.	3B.3 – Objective 1	Support	As with the comments above, the safe and efficient operation of the rail network can be compromised as a result of inappropriate development. KiwiRail therefore support that the Objective specifically relates to transport networks, which include both road and rail.	Retain as notified.
11.	3B.3 – Policy 1.1(a)	Support	KiwiRail support the requirement for managing adverse effects on the rail network from encroachment into the sightlines at level crossings.	Retain as notified.
12.	3B.3 – Policy 1.3	Support	KiwiRail support the Council in including the requirement for level crossings to be kept clear of buildings and obstructions as required by Appendix 3B.5.	Retain as notified.
13.	3B.4.2 – Access Standards for Permitted Activities (d)	Support	KiwiRail support the requirement for new vehicle crossings to be setback 30m from level crossings.	Retain as notified.
14.	3B.4.2 – Access Standards for Permitted Activities (e)	Support	KiwiRail support that existing vehicle crossings within 30m of a level crossing be maintained to ensure safety is not compromised, and that this is linked to the Appendix in the Transport Chapter.	Retain as notified.

Submission Number	Proposed Amendment	Support/Oppose/Seek Amendment	Feedback/Comments/Reasons	Relief Sought (as stated or similar to achieve the requested relief)
15.	3B.4.6 – Assessment Matter	Support	Where there is non-compliance with the Appendix 3B.5 standards or the setback of a vehicle crossing from a level crossing, resource consent is required as a restricted discretionary activity. The proposed assessment criteria at the first bullet point, includes consideration to the safe and efficient operation of the transport network. This will enable a consideration of the effects of the proposal on the safety and efficiency of the rail network. KiwiRail support this provision.	Retain as notified.
16.	Appendix 3B.5	Support	KiwiRail support the inclusion of the provisions in relation to the protection of sightlines and level crossings.	Retain as notified.
3C: Noise				
17.	3C.4.1.c(iii)	Support	KiwiRail support that trains have been exempted from compliance with the noise standards, this reflecting the RMA provisions.	Retain as notified.
Definitions				
18.	Definition: Earthworks	Support	KiwiRail support that earthworks associated with the upgrading and maintenance of network utilities are exempted from the definition of earthworks and thereby the rules proposed specifically on earthworks. KiwiRail note that the definition of Network Utilities includes rail, thereby earthworks associated with upgrade and maintenance works on the rail network, are also exempt.	Retain as notified.
19.	Definition: Infrastructure of Regional and National Importance	Support	KiwiRail support the recognition in the definition for infrastructure of regional and national importance and the consistency with the One Plan proposed through the definition.	Retain as notified.

Submission Number	Proposed Amendment	Support/Oppose/Seek Amendment	Feedback/Comments/Reasons	Relief Sought (as stated or similar to achieve the requested relief)
20.	Definition: Network Utility	Support	KiwiRail support that rail is included at point (j) of the proposed definition of a Network Utility.	Retain as notified.
Plan Change 60: Designations				
9: Designations				
21.	Designation 6A and 6B	Support	KiwiRail support the changes proposed to the KiwiRail designations to reflect the updated requiring authority details.	Retain as notified.



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8 August 2016

Manawatu District Council
Private Bag 10 001
FEILDING 4743

File ref: RAI 04 02
2016
LT/RJP

Delivered via Email to:
districtplanreview@mdc.govt.nz

Dear Sir or Madam

MANAWATU DISTRICT COUNCIL PROPOSED PLAN CHANGES 52, 55 AND 60 – INDUSTRIAL ZONE, DISTRICT-WIDE RULES AND DESIGNATIONS

Please find attached Horizons Regional Council's submission on ProposedS Plan Changes 52, 55 and 60 to the Manawatu District Council's District Plan.

Horizons wishes to be heard in support of this submission.

While Horizons is generally in support of the Proposed Plan Change there are some specific areas of concern which are outlined in the attached submission.

We welcome the opportunity to work with the Manawatu District Council to narrow or resolve these issues prior to the hearing, either informally or at officer level or through a prehearing process.

Yours faithfully

A handwritten signature in purple ink, appearing to read "Lisa Thomas".

Lisa Thomas
COORDINATOR DISTRICT ADVICE

Encls. Submission on Proposed Plan Changes 52, 55 and 60
Annex A – One Plan Rule 14-18
Annex B – Horizons feedback letter on Draft Plan Changes 55, 55 & 60

Rangiora

Wairarapa

Palmerston North

Tairāhema

Tairāhema

Wanganui

Woodville



Submission on the Proposed Manawatu District Plan Changes 52, 55 and 60

Industrial Zone, District-Wide Rules and Designations

To: Manawatu District Council
Private Bag 10 001
FEILDING 4743

From: Manawatu-Whanganui Regional Council (Horizons)
Private Bag 11025
Manawatu Mail Centre
PALMERSTON NORTH 4442

1. Thank you for the opportunity to submit on Proposed Manawatu District Plan Changes 52, 55 and 60 (Industrial Zone, District-wide Rules and Designations). Our submission points are detailed below, along with the decisions sought from the Manawatu District Council (MDC).
2. Horizons could not gain an advantage in trade competition through this submission.
3. Horizons wishes to be heard in support of this submission. If others make a similar submission we would be willing to consider presenting a joint case with them to any hearing.
4. Horizons provided feedback on the draft version of Plan Changes 52, 55 and 60 on 16 March 2016. A number of our recommended changes have been adopted by MDC in the notified version of these Plan Changes. The following submission confirms our overall support for this Plan Change and those recommended changes to the draft version that have been accepted by MDC. However, a number of matters remain that require further discussion to ensure alignment with the objectives, policies and rules of the One Plan. We welcome any opportunity to attend informal or formal pre-hearing meetings with MDC and other parties to discuss these remaining matters.

Plan Change 52 – Industrial Zone

5. We understand that Proposed Plan Change 52 includes both a review of the Industrial Zone rules, and a rezoning of 15.6 hectares of land along Turners Road from Rural to Industrial. Our key interests for development in this area include avoidance or mitigation of flood risk in a 0.5% Annual Exceedance Probability (AEP) (1 in 200 year) event, and management of the quantity and quality of stormwater discharges.
6. Horizons staff have had various preliminary discussions with MDC staff regarding various aspects of this proposed plan change. Our involvement to date has included discussions around how additionally generated stormwater is to be detained within the extension area so that it does not result in increased stormwater flows to the Taonui Basin. We also made a submission on a Notice of Requirement (NOR) to designate a new link road that will join Turners Road and Kawakawa Road, which will facilitate development of this area. This proposed link road is illustrated on the structure plan map in Appendix 16.2 – “Kawakawa Industrial Park Growth Area.”

Resource Management Issues

7. Horizons generally supports the resource management issues identified for the Industrial Zone. In particular, we support issue 4 which recognises the need to manage potential effects of industrial development on the environment, including increases in stormwater run-off. This proposed issue links well to standard i. (stormwater neutrality) of Rule 16.4.2 (Industrial Zone – Standards for permitted activities) and Rule 2.3.3 in the Subdivision Chapter (Stormwater Neutrality (Industrial Zone only)).
8. Stormwater neutrality is not specifically mentioned within the policy framework. Objective 2 is broad enough to enable consideration of stormwater effects as it refers to adverse effects on the environment beyond the Zone. However, we recommend that Policy 2.4 be amended to specifically include stormwater run-off. This recommended change to Policy 2.4 will ensure that there is support for the stormwater neutrality rules within the policy framework. Suggested wording is as follows:

2.4 To require industrial activities to locate within the Industrial Zone, to ensure that effects of these activities, particularly related to infrastructure, stormwater run-off, traffic, noise and amenity values are as far as practicable confined to the zone.

9. Based on discussions with MDC officers, we understand that at least one of the stormwater detention areas designed to accommodate additionally generated stormwater from the Kawakawa Industrial Park Growth Area may be located outside of the Industrial Zone. While Policy 2.4 includes the qualifier "*as far as practicable*," MDC may wish to consider a guidance note beneath Policy 2.4 that specifically provides for stormwater detention areas outside of the Industrial Zone. This will provide a greater level of certainty that such detention areas are provided for in the policy framework for the Industrial Zone. Possible wording is as follows:

"Where stormwater detention areas cannot be accommodated within the Industrial Zone, an equivalent quantity of stormwater runoff mitigation is to be provided in a suitable location outside the zone".

Decisions Sought

- That proposed Resource Management Issue 4 be retained as drafted in PPC52.
- That Policy 2.4 be amended as follows (additions underlined):

2.4 To require industrial activities to locate within the Industrial Zone, to ensure that effects of these activities, particularly related to infrastructure, stormwater run-off, traffic, noise and amenity values are as far as practicable confined to the zone.

Guidance Notes:

"Where stormwater detention areas cannot be accommodated within the Industrial Zone, an equivalent quantity of stormwater runoff mitigation is to be provided in a suitable location outside the zone".

Stormwater Quantity

10. Horizons generally supports the following provisions within the Draft Plan Change and requests that they be retained without modification:

- Standard i. (Stormwater Neutrality) of Rule 16.4.2 (Industrial Zone – Standards for Permitted Activities).
- Standard 2.3.3 (Stormwater Neutrality) of Rule C2 2.3 (Standards – Business, Industrial, Recreation, Manfeild Park and Special Development Zones) in the subdivision chapter of the District Plan.

11. Horizons supports the approach being taken by MDC to require industrial developments to achieve “stormwater neutrality.” Without mitigation, the cumulative effects of additional stormwater flows to the Taonui Basin will be significant. Horizons does not regulate urban stormwater neutrality per se, as suggested in the guidance note on Page 11 of the proposed Chapter 16 provisions. One Plan Rule 14-18 permits the discharge of stormwater to surface water and land, subject to compliance with conditions. A copy of this rule is attached as Annex A for your information. In relation to increases in stormwater runoff caused by more impermeable surfaces, Rule 14-18 requires that discharges are managed so as to not cause or exacerbate flooding on any other property, and discharges into surface water bodies must not cause any permanent reduction in the water body’s ability to convey flood flows.

12. MDC holds a global consent to discharge stormwater from within the Feilding urban area to open drains, the Oroua River and its tributaries, and the Makino Stream and its tributaries (Consent number 104360). This consent includes conditions around managing the effects of these discharges on the receiving environment, including flooding. As Horizons does not regulate property connections to MDC’s reticulated stormwater network, we request that reference to “stormwater neutrality” be deleted from the guidance note beneath Rule 16.4.2.

13. Horizons has a particular interest in stormwater from the Feilding Industrial Zone, as discharges to the Oroua River eventually end up in the Taonui Basin. The existing discharge consent held by Horizons for discharges to the Taonui Basin includes conditions that place limits on the total volume of water that may be discharged to the Basin. If stormwater from the Industrial Zone is not 100% detained onsite, the additional runoff from industrial development may result in a non-compliance with the conditions of Horizons’ discharge permit and will lead to deeper ponding depths on those properties in the Taonui Basin. The requirement to achieve stormwater neutrality is therefore necessary to mitigate this risk to downstream properties.

14. A number of discussions have been held between Horizons and MDC staff over recent years in relation to stormwater management for Feilding and how to achieve “stormwater neutrality.” Horizons Manager Investigations and Design has advised that the design storm parameters that need to be considered for discharges to the Oroua River is the **12-hour, 1% AEP plus climate change to 2090** (an additional 16.8%) as per NZS4404. The reason why the 12 hour storm should be used is that it is the length of time that the Kopane Spillway is forecast to operate.

15. Based on a discussion with MDC’s Principal Planning Advisor on 20th May 2016, we understand that all development within the Industrial Zone will be connected to Council’s reticulated network. MDC will be responsible for ensuring that this reticulated stormwater network achieves stormwater neutrality through use of community detention

ponds and other stormwater detention measures. In June 2016, Horizons Manager Investigations and Design provided feedback on design calculations for the volume of stormwater that needs to be detained in the Kawakawa Industrial Park Growth Area in community detention dams. Horizons will continue to provide technical advice and assistance to MDC to ensure that the final stormwater design for the Kawakawa Industrial Park Growth Area will achieve stormwater neutrality, as required by Rule 16.4.2 permitted activity standard i. and Standard 2.3.3 of Subdivision Rule C2 2.3.

Decisions Sought

- That Standard i. (Stormwater Neutrality) of Rule 16.4.2 (Industrial Zone – Standards for Permitted Activities) be retained as drafted in PPC52.
- That Standard 2.3.3 (Stormwater Neutrality) of Rule C2 2.3 – Standards – Business, Industrial, Recreation, Manfield Park and Special Development Zones in the subdivision chapter be retained as drafted in PPC52.
- That the advice note beneath rule 16.4.2 be amended as follows¹:

Guidance Notes:

Stormwater Neutrality, Odour is and the 0.5% AEP (1:200) year modelled floodable land are regulated by the Manawatu-Wanganui Regional Council. Land included within the 0.5% AEP (1 in 200 year) modelled floodable land in Appendix 16.2 (Kawakawa Industrial Park Growth Area) is also subject to the Flood Channel 2 Zone Rules.

Avoidance and Mitigation of Flood Risk

16. Policy 9-2 generally discourages new habitable buildings from being built in locations that are likely to be inundated during a 0.5% annual exceedance probability (AEP) or 1 in 200 year flood event. Where flood hazard cannot be avoided, this policy directs the Regional Council and territorial authorities to consider the appropriateness of flood hazard mitigation measures. There are two considerations with respect to flood mitigation – having a ground or finished floor level that includes reasonable freeboard above the 0.5% AEP flood level, and ensuring there is safe access and egress from occupied structures in that sized flood event.
17. Horizons supports the inclusion of our modelled flood information for a 0.5% AEP flood event on the draft structure plan for the Kawakawa Industrial Park Growth Area. This “0.5% AEP (1 in 200 year) modelled floodable land” includes all land that has been modelled as likely to be inundated by more than 50 mm of water during a 0.5% AEP (1 in 200 year) flood event, within the boundaries of the structure plan area. We request that this flood information be retained as shown on the draft structure plan.
18. Rule 16.4.1 makes the construction of new buildings and additions and alterations to existing industrial buildings permitted within the Industrial Zone. There are no performance standards or rules proposed in PPC52 that require new buildings and structures within the modelled floodable area to avoid or mitigate flood hazard.

¹ Highlighting refers to amendments sought in paragraph 23, included here for completeness.

19. The notified version of Planning Map 35 (page 14 of the Section 32 Report) was missing the flood channel zoning. A revised version of this planning map that includes the existing Flood Channel 2 Zone was supplied to us by MDC's Principal Planning Advisor on 24 May. However, the existing flood channel zone is based on Horizons older "indicative" flood information, which has been superseded by our more recent modelling of a 0.5% AEP (1 in 200 year) flood event.
20. It is not clear how MDC will require new industrial development outside of the current Flood Channel 2 Zone, but within the modelled 0.5% AEP floodable area, to avoid or mitigate flood hazard. We therefore recommend that Planning Map 35 be amended so that the Flood Channel 2 Zone corresponds to Horizons' more accurate 0.5% AEP modelled flood information. The Flood Channel 2 Zone on Map 35 would then be consistent with the floodable land identified on the draft structure plan for the Kawakawa Industrial Park Growth Area.
21. New development in the floodable area would therefore be subject to the Flood Channel rules as well as the Industrial Zone rules. As new buildings within the Flood Channel Zones require resource consent, there would be an opportunity for MDC to include a finished floor level as a condition of consent. However, until such time as the natural hazard rules of the District Plan are updated, there will continue to be an inconsistency between the 1% AEP (1 in 100 year) standard specified in sub-clause ii) of Rule 1.3.1 (Reservation of Control – Controlled Activity Land Use Applications) and the avoidance or mitigation of the 0.5% AEP (1 in 200 year) flood event in One Plan Policy 9-2.
22. We understand that the natural hazard provisions of the Manawatu District Plan are being reviewed through Plan Change 53. Horizons provided feedback on the draft version of PC53 on 12 April 2016, including the rules requiring new occupied buildings and extensions to existing occupied buildings in the Flood Hazard Overlay 1 and 2 areas to avoid or mitigate flood hazard in a 0.5% AEP (1 in 200 year) event. I have attached a copy of this feedback as Annex B for your information. Our primary concern with the proposed approach of PC53 to managing flood hazard was that the rules apply only to the mapped overlays, and will not apply to land that is not currently modelled but is shown through site-specific assessment to be at risk of inundation in a 0.5% AEP (1 in 200 year) flood event.
23. Horizons is comfortable working with MDC through the PC53 process to ensure that the natural hazards provisions of the District Plan give effect to the natural hazard objectives and policies of the One Plan. In the interim, we recommend that the guidance note under Rule 16.4.2 be amended to refer plan users to the natural hazard section of the District Plan for any development within the 0.5% AEP (1 in 200) year modelled floodable area on Appendix 16.2 – Kawakawa Industrial Park Growth Area. We also request the deletion of reference to the "0.5% AEP (1:200) year modelled floodable land" from the guidance note beneath rule 16.4.2 as Horizons does not have a regulatory role in relation to floodable land. Our role is to provide flood information and advice to territorial authorities to assist them in their decision making. Suggested wording is as follows:

Guidance Notes:

~~Stormwater Neutrality,² Odour is and the 0.5% AEP (1:200) year modelled floodable land~~ are regulated by the Manawatu-Wanganui Regional Council. Land included within the 0.5% AEP (1 in 200 year) modelled floodable land in Appendix 16.2 (Kawakawa Industrial Park Growth Area) is also subject to the Flood Channel 2 Zone Rules.

Decisions Sought

- That the mapped “0.5% AEP (1 in 200 year) modelled floodable land” on the Kawakawa Industrial Park Growth Area structure plan (Appendix 16.2) be retained without amendment.
- That the Flood Channel 2 Zone on Planning Map 35 be amended to correspond with the 0.5% AEP (1 in 200 year) modelled flood information provided by Horizons.
- That MDC provide assurance that MDC officers will continue to work with Horizons through PC53 to achieve amendments to the District Plan that will give effect to One Plan Policy 9-2. In particular, we seek that the District Plan provisions require flood hazard mitigation through finished floor levels that include reasonable freeboard above the 200 year flood level for new buildings and extensions to existing buildings in the floodable area, and ensuring safe access and egress within the Kawakawa Industrial Park Growth Area.
- That the guidance note under Rule 16.4.2 be amended as follows:

Guidance Notes:

~~Stormwater Neutrality,³ Odour is and the 0.5% AEP (1:200) year modelled floodable land~~ are regulated by the Manawatu-Wanganui Regional Council. Land included within the 0.5% AEP (1 in 200 year) modelled floodable land in Appendix 16.2 (Kawakawa Industrial Park Growth Area) is also subject to the Flood Channel 2 Zone Rules.

Plan Change 55 – District Wide Rules

24. Horizons supports the intent of the plan change. We specifically support the following provisions:

- Objective 1 and Objective 2 and all supporting policies, in Section 3A.3
- The roading hierarchy as illustrated in Appendix 3B.1 and the objectives and policies that relate to this
- Resource Management Issues 2 and 5 in Section 3D.2
- Objective 1 and Policies 1.2 and 1.3 in Section 3D.3
- Objectives 2 and 3 and their associated policies in Section 3D.3. However, we note that the word “of” is missing between the words “functioning” and “known” in Policy 2.5.
- Standard “c” of Rule 3G.4.1

² This amendment was sought in paragraph 12 and has been included here for completeness.

³ This amendment was sought in paragraph 12 and has been included here for completeness.

- The discretionary status of applications for relocated buildings in the flood channel zone under Rule 3G.4.4.
25. Objective 1 and Objective 2 and their supporting policies in section 3A.3 together give effect to One Plan Policies 3-2, 3-3, and 3-4. We note that proposed Objective 2 has been amended since the draft version to include reference to infrastructure of regional and national importance. Horizons therefore supports these provisions.
26. One Plan Policy 3-1 states that the Regional Council and Territorial Authorities must recognise specified infrastructure, facilities and assets as physical resources of regional or national importance, and have regard to the benefits derived from those resources in relation to their establishment, operation, maintenance or upgrade. While Section 3A Network Utilities mentions infrastructure of regional and national importance, and includes generally enabling provisions which give effect to the second aspect of Policy 3-1 (recognition of specified facilities and assets), the Proposed Plan provisions do not appear to consistently recognise all the applicable infrastructure, facilities and assets within the section. Horizons therefore seeks some amendments to the District Plan to ensure consistent and clear provision for all the physical resources of regional or national importance.
27. Specifically, we request that the fourth paragraph in Section 3A.1 (introduction) be amended to more clearly reflect Policy 3-1 of the One Plan as follows:

The Manawatu-Wanganui Regional Council's One Plan also ~~recognises~~ provides for the regional and national importance of a range of infrastructure in the region. The Regional Policy Statement section of the One Plan (RPS) requires that councils recognise, and have regard to the benefits that derive from, regionally and nationally important infrastructure and utilities, and that the establishment, operation, maintenance and upgrading of such infrastructure be provided for in the District Plan. The RPS also requires that the Council ensure that adverse effects from other activities on network utility infrastructure are avoided as reasonably practicable.

28. We note that the definition of 'network utilities' in PC55 includes all of the infrastructure listed in Policy 3-1(a) of the One Plan, but not the facilities and assets listed in Policy 3-1(b). This means that solid waste facilities, existing flood protection schemes and NZ Defence Force facilities are not included in the District Plan as 'network utilities.' This is consistent with the One Plan definition of 'infrastructure of regional and national importance', and is generally supported by Horizons. However, we note that there is a disconnect between the policy framework and Rule 3A.4.1. That is, it is not clear whether some permitted activities provided for by Rule 3A.4.1 are included in the District Plan definition of network utilities, and they may therefore not be supported by the objectives and policies in Section 3A.
29. For the reasons set out in paragraph 28 above, Horizons recommends the deletion of clause (h) of Rule 3A.4.1 and the insertion of new permitted activity rules that provides for these facilities and assets within the relevant zone chapters. This will ensure that the rules in Section 3A are specific to network utilities as defined in the Resource Management Act 1991, while still ensuring that the District Plan recognises and provides for those physical resources of regional or national importance listed in One Plan Policy 3-1(b). Alternatively, the definition of 'network utility' could be amended to clarify that it includes not only infrastructure but also the facilities and assets listed in Policy 3-1(b).

30. One Plan Objective 3-1 requires that regard be given to the benefits of infrastructure and other physical resources of regional or national importance by recognising and providing for their establishment, operation, maintenance and upgrading. This is supported in particular by One Plan Policy 3-2. "Upgrade" is defined in the One Plan as follows:

upgrade means bringing a structure[^], system, facility or installation up to date or to improve its functional characteristics, provided the upgrading itself does not give rise to any significant adverse effects[^], and the character, intensity and scale of any adverse effects[^] of the upgraded structure[^], system, facility or installation remain the same or similar.

31. We note that proposed Policy 1.1 provides only for "minor upgrading" of network utilities. The proposed District Plan definition of "minor upgrading" includes "*increasing the carrying capacity or efficiency of an existing utility while the effects of that utility remain the same or similar in character, intensity and scale...*" As the proposed District Plan definition of 'minor upgrade' is similar to the One Plan definition of 'upgrade,' Policy 1.1 is generally consistent with One Plan Objective 3-1 and is therefore supported by Horizons.
32. Section 3A.3 does not recognise the need to avoid placing new critical infrastructure in areas that are at risk of flooding or another type of natural hazard (One Plan Policy 9-3). However, we recognise that proposed Policy 6.3.1.7 in the draft Plan Change 53 documents recognises the need to avoid placing new critical infrastructure in areas known to be susceptible to natural hazards. Providing this policy is retained through the Plan Change 53 process, we are satisfied that the District Plan will give effect to One Plan Policy 9-3.
33. Horizons is satisfied that the Manawatu District roading hierarchy is consistent with the Joint Transport Study. We therefore support the new objectives and policies that seek to maintain the safety and efficiency of this roading hierarchy and request that they be retained without modification.
34. A number of permitted activities listed under Rule 3A.4.1 and Rule 3D.4.1 such as the upgrading or realignment of roads or railway lines and earthworks may trigger resource consent requirements from Horizons. We therefore support guidance note 2 under Rule 3A.4.1, and guidance note 1 under Rule 3D 4.1 which advise plan users that earthworks are also regulated by the Manawatu-Wanganui Regional Council (Horizons), and that a resource consent may be required under the Rules of the One Plan or any subsequent Regional Plan. In addition to earthworks requirements, there may be other consents required from Horizons for certain activities, including water takes, diversions and discharges. We therefore recommend that guidance note 2 under Rule 3A.4.1 and guidance note 1 beneath Rule 3D.4.1 be amended include reference to water takes and diversions as additional activities that are also regulated by the Manawatu-Wanganui Regional Council. Suggested wording for these guidance notes is as follows:
- Water takes, diversions, discharges and Earthworks are also regulated by the Manawatu-Wanganui Regional Council and a resource consent may be required under the rules of the Regional Plan.*
35. Horizons supports the standards for earthworks in Rule 3D.4.2. In particular, we support clause i. which states that "*Earthworks must not block any stormwater or*

overland flow paths." One Plan Policy 9-1 gives territorial authorities responsibility for developing rules to control land use, to avoid or mitigate natural hazards. Earthworks that block stormwater or overland flow paths could divert water onto other properties and towards occupied structures. We therefore support the consideration of effects of earthworks on flow paths in relation to earthworks activities.

36. Horizons supports guidance note 2 under Table 3D.1 (Earthwork Volumes). One Plan Rule 13-1 requires that erosion and sediment control measures be installed prior to, and maintained during, any small scale land disturbance involving a land area of up to 2,500m² per 12 month period. One Plan Rule 13-2 requires any large-scale land disturbance (exceeding 2,500m² per 12 month period) to be carried out in accordance with an erosion and sediment control plan. The definition of "erosion and sediment control plan" specifies that this plan must be prepared in accordance with the "Erosion and Sediment Control Guidelines for the Wellington Region" dated September 2002. This guidance note will assist plan users by referring them to the One Plan requirements, including the guidelines that need to be referred to when preparing their erosion and sediment control plan. We request that this guidance note be retained as drafted in PPC55, except for a minor amendment to refer to "any subsequent Regional Plan," to ensure that it remains valid should the One Plan be re-named in the future.
37. We note that the permitted activity standards for earthworks (Rule 3D.4.2) include different setback distances from waterways than those included in the One Plan. However, as the effects that are managed by the Manawatu District Council, such as amenity, differ from the considerations of Horizons, these differences are reasonable. The guidance note 2, beneath Table 3D.1 will ensure that plan users consider the One Plan requirements for earthworks as well as those of the Manawatu District Plan.
38. Horizons supports the discretionary activity status given to applications to place a relocated building in a Flood Channel Zone. Additional buildings placed within an area that is likely to be inundated in a 0.5% AEP flood hazard may result in a diversion of flood water. As noted in paragraph 35, while the One Plan contains rules relating to diversion of water, One Plan Policy 9-1 gives territorial authorities responsibility for developing rules to control land use to avoid or mitigate natural hazards. In addition, Policy 9-2 states that territorial authorities must not allow new structures or activities, or increases in scale of structures and activities, within floodways or areas that would be inundated in a 0.5% AEP (1 in 200 year) flood event, with some exceptions.
39. The discretionary activity status for relocated buildings gives MDC the ability to impose conditions to ensure that relocated buildings avoid or mitigate flood hazard in accordance with One Plan Policy 9-2. Consideration can also be given as to whether the structure, including any earthworks undertaken to achieve safe access and a safe building platform, will adversely effect any other existing structure or displace floodwaters onto adjoining properties (One Plan Policy 9-2(iv) and (vi)).
40. For the reasons outlined in paragraphs 38 and 39, Horizons supports controlled activity standard c. of Rule 3G.4.1 and Rule 3G.4.4 and requests that they be retained as drafted in PPC55.

Decisions Sought

- That those provisions specifically supported by Horizons that are listed in paragraph 24 above be retained as drafted in PPC55, except that Policy 2.5 in Section 3D.3 be amended as follows (addition underlined):

2.5 To ensure that earthworks do not affect the functioning of known overland flow paths.

- That paragraph 4 in section 3A.1 (Introduction) be amended as follows:

The Manawatu-Wanganui Regional Council's One Plan also ~~recognises~~ provides for the regional and national importance of a range of infrastructure in the region. The Regional Policy Statement section of the One Plan (RPS) requires that councils recognise, and have regard to the benefits that derive from, regionally and nationally important infrastructure and utilities, and that the establishment, operation, maintenance and upgrading of such infrastructure be provided for in the District Plan. The RPS also requires that the Council ensure that adverse effects from other activities on network utility infrastructure are avoided as reasonably practicable.

- That clause (h) of Rule 3A.4.1 be deleted and that new permitted activity rules be inserted to provide for these facilities and assets within the relevant zone chapters

OR

That the definition of 'network utilities' be amended to that it includes not only infrastructure but also the facilities and assets listed in One Plan Policy 3-1(b)

- That the second guidance note under Rule 3A.4.1 be amended as follows:

Water takes, diversions, discharges and ~~Earthworks~~ are also regulated by the Manawatu-Wanganui Regional Council and a resource consent may be required under the rules of the Regional Plan.

- That guidance note 1. under Rule 3D.4.1 be amended as follows:

Water takes, diversions, discharges and ~~Earthworks~~ are also regulated by the Manawatu-Wanganui Regional Council and a resource consent may be required under the rules of the Regional Plan.

- That permitted activity standard 'i.' of Rule 3D.4.2 be retained as drafted in PPC55.
- That guidance note 2. Under Table 3D.1 be retained as drafted in PPC55, subject to a minor amendment as follows:

Earthworks are also regulated by the Manawatu-Wanganui Regional Council and a resource consent may be required under the rules of the One Plan, or any subsequent Regional Plan. The One Plan requires Erosion and Sediment Control measures to comply with the Greater Wellington Regional Council's Erosion and Sediment Control Guidelines dated September 2002.

- That controlled activity standard c. of Rule 3G.4.1 be retained as drafted in PPC55.

- That Rule 3G.4.4 be retained as drafted in PPC55.

Plan Change 60 – Designations

41. Horizons has lodged Notice of Requirement Applications for new designations for our existing flood control and drainage assets, as follows:

- Lower Manawatu Scheme and Tangimoana – lodged 11/03/13
- Te Kawai and Manawatu Drainage Schemes – lodged 19/04/13
- Makino Reids Line Drop Structure – 24/06/14

42. On the 24th of June 2014, Horizons gave written approval to the Manawatu District Council to waive the 40 day timeframe for public notification under s170 of the Resource Management Act to allow them to be notified as part of the District Plan Review. Draft Plan Change 60 does not include those designations sought by Horizons. However, having spoken to the Manawatu District Council's Principal Planning Adviser on 7 March 2016, we understand that those Designations sought by Horizons are being notified as a separate plan change in November 2016. Horizons is comfortable with this approach.

43. There are no matters in draft Plan Change 60 that Horizons wishes to comment on.

Thank you again for the opportunity to provide feedback on these proposed Plan Changes. Please do not hesitate to contact me (email: lisa.thomas@horizons.govt.nz) if you would like to discuss or clarify any aspect of this feedback.

Yours sincerely



Lisa Thomas
COORDINATOR DISTRICT ADVICE

Encl: Annex A – One Plan Rule 14-18
 Annex B – Copy of Horizons feedback letter to Draft Plan Changes 55, 55 &
 60

14.6 Rules - Stormwater

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
14-18 <i>Discharges[^] of stormwater to surface water[^] and land[^]</i>	The discharge [^] of stormwater into surface water [^] pursuant to s15(1) RMA or onto or into land [^] pursuant to ss15(1) or 15(2A) RMA, and any ancillary takes or diversions of stormwater pursuant to s14(2) RMA forming part of the stormwater system.	Permitted	<p>(a) The discharge[^] must not include stormwater from any:</p> <ul style="list-style-type: none"> (i) industrial or trade premises[^] where hazardous substances[*] stored or used may be entrained by the stormwater (ii) contaminated land[^] where the contaminants[^] of concern may be entrained by the stormwater (iii) operating quarry or mineral[^] extraction site[*] unless there is an interceptor system[*] in place. <p>(b) The discharge[^] must not cause or exacerbate the flooding of any other property[*].</p> <p>(c) The activity must not cause erosion of any land[^] or the bed[^] of any water body[^] beyond the point of discharge[^] unless this is not practicably avoidable, in which case any erosion that occurs as a result of the discharge[^] must be remedied as soon as practicable.</p> <p>(d) There must be no discharge[^] to any rare habitat[*], threatened habitat[*], at-risk habitat[*], or reach of river[^] or its bed[^] with a Schedule B Value of Natural State.</p> <p>(e) For discharges[^] of stormwater onto or into land[^]:</p> <ul style="list-style-type: none"> (i) the discharge[^] must be below a rate that would cause flooding outside the design discharge[^] soakage area, except in rain events equivalent to or greater than the 10% annual exceedance probability design storm. Any exceedance must go into designated overland flow paths (ii) there must not be any overland flow resulting in a discharge[^] to a natural surface water body[^]. 	

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
			<p>except in rain events equivalent to or greater than the 10% annual exceedance probability design storm</p> <p>(iii) the discharge^a must not contain concentrations of hazardous substances* that are toxic to aquatic ecosystems, or accumulate in soil.</p> <p>(f) For discharges^a of stormwater into surface water bodies^a the discharge^a must not cause any permanent reduction of the ability of the receiving water body^a or its bed^a to convey flood flows.</p> <p>(g) For discharges^a of stormwater into surface water bodies^a the discharge^a must not cause, after reasonable mixing*, any of the following effects^a in the receiving water body^a:</p> <p>(i) the production of conspicuous oil* or grease films, scums or foams, or floatable or suspended materials</p> <p>(ii) any conspicuous change in the colour or visual clarity of the receiving water^a</p> <p>(iii) any emission of objectionable odour</p> <p>(iv) the rendering of fresh water^a unsuitable for consumption by farm animals</p> <p>(v) toxicity to aquatic ecosystems.</p> <p>(h) The activity must not be to any historic heritage^a identified in any district plan^a or regional plan^a.</p>	
14-19 Discharges ^a of stormwater to surface water ^a or land not complying with Rule 14-18	The discharge ^a of stormwater into surface water ^a pursuant to s15(1) RMA or onto or into land ^a pursuant to ss15(1) or 15(2A) RMA, which does not comply with Rule 14-18, and any ancillary takes or diversions of stormwater pursuant to s14(2) RMA forming part of the stormwater system.	Restricted Discretionary	(a) There must be no discharge ^a to any rare habitat*, threatened habitat*, at-risk habitat*, or reach of a river ^a or its bed ^a with a Schedule B Value of Natural State.	Discretion is reserved over: (a) measures to control flooding and erosion (b) contaminant ^a concentrations and loading rates (c) measures to avoid, remedy or mitigate adverse effects ^a on groundwater quality

16 March 2016



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Dear Wendy

FEEDBACK ON DRAFT PLAN CHANGES 52, 55 AND 60

Thank you for the opportunity to provide feedback on Draft Plan Change 52 (Industrial Zone), 55 (District Wide Rules) and 60 (Designations) to the Manawatu District Plan.

PLAN CHANGE 52 – INDUSTRIAL ZONE

1. We understand that Plan Change 52 includes both a review of the Industrial Zone rules, and a rezoning of 15.6 hectares of land along Turners Road from Rural to Industrial. Our key interests for development in this area include avoidance or mitigation of flood risk in a 0.5% Annual Exceedance Probability (AEP) (1 in 200 year) event and management of the quantity and quality of stormwater discharges.
2. Horizons staff have had various preliminary discussions with Manawatu District Council (MDC) staff regarding various aspects of this draft plan change.
Our involvement to date has included discussions around how additionally generated stormwater is to be detained within the extension area so that it does not result in increased stormwater flows to the Taonui Basin. We also made a submission on a Notice of Requirement (NOR) to designate a new link road that will join Turners Road and Kawakawa Road, which will facilitate development of this area. This proposed link road is illustrated on the structure plan map in Appendix 16.2 – "Kawakawa Industrial Park Growth Area."

Resource Management Issues

3. Horizons generally supports the resource management issues identified for the Industrial Zone. However, the proposed resource management issues do not recognise the potential adverse environmental effects of industrial development, only reverse sensitivity effects from non-industrial activities within and adjacent to the Industrial Zone. For example, the proposed rules recognise the need to achieve stormwater neutrality so as to not flood downstream properties. Such potential effects are not reflected in the proposed policy framework. We therefore recommend that a new resource management issue be added. We also recommend

Horizons
Marton
Palmerston North
Taharua
Tairāhema
Wanganui
Woodville

that changes be made to Objective 1 and the supporting policies to include this issue.

Amendment Sought

- That a new resource management issue be added to reflect the need to manage industrial activities so as to not cause adverse environmental effects.

Possible wording is as follows:

"The need to manage the potential effects of industrial development on the environment, including increases in stormwater run-off as a result of increased impermeable surfaces."

Stormwater Quantity

4. Horizons supports the following provisions within the Draft Plan Change, and requests that they be retained without modification:
 - Inclusion of "stormwater neutrality" as a matter of discretion to consider under Rule 16.3.3 (Restricted Discretionary Activities – Industrial Zone).
 - Standard 2.3.3 (Stormwater Neutrality) of Rule C2 – Zone Standards – Subdivision.
5. Horizons supports the approach being taken by MDC to require industrial developments to achieve "stormwater neutrality." Without mitigation, the cumulative effects of additional stormwater flows to the Taonui Basin will be significant. A number of discussions have been held between Horizons and MDC staff over recent years in relation to stormwater management for Feilding and how to achieve "stormwater neutrality." MDC prepared a comprehensive stormwater management plan for Feilding in March 2015. This management plan was required by a condition of MDC's stormwater discharge consent from Horizons (consent number 104360). We understand that MDC is looking to achieve stormwater neutrality through a combination of Council-managed detention areas as well as private onsite detention measures.
6. Horizons Manager Investigations and Design, Peter Blackwood, gave technical feedback on a stormwater memo prepared by MDC's Senior Project Engineer, Chris Pepper, in March 2015. The agreements reached between MDC and Horizons should be referred to when assessing whether new industrial developments (including new buildings) and subdivision applications achieve "stormwater neutrality."
7. We note that a definition of "stormwater neutrality" was added to the District Plan through Plan Change 45 (PC45). This definition does not include any design parameters by which to assess stormwater discharges. Horizons Manager Investigations and Design, Peter Blackwood, gave MDC technical advice and design parameters for managing stormwater discharges from residential development within Growth Precincts 1 - 3 to the Makino Stream and Oroua River to minimise effects on the Taonui Basin.

8. We requested the inclusion of these design parameters for subdivisions within Growth Precincts 1 – 3 in the District Plan through our submission and through Peter Blackwood's Hearings evidence for PC45. While this request was rejected, MDC did agree to having these parameters incorporated into the Subdivision Design Guide to assist plan users. We provided proposed wording for the Subdivision Design Guide to Deborah Kissick on 12 June 2014. A copy of this email correspondence is attached to this letter for your information. These parameters do not appear to have been incorporated into the Subdivision Design Guide that is included with the Operative version of the District Plan on the MDC website.
9. While not specifically part of this Plan Change, we recommend that the Subdivision Design Guide be updated to include the proposed wording that we provided to MDC on 12 June 2014. However, as these design parameters are specific to residential subdivision, further amendments are required to the Subdivision Design Guide, or to the definition of "stormwater neutrality" that are specific to managing discharges from industrial development. While 50% detention of stormwater is acceptable to Horizons for residential infill subdivisions, Horizons is advocating for 100% detention from industrial developments.
10. Draft Plan Change 52 includes rules requiring stormwater neutrality to be achieved at the site level and the precinct level through the standards set out for permitted activities, including new industrial buildings, and the standards set out in the subdivision rules. The note below standard "j" of Rule 16.3.2 refers plan users to Appendix 10 of the Subdivision Design Guide for examples of best practice methods for managing stormwater run-off. However, there is no requirement that development be in accordance with the Subdivision Design Guide.
11. We are of the opinion that PC52 does not include sufficient guidance for plan users on how "stormwater neutrality" is to be achieved in respect of industrial developments. Horizons will continue to work with MDC's Senior Project Engineer to provide technical advice on how stormwater neutrality is to be achieved for industrial developments at the site and precinct level prior to the notification of Proposed Plan Change 52. We would be happy to also provide recommendations to MDC's Planning Officers on how we consider the provisions should be amended to include this stormwater management guidance.

Amendments Sought

- That the provisions listed in paragraph 4 above be retained as proposed in the Draft Plan Change.
- That MDC continue to liaise Horizons staff to confirm how stormwater neutrality is to be achieved for industrial developments within Precinct 5.
- That prior to notification of PC52, the provisions be amended to provide plan users with additional guidance on how stormwater neutrality is to be achieved.

Stormwater Quality

12. Condition (a) of Rule 14-18 of Horizons One Plan requires all industrial or trade premises, where hazardous substances stored or used may be entrained by the stormwater, to have an interceptor, as follows:

(a) *The discharge[^] must not include stormwater from any:*

- (i) *industrial or trade premises[^] where hazardous substances* stored or used may be entrained by the stormwater*
- (ii) *contaminated land[^] where the contaminants[^] of concern may be entrained by the stormwater*
- (iii) *operating quarry or mineral[^] extraction site**

unless there is an interceptor system in place.*

13. Draft Plan Change 52 does not include any standards around the treatment of stormwater from industrial or trade premises, except in relation to service stations (Rule 1.3.4 A) xx) f)). Based on the information contained in the Feilding Stormwater Management Plan (referred to in paragraph 5 above), we understand that there are stormwater treatment requirements for all industrial and trade premises contained within the Manawatu District Council Bylaw 2008 (currently under review), that are imposed through the building consent process. We recommend that a further advice note be added to standard "j." of Rule 16.3.2 referring plan users to the One Plan and to the current version of the Manawatu District Council Bylaw in relation to stormwater treatment requirements.

Amendment Sought

- That an advice note be added to standard "j" of Rule 16.3.2, referring plan users to the stormwater rules of the One Plan and to the current version of the MDC Council Bylaw. Possible wording is as follows:

Note: Refer to the current Manawatu District Council's Bylaw and Rule 14-18 of the Manawatu-Whanganui Regional Council's One Plan to establish requirements for stormwater treatment.

Avoidance and Mitigation of Flood Risk

14. Policy 9-2 generally discourages new habitable buildings from being built in locations that are likely to be inundated during a 1 in 200 year flood. Where flood hazard cannot be avoided, this policy requires the Regional Council and Territorial Authorities to consider the appropriateness of flood hazard mitigation measures. There are two considerations with respect to flood mitigation – elevated floor levels and safe access from the building. Policy 9-2 requires Regional Council and Territorial Authorities to ensure that occupied structures have a finished floor or ground level which includes reasonable freeboard above the 0.5% AEP (1 in 200 year) flood level. For new commercial buildings, "reasonable freeboard" is deemed to be 300mm, in accordance with NZS4404:2010.
15. Horizons supports the inclusion of our modelled flood information for a 0.5% AEP flood event on the draft structure plan for the Kawakawa Industrial Park Growth Area. However, we think the legend needs to be renamed to clarify that the blue shaded area covers all land that has been

modelled as likely to be flooded by more than 50mm of water during a 0.5% AEP (1 in 200 year) flood event. The legend incorrectly suggests that these areas will be inundated by more than 0.5m of flood water, rather than being the whole "wet extent." Also, the reference to a "200 year flood level" is misleading as the actual flood level will vary with differences in topography. We recommend renaming the key to say "0.5% AEP (1 in 200 year) modelled floodable land" or similar.

16. Rule 16.3.1 makes the construction of new buildings and additions and alterations to existing industrial buildings permitted within the Industrial Zone. I understand that the Manawatu District Council is proposing to include a flood hazard overlay that reflects those areas that Horizons has modelled as likely to be inundated during a 0.5% AEP (1 in 200 year) flood event. However, Rule 16.3.1 does not include any standards requiring buildings within the modelled floodable area to avoid or mitigate the flood hazard. The only reference to the avoidance or mitigation of flood hazards is in the list of matters that Council has reserved its control over for controlled activity subdivisions (Rule 1.3.2). It is therefore not clear how the draft plan change is giving effect to One Plan Policy 9-2, particularly for new buildings and extensions to existing buildings that are constructed in the absence of subdivision.
17. I note that Rule 16.3.1 (Permitted Activities – Industrial Zone) specifically excludes sites within the "Lateral Spread Overlay." A similar exclusion could be made for activities within the 0.5% AEP modelled floodable area of the Industrial Zone (including the extension area).

Amendments Sought

- That the wording on the legend for the draft structure plan for the Kawakawa Industrial Park Growth Area be changed from "200 year flood level" to "0.5% AEP (1 in 200 year) modelled floodable land" or similar.
- We seek clarification on how the plan change gives effect to Policy 9-2 of the One Plan with respect to new buildings and extensions to existing buildings within the modelled 0.5% AEP flood extent, particularly when development occurs independent of subdivision.

PLAN CHANGE 55 – DISTRICT WIDE RULES

1. Horizons supports the intent of the plan change. We specifically support the following provisions:
 - Objective 1 and Objective 2 and all supporting policies, in Section 3A.3
 - The roading hierarchy as set illustrated in Appendix 3B.1 and the objectives and policies that relate to this
 - Resource Management Issues 2 and 5 in Section 3D.2
 - Objective 1 and Policies 1.2 and 1.3 in Section 3D.3
 - Objectives 2 and 3 and their associated policies in Section 3D.3
 - Standard "b" of Rule 3G.4.1
 - The discretionary status of applications for relocated buildings in the flood channel zone under Rule 3G.4.4.

- Clause M) of Rule 1.3.3 (Reservation of Control – Restricted Discretionary Activities).
2. Objective 1 and Objective 2 and their supporting policies together generally give effect to One Plan Policies 3-2 and 3-3, and Policy 3-4 in part. Horizons would therefore support these provisions.
 3. However, the objectives and policies for network utilities (3A.3) do not give full effect to One Plan Policy 3-1 because they do not recognise the network utilities as physical resources of regional or national importance. One Plan Policy 3-1(a) lists specific infrastructure which are network utilities as defined in section 166 of the Resource Management Act 1991. We would like to see the draft provisions amended to achieve appropriate recognition of those network utilities listed in Policy 3-1(a) that the chapter applies to.
 4. Section 3A.3 also does not recognise the need to avoid placing new critical infrastructure in areas that are at risk of flooding or another type of natural hazard (One Plan Policy 9-3). We seek clarification as to whether such considerations are covered elsewhere in the Plan, or will be included within the natural hazards plan change that is being notified separately to PC55.
 5. Horizons is satisfied that the Manawatu District roading hierarchy is consistent with the Joint Transport Study. We therefore support the new objectives and policies that seek to maintain the safety and efficiency of this roading hierarchy and request that they be retained without modification.
 6. A number of permitted activities listed under Rule 3A.4.1 and Rule 3D.4.1 such as the upgrading or realignment of roads or railway lines and earthworks may trigger resource consent requirements from Horizons. It is therefore recommended that notes be included under Rule 3A.4 and 3D.4 advising plan users to consult with the Manawatu-Whanganui Regional Council to confirm any resource consent requirements.
 7. We note that the permitted activity standards for earthworks (Rule 3D.4.2) include different setback distances from waterways than those included in the One Plan. However, as the effects that are managed by the Manawatu District Council, such as amenity, differ from the considerations of Horizons, these differences are reasonable. However, plan users need to be aware that they will need to check the requirements of both the District Plan and Horizons One Plan for certain activities.
 8. Horizons supports clause xvii of Rule 1.3.2 (Reservation of Control – Controlled Activity Subdivision Applications) which makes avoidance or mitigation of flood hazards a matter of control. However, a Controlled Activity status does not give MDC the ability to decline a subdivision application where the flood hazard cannot be appropriately mitigated. For example, where the water depths and velocities exceed safe wading limits, or where the proposed building location is within a flow path which would divert floodwaters onto adjoining properties in a flood event. We therefore consider that subdivisions within the 0.5% AEP modelled floodable area should be a restricted discretionary activity as a minimum.

9. Horizons supports the requirement in clause A) xiii) that Controlled Activity Subdivisions (Rule 1.3.2) be in accordance with any relevant Structure Plan and adhere to the principles set out in the Subdivision Design Guide. As noted in paragraphs 8 and 9 of our feedback on PC52, MDC previously agreed to the inclusion of additional guidance on how to achieve stormwater neutrality within a subdivision. If the Subdivision Design Guide is amended to include Horizons proposed wording (refer to attached email dated 12 June 2014), then future subdivisions will be required to adhere to these stormwater neutrality principles.

Amendments Sought

- That those provisions specifically supported by Horizons that are listed in paragraph 1 above be retained in the draft plan change without modification.
- That the network utility provisions be amended to give effect to One Plan Policy 3-1 by recognising applicable network utilities as physical resources of regional or national importance.
- That MDC clarify how the Plan will give effect to One Plan Policy 9-3 which requires that the placement of new critical infrastructure avoid areas that are at risk of flood or another type of natural hazard.
- That an advice note be included under Rule 3A.4 and 3D4 advising plan users to consult with the Manawatu-Whanganui Regional Council to confirm any resource consent requirements.
- That the activity status of subdivisions within the 0.5% AEP (1 in 200 year) modelled floodable area be changed to a restricted discretionary activity as a minimum.

PLAN CHANGE 60 – DESIGNATIONS

1. Horizons has lodged Notice of Requirement Applications for new designations for our existing flood control and drainage assets, as follows:
 - Lower Manawatu Scheme and Tangimoana – lodged 11/03/13
 - Te Kawanui and Manawatu Drainage Schemes – lodged 19/04/13
 - Makino Reids Line Drop Structure – 24/06/14
2. On 24 June 2014, Horizons gave written approval to the Manawatu District Council to waive the 40 day timeframe for public notification under s170 of the Resource Management Act to allow them to be notified as part of the District Plan Review. Draft Plan Change 60 does not include those designations sought by Horizons. However, having spoken to the Manawatu District Council's Principal Planning Adviser on 7 March 2016, we understand that those Designations sought by Horizons are being notified as a separate plan change in November 2016. Horizons is comfortable with this approach.
3. There are no matters in draft Plan Change 60 that Horizons wishes to comment on.

Thank you again for the opportunity to provide feedback on these draft Plan Changes. Please do not hesitate to contact me (email: lisa.thomas@horizons.govt.nz) if you would like to discuss or clarify any aspect of this feedback.

We look forward to continued involvement in these plan changes as they progress towards public notification.

Yours sincerely

Lisa Thomas
COORDINATOR DISTRICT ADVICE

Encl: Copy of email correspondence regarding stormwater guidance for the Subdivision Design Guide

Pursuant to Clause 6 of the first Schedule of the Resource Management Act 1991

**Submission on Manawatu District Council's Plan Change 52 –
Industrial Zone, Plan Change 55 – District Wide Rules and Plan
Change 60 – Designations**

To: Manawatu District Council
Private Bag 10001
Feilding 4743

From: NZ Transport Agency
PO Box 1947
Palmerson North 4440

- 1 The NZ Transport Agency (Transport Agency) generally supports Plan Change 52 – Industrial Zone, Plan Change 55 – District Wide Rules and Plan Change 60 – Designations.
- 2 The specific provisions of Proposed Plan Change 52, 55 and 60 that the Transport Agency's submission relates to are as follows:
The proposed plan change provisions which are identified in 3.2.
- 3 The Transport Agency's submission is that:

3.1 Role of the Transport Agency

- 3.3.1 The Transport Agency's objective, functions, powers and responsibilities are derived from the Land Transport Management Act 2003 ("LTMA"), and the Government Rounding Powers Act 1989 ("GRPA"). The Transport Agency's functions include "to contribute to an effective, efficient, and safe land transport system in the public interest", and the "management of the state highway system, including planning, funding, design, supervision, construction, and maintenance and operations, in accordance with this Act and the Government Rounding Powers Act 1989"².

¹. Section 95(1)(a) LTMA.

². Section 95(1)(c) LTMA.

- 3.3.2 The Transport Agency is a Crown entity³, with the sole powers of control and management for all purposes of all state highways⁴. The Transport Agency is also an investor in Manawatu District's transport network, investing in roading maintenance and operations, and renewals, improvements, walking and cycling and public transport services. As an investor, we therefore have a significant interest in seeing that land use planning for the District is integrated with the transport system. We also have an interest in present and future land use decision-making to ensure that the public receive value for money transport outcomes from our investment.
- 3.3.3 The Transport Agency is a requiring authority and a network utility operator in terms of the Resource Management Act 1991⁵. The network we operate within Manawatu District includes the following transport corridors, classified under the One Network Road Classification as: National; State Highway 1, Regional; State Highway 3, Arterial; State Highway 56; and State Highway 54 between Palmerston North and Feilding with the balance of State Highway 54 North of Feilding being a Primary Collector. In managing these networks the Transport Agency must promote the safe, efficient and effective functioning of the land transport system and ensure the system is not adversely affected in a significant manner.
- 3.3.4 The Government Policy Statement (GPS) on Land Transport Funding issued by the Minister of Transport sets out the Government's objectives and funding priorities for the land transport sector for a six-year period, with further indicative information for the following four years. The Transport Agency must give effect to the GPS when performing its functions in respect of land transport planning and funding⁶. The GPS confirms that economic growth and productivity remain the primary objective for land transport expenditure, and extends this to include value for money and road safety as additional priorities. In addition to investing in the State highway network, the GPS identifies that quality investment in public transport and improving the local road network both have roles to play. All of these areas of focus are directly relevant to Manawatu District's transport network and the relationship between land use planning, network management, and transport investment. The GPS also sets strong expectations regarding the role of integrated planning in transport investment.

³. Section 93(2) LTMA.

⁴. Section 61 GRPA.

⁵. Section 167 RMA.

⁶. Section 70(1) LTMA.

- 3.3.5 To achieve an integrated approach to planning requires coordination of statutory resource management and transport infrastructure investment planning across three principal statutes: the Resource Management Act (1991), Local Government Act (2002), and Land Transport Management Act (2003). It is essential that a policy framework aligns land use and transport planning within Manawatu District.

3.2 Specific comments applying to Proposed Plan Change 52, 55 and 60.

The Transport Agency supports the overall intent and direction of Proposed PC52, 55 and 60. The Transport Agency's specific comments on PC52, 55 and 60 are as follows:

Proposed District Plan provision & reference	The Transport Agency's position & decision sought
Section 3 –District Wide Rules	
3A.2 Resource Management Issues (1) and (3)	The Transport Agency supports <i>Issues 1 and 3</i> , which provide for the safe, effective and efficient operation of network utilities including infrastructure of regional and national importance, and protect these facilities utilities from inappropriate subdivision and development. <i>It is requested that these are retained as notified.</i>
3A.3 Objective 2 Policies along with associated Policies	The Transport Agency supports Objective 2 and the associated Policies which have the intent to protect the operation of network utilities, including infrastructure of regional and national importance, from the potential adverse effects of subdivision and other development that has the ability to effect the safe operation of the roading network. Furthermore the Transport Agency is supportive of avoiding reverse sensitivity issues which may arise between the network utility such as the State Highway network and neighbouring activities such as residential dwellings. <i>It is requested that these are retained as notified.</i>
3A.4 Permitted Activities (b)	The Transport Agency supports the permitted activity status for the construction, operation, maintenance, realignment and upgrading of roads with the road reserve. <i>It is requested that this is retained as notified.</i>
3B.1 Introduction	The Transport Agency requests that "NZTA" is changed to the "NZ Transport Agency" to provide clarity to plan users. <i>It is requested that the above amendments are incorporated.</i>

<p><i>3B.3 Objectives 1, 2 and 3 along with associated Policies</i></p>	<p>The Transport Agency supports Objective 1, 2 and 3 with associated Policies which ensure an integrated planning approach by maintaining and enhancing the safe, efficient and integrated operation of the transport network within the district through protecting the roading network from adverse effects from land use.</p> <p><i>It is requested that this is retained as notified.</i></p>
<p><i>3E.4.2 Standards for Permitted Activities (a)</i></p>	<p>The Transport Agency supports the guidance note which ensures that written approval is obtained from the appropriate road controlling authority.</p> <p><i>It is requested that this is retained as notified.</i></p>
<p><i>3E.4.2 Standards for Permitted Activities (b)</i></p>	<p>The Transport Agency supports the provision which has the intent of ensuring that any signs visible from the roading network will not cause any safety issues for road users.</p> <p><i>It is requested that this is retained as notified.</i></p>
<p><i>Appendix 3B.1 Roading Hierarchy</i></p>	<p>The Transport Agency supports Appendix 3B.1 which outlines the Roading Hierarchy for the district.</p> <p><i>It is requested that this is retained as notified.</i></p>
<p><i>3C Noise</i></p>	<p>The Transport Agency requests that noise reverse sensitivity provisions are included within the Noise Section of the District Wide rules chapter. This provision would apply where the State Highway speed environment is 70km or greater. Please find below the recommended model provision:</p> <ol style="list-style-type: none"> <i>1. New buildings or alterations to existing buildings containing noise sensitive activities must be at least 40 metres from the edge of the state highway carriageway and there is an existing solid and continuous building, fence, wall or landform that blocks the line of sight from all parts of all windows and doors to the new or altered habitable spaces to any part of the road surface of the state highway. This excludes unaltered existing spaces.</i> <i>2. New buildings or alterations to existing buildings containing noise sensitive activities, in or partly in the state highway buffer area must be designed, constructed and maintained to achieve road-traffic vibration levels complying with class C of NS 8176E:2005.</i> <i>3. New buildings or alterations to existing buildings containing noise sensitive activities, in or partly in the state highway buffer area or effects area must be designed, constructed and maintained to achieve the indoor design noise levels from road-traffic set out in (reference table below).</i>

4. If windows must be closed to achieve the design noise levels in [C], the building must be designed, constructed and maintained with a ventilation and cooling system. For habitable spaces a ventilation cooling system must achieve the following:

- a. Ventilation must be provided to meet clause G4 of the New Zealand Building Code. At the same time, the sound of the system must not exceed 30 dB LAeq(30s) when measured 1 m away from any grille or diffuser.
- b. The occupant must be able to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour. At the same time, the sound of the system must not exceed 35 dB LAeq(30s) when measured 1 m away from any grille or diffuser.
- c. The system must provide cooling that is controllable by the occupant and can maintain the temperature at no greater than 25°C. At the same time, the sound of the system must not exceed 35 dB LAeq(30s) when measured 1 m away from any grille or diffuser.

5. A design report prepared by a suitably qualified and experienced acoustics specialist must be submitted to the [council officer] demonstrating noise and vibration compliance prior to the construction or alteration of any building containing a noise sensitive activity in or partly in the state highway buffer area or effects area. The design must take into account the future permitted use of the state highway; for existing roads this is achieved by the addition of 3 dB to existing measured or predicted noise levels.

BUILDING TYPE	OCCUPANCY/ACTIVITY	MAXIMUM INDOOR DESIGN NOISE LEVEL $L_{Aeq,2-10,2}$
Residential	Living spaces, sleeping quarters (including mobile accommodation) and offices and business premises	40 dB
	Assembly halls	35 dB
Education	Classrooms, lecture halls, libraries	40 dB
	Laboratory and training rooms	35 dB
	Libraries	45 dB
	Classrooms	40 dB
Health	Sleeping areas (e.g. hospital wards)	40 dB
	Classrooms, consulting rooms, theatres, nurses' stations	45 dB
	Places of worship, marae	40 dB

Note: E = areas not deemed to be habitable; S = as defined by section 10 of the Resource Management Act 1992

The Transport Agency also recommends that the above provision is applied to Kairanga Bunnythorpe Road and Ashhurst Road, as these roads are identified in the Joint

	<p>Transportation Study as key freight corridors. This will also allow for these corridors to be future proofed.</p> <p>The Transport Agency has a statutory duty to be environmentally and socially responsible and needs to avoid, reduce or remedy any adverse effects resulting from state highways. Where incompatible land uses are located near each other, conflict between the activities often results, typically through complaints from the more sensitive activity. There is a risk that new sensitive activities (such as dwellings) that choose to locate near established state highways may object to the effects of the state highway. Therefore, traffic noise in particular is a major environmental concern.</p> <p>The State highway network is particularly susceptible to reverse sensitivity effects. Roads are generally an accepted part of our environment, although many people do not appreciate the actual effects of permanently living with road-traffic noise when they choose to build new houses near existing roads and road designations. Even when a site has been visited during the day, prospective residents might not have envisaged the continuing road-traffic noise into the evening when they could be relaxing outside in the summer, or at night when trying to sleep with windows open. People also comment they had not anticipated the steadily increasing traffic that occurs on most state highways over time, and often the changing traffic composition such as an increase in the proportion of trucks at night.</p> <p>The Transport Agency regularly receives complaints about road-traffic noise from residents who have moved into new houses and subdivisions built adjacent to pre-existing or designated State highways. These include requests for asphalt road surfacing, noise barriers, speed restrictions, prohibition of heavy vehicles or engine braking, and building of alternative/realigned roads. Such pressure is likely to affect the affordability of the transport network for the wider public and the responsiveness of the road controlling authority.</p> <p>The Transport Agency has an established policy to proactively avoid and manage reverse sensitivity effects. The policy involves working with local authorities, land owners and developers. The requested amendments to acoustic treatment and setback rules seek to manage situations that would give rise to reverse sensitivity effects. The Agency takes a consistent approach, but seeks to work with councils to integrate provisions into each particular plan.</p>
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	<p>From a purely acoustics standpoint, the most effective reverse sensitivity control is to exclude all new sensitive activities from a buffer area around State highways. However, that stance might not result in sustainable management of resources or good urban design outcomes. The Transport Agency reverse sensitivity policy does not seek prohibition of residential development over a wide area but promotes a balanced approach to allow managed development near state highways. This is an appropriate method to address reverse sensitivity, whereby the goal should be to minimise adverse effects, but not necessarily eliminate all potential complaints, disturbance or annoyance.</p> <p>The Transport Agency policy has two main elements: setbacks and acoustic treatment of buildings, which are addressed in a Buffer Area and Effects Area respectively. These two areas are defined by distances from the edge of the carriageway. Acoustic treatment of buildings in the Effects Area addresses sleep disturbance and indoor amenity, whereas setbacks in the Buffer Area are essential to also address outdoor amenity, and other potential effects such as vibration and air quality. Both the Buffer Area and the Effects Area depend on the noise level from the road, with the dominant factors being the traffic flow, vehicle speed, percentage of heavy vehicles and road surface. For roads in this district with a posted speed limit greater or equal to 70 km/h the Transport Agency policy specifies an 80 metre Effects Area. This distance has been determined to generally result in an acceptable level of indoor amenity by maintaining the 'satisfactory' internal sounds levels as recommended by the joint Australian Standard and New Zealand Standard AS/NZS 21077. In this Standard, the recommended internal sound levels vary for type of occupancy and activity. For residential buildings near major roads, the recommended sound levels are 30 dB LAeq for sleeping areas and 35 dB LAeq for living areas. For consistency with NZS 68068, the Transport Agency submission has slightly relaxed these criteria for habitable spaces to be 40 dB LAeq(24h). The Effects Area is usually contained partly within the road reserve as it is measured from the edge of the nearest traffic lane, rather than the edge of the carriageway. These Effects Areas to adequately control reverse sensitivity effects as per the Transport Agency policy.</p> <p>There can still be road-traffic noise effects at greater</p>
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⁷ AS/NZS 2107:2000 Acoustics – Recommended design sound levels and reverberation times for building interiors.

⁸ NZS 6806:2010 Acoustics – Road-traffic noise – new and altered roads.

	<p>distances, but the policy is targeted to address only the most critical situations. In fact, the research^{9,10} behind the policy indicated effects to beyond 300 metres from state highways. New Zealand Standard NZS 6806, which is used for new and altered roads, requires assessment at houses within 200 metres in rural areas and 100 metres in urban areas. By limiting the area for controls to 80 metres in this instance, the Transport Agency reverse sensitivity policy takes a balanced and pragmatic approach by allowing residential development with a reasonable level of residential amenity.</p> <p>I note that Nigel Lloyd the Councils Noise Expert has also recommended in the report dated 29 April 2016, that a reverse sensitivity provision be included. This recommends set-backs from the state highway and noise insulation requirements be incorporated into the plan.</p> <p><i>It is requested that the above provision is incorporated.</i></p>
Section 16 – Industrial Zone	
Rule 16.4.2 (b) (iii) (b) – Major and Minor Arterial Roads	<p>The Transport Agency supports Rule 16.4.2 (b) (iii) (b) from a safety perspective as it will screen activities visible from the State Highway network which may driver cause driver distraction. The frangible requirement of the provision is also important so that vegetation will break away if a motorist makes a mistake and leave the state highway.</p> <p>The Transport Agency requests amendments to the provision to provide a list of species that may be used that will not cause damage to the road network and result in increased maintenance costs.</p> <p><i>It is requested that the above amendment is incorporated.</i></p>
16.1 Introduction and Appendix 16.2 Kawakawa Industrial Park Growth Area	<p>The Transport Agency supports the proposed rezoning of land to Industrial which extends the Kawakawa Industrial Park Growth Area. There is agreement between the Council and the Transport Agency that the current transport infrastructure, in particular Turners Road and South Street intersection would be placed under pressure from the proposed rezoning. The Transport Agency's view is that contributions are required from the development to support the transport investment required to build the infrastructure to ensure the traffic effects of the industrial area are remedied or mitigated. The Transport Agency welcomes a pre-hearing meeting with the Council to work together on how this can be accommodated</p>

⁹ Reverse sensitivity measures to address road traffic noise from state highways, Malcolm Hunt Associates, July 2005.

¹⁰ Review reverse sensitivity guidelines, Marshall Day Acoustics, 3 October 2005.

	under the District Plan
Section 9 – Designations	
Designation D5	<p>Designation D5 covering State Highway 57 appears to be an omission as State Highway 57 does not run through the Manawatu District.</p> <p><i>The Transport Agency requests that this designation is removed.</i></p>

3.3 The Transport Agency seeks the following decision from the Manawatu District Council:

Should Proposed Plan Change 52, 55 and 60 be approved, the Transport Agency requests that it is subject to the above amendments (or amendments to the same effect).

The Transport Agency looks forward to working further with the Manawatu District Council through the process.

4 The Transport Agency does wish to be heard in support of this submission.

Dated at Palmerston North the 11th day of July 2016.



Cole O'Keefe
Senior Planning Advisor

Pursuant to a delegation from the Chief Executive of the NZ Transport Agency.

Address for service: Shaun Harvey
Planning Advisor
NZ Transport Agency
PO Box 1947
Palmerston North 4440

Telephone Number: (06) 953 6671

E-mail: shaun.harvey@nzta.govt.nz



**NOTICE OF SUBMISSION BY POWERCO LIMITED ON PROPOSED PLAN CHANGE
60 OF THE MANAWATU DISTRICT PLAN**

To: Manawatu District Council
Private Bag 10-001
Feilding
4743

Via email: districtplanreview@mdc.govt.nz

Submitter: Powerco Limited
Private Bag 2061
New Plymouth 4342

Address for Service: BURTON PLANNING CONSULTANTS LIMITED
Level 1, 2-8 Northcroft Street
PO Box 33-817, Takapuna,
AUCKLAND 0740

Attention: Karen Blair

Phone: (09) 917-4305
Fax: (09) 917-4311
Email: kblair@burtonconsultants.co.nz
File ref: 13/117

A. INTRODUCTION

1. Powerco Limited (*Powerco*) is New Zealand's largest electricity and second largest gas distributor in terms of network length and has been involved in distribution in New Zealand spanning more than a century. The Manawatu rural sub-transmission network (ex-Manawatu Oroua EPB) consists of open 33kv rings feeding four substations around the periphery of Palmerston North, and 33kV radial feeders to Sanson and Kimbolton via Feilding. The Feilding substation supplies Feilding's entire load. The 33kV circuits are predominantly overhead construction on concrete poles.
2. As such, Powerco seeks to ensure that its electricity designations in the District are rolled-over into the Proposed District Plan so that Powerco can continue the ongoing development, operation, maintenance and upgrading of these substations.

B. THE SPECIFIC PROVISIONS OF PLAN CHANGE 60 – DESIGNATIONS THAT POWERCO'S SUBMISSION RELATES TO ARE SUMMARISED AS FOLLOWS:

3. The submission relates specifically to the following:
 - Powerco designations in Chapter 9

C. POWERCO WISHES TO BE HEARD IN SUPPORT OF THIS SUBMISSION

D. IF OTHERS MAKE A SIMILAR SUBMISSION, POWERCO WOULD BE PREPARED TO CONSIDER PRESENTING A JOINT CASE AT ANY HEARING.

E. POWERCO COULD NOT GAIN AN ADVANTAGE IN TRADE COMPETITION THROUGH THIS SUBMISSION.

F. POWERCO IS DIRECTLY AFFECTED BY AN EFFECT OF THE SUBJECT MATTER OF THE SUBMISSION THAT—

- (i) ADVERSELY AFFECTS THE ENVIRONMENT; AND
- (ii) DOES NOT RELATE TO TRADE COMPETITION OR THE EFFECTS OF TRADE COMPETITION.

Signature of person authorised to sign on behalf of Powerco Limited

Karen Blair

Director / Principal Planner

A handwritten signature in blue ink, appearing to read 'Karen Blair', with a stylized flourish at the end.

Dated this 9th day of August 2016

RELIEF SOUGHT – CHAPTER 9: DESIGNATIONS

(Additions are underlined with deletions in ~~strike through~~)

1.1 Retain Powerco's Designations, without further modification, as follows:

D110	Powerco Ltd	Feilding Substation	Electricity Substation	Industrial	Lot 2 DP 305442	
D111	Powerco Ltd	Kairanga Substation	Electricity Substation	Rural 1	Lot 1 DP 84422	
D112	Powerco Ltd	Kimbolton Substation	Electricity Substation	Rural 2	Lot 1 DP 22864	
D113	Powerco Ltd	Sanson Substation	Electricity Substation	Rural 2	Lot 1 DP 24558	
D114	Not allocated					
D115	Not allocated					
D116	Not allocated					



8 August 2016

Manawatu District Council
Private Bag 10 001
Feilding 4743

By e-mail: districtplanreview@mdc.govt.nz

Dear Sir/Madam,

Submission on Plan Change 60 to the Operative Manawatu District Plan

This is a submission on Plan Change 60 to the Operative Manawatu District Plan pursuant to Clause 6 of Schedule 1, Resource Management Act 1991

Name of Submitter: Chorus New Zealand Limited (Chorus)

Address for Service: Level 10
State Insurance Tower
1 Willis Street
PO Box 632
WELLINGTON 6140

Attention: Mary Barton
Ph: 027 702 8650
Email: Mary.Barton@chorus.co.nz

Chorus New Zealand Limited (Chorus) welcomes the opportunity to make a submission on Plan Change 60 to the Operative Manawatu District Plan (herein referred to as PC60). There are a number of matters that in the view of Chorus require amendment prior to PC60 being made operative. There are also a number of proposed provisions that Chorus supports.

Submission on PC60 Provisions

PC60 details changes to the designations within the Operative Manawatu District Plan. Section 9.3 of PC60 includes a table entitled 'Appendix 7A – Schedule of Designations'. Chorus support this table, and note that their designations have been correctly recorded. However, in the column entitled 'Designation Site', each of Chorus's designation includes the site and then in brackets an internal Chorus reference number. This internal reference number adds no value to the Schedule of Designations and should be removed. This is detailed on the table attached to this letter

Background to Chorus

Chorus 'demerged' from Spark New Zealand Trading Limited (formerly Telecom) as a separate company at midnight on 30 November 2011. As part of its business activities, Chorus maintains and builds a network made up of local telephone exchanges, radio communications infrastructure, cabinets and copper and fibre cables. Chorus' telecommunication and radiocommunication facilities and networks are essential services due to the critical role they play in society, both in terms of allowing people and communities to provide for their "wellbeing", and also for assisting to ensure their "health and safety". Chorus' fixed line

[Type here]

network connects homes and businesses through an extensive network made up of fibre optic and copper cable. The Ultra Fast Broadband (UFB) and Rural Broadband Initiative (RBI) projects currently underway requires additional fibre cable (both underground and overhead on existing support structures). This network is also supported by a number of radio communication sites ranging from small repeater sites to large microwave stations.

Chorus works with many different retail service providers to give access to the network and develop innovative new products and services. Customers include Actrix, Airnet, CallPlus, Compass, Digital Island, Gen-I, Orcon, Spark, TelstraClear, Trustpower, Vodafone and WorldxChange to name a few. Chorus helps these providers connect their customers to the world.

In addition to supporting customers to deliver fixed line services; Chorus' fibre network also underpins an extensive mobile phone network, which provides a wide range of mobile services to residents and visitors nationally. In order to satisfy customer demands, Chorus is constantly altering and developing both the fixed line and mobile network support infrastructure to ensure services meet the needs of customers and the local community.

Reliance on telecommunications has never been so high and this will continue to grow as an ever expanding range of applications are developed that require access to an ultra fast broadband network. There is also a critical need for the provision of resilient telecommunications networks during emergencies as has been highlighted in the case of the Canterbury earthquakes. Functioning communications networks that support emergency services during such events are crucial, and can be the difference between life and death in some circumstances.

Trade Competition

Chorus could not gain an advantage in trade competition through this submission.

Attendance and Wish to be heard at Hearings

Chorus wishes to be heard in support of the submission

Prior to the hearing, and ideally soon after the close of submissions, Chorus would like an opportunity to meet with the Manawatu District Council Policy Planners to discuss the content of this submission.

If there are any issues of clarification required please contact Mary Barton at the address for service in the first instance.

Yours sincerely



Gretchen Joe
Head of Property Operations
Chorus New Zealand Limited

8 August 2016

Chorus and Spark

Manawatu District Council – Submission on Draft Plan Change 60

The table below replicates Appendix 7A – Schedule of Designations in Plan Change 60. Text requested to be deleted is shown as ~~strikethrough~~. There is no proposed additions or alterations to any other text.

Appendix 7A – Schedule of Designations

No	Requiring Authority	Designation Site	Designated Purpose	Underlying Zoning	Legal Description	
D82	Spark New Zealand Trading Limited Chorus New Zealand Limited	Feilding Exchange (20106)	Telecommunication, Radiocommunication & Ancillary purposes	Outer Business	Lot 1 DP 351838	
D83	Chorus New Zealand Limited	Longburn Repeater Station (20117)	Telecommunication, Radiocommunication & Ancillary purposes	Rural 1	Sec 1 SO 24142	
D84	Not Allocated					
D85	Chorus New Zealand Limited	Tangimoana Exchange (20204)	Telecommunication, Radiocommunication & Ancillary purposes	Village	Lot A Sec 558 Town of Carnarvon	
D86	Chorus New Zealand Limited	Himatangi Beach Radio Site (20211)	Telecommunication, Radiocommunication & Ancillary purposes	Village	Lot 1 DP 72005	
D87	Chorus New Zealand Limited	Sanson Exchange (20135)	Telecommunication, Radiocommunication & Ancillary purposes	Village	Lot 1 DP 74813	
D88	Chorus New Zealand Limited	Rongotea Exchange (20132)	Telecommunication, Radiocommunication & Ancillary purposes	Village	Lot 1 DP 81870	
D89	Chorus New Zealand Limited	Halcombe Exchange (20110)	Telecommunication, Radiocommunication & Ancillary purposes	Village	Lot 1 DP 81868	
D90	Chorus New Zealand Limited	Kimbolton Exchange (20115)	Telecommunication, Radiocommunication & Ancillary purposes	Village	Lot 1 DP 81869	
D91	Not Allocated					
D92	Chorus New Zealand Limited	Rangiwahia Exchange (20129)	Telecommunication, Radiocommunication & Ancillary purposes	Rural 2	Sec 1 SO 28190	
D93	Chorus New Zealand Limited	Rangiwahia VHF (Very High Frequency) (20130)	Telecommunication, Radiocommunication & Ancillary purposes	Rural 2	Lot 1 DP 67187	
D94	Chorus New Zealand Limited	Tapuae Exchange (20137)	Telecommunication, Radiocommunication & Ancillary purposes	Rural 2	Sec 1 SO 33663	
D95	Chorus New Zealand Limited	Waituna West Exchange (20140)	Telecommunication, Radiocommunication & Ancillary purposes	Rural 2	Pt Sec 20 West Waitapu Village, Sec 1 SO 36346	
D96	Chorus New Zealand Limited	Ridge Rd Radio Site (20141)	Telecommunication, Radiocommunication & Ancillary purposes	Rural 2	Lot 1 DP 78408	
D97	Chorus New Zealand Limited	Reid's Line Radio Site (20142)	Telecommunication, Radiocommunication & Ancillary purposes	Rural 2	Lot 1 DP 79319	

Chorus and Spark

Manawatu District Council – Submission on Draft Plan Change 60

D98	Chorus New Zealand Limited	Umutoi Radio Site (20238)	Telecommunication, Radiocommunication & Ancillary purposes	Rural 2	Lot 1 DP 77147	
D99	Chorus New Zealand Limited	Cheltenham Exchange (20104)	Telecommunication, Radiocommunication & Ancillary purposes	Rural 1	Sec 1 SO 25527	
D100	Chorus New Zealand Limited	Colyton Exchange (20105)	Telecommunication, Radiocommunication & Ancillary purposes	Rural 2	Sec 1 SO 25528	
D101	Chorus New Zealand Limited	Walton's Trig Radio Site (20239)	Telecommunication, Radiocommunication & Ancillary purposes	Rural 2	Lot 1 DP 79322	
D102	Chorus New Zealand Limited	Komako Radio Site (20240)	Telecommunication, Radiocommunication & Ancillary purposes	Rural 2	Lot 1 DP 78409	
D103	Chorus New Zealand Limited	Glen Oroua Exchange (20109)	Telecommunication, Radiocommunication & Ancillary purposes	Rural 2	Lot 1 DP 1035 Pt Sec 384 Town of Carnarvon Blk XI Te Kawau SD SO 26597	
D104	Chorus New Zealand Limited	Bainesse Repeater Station (20102)	Telecommunication, Radiocommunication & Ancillary purposes	Rural 2	Sec 1 SO 24021	
D105	Chorus New Zealand Limited	Himatangi Exchange (20111)	Telecommunication, Radiocommunication & Ancillary purposes	Rural 2	Pt Lot 4 DP 9194 being Pt Rural Sec 312 Carnarvon Township Blks XIV & XIII Te Kawau SD SO 25611	
D106	Chorus New Zealand Limited	Rangiotu Exchange (20131)	Telecommunication, Radiocommunication & Ancillary purposes	Rural 2	Sec 1 SO 26031	
D107	Chorus New Zealand Limited	Kairanga Exchange (20113)	Telecommunication, Radiocommunication & Ancillary purposes	Food Channel 2	Sec 1 on SO 25516	



Proposed Plan Change 60:

Designations

Hearing Report

Appendix 3

Ministry of Education
Hato Paora College

**NOTICE OF REQUIREMENT TO THE MANAWATU DISTRICT
COUNCIL FOR A DESIGNATION UNDER SECTION 168 OF THE
RESOURCE MANAGEMENT ACT 1991**

The site to which the requirement applies is as follows:

The parcels of land described in Titles Referenced 239534 in the Wellington Registry being land located between Kimbolton Road and the Orua River in Manawatu District as shown on the designation plan attached.

The land is occupied by Hato Paora College which is a state integrated Catholic secondary school.

Hato Paora College is a state integrated Catholic boarding school for boys for years 9 -13. The school is capable of accommodating 165 students. The school has a full range of facilities including specialist teaching spaces for arts and crafts, gymnasium and swimming pool. The school has extensive sports fields and hard courts. The school is almost entirely a boarding school for Maori boys and aims to develop great young Maori men.

The site is located amongst rural land south of Cheltenham and east of State Highway 54. The school is set well back from the highway with a tree lined access road providing a single point of access.

The school has a number of facilities that have not been integrated and these have been excluded from the area to be designated. This includes the land on which the chapel and hostel are located.

The nature of the proposed public work is:

Designation for education purposes under the Resource Management Act 1991 to enable the ongoing operation, maintenance and development of public education on the site.

The nature of the work conducted and operated on the site and to which the designation notice is given is:

- the construction, undertaking, establishment, management, operation and maintenance of an integrated school; and
- use of the land for educational public purposes where the relevant education authority constructs, undertakes, establishes, manages, operates or maintains land for such work or use.

The nature of the proposed restrictions that would apply are:

There are no proposed restrictions given the long established educational purposes and operation presently conducted upon the land.

The effects that the public work will have on the environment, and the ways in which any adverse effects will be mitigated, are:

The educational activities on the land have no deleterious or adverse environmental effect. The school is located in a rural area with no neighbouring dwellings in the vicinity. It is the only Catholic college serving the Manawatu District and is complimented by one state integrated Catholic primary school in Feilding.

As a largely boarding school for Maori boys, it serves a wider regional catchment of the lower and central north island and benefits Maori communities across this wide area by providing access to a state education with a special Catholic character.

The school has its own waste water treatment plant which is subject to regional consents.

General

Four principal environmental effects of the continued operation of the school can be identified as:

- The positive contribution made to the wider region and local communities
- The modification made to the visual amenity
- The effects on local traffic flows; and
- The effect on the local noise environment.

Contribution to Communities

Hato Paora College was established in 1948 and was converted from a large country homestead. The College is a long established and integral component of the local environment and supports a large catchment of rural communities. It makes a particular contribution to the improvement of Maori education.

This effect is considered to be entirely consistent with the Resource Management Act's purpose of allowing people and communities to provide for their *"social economic and cultural wellbeing."*

Visual Effects

The College is located amongst productive farming land and has extensive mature tree planting along the main access road into the school and around the southern playing fields. As a result the buildings are screened from the south and west. Where the school is visible it provides a degree of visual interest amongst this largely agricultural landscape.

There are no adverse visual effects.

Traffic Flows

Schools interact with local traffic in two main ways:

- By general additional traffic (largely vehicular) and;
- By having the potential to disrupt traffic flows (through both vehicular and pedestrian actions).

The College has direct access onto State Highway 54 at a point where there is unlimited visibility both north and south. State Highway 54 carries only low levels of traffic. The traffic associated with the College therefore does not create any adverse effects on the efficiency of the network in this vicinity.

Noise

Schools modify the local noise environment in three ways:

- Through the introduction of an additional concentrated local noise source at regular times of the day when pupils are outside the classroom environment;
- Through the introduction of an additional concentrated local noise source at regular times of the day as pupils arrive at and depart from the school; and
- Through the introduction of an irregular local noise source with other school based activities.

The activity which is subject to this notice is existing, and is located in a rural area amongst agricultural land. There are no other residences within 700 metres of the school and consequently there is no risk of adverse effects from noise associated with school activities.

No proposed mitigation measures are therefore called for.

Alternative sites, routes, and methods have been considered to the following extent:

The site which is the subject of this Notice of Requirement is currently an established activity. It represents a considerable taxpayer investment and is a facility that provides for the educational needs of individuals and communities.

The preference for the designation technique and alternative methods available are discussed below.

The public work and designation are reasonably necessary for achieving the objectives of the requiring authority because:

Designation of existing schools is a technique used nationally by the Minister of Education and is seen by the Minister as being the most effective way of ensuring that the Minister's interest in a site is protected. The primary reasoning for adopting this technique is the greater certainty provided in terms of future management options for the site relative to other available methods. This certainty is considered to be very important by the Minister since a longer term commitment is traditionally made to any particular site selected for the operation of a school.

Designation also clearly identifies the likely long term location of this particular activity and this is seen as beneficial to both other resource uses and to the Manawatu District Council.

The principal alternative means of protecting the Minister's long term interest in a particular site would be to seek to have an appropriate rule included in the District Plan which classifies the operation of school and other related activities as "permitted activities" within the given area.

This alternative approach would leave the Minister exposed to future proposed plan changes, which may not be directly related to the carrying out of these specific activities but which nevertheless would cause the Minister to incur unnecessary cost and to reduce uncertainty as to future operations.

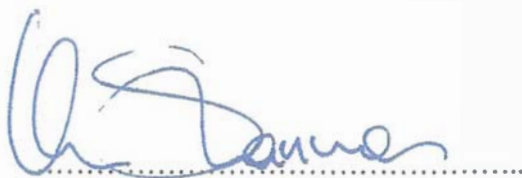
Consequently designation is regarded by the Minister as the most appropriate method for protecting his interests.

The following consultation has been undertaken with parties that are likely to be affected:

No consultation has been undertaken in respect of this Notice of Requirement as the site is existing with established secondary school and associated activities thereon. Notwithstanding this, there is a commitment to consulting affected parties as appropriate with respect to any relevant new works on this site.

The following information is attached to this notice as required to be included by the district plan, regional plan, or any regulations made under the Resource Management Act 1991.

a) Copies of Titles

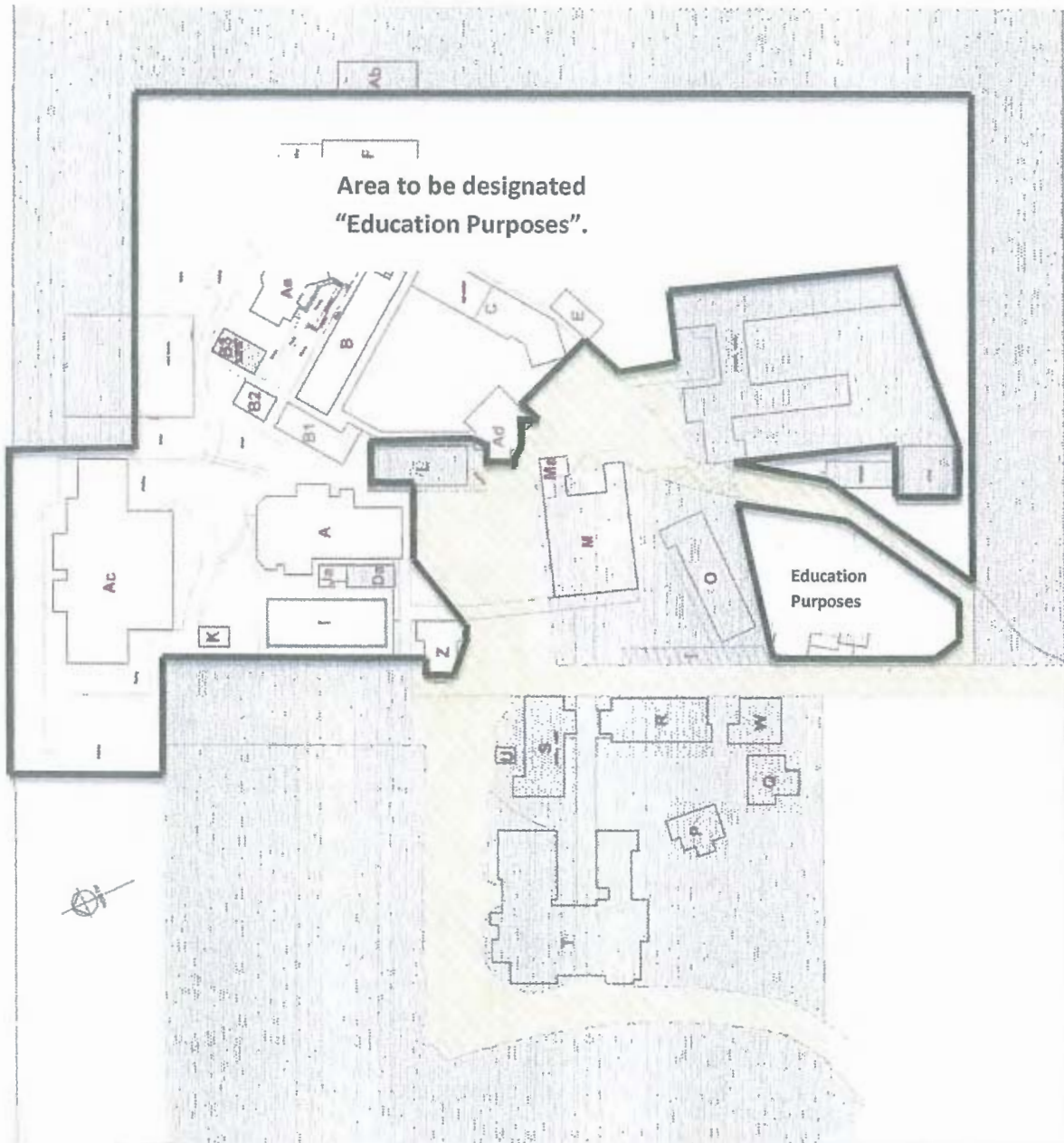


Kim Shannon
Head of Education Infrastructure Service
Ministry of Education
(Pursuant to an Instrument of Delegation dated 21 October 1996)

Date: 11 March 2014

**NOTICE OF REQUIREMENT TO MANAWATU DISTRICT COUNCIL
FOR A DESIGNATION UNDER SECTION 168 OF THE RESOURCE
MANAGEMENT ACT 1991**

Part Lot 1 Deposited Plan 358857 described in title 239543 located between
Kimbolton Road and the Oroua River, south of Cheltenham.





COMPUTER FREEHOLD REGISTER UNDER LAND TRANSFER ACT 1952




R.W. Muir
Registrar-General
of Land

Search Copy

Identifier **239543**
Land Registration District **Wellington**
Date Issued **28 July 2006**

Prior References
WN31B/790

State Fee Simple
Area 17.8521 hectares more or less
Legal Description Lot 1 Deposited Plan 358857

Proprietors
Hato Paora Trust Board

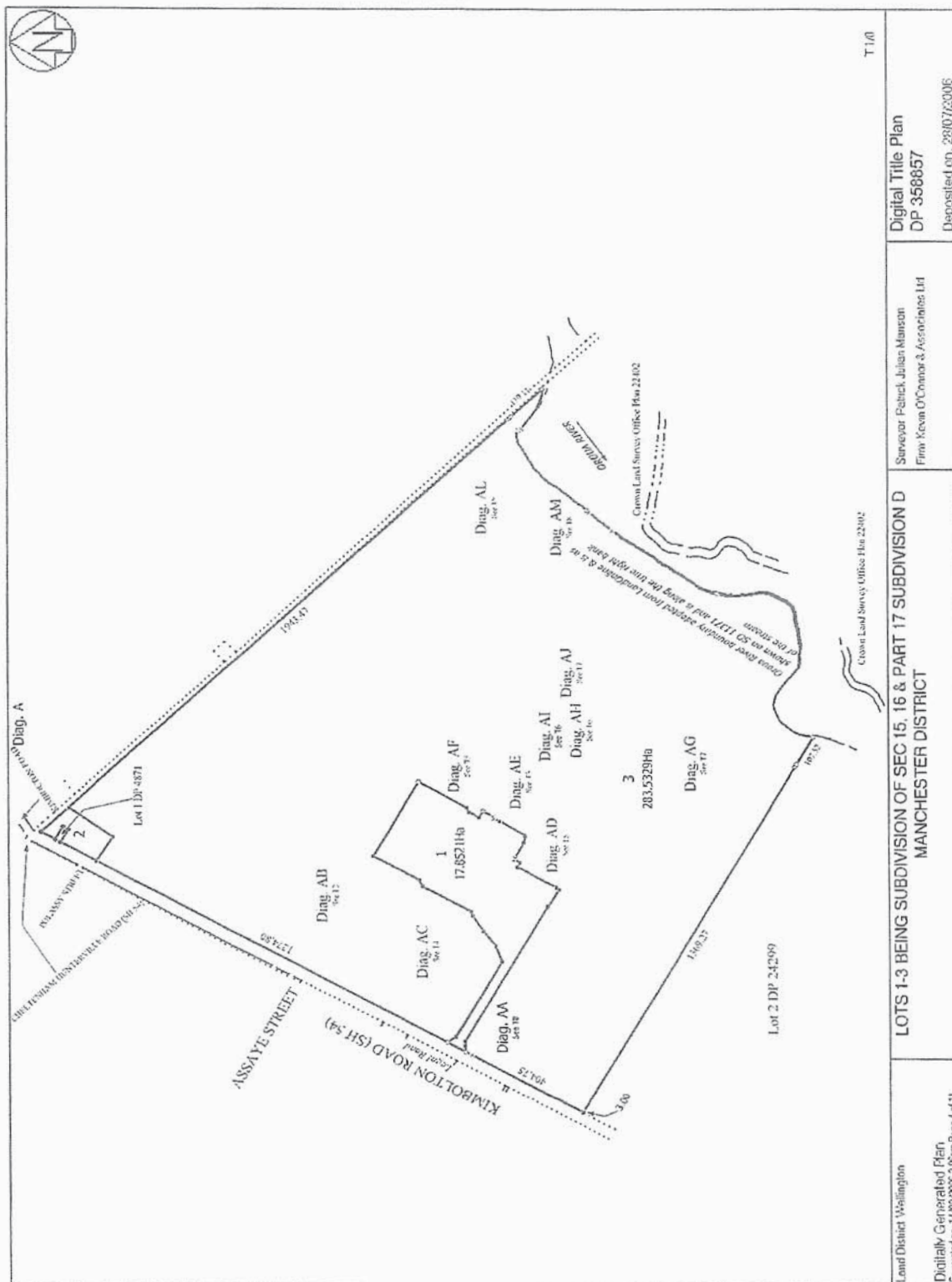
Interests

B004133.2 CAVEAT BY THE ROMAN CATHOLIC BISHOP OF THE DIOCESE OF PALMERSTON NORTH -
26.5.1989 AT 9.29 AM

Subject to a right of way and right to convey gas over part marked A, right of way over part marked O and
right to convey water over parts marked O & P on DP 358857 created by Easement Instrument 6965586.3 -
28.7.2006 at 9:00 am

Appurtenant hereto is a right to convey water, telecommunications and computer media and electricity and
right to drain sewage and water created by Easement Instrument 6965586.3 - 28.7.2006 at 9:00 am

The easements created by Easement Instrument 6965586.3 are subject to Section 243 (a) Resource Management
Act 1991

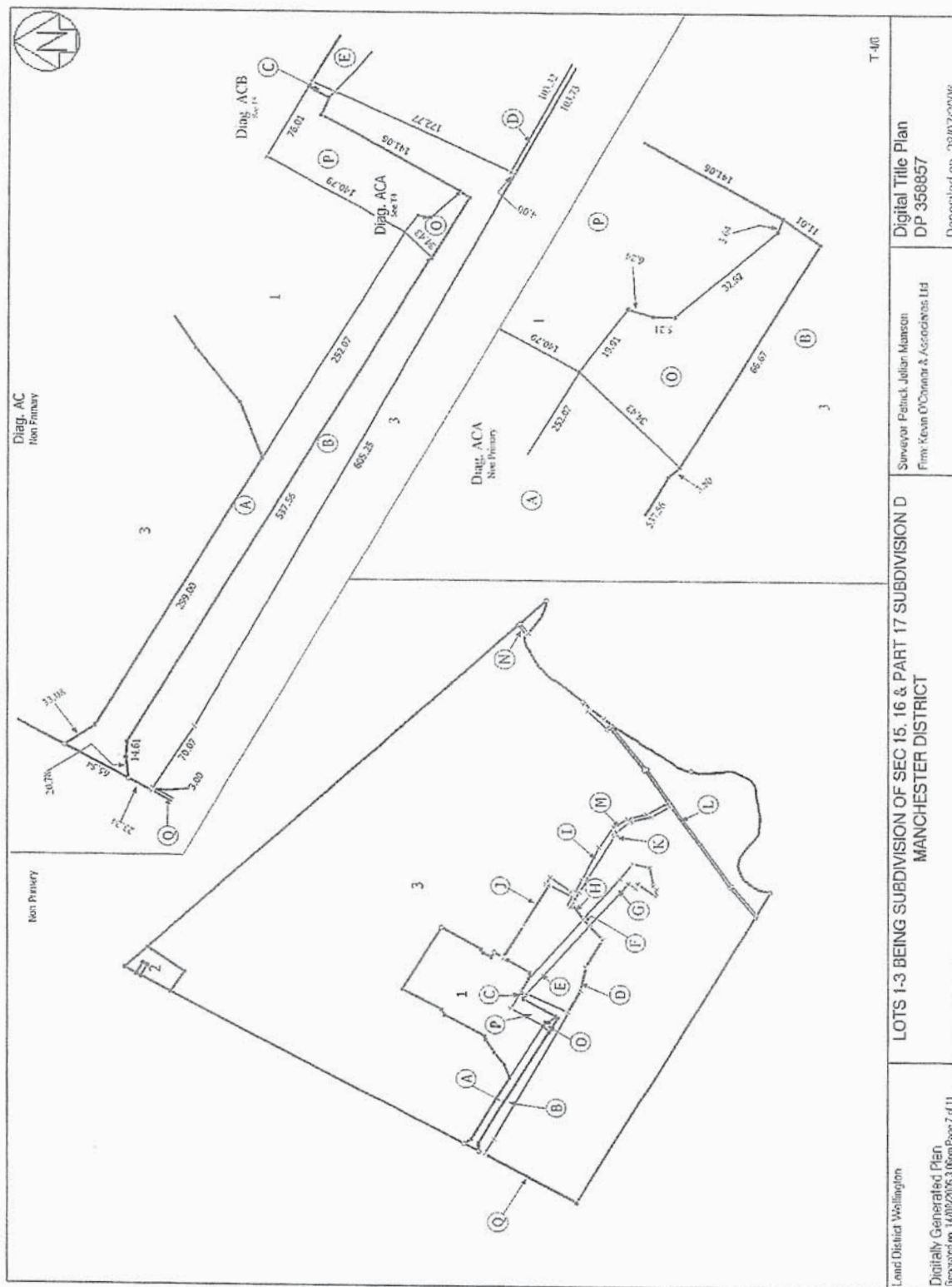


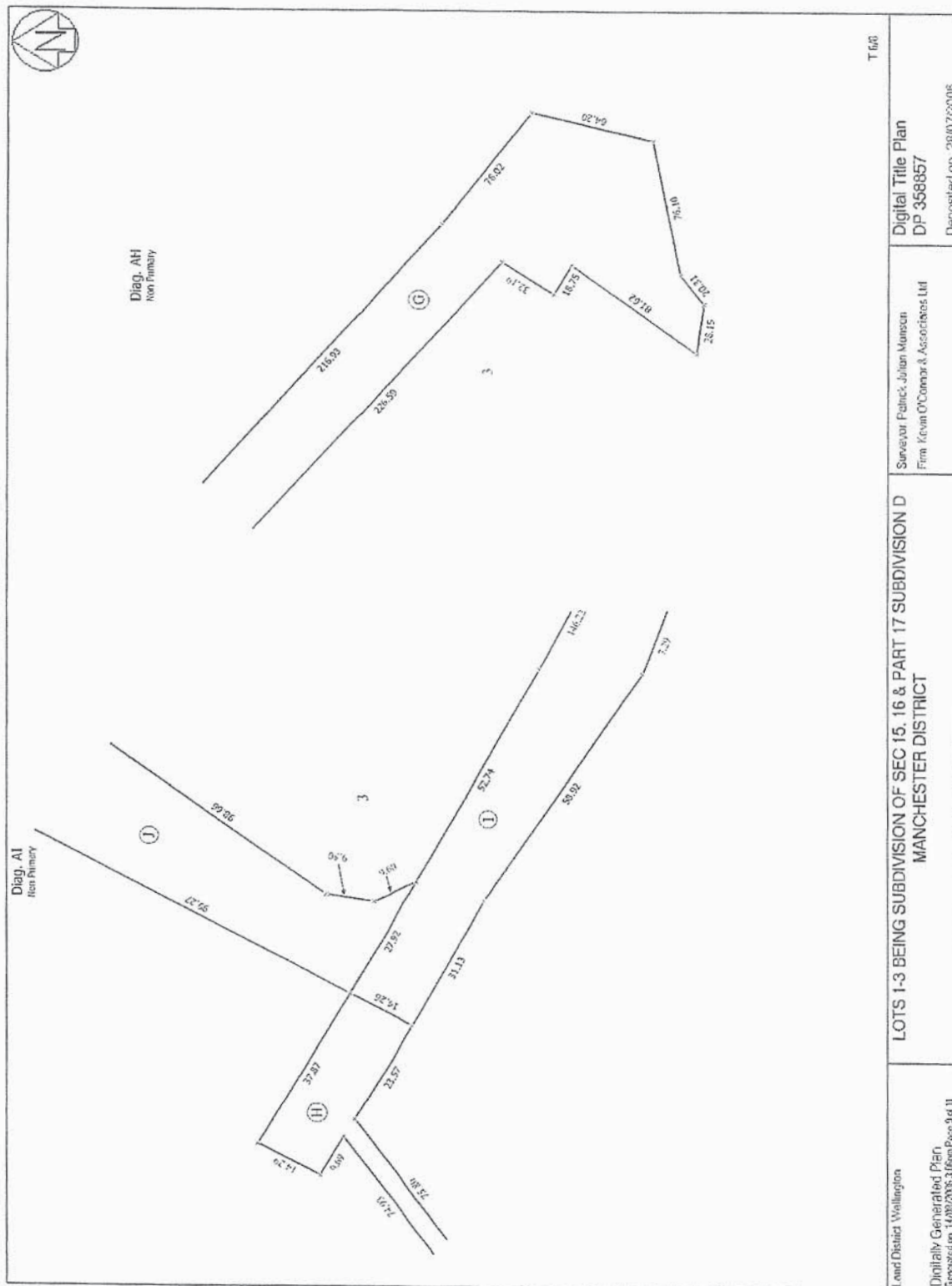




T 3.00

<p>Levee District Wellington</p> <p>Digitally Generalised Plan</p> <p>Generated on 14/05/2006 3:08pm Page 6 of 11</p>	<p>LOTS 1-3 BEING SUBDIVISION OF SEC 15, 16 & PART 17 SUBDIVISION D</p> <p>MANCHESTER DISTRICT</p>	<p>Surveyor Patrick Julian Maunton</p> <p>Firm Kevin O'Connor & Associates Ltd</p>	<p>Digital Title Plan</p> <p>DP 358857</p> <p>Deposited on 28/07/2006</p>
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Ministry of Education
St Joseph's School

**NOTICE OF REQUIREMENT TO THE MANAWATU DISTRICT
COUNCIL FOR A DESIGNATION UNDER SECTION 168 OF THE
RESOURCE MANAGEMENT ACT 1991**

The site to which the requirement applies is as follows:

The parcels of land described in Titles Referenced WNA2/733 WN742/7 and WN742/8 in the Wellington Registry being part of the land at 60 Derby Street, Feilding as shown on the designation plan attached.

The land is occupied by St Joseph's School which is a state integrated Catholic primary school. It is the parish school for St Brigid's Parish in Feilding. The Parish Church is located opposite the school on Derby Road.

St Joseph's is a co-educational integrated Catholic full primary school (years 1 to 8). The school is capable of accommodating 229 students. The current roll is approximately 124. Current projections to 2016 indicate that the roll will remain relatively stable at this level.

The school has 11 teaching spaces, paved hardcourt and play areas, an adventure playground, school hall and sports field. The site has frontage to Derby Street, has residential properties to the north and south and a bowling club to the rear. The on site carpark accommodates 13 vehicles

The nature of the proposed public work is:

Designation for education purposes under the Resource Management Act 1991 to enable the ongoing operation, maintenance and development of public education on the site.

The nature of the work conducted and operated on the site and to which the designation notice is given is:

- the construction, undertaking, establishment, management, operation and maintenance of an integrated school; and
- use of the land for educational public purposes where the relevant education authority constructs, undertakes, establishes, manages, operates or maintains land for such work or use.

The nature of the proposed restrictions that would apply are:

There are no proposed restrictions given the long established educational purposes and operation presently conducted upon the land

The effects that the public work will have on the environment, and the ways in which any adverse effects will be mitigated, are:

The educational activities on the land have no deleterious or adverse environmental effect. The school is located north east of the centre of Feilding and is centrally located to the residential areas north of Feilding. It is the only Catholic primary school serving Feilding. The people in this community benefit from having access to a state education with a special Catholic character.

General

Four principal environmental effects of the continued operation of the school can be identified as:

- The positive contribution made to the local communities
- The modification made to the visual amenity
- The effects on local traffic flows; and
- The effect on the local noise environment.

Contribution to Communities

Schools are a long established and integral component of the Feilding environment, and the availability of adequate educational facilities of this nature is a reasonable expectation of both urban and rural dwellers. The school facilities include a school hall which is utilised by the wider community.

This effect is considered to be entirely consistent with the Resource Management Act's purpose of allowing people and communities to provide for their "*social economic and cultural wellbeing*."

Visual Effects

Schools are typical of structures in the urban environment and school facilities are well accepted as an integral component and no special mitigation measures are considered necessary. The St Joseph's School buildings and associated structures have existed on site for many years while additions and/or modernisation have taken place during the life of the school and will continue to do so. All the school buildings are single level with the school hall forming the highest structure because of the high gable roof.

All the buildings are set well back from Derby Street with a grassed area and mature planting along the frontage and within the grassed frontage area. The school presents a high level of amenity to the street and general area.

Traffic Flows

Schools interact with local traffic in two main ways:

- By general additional traffic (largely vehicular) and;

- By having the potential to disrupt traffic flows (through both vehicular and pedestrian actions).

The first factor does not warrant consideration in this evaluation since the school has been in place for many years.

Adverse effects may be created by traffic either crossing some major roads or merging with other traffic using those roads. In order to mitigate potential effects created either by crossing a major road or merging with traffic on that road, the school has appropriate roadside signage in the vicinity; and has systems in place for ensuring that school traffic arrives and leaves the school without creating a hazard to traffic. There is kerb side parking available on both sides of Derby Street and a pedestrian crossing specifically for the school's needs. In addition there is a dedicated bus stop for school buses. There are two vehicle access points onto the site both have good visibility in both directions.

Noise

Schools modify the local noise environment in three ways:

- Through the introduction of an additional concentrated local noise source at regular times of the day when pupils are outside the classroom environment;
- Through the introduction of an additional concentrated local noise source at regular times of the day as pupils arrive at and depart from the school; and
- Through the introduction of an irregular local noise source with other school based activities.

The activity which is subject to this notice is existing, and is an accepted part of the noise environment of the area. Accordingly, there are no significant adverse effects on the environment from noise generated on the school site as a result of this Notice of Requirement. The school has some residential neighbours but also adjoins a bowling club and a stream to the north. No proposed mitigation measures are therefore called for.

Alternative sites, routes, and methods have been considered to the following extent:

The site which is the subject of this Notice of Requirement is currently an established activity. It represents a considerable taxpayer investment and is a facility that provides for the educational needs of individuals and communities.

The preference for the designation technique and alternative methods available are discussed below.

The public work and designation are reasonably necessary for achieving the objectives of the requiring authority because:

Designation of existing schools is a technique used nationally by the Minister of Education and is seen by the Minister as being the most effective way of ensuring that the Minister's interest in a site is protected. The primary reasoning for adopting this technique is the greater certainty provided in terms of future management options for the site relative to other available methods. This certainty is considered to be very important by the Minister since a longer term commitment is traditionally made to any particular site selected for the operation of a school.

Designation also clearly identifies the likely long term location of this particular activity and this is seen as beneficial to both other resource uses and to the Manawatu District Council.

The principal alternative means of protecting the Minister's long term interest in a particular site would be to seek to have an appropriate rule included in the District Plan which classifies the operation of school and other related activities as "permitted activities" within the given area.

This alternative approach would leave the Minister exposed to future proposed plan changes, which may not be directly related to the carrying out of these specific activities but which nevertheless would cause the Minister to incur unnecessary cost and to reduce uncertainty as to future operations. Consequently designation is regarded by the Minister as the most appropriate method for protecting his interests.

The following consultation has been undertaken with parties that are likely to be affected:

No consultation has been undertaken in respect of this Notice of Requirement as the site is existing with established primary school and associated activities thereon. Notwithstanding this, there is a commitment to consulting affected parties as appropriate with respect to any relevant new works on this site.

The following information is attached to this notice as required to be included by the district plan, regional plan, or any regulations made under the Resource Management Act 1991.

a) Copies of Titles



.....

Kim Shannon
Head of Education Infrastructure Service
Ministry of Education
(Pursuant to an Instrument of Delegation dated 21 October 1996)

Date:.....11 March 2014.....

1.3197 hectares being Lots 1-3 Deposited Plan 23572 described in title WNA2/733 and Lot 567 Deposited Plan 19 described in title WN 742/7 and Lot 568 Deposited Plan 19 described in title WN 742/8 located at 60 Derby Street Feilding.





COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952



Search Copy

R. W. Muir
Registrar-General
of Land

Identifier WNA2/733
Land Registration District Wellington
Date Issued 06 June 1962

Prior References

WN272/253 WN277/192 WN277/206

State Fee Simple
Area 3803 square metres more or less
Legal Description Lot 1-3 Deposited Plan 23572

Proprietors

The Roman Catholic Bishop of the Diocese of Palmerston North

Interests

Subject to a stormwater right over part coloured blue on DP 23572 created by Transfer 528824 (affects Lots 1 DP 23572)

Subject to a stormwater right over part coloured yellow on DP 23572 created by Transfer 528824 (affects Lot 2 DP 23572)

The easements created by Transfer 528824 are subject to Section 351E (1) (a) Municipal Corporations Act 1954

Search Copy Dated 28/05/13 3:47 pm, Page 2 of 2
Register Only



COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952

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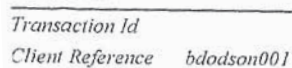
R. W. Muir
Registrar-General
of Land

Identifier WN742/7
Land Registration District Wellington
Date Issued 07 May 1957

Prior References
WN5/268

State Fee Simple
Area 4047 square metres more or less
Legal Description Lot 567 Deposited Plan 19
Proprietors
The Roman Catholic Bishop of the Diocese of Palmerston North

Interests





COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952



Search Copy

R.W. Muir
Registrar-General
of Land

Identifier WN742/8
Land Registration District Wellington
Date Issued 07 May 1957

Part-Cancelled

Prior References
WN5/268

Estate Fee Simple
Area 4047 square metres more or less
Legal Description Lot 568 Deposited Plan 19
Proprietors
The Roman Catholic Bishop of the Diocese of Palmerston North

Interests

454156.1 Gazette Notice declaring part of within land (3m²) (hatched black hereon) taken for road and vests in the Feilding Borough Council from and after the 15th day of October 1981 - 29.10.1981 at 2.23 pm





Proposed Plan Change 60:

Designations

Hearing Report

Appendix 4



Section 37 and 37A of the Resource Management Act 1991 Report on Waiver or Extension of Time Limits

REPORT TO:	General Manager – Corporate and Regulatory
REPORT FROM:	Principal Planning Adviser
DATE:	21 November 2016
<hr/>	
Application Reference Number:	Notices of Requirement
Applicant:	Ministry of Education
Site address:	Hato Paora College, Kimbolton Road, Cheltenham and St Joseph's School, Derby Street, Feilding
<hr/>	

Purpose of the report

The purpose of this report is to determine whether to approve an extension of time limits in relation to two new notices of requirement from the Ministry of Education pursuant to Section 37(1) of the RMA and to waive a failure to comply with a requirement under Section 170 of the RMA, in particular the timeframe to publicly notify Plan Change 60 within 40 working of receipt of the Ministry's Notice of Requirement.

Section 170 of the RMA provides a discretion to a territorial authority to include a requirement under Section 168 within a proposed plan, being publicly notified under Clause 5 of Schedule 1, instead of complying with Section 169.

Description of Proposed Activity /Time frame for which a waiver or extension is sought.

Mr Paul Thomas from Environmental Management Services on behalf of Ministry of Education applied for two new notices of requirements to designate for the following schools:

- Hato Paora College near Cheltenham; and
- St Joseph's School located off Derby Street, Feilding.

Both schools are existing and established activities.

The notice of requirements were received by Council on 18 March 2014. Confirmation was received on 5 February 2016 that the Ministry wanted the two schools included in the District Plan Review (Designations Schedule Appendix 7A called Proposed Plan Change 60). The first notification occurred on 2 May 2016. Plan Change 60 was not notified within the 40 working day time frame set out in Section 170 of the RMA 1991. The notice of requirements are attached in Appendix 1.

The Ministry of Education have applied for a Section 37 extension to the 40 working day timeframe under 37A(2)(b) to extend the time period by more than twice the maximum time period specified in the Act. The Requiring Authority has written to Council requesting that the time period is extended. This letter is included as Appendix 2.

Reasons why a waiver or extension of the time limits specified in the Act should be extended:

Section 37(1) of the RMA allows a local authority to extend the time limits. Section 37 (1)(a) of the RMA allows a local authority to extend the time limits and Section 31(1)(b) to waive a requirement under the Act:

Section 37(1)

A consent authority or local authority may, in any particular case, -

(a) Extend a time period specified in this Act or in regulations, whether or not the time period has expired;

In extending the timeframes, S37A(2)(b) states that a time can be exceeded twice the maximum time period specified in this Act if the applicant or requiring authority requests or agrees.

Section 37A(1) of the RMA requires a local authority to take into account a number of factors:

(a) the interests of any person who, in its opinion, may be directly affected by the extension or waiver; and

(b) the interests of the community in achieving adequate assessment of the effects of a proposal, policy statement, or plan; and

(c) its duty under section 21 to avoid unreasonable delay

Will the interests of any person who may be directly affected by the extension or waiver be affected?

Hato Paora and St Joseph's Schools are existing and long established schools in their communities. The designations will clearly identify the long term location of both schools.

The interests of the Ministry of Education and the schools will be promoted if the extension and waiver is granted. The applicant has agreed for a time frame exceeding twice the maximum period.

Will the interests of any community in achieving adequate assessment of the effects of the proposal be affected by the extension or waiver?

It is important that the two schools are designated as the Ministry of Education wishes to ensure that the sites are protected. The primary reasoning for adopting this technique is the greater certainty provided in terms of future management options for the sites relative to other available methods. This assumes importance as the schools are not currently designated and do not have the same protections as other schools in the District. It is noted that longer term commitments are traditionally made by the Ministry to any particular site selected for the operation of a school. There has been no change in the Ministry's requirements for the sites since lodgement of the notices of requirements for Hato Paora and St Joseph's schools.

The interests of the community will not be affected by the proposed extension to the 40 working day notification period. No submissions were received on the notice of requirements as notified; and the extension of time addresses a procedural requirement in terms of the date PC60 was publicly notified.

Will unreasonable delay be avoided?

On 7 July 2016, MDC resolved to withdraw PPC60 along with Proposed Plan Changes 52 and 55 to the District Plan due to an administrative error in publication of the public notice. PPC60 was then notified on 14 July 2016, with submissions closing on 10 August 2016.

A total of five (5) submissions were received in relation to PPC60. No submissions were made on these new notices of requirement of the Ministry of Education.

A hearing has been set down for 5 -7 December 2016 to hear Plan Change 60 – Designations. Waiving the time limit does not prejudice any parties, or cause unreasonable delay.

Recommendation:

That for the above reasons stated above the extension of time limits in relation to the Ministry of Education Notices of Requirement for Hato Paora College and St Joseph's School be approved pursuant to Section 37(1) and to waive the failure to comply with the requirement under Section 170 of the RMA, in particular the timeframe to publicly notify Plan Change 60 within 40 working of receipt of the Ministry's Notice of Requirement.



Wendy Thompson
Principal Planning Adviser

Consent granted under authority granted to me:



Shayne Harris 21/11/2016
General Manager – Corporate and Regulatory

Appendix 1



Environmental Management Services

RECEIVED	
Manawatu District Council	
20 MAR 2014	
Doc. ID:	124254
File Ref:	7/0720K

18 March 2014

Our ref:
Your ref:

PT 799

Deborah Kissick
Senior Policy Planner
Manawatu District Council
Private Bag 1001
Feilding 4743

Dear Deborah

ADDITIONAL DESIGNATIONS IN DISTRICT PLAN REVIEW

Further to our e mail exchange on 12 December find enclosed Notices of Requirement for Hato Paora College near Cheltenham and St Joseph's School in Feilding.

As agreed these are being submitted for inclusion in your District Plan Review of designations to be undertaken in the middle of this year.

Section 170 of the Act enables these to be included in your review if received within 40 days of notification of the proposed plan. I can confirm that the requiring authority agrees to inclusion in the proposed plan in this manner.

Let me know if you need any further information.

Yours sincerely
Environmental Management Services Ltd

Paul Thomas

**NOTICE OF REQUIREMENT TO THE MANAWATU DISTRICT
COUNCIL FOR A DESIGNATION UNDER SECTION 168 OF THE
RESOURCE MANAGEMENT ACT 1991**

The site to which the requirement applies is as follows:

The parcels of land described in Titles Referenced WNA2/733 WN742/7 and WN742/8 in the Wellington Registry being part of the land at 60 Derby Street, Feilding as shown on the designation plan attached.

The land is occupied by St Joseph's School which is a state integrated Catholic primary school. It is the parish school for St Brigid's Parish in Feilding. The Parish Church is located opposite the school on Derby Road.

St Joseph's is a co-educational integrated Catholic full primary school (years 1 to 8). The school is capable of accommodating 229 students. The current roll is approximately 124. Current projections to 2016 indicate that the roll will remain relatively stable at this level.

The school has 11 teaching spaces, paved hardcourt and play areas, an adventure playground, school hall and sports field. The site has frontage to Derby Street, has residential properties to the north and south and a bowling club to the rear. The on site carpark accommodates 13 vehicles

The nature of the proposed public work is:

Designation for education purposes under the Resource Management Act 1991 to enable the ongoing operation, maintenance and development of public education on the site.

The nature of the work conducted and operated on the site and to which the designation notice is given is:

- the construction, undertaking, establishment, management, operation and maintenance of an integrated school; and
- use of the land for educational public purposes where the relevant education authority constructs, undertakes, establishes, manages, operates or maintains land for such work or use.

The nature of the proposed restrictions that would apply are:

There are no proposed restrictions given the long established educational purposes and operation presently conducted upon the land

The effects that the public work will have on the environment, and the ways in which any adverse effects will be mitigated, are:

The educational activities on the land have no deleterious or adverse environmental effect. The school is located north east of the centre of Feilding and is centrally located to the residential areas north of Feilding. It is the only Catholic primary school serving Feilding. The people in this community benefit from having access to a state education with a special Catholic character.

General

Four principal environmental effects of the continued operation of the school can be identified as:

- The positive contribution made to the local communities
- The modification made to the visual amenity
- The effects on local traffic flows; and
- The effect on the local noise environment.

Contribution to Communities

Schools are a long established and integral component of the Feilding environment, and the availability of adequate educational facilities of this nature is a reasonable expectation of both urban and rural dwellers. The school facilities include a school hall which is utilised by the wider community.

This effect is considered to be entirely consistent with the Resource Management Act's purpose of allowing people and communities to provide for their "*social economic and cultural wellbeing*."

Visual Effects

Schools are typical of structures in the urban environment and school facilities are well accepted as an integral component and no special mitigation measures are considered necessary. The St Joseph's School buildings and associated structures have existed on site for many years while additions and/or modernisation have taken place during the life of the school and will continue to do so. All the school buildings are single level with the school hall forming the highest structure because of the high gable roof.

All the buildings are set well back from Derby Street with a grassed area and mature planting along the frontage and within the grassed frontage area. The school presents a high level of amenity to the street and general area.

Traffic Flows

Schools interact with local traffic in two main ways:

- By general additional traffic (largely vehicular) and;

- By having the potential to disrupt traffic flows (through both vehicular and pedestrian actions).

The first factor does not warrant consideration in this evaluation since the school has been in place for many years.

Adverse effects may be created by traffic either crossing some major roads or merging with other traffic using those roads. In order to mitigate potential effects created either by crossing a major road or merging with traffic on that road, the school has appropriate roadside signage in the vicinity; and has systems in place for ensuring that school traffic arrives and leaves the school without creating a hazard to traffic. There is kerb side parking available on both sides of Derby Street and a pedestrian crossing specifically for the school's needs. In addition there is a dedicated bus stop for school buses. There are two vehicle access points onto the site both have good visibility in both directions.

Noise

Schools modify the local noise environment in three ways:

- Through the introduction of an additional concentrated local noise source at regular times of the day when pupils are outside the classroom environment;
- Through the introduction of an additional concentrated local noise source at regular times of the day as pupils arrive at and depart from the school; and
- Through the introduction of an irregular local noise source with other school based activities.

The activity which is subject to this notice is existing, and is an accepted part of the noise environment of the area. Accordingly, there are no significant adverse effects on the environment from noise generated on the school site as a result of this Notice of Requirement. The school has some residential neighbours but also adjoins a bowling club and a stream to the north. No proposed mitigation measures are therefore called for.

Alternative sites, routes, and methods have been considered to the following extent:

The site which is the subject of this Notice of Requirement is currently an established activity. It represents a considerable taxpayer investment and is a facility that provides for the educational needs of individuals and communities.

The preference for the designation technique and alternative methods available are discussed below.

The public work and designation are reasonably necessary for achieving the objectives of the requiring authority because:

Designation of existing schools is a technique used nationally by the Minister of Education and is seen by the Minister as being the most effective way of ensuring that the Minister's interest in a site is protected. The primary reasoning for adopting this technique is the greater certainty provided in terms of future management options for the site relative to other available methods. This certainty is considered to be very important by the Minister since a longer term commitment is traditionally made to any particular site selected for the operation of a school.

Designation also clearly identifies the likely long term location of this particular activity and this is seen as beneficial to both other resource uses and to the Manawatu District Council.

The principal alternative means of protecting the Minister's long term interest in a particular site would be to seek to have an appropriate rule included in the District Plan which classifies the operation of school and other related activities as "permitted activities" within the given area.

This alternative approach would leave the Minister exposed to future proposed plan changes, which may not be directly related to the carrying out of these specific activities but which nevertheless would cause the Minister to incur unnecessary cost and to reduce uncertainty as to future operations. Consequently designation is regarded by the Minister as the most appropriate method for protecting his interests.

The following consultation has been undertaken with parties that are likely to be affected:

No consultation has been undertaken in respect of this Notice of Requirement as the site is existing with established primary school and associated activities thereon. Notwithstanding this, there is a commitment to consulting affected parties as appropriate with respect to any relevant new works on this site.

The following information is attached to this notice as required to be included by the district plan, regional plan, or any regulations made under the Resource Management Act 1991.

a) Copies of Titles



.....

Kim Shannon
Head of Education Infrastructure Service
Ministry of Education
(Pursuant to an Instrument of Delegation dated 21 October 1996)

Date:.....11 March 2014.....

NOTICE OF REQUIREMENT TO MANAWATU DISTRICT COUNCIL FOR A DESIGNATION UNDER SECTION 168 OF THE RESOURCE MANAGEMENT ACT 1991

1.3197 hectares being Lots 1-3 Deposited Plan 23572 described in title WNA2/733 and Lot 567 Deposited Plan 19 described in title WN 742/7 and Lot 568 Deposited Plan 19 described in title WN 742/8 located at 60 Derby Street Feilding.





COMPUTER FREEHOLD REGISTER UNDER LAND TRANSFER ACT 1952




R.W. Muir
Registrar-General
of Land

Search Copy

Identifier **WNA2/733**
Land Registration District **Wellington**
Date Issued 06 June 1962

Prior References

WN272/253 WN277/192 WN277/206

State Fee Simple
Area 3803 square metres more or less
Legal Description Lot 1-3 Deposited Plan 23572

Proprietors

The Roman Catholic Bishop of the Diocese of Palmerston North

Interests

Subject to a stormwater right over part coloured blue on DP 23572 created by Transfer 528824 (affects Lots 1 DP 23572)

Subject to a stormwater right over part coloured yellow on DP 23572 created by Transfer 528824 (affects Lot 2 DP 23572)

The easements created by Transfer 528824 are subject to Section 351E (1) (a) Municipal Corporations Act 1954

Register Only



COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952

Search Copy



R. W. Muir
Registrar-General
of Land

Identifier **WN742/7**
Land Registration District **Wellington**
Date Issued 07 May 1957

Prior References
WN5/268

State Fee Simple
Area 4047 square metres more or less
Legal Description Lot 567 Deposited Plan 19

Proprietors
The Roman Catholic Bishop of the Diocese of Palmerston North

Interests



COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952



Search Copy


R. W. Muir
Registrar-General
of Land

Identifier **WN742/8**
Land Registration District **Wellington**
Date Issued **07 May 1957**

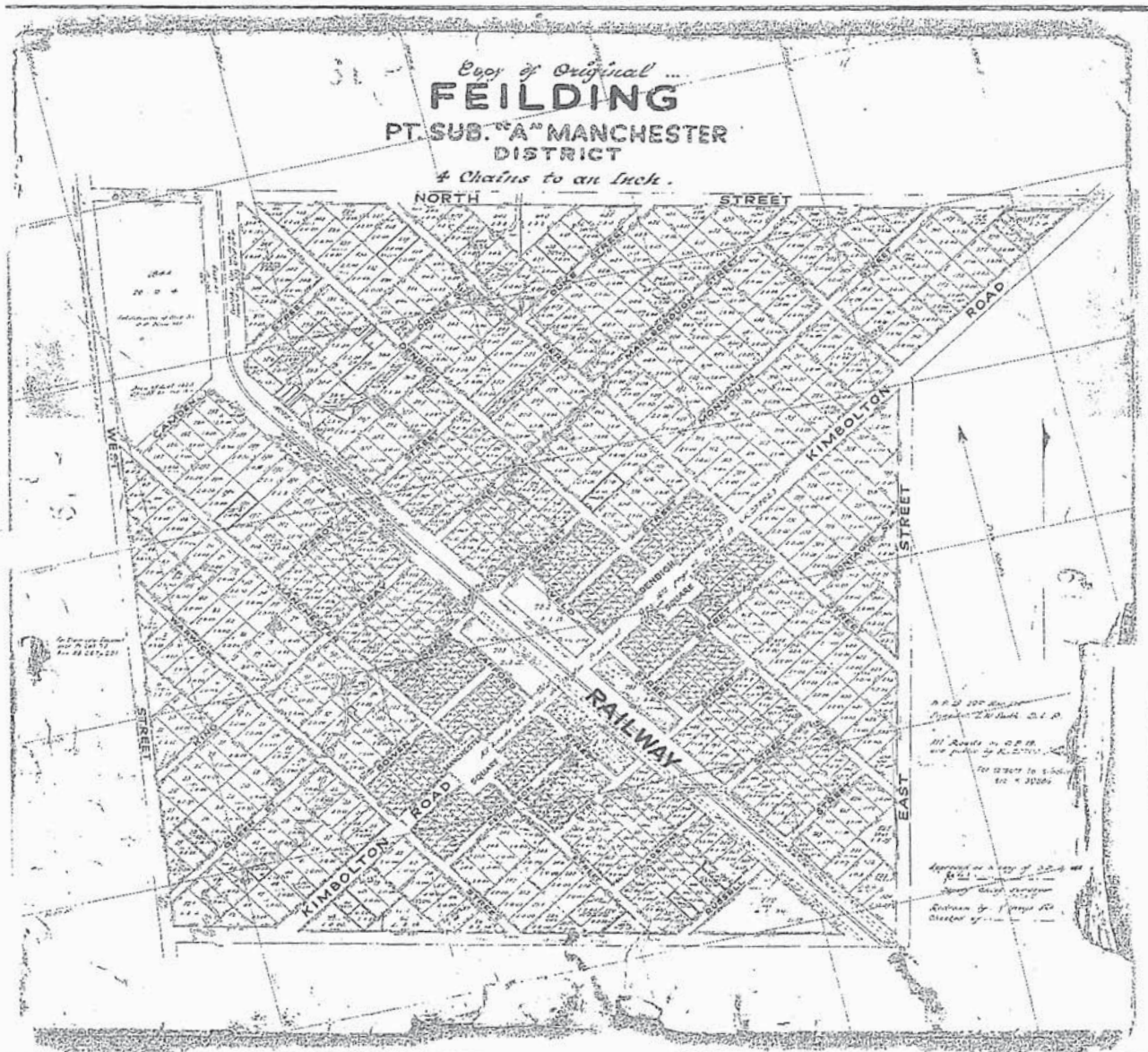
Part-Cancelled

Prior References
WN5/268

State Fee Simple
Area 4047 square metres more or less
Legal Description Lot 568 Deposited Plan 19

Proprietors
The Roman Catholic Bishop of the Diocese of Palmerston North

Interests
454156.1 Gazette Notice declaring part of within land (3m²) (hatched black hereon) taken for road and vests in the Feilding Borough Council from and after the 15th day of October 1981 - 29.10.1981 at 2.23 pm



**NOTICE OF REQUIREMENT TO THE MANAWATU DISTRICT
COUNCIL FOR A DESIGNATION UNDER SECTION 168 OF THE
RESOURCE MANAGEMENT ACT 1991**

The site to which the requirement applies is as follows:

The parcels of land described in Titles Referenced 239534 in the Wellington Registry being land located between Kimbolton Road and the Orua River in Manawatu District as shown on the designation plan attached.

The land is occupied by Hato Paora College which is a state integrated Catholic secondary school.

Hato Paora College is a state integrated Catholic boarding school for boys for years 9 -13. The school is capable of accommodating 165 students. The school has a full range of facilities including specialist teaching spaces for arts and crafts, gymnasium and swimming pool. The school has extensive sports fields and hard courts. The school is almost entirely a boarding school for Maori boys and aims to develop great young Maori men.

The site is located amongst rural land south of Cheltenham and east of State Highway 54. The school is set well back from the highway with a tree lined access road providing a single point of access.

The school has a number of facilities that have not been integrated and these have been excluded from the area to be designated. This includes the land on which the chapel and hostel are located.

The nature of the proposed public work is:

Designation for education purposes under the Resource Management Act 1991 to enable the ongoing operation, maintenance and development of public education on the site.

The nature of the work conducted and operated on the site and to which the designation notice is given is:

- the construction, undertaking, establishment, management, operation and maintenance of an integrated school; and
- use of the land for educational public purposes where the relevant education authority constructs, undertakes, establishes, manages, operates or maintains land for such work or use.

The nature of the proposed restrictions that would apply are:

There are no proposed restrictions given the long established educational purposes and operation presently conducted upon the land.

The effects that the public work will have on the environment, and the ways in which any adverse effects will be mitigated, are:

The educational activities on the land have no deleterious or adverse environmental effect. The school is located in a rural area with no neighbouring dwellings in the vicinity. It is the only Catholic college serving the Manawatu District and is complimented by one state integrated Catholic primary school in Feilding.

As a largely boarding school for Maori boys, it serves a wider regional catchment of the lower and central north island and benefits Maori communities across this wide area by providing access to a state education with a special Catholic character.

The school has its own waste water treatment plant which is subject to regional consents.

General

Four principal environmental effects of the continued operation of the school can be identified as:

- The positive contribution made to the wider region and local communities
- The modification made to the visual amenity
- The effects on local traffic flows; and
- The effect on the local noise environment.

Contribution to Communities

Hato Paora College was established in 1948 and was converted from a large country homestead. The College is a long established and integral component of the local environment and supports a large catchment of rural communities. It makes a particular contribution to the improvement of Maori education.

This effect is considered to be entirely consistent with the Resource Management Act's purpose of allowing people and communities to provide for their "*social economic and cultural wellbeing*."

Visual Effects

The College is located amongst productive farming land and has extensive mature tree planting along the main access road into the school and around the southern playing fields. As a result the buildings are screened from the south and west. Where the school is visible it provides a degree of visual interest amongst this largely agricultural landscape.

There are no adverse visual effects.

Traffic Flows

Schools interact with local traffic in two main ways:

- By general additional traffic (largely vehicular) and;
- By having the potential to disrupt traffic flows (through both vehicular and pedestrian actions).

The College has direct access onto State Highway 54 at a point where there is unlimited visibility both north and south. State Highway 54 carries only low levels of traffic. The traffic associated with the College therefore does not create any adverse effects on the efficiency of the network in this vicinity.

Noise

Schools modify the local noise environment in three ways:

- Through the introduction of an additional concentrated local noise source at regular times of the day when pupils are outside the classroom environment;
- Through the introduction of an additional concentrated local noise source at regular times of the day as pupils arrive at and depart from the school; and
- Through the introduction of an irregular local noise source with other school based activities.

The activity which is subject to this notice is existing, and is located in a rural area amongst agricultural land. There are no other residences within 700 metres of the school and consequently there is no risk of adverse effects from noise associated with school activities.

No proposed mitigation measures are therefore called for.

Alternative sites, routes, and methods have been considered to the following extent:

The site which is the subject of this Notice of Requirement is currently an established activity. It represents a considerable taxpayer investment and is a facility that provides for the educational needs of individuals and communities.

The preference for the designation technique and alternative methods available are discussed below.

The public work and designation are reasonably necessary for achieving the objectives of the requiring authority because:

Designation of existing schools is a technique used nationally by the Minister of Education and is seen by the Minister as being the most effective way of ensuring that the Minister's interest in a site is protected. The primary reasoning for adopting this technique is the greater certainty provided in terms of future management options for the site relative to other available methods. This certainty is considered to be very important by the Minister since a longer term commitment is traditionally made to any particular site selected for the operation of a school.

Designation also clearly identifies the likely long term location of this particular activity and this is seen as beneficial to both other resource uses and to the Manawatu District Council.

The principal alternative means of protecting the Minister's long term interest in a particular site would be to seek to have an appropriate rule included in the District Plan which classifies the operation of school and other related activities as "permitted activities" within the given area.

This alternative approach would leave the Minister exposed to future proposed plan changes, which may not be directly related to the carrying out of these specific activities but which nevertheless would cause the Minister to incur unnecessary cost and to reduce uncertainty as to future operations.


Consequently designation is regarded by the Minister as the most appropriate method for protecting his interests.

The following consultation has been undertaken with parties that are likely to be affected:

No consultation has been undertaken in respect of this Notice of Requirement as the site is existing with established secondary school and associated activities thereon. Notwithstanding this, there is a commitment to consulting affected parties as appropriate with respect to any relevant new works on this site.

The following information is attached to this notice as required to be included by the district plan, regional plan, or any regulations made under the Resource Management Act 1991.

a) Copies of Titles

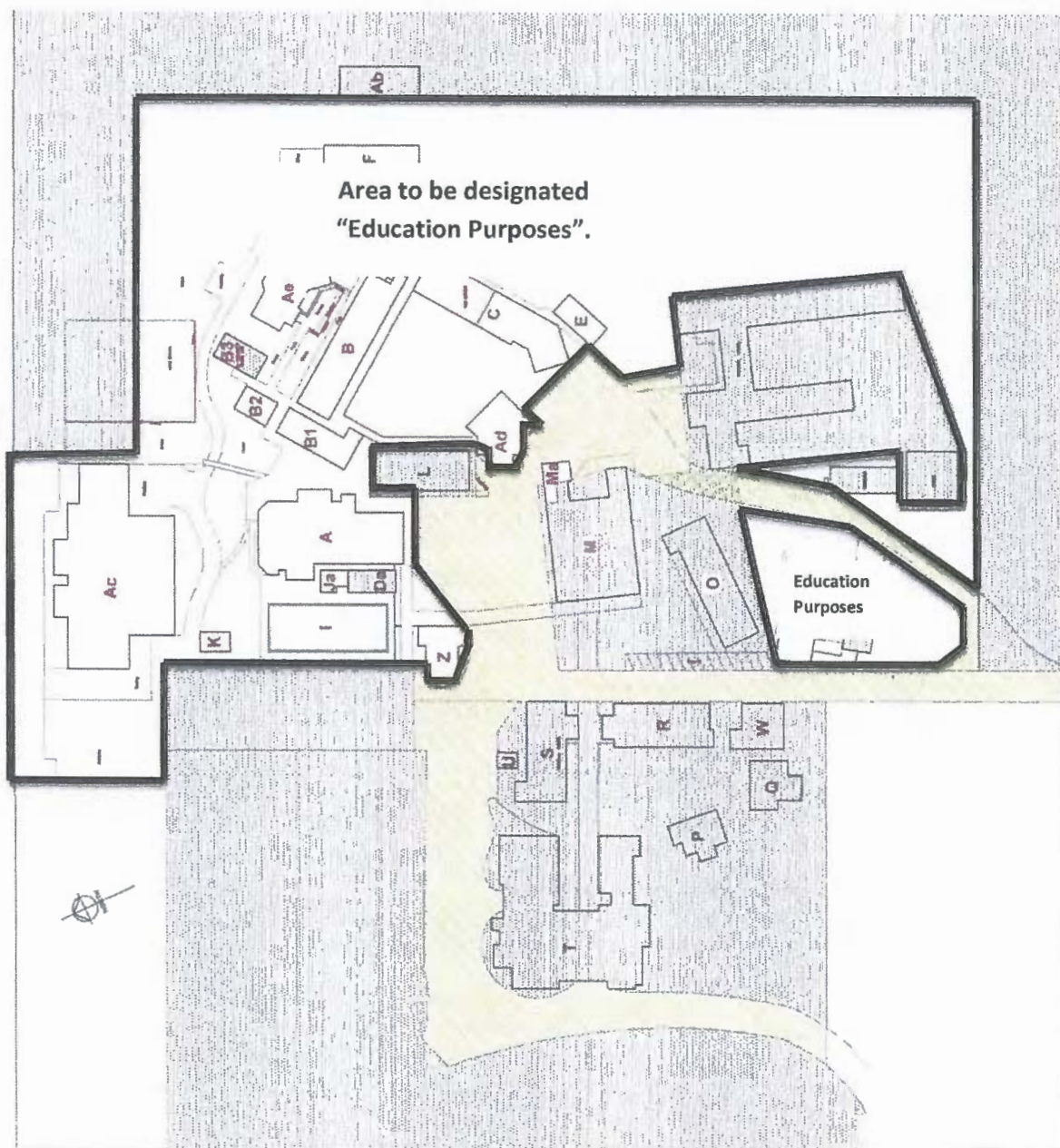


Kim Shannon
Head of Education Infrastructure Service
Ministry of Education
(Pursuant to an Instrument of Delegation dated 21 October 1996)

Date: 11 March 2014

**NOTICE OF REQUIREMENT TO MANAWATU DISTRICT COUNCIL
FOR A DESIGNATION UNDER SECTION 168 OF THE RESOURCE
MANAGEMENT ACT 1991**

Part Lot 1 Deposited Plan 358857 described in title 239543 located between
Kimbolton Road and the Oroua River, south of Cheltenham.





COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952



R. W. Muir
Registrar-General
of Land

Search Copy

Identifier **239543**
Land Registration District **Wellington**
Date Issued 28 July 2006

Prior References
WN31B/790

state Fee Simple
Area 17.8521 hectares more or less
Legal Description Lot 1 Deposited Plan 358857

Proprietors
Hato Paora Trust Board

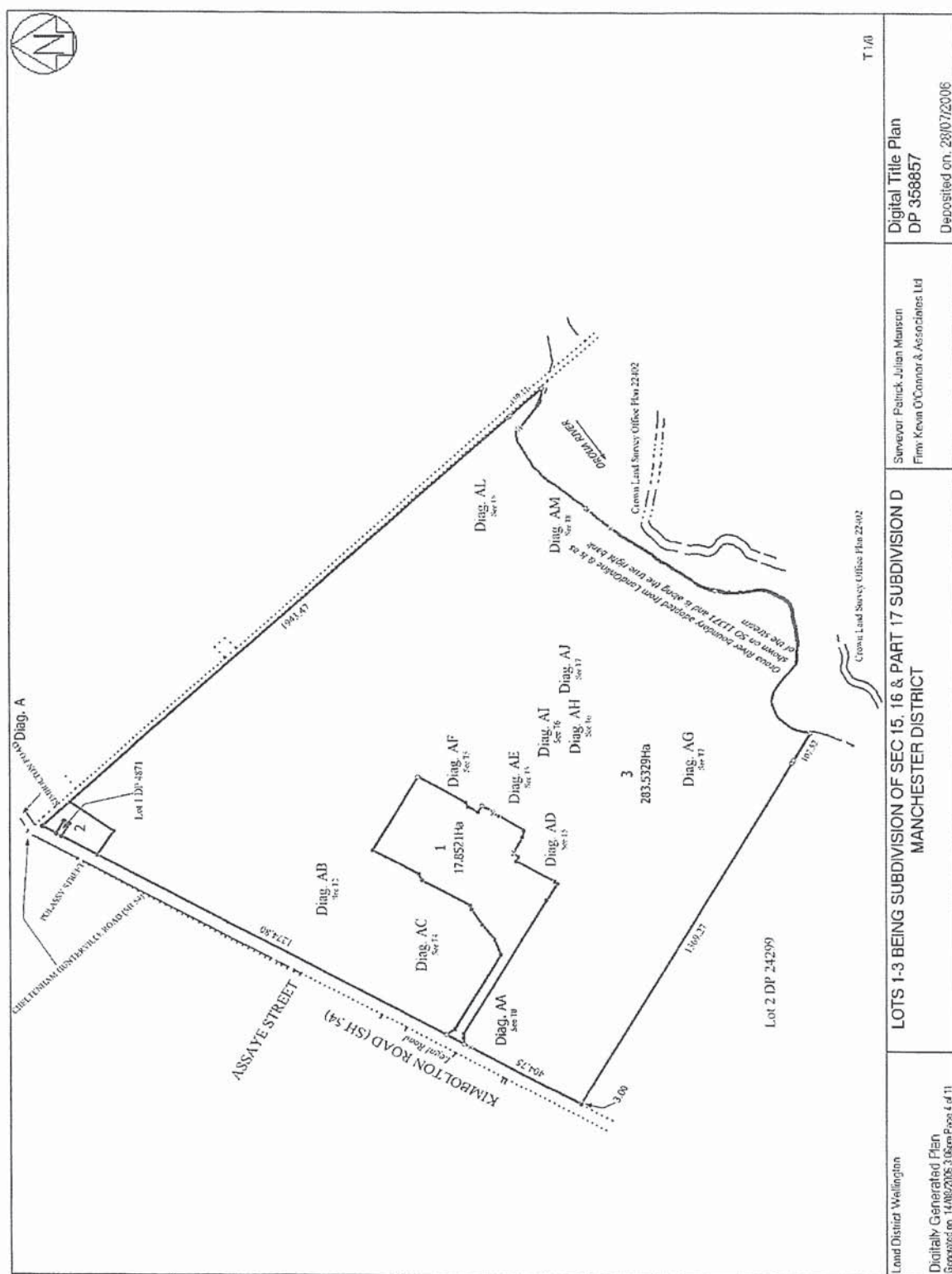
Interests

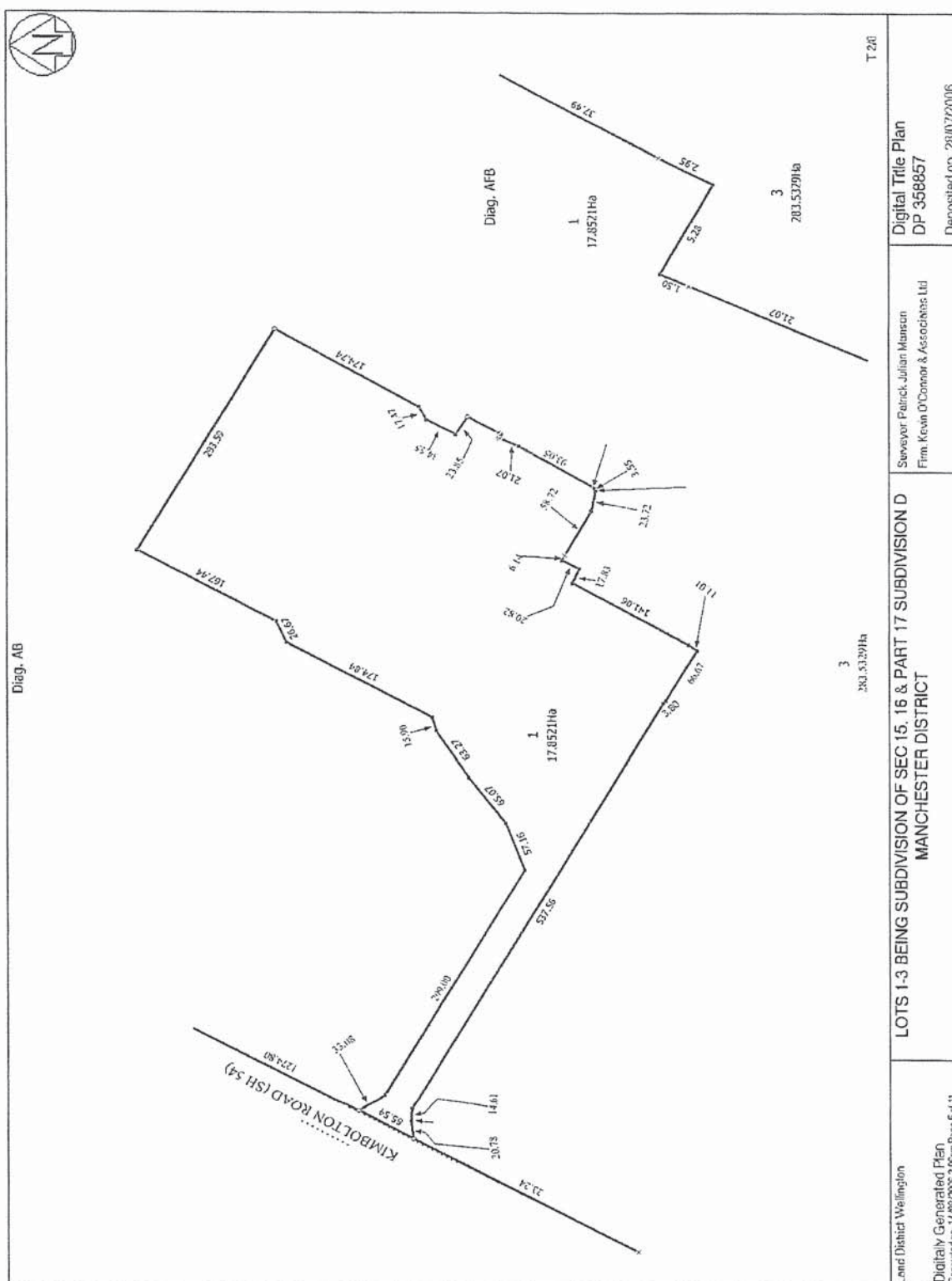
B004133.2 CAVEAT BY THE ROMAN CATHOLIC BISHOP OF THE DIOCESE OF PALMERSTON NORTH -
26.5.1989 AT 9.29 AM

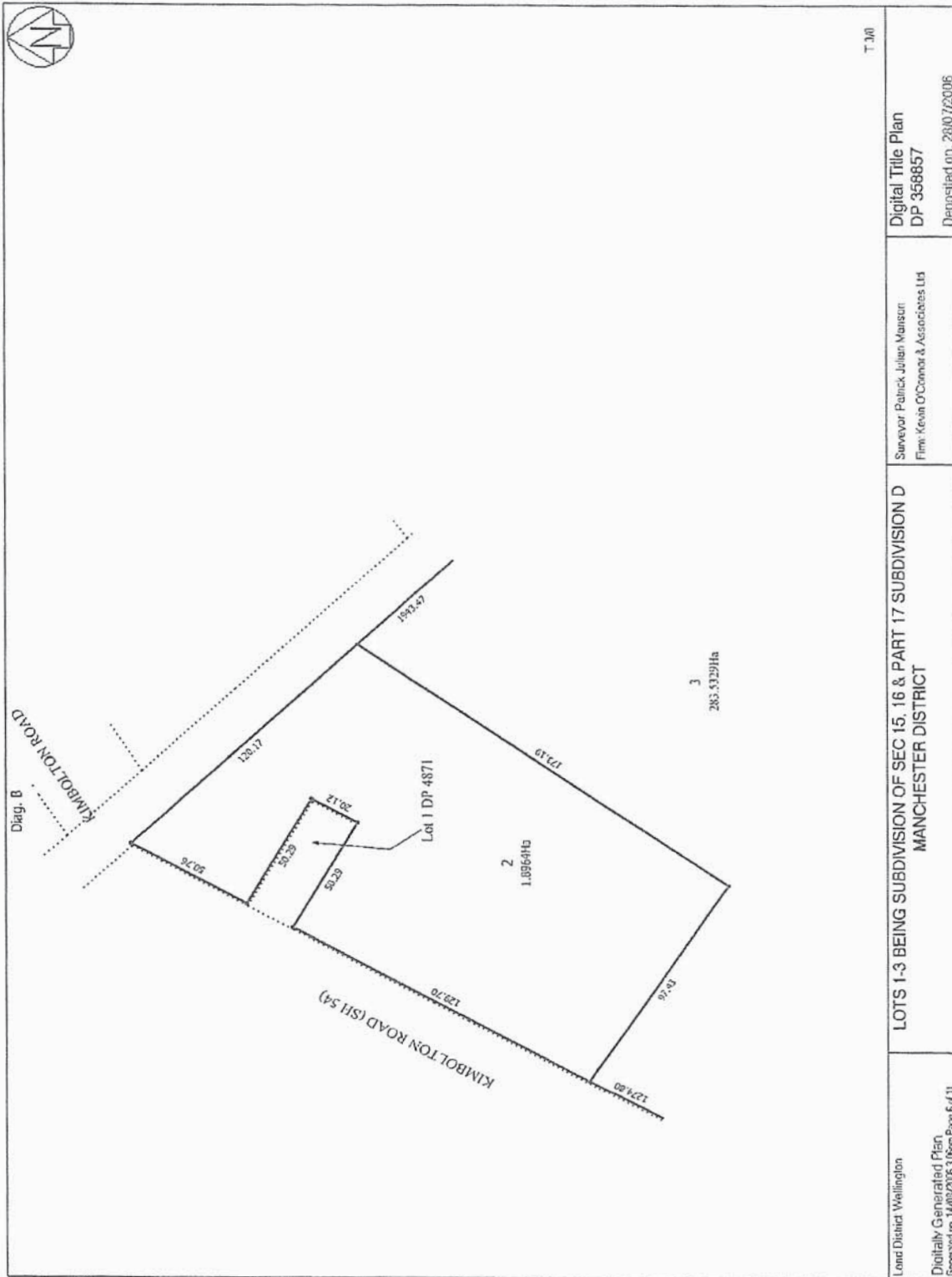
Subject to a right of way and right to convey gas over part marked A, right of way over part marked O and
right to convey water over parts marked O & P on DP 358857 created by Easement Instrument 6965586.3 -
28.7.2006 at 9:00 am

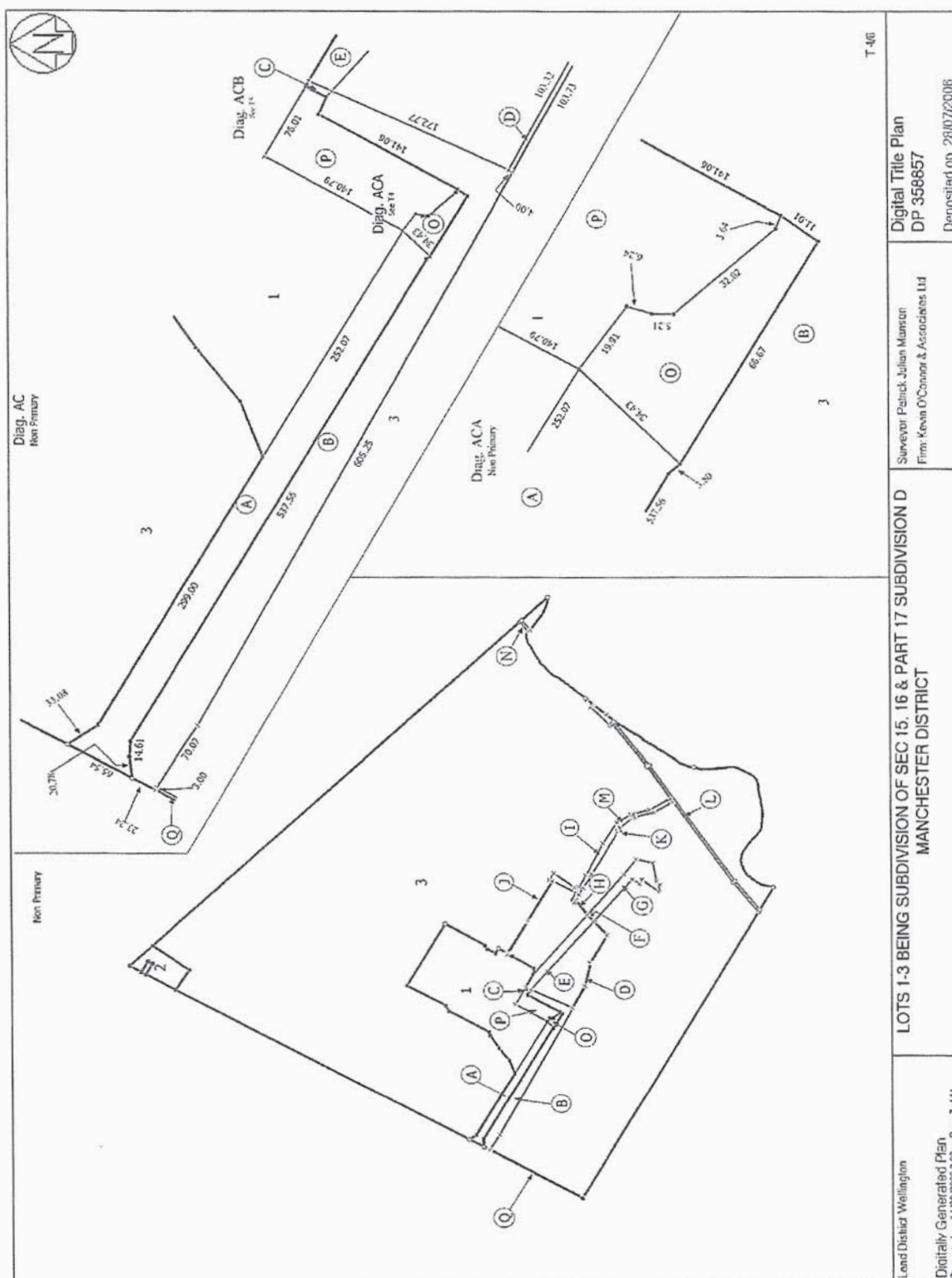
Appurtenant hereto is a right to convey water, telecommunications and computer media and electricity and
right to drain sewage and water created by Easement Instrument 6965586.3 - 28.7.2006 at 9:00 am

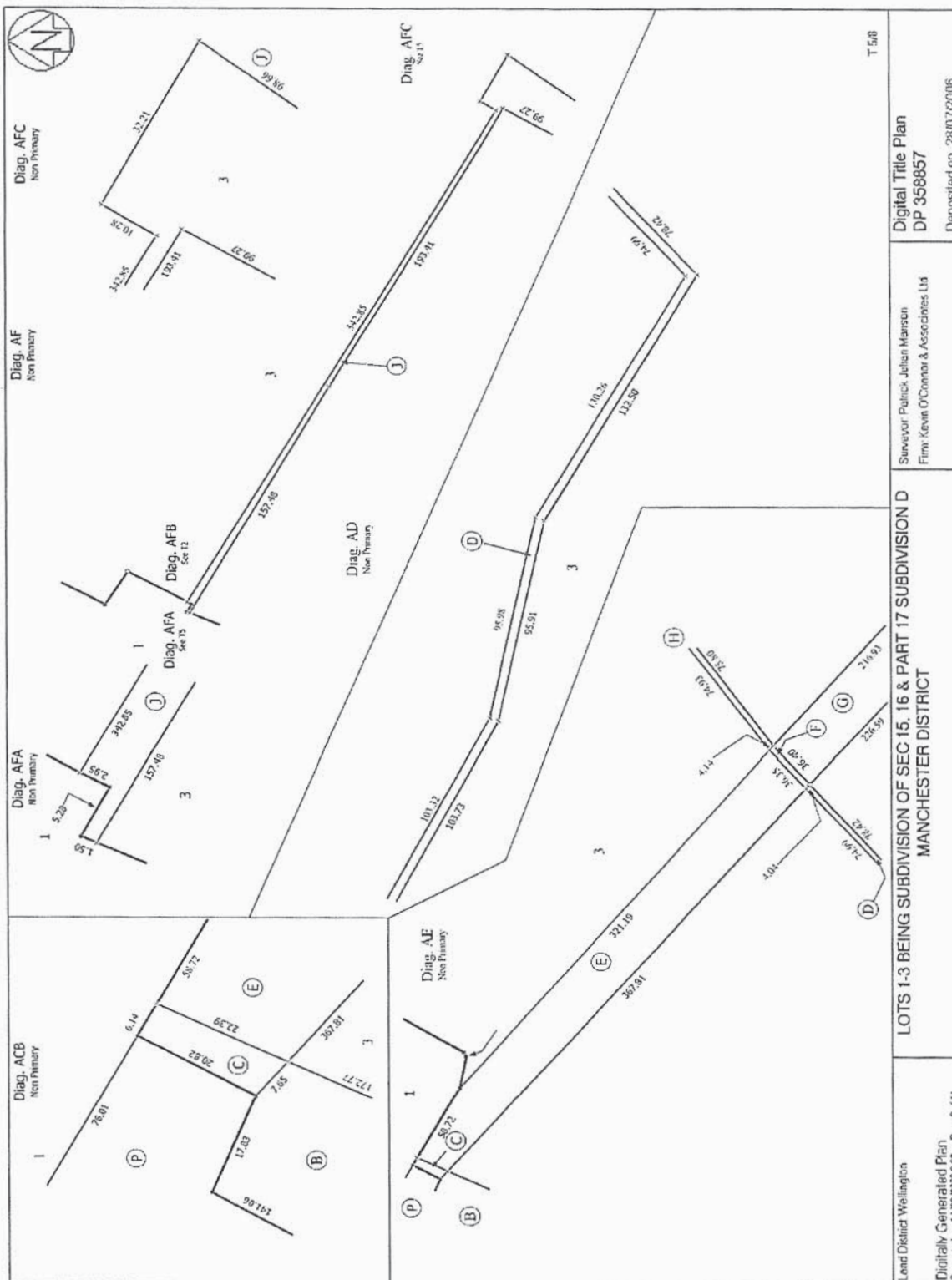
The easements created by Easement Instrument 6965586.3 are subject to Section 243 (a) Resource Management
Act 1991

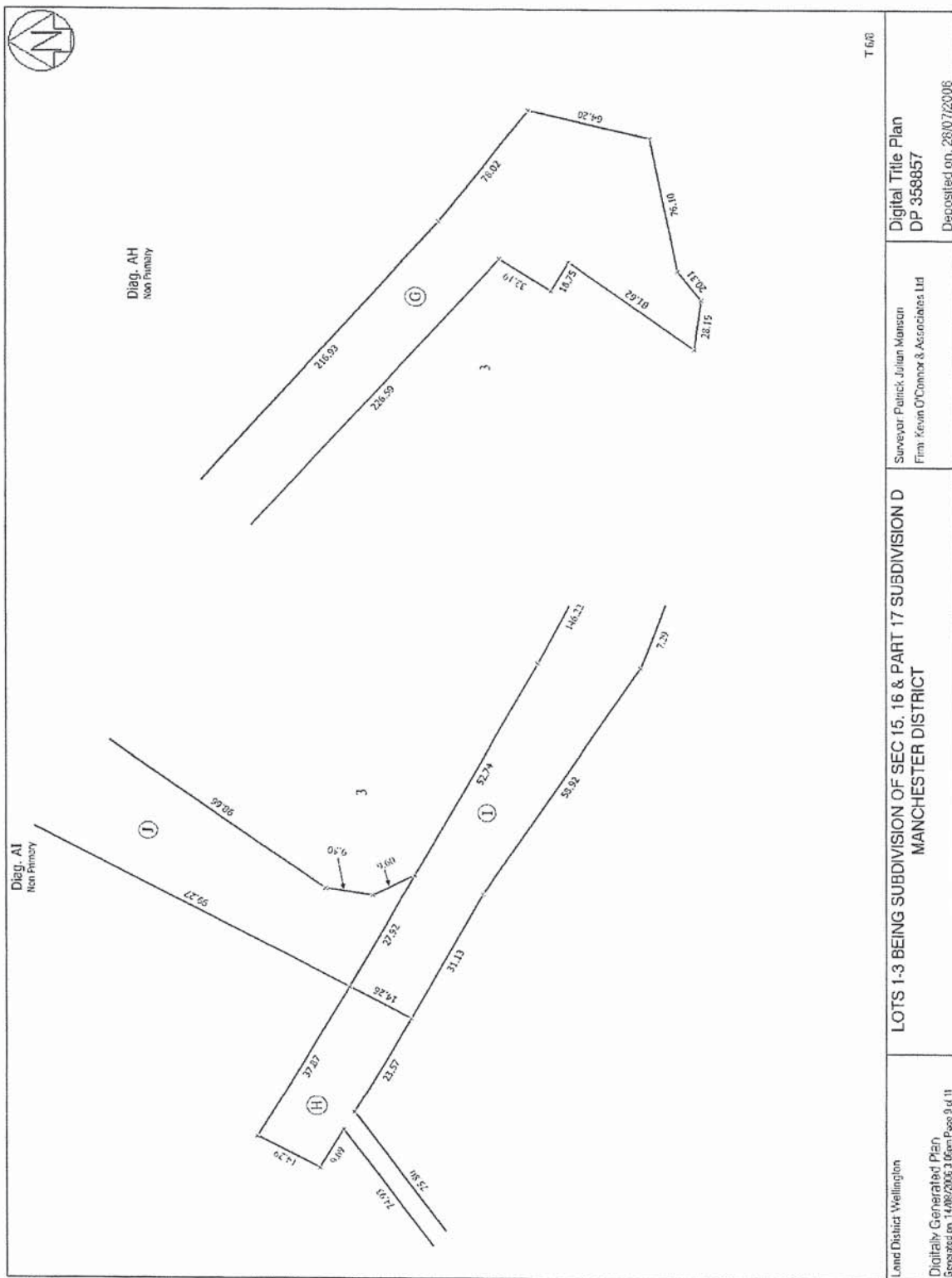


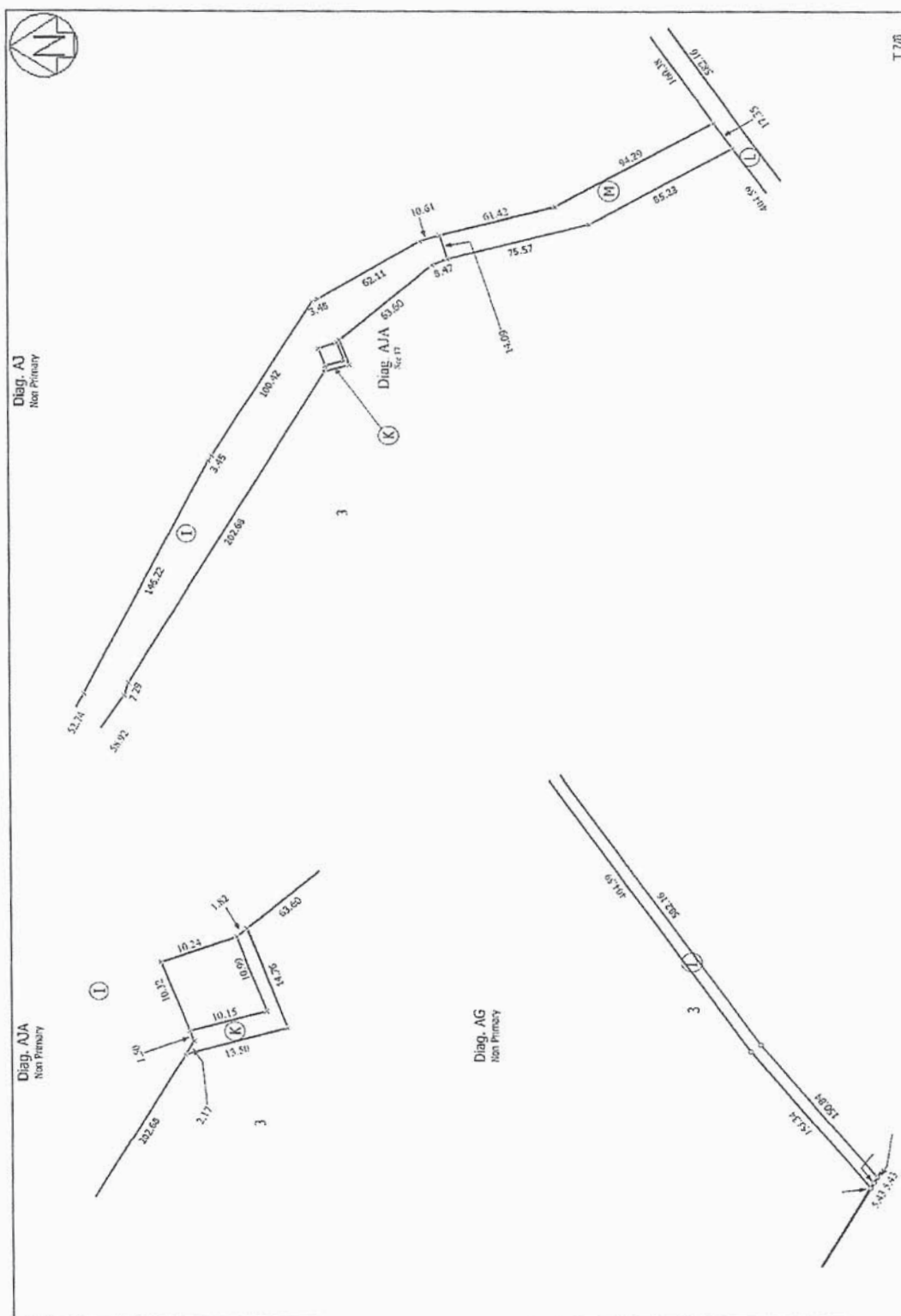


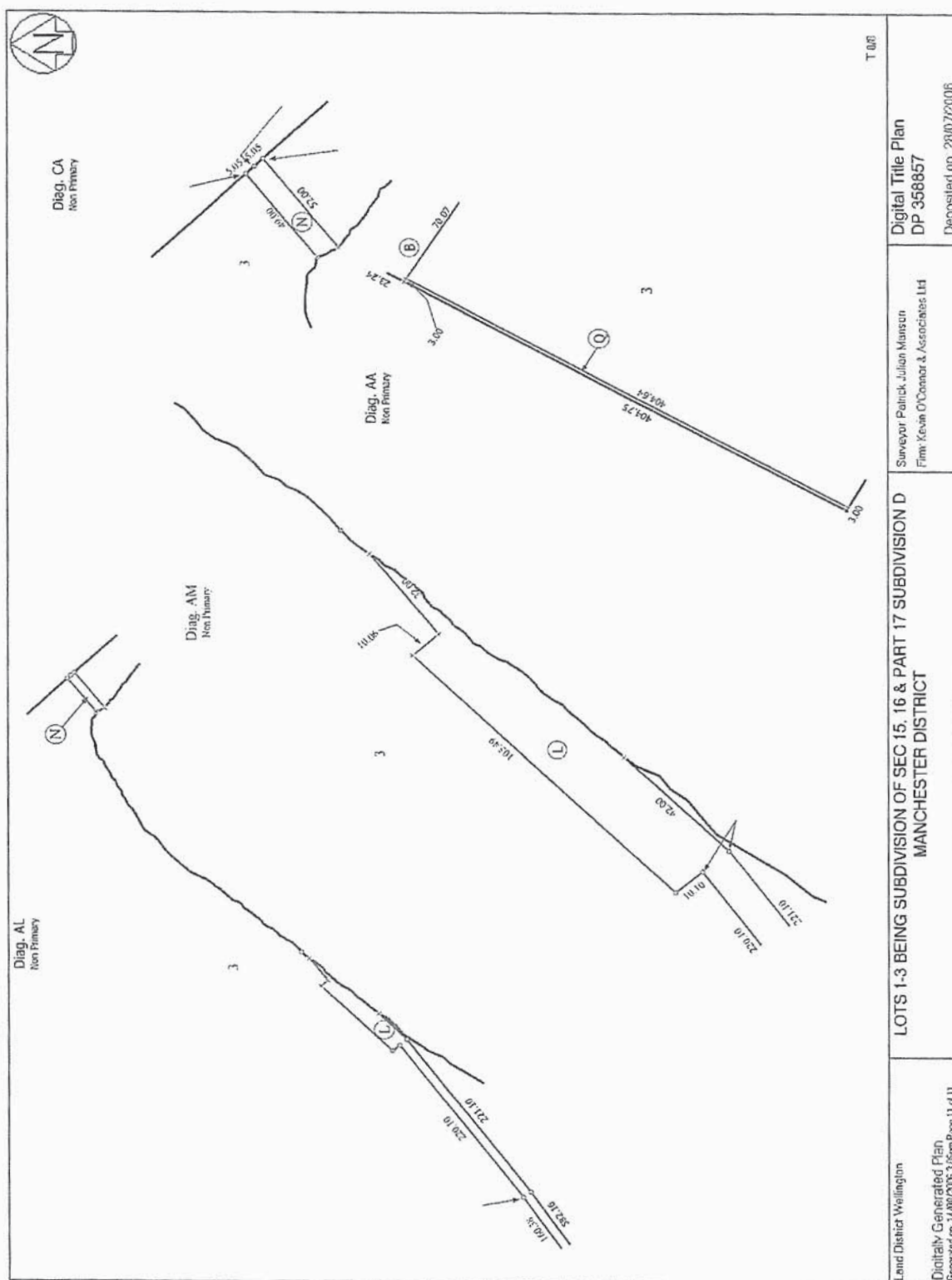












21 November 2016

Reference: TPL024

Wendy Thompson
Principal Planning Adviser
Manawatu District Council
Private Bag 1001
Feilding 4743

Dear Wendy

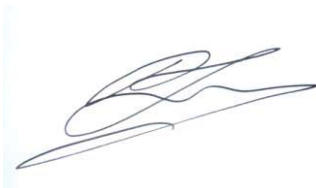
MINISTRY OF EDUCATION DESIGNATIONS: HATO PAORA COLLEGE AND ST JOSEPHS SCHOOL.

I am authorised to confirm that the Ministry of Education agrees to the extension of the time period of 40 days specified in section 170 of the Resource Management Act 1991. This time period relates to the ability of the territorial authority to include two requirements in Plan Change 60 instead of complying with Section 169.

The Notices of Requirement were received by the Council on 18 March 2014. Section 37A(2)(b) provides jurisdiction to extend a time period by more than twice the maximum time period specified in the Act if the requiring authority requests or agrees.

This letter therefore constitutes agreement to the time period extension to enable these requirements to be included in Plan Change 60.

Yours sincerely,



Paul Thomas
Mitchell Daysh Ltd

Email address: paul.thomas@mitchelldaysh.co.nz