

**BEFORE THE MANAWATU – WANGANUI REGIONAL COUNCIL (HORIZONS
REGIONAL COUNCIL)**

In the matter of **The Resource Management Act 1991; and**

In the matter of **The Proposed One Plan: Consolidated Regional
Policy Statement, Regional Plan and Regional
Coastal Plan for the Manawatu - Wanganui Region**

**STATEMENT OF EVIDENCE BY DAVID RICHARD MURPHY
FOR PALMERSTON NORTH CITY COUNCIL**

CHAPTER 3 OF THE ONE PLAN

INFRASTRUCTURE, ENERGY AND WASTE

Dated: 17 April 2009

Introduction

1. My name is David Richard Murphy. I hold the position of Senior Policy Planner with the Palmerston North City Council. I have the tertiary qualification of Bachelor of Resource and Environmental Planning (honours) from Massey University and I am a full member of the New Zealand Planning Institute. I have seven years planning experience, of which five years have been in local government with the Palmerston North City Council (PNCC).
2. I have read the One Plan Hearing Procedures and Directions and Requests from the Chairperson circulated to all submitters by Horizons Regional Council (Horizons) on 9 May 2008. I have read the Code of Conduct for Expert Witnesses (section 5 of the Environment Court Consolidated Practice Note 2006). I agree to comply with this Code of Conduct.
3. I have overseen PNCC's formal response to the Proposed One Plan: Consolidated Regional Policy Statement, Regional Plan and Regional Coastal Plan for the Manawatu - Wanganui Region (the One Plan) since the initial submission on the One Plan "Road Map" in October 2005. This work has included attendance at a number of meetings, including pre-hearing meetings, with Horizons officers; the preparation of PNCC's submissions on earlier One Plan working documents; and the preparation of PNCC's formal submission and further submission on the Proposed One Plan.
4. While this is my own expert planning evidence, given the strategic importance of the One Plan to PNCC's long term planning, I do refer, in parts, to the collective view PNCC has on the One Plan.
5. My evidence is to be accompanied by planning evidence on the *strategic integration of infrastructure with land use* and *the use of productive soils* prepared by Mr. Jonathan Fergusson-Pye, Senior Policy Planner, Palmerston North City Council.

Structure of Evidence

6. My evidence is structured in the following manner:
 - (a) Introduction (above)
 - (b) Structure of Evidence (this section)
 - (c) Scope of Evidence
 - (d) PNCC's interest in the Infrastructure, Energy and Waste Chapter of the One Plan
 - (e) PNCC's submission points on the Infrastructure, Energy and Waste Chapter of the One Plan

- (f) Dialogue with Horizons Regional Council before and after public notification of the One Plan
- (g) An overview of Urban Growth planning in Palmerston North City
- (h) An overview in terms of the requirements set out in the Resource Management Act 1991
- (i) Horizons Regional Council s42A Reports
- (j) Suggested Amendments
- (k) Conclusions

Scope of Evidence

7. The primary purpose of my evidence is to:
 - Provide planning evidence to support the submission points made by PNCC on the Infrastructure, Energy and Waste Chapters of the One Plan; and
 - Respond to Horizons' s42A reports.
 - Provide an overview of the current urban growth planning issues within Palmerston North City (as requested by the Hearings Committee during the earlier "Overall" One Plan hearing).
8. My planning evidence covers 4 main topic areas:
 - Energy;
 - Waste, Hazardous Substances and Contaminated Land;
 - PNCC Urban Growth Planning (General); and
 - High Class Soils
9. As mentioned in the introduction, PNCC's submission points regarding the need for greater direction on the **strategic integration of infrastructure with land use** will be covered by planning evidence prepared by Mr. Jonathan Fergusson-Pye, Senior Policy Planner, Palmerston North City Council (although I do cover this matter in a contextual sense within my evidence).
10. It is hoped that a high level overview of the current urban growth issues within the City will assist the Hearings Panel in making its decisions on three key matters of interest to PNCC:
 - The request by some submitters for greater regional direction on the use of high class soils;

- The request from PNCC for the need for greater regional direction on the strategic integration of infrastructure with land use; and
 - the request from PNCC for a flexible flood hazards policy (to be addressed at the later Hazards hearing).
11. While I addressed the issue of urban subdivision and development on high class soils as part my evidence on the One Plan Land hearing, as specified by Horizons, the issue of high class soils is to be addressed as part of this hearing on Infrastructure, Energy and Waste (Chapter 3).
 12. Mr. Fergusson-Pye will also provide more up to date evidence on the use of productive soils (high class soils).

PNCC's Interest in the Infrastructure, Energy and Waste Chapter of the One Plan

13. PNCC lodged a submission on the One Plan in August 2007. PNCC also lodged a further submission on the One Plan in December 2007.
14. PNCC has a statutory duty to the Palmerston North community to ensure the sustainable management of the City's natural and physical resources is achieved in an integrated manner. It follows that the City's interest in the Infrastructure, Energy and Waste Chapter of the One Plan rests on the following grounds:
 - PNCC and Horizons are jointly responsible for a number of resource management functions under the RMA, including the management of contaminated land which is an issue addressed within the Infrastructure, Energy and Waste Chapter of the One Plan. It is important that the roles and responsibilities of the two authorities are clearly communicated.
 - PNCC has a key role in managing waste within Palmerston North City.
 - PNCC is responsible for assessing resource consent applications for wind farms within Palmerston North City. PNCC is therefore interested in the balance that is achieved between the landscape and energy provisions of the One Plan.
 - PNCC is responsible for the provision and ongoing maintenance of critical infrastructure including the provision of water, wastewater and roading services.
 - PNCC is continuing to undertake reviews of residential and industrial growth options for the City. Determining appropriate areas to meet the City's demand for residential and industrial growth is challenging and made difficult by a number of constraints, including the loss of productive soils and efficiencies associated with the strategic integration of infrastructure with land use planning.
 - Preferred residential and industrial growth paths are best determined based on a robust analysis of all possible constraints and key considerations. It is important that the One Plan achieves its purpose under the RMA while also providing sufficient flexibility to provide for the continued growth of the City in a sustainable manner.

- PNCC has recently completed a Joint Industrial Land Review with Manawatu District Council. Progression of the JILR has raised matters relating to the strategic integration of infrastructure with land use.

PNCC's submission points on the Infrastructure, Energy and Waste chapters of the One Plan

14. The decisions requested by PNCC within its original submission on the Infrastructure, Energy and Waste Chapter of the One Plan are contained within Appendix A of this evidence.

Dialogue with Horizons Regional Council before and after public notification of the One Plan

15. The purpose of this section of my evidence is to provide some context to the extent and nature of the dialogue that has occurred between PNCC and Horizons before and after public notification of the One Plan.

Dialogue before public notification of the One Plan

Energy:

16. The majority of correspondence that occurred between PNCC and Horizons before public notification of the One Plan with respect to Energy focused around the need for the One Plan to achieve a better balance between the benefits of renewable energy and the protection of outstanding landscapes.
17. The correspondence that occurred between PNCC and Horizons before public notification of the One Plan is summarised in PNCC's submission points on the One Plan "Roadmap" and Version 4 of the One Plan working document. The relevant extracts from each submission are attached as Appendix B and C respectively.
18. As indicated within PNCC's submission on the Proposed One Plan, it is acknowledged that substantial changes were made to the notified version of the One Plan to provide a better balance between the relevant sections of Chapters 3 and 7 of the One Plan (renewable energy and landscapes).

Waste, Hazardous Substances and Contaminated Land:

19. Limited dialogue occurred between PNCC and Horizons with respect to Waste, Hazardous Substances and Contaminated Land prior to public notification of the One Plan.

High Class Soils:

20. Dialogue between PNCC and Horizons before public notification of the One Plan on the issue of high class soils is summarised in PNCC's submission points on the

One Plan “Roadmap” and Version 4 of the One Plan working document. The relevant extracts from each submission are provided below:

PNCC “Roadmap” submission:

In the current RPS Land Chapter the issue of Class I and II soils is prominent. The Council agrees that this is an issue, however there is a risk of stating it too strongly. The urban growth choices that Palmerston North faces are complex, and involve potential expansion on to some Class I and II soils. There are many other issues to consider as well as the inherent value of the soils, such as efficient transport links, infrastructure, landscape issues, the desirable balance between residential and industrial areas, and so forth. Council has an Urban Growth Strategy, prepared after consideration of the range of relevant factors. Council seeks provision in the One Plan to allow managed extension of Palmerston North City onto areas that contain high class soils, provided that is in accordance with the Urban Growth Strategy.

PNCC version 4 working document submission:

The Council supports discarding elite soils (Class I and II soils) from the regional issues, and agrees this is best dealt with at territorial local authority (TLA) level. This Council has an Urban Growth Strategy, prepared after consideration of a wide range of relevant factors, such as efficient transport links, infrastructure, landscape issues, the desirable balance between residential and industrial areas, as well as the inherent value of the soils. The Urban Growth Strategy takes an integrated approach to the complex issues of sustainable urban development, and this is much preferred to a situation where one factor is given artificial prominence over others.

Dialogue after public notification of the One Plan

Energy:

21. Dialogue after public notification of the One Plan on Energy was limited to PNCC’s submission points on Chapter 3: Infrastructure, Energy and Waste and some minor discussion at the PNCC and Horizons pre-hearing meeting on 8 May 2008.

Waste, Hazardous Substances and Contaminated Land:

22. Dialogue after public notification of the One Plan on Waste, Hazardous Substances and Contaminated Land was limited to PNCC’s submission points on Chapter 3: Infrastructure, Energy and Waste and some minor discussion at the PNCC and Horizons pre-hearing meeting on 8 May 2008.

High Class Soils:

23. The matter of high class soils was also addressed at the earlier Land hearing. A copy of the evidence I presented to the Land hearing is attached as Appendix D.

An overview of Urban Growth Planning in Palmerston North City

Introduction

24. As indicated when presenting my planning evidence on high class soils at the earlier Land hearing, in my opinion it is important that the panel receive a broad overview of the urban growth planning being undertaken by PNCC and the issues it is facing in undertaking this work.
25. It is hoped that this broad overview will prove useful to the panel in making decisions on the One Plan that may affect PNCC's urban growth planning.
26. When I refer to urban growth planning this includes the strategic planning being undertaken by PNCC to provide for residential, rural-residential, industrial and business growth occurring within the City (and relevant private plan changes).
27. In general PNCC is seeking three key outcomes within the One Plan to assist with its urban growth planning. These are:
 1. A flexible **flood hazards policy** (in reference to Policy 10-2(b) of the One Plan not Policy 10-2(a) regarding development within floodways);
 2. A decision that is consistent with the approach proposed within the One Plan that regional direction is not required on the loss of **Class I and II soils** due to urban expansion.
 3. Greater regional direction on the need for the **strategic integration of infrastructure with land use**.
28. The need for the three key outcomes listed above is highlighted when one looks at other equally important policies within the One Plan. For example, Policy 3-5(c) requires that *local authority decisions and controls on subdivision and land use should ensure that sustainable transport options such as public transport, walking and cycling can be integrated into land use development*.
29. By nature, the potential urban growth areas in Palmerston North City that best give effect to Policy 3-5(c) of the One Plan are generally located on productive soils and / or are subject to some degree of flooding.

Urban Growth in Palmerston North City: Constraints and Key Considerations

30. There are a significant number of existing constraints and key considerations to future urban development within Palmerston North City. These include:
 - Land subject to flooding. The risk posed by flooding varies in scale and significance across the City;
 - The Manawatu District Council and PNCC jurisdictional boundary;
 - The Palmerston North International Airport and associated height recession planes and air noise contours;

- The cost and efficiency implications of extending essential services to ‘satellite’ suburbs;
- The risks associated with urban development on land prone to erosion and slippage, e.g. the foothills of the Tararua ranges;
- The increasing need and desire for improved urban design outcomes – the City is currently preparing an Urban Design Strategy;
- The overriding objective to maintain a compact City within the current District Plan;
- The role of high class soils in the overall productivity of the Rural Zone;
- Existing rural-residential fragmentation on the fringe of the City – it can be difficult to urbanise an existing rural-residential area; and
- The need to align land use planning with strategic roading projects.

Residential Planning

31. PNCC recently resolved to review the City’s residential Urban Growth Strategy.
32. The Council’s most recent residential Urban Growth Strategy was adopted in December 2003. That strategy sought to manage the future residential growth of Palmerston North in a way that is consistent with the City’s vision and objectives and identified two key areas for future growth: Te-Matai Road and Cloverlea.
33. Residential development at Te-Matai Road was planned to coincide with the proposed second bridge crossing and collectively form the Eastern Growth Corridor.
34. Importantly, in terms of the content of PNCC’s original submission on the One Plan, the Te-Matai and Cloverlea urban growth areas were subject to some form of flood hazard and were located on productive soils.
35. While the decision to review the City’s Urban Growth Strategy affects some of PNCC’s specific submissions points on the One Plan, in my opinion, the technical submission points on the One Plan that may affect future urban growth planning for the City are still relevant. For example, the reasons for PNCC seeking a flexible flood hazards policy go beyond supporting the Te-Matai land as a future urban growth zone.
36. The Cloverlea area is located within the Manawatu District and did not pass the first step, that being a boundary adjustment. The Te-Matai area never reached the stage of public notification under the RMA before the decision was made to review the Urban Growth Strategy.
37. PNCC officers are currently working with Councillors to establish the high level objectives for the review of the Urban Growth Strategy. The public will also be provided with the opportunity to provide input into the review.
38. There is a certain level of urgency associated with the review of the Urban Growth Strategy as the City’s existing residential land-bank is diminishing.

39. To ensure PNCC has sufficient flexibility to carry out the review of the Urban Growth Strategy and take into account all the key constraints and considerations listed in paragraph 38 of my evidence, as previously mentioned, the City is seeking a flexible flood hazards policy and no regional direction on the protection of class I and II soils, as currently proposed within the One Plan.
40. Regional direction is sought with respect to the strategic integration of infrastructure with land use. In my opinion all urban growth planning, including private plan change requests, should seek to achieve this integration (refer to accompanying evidence prepared by Mr. Jonathan Fergusson-Pye).
41. PNCC is currently processing two residential private plan change requests and providing assistance, as appropriate, prior to the lodgement of other pending residential private plan change requests.
42. PNCC is now in the process of reviewing the Residential Urban Growth Strategy and identifying alternative sites to be rezoned to provide for residential development. PNCC has indicated a strong desire to avoid development on high class soils and in areas subject to flooding.

Rural-Residential Planning

43. Approximately 41% of the PNCC Rural zone is covered by the rural-residential subdivision overlay (ability to subdivide to 1ha). This reflects the permissive approach of the current District Plan. The current extent of the rural-residential subdivision overlay is also understood to be based purely on soil quality rather than a robust assessment of all the relevant resource management constraints.
44. PNCC recently approved the preparation of a Rural-Residential Land Use Strategy for the following reasons:
 - the potential for low density urban growth extending into areas potentially inappropriate for such growth;
 - An increased desire for urban services in the rural environment
 - the ad-hoc provision of infrastructure associated with rural-residential development, in particular local roading networks;
 - the ineffectiveness of some on site wastewater treatment systems (septic tanks);
 - potential effects on the overall productivity of the rural zone;
 - the subdivision of rural land that may be suitable for future residential growth;
 - effects on rural amenity and local landscape features; and
 - reverse sensitivity (complaints from new rural residents about existing rural activities);
45. Work is about to commence on the Rural-Residential Land-Use Strategy.

Industrial Planning

46. There are two key strategic documents in terms of industrial land use planning within the City: The Palmerston North City Industrial Land Use Study – June 2001 and the Joint Industrial Land Review (Manawatu District Council and PNCC).
47. The Palmerston North City Industrial Land Use Study – June 2001 was prepared to identify appropriate locations for development of industry in the City. The study

identified the North East Airport (now the North East Industrial Zone) as the preferred area for industrial expansion for the short to medium term. The North East Industrial Zone is now being developed with a high level of developer interest in the area particularly for large-scale distribution operations.

48. The purpose of the Joint Industrial Land Review was to develop a coordinated and systematic cross boundary approach to meet the growth needs of industry in Palmerston North City and Manawatu District over the next 20 years. The review was undertaken as a next stage to the Industrial Land Use Study – June 2001.
49. The key recommendation of the Joint Industrial Land Review stage one report was:

Three areas have been identified as suitable long term (20+ years) growth nodes for industrial development namely south-east Feilding, Longburn and north-east of the North East Industrial Zone.
50. PNCC and MDC have been working towards implementing the recommendations of the Joint Industrial Land Review. The two areas identified to serve Palmerston North City's Industrial land requirements (north-east of the North East Industrial Zone and Longburn) are located within the Manawatu District Council. This raises potential issues in terms of cross-boundary servicing and / or the need for boundary adjustments.
51. MDC and PNCC are now facing increased pressure to rezone the land identified in the Joint Industrial Land Review, in particular north-east of the existing North East Industrial Zone. This was highlighted by the recent private plan change request lodged with the Manawatu District Council on the corner of Roberts Line and Richardsons Line (Plan Change 28). Plan Change 28 raised a number of issues with respect to the strategic integration of infrastructure with land use, which will be addressed by Mr. Jonathan Fergusson-Pye.
52. As a result of ongoing delays and complications relating to the progression of the cross-boundary industrial development recommended within the Joint Industrial land Review, PNCC recently resolved to investigate potential areas within its own boundary that may be suitable for industrial development / rezoning.
53. Two industrial private plan change requests have been successfully processed in the last two years: the Napier Road Industrial Precinct and Midhurst Industrial Area. A new industrial private plan change request was recently received by PNCC for Richardsons Line.

Business (Commercial) Planning

54. PNCC endorsed 'The Palmerston North Retail Study' in June 2003. The key outcome of the project was to provide Council with the necessary analytical foundation to be able to strategically plan for the future retailing needs of the City.
55. The proposed strategic approach recommended by the Retail Study included reducing the extent of the Inner Business zone, extending the Outer Business zone area into those parts previously zoned Inner Business, and establishing a new Fringe Business zone to provide for the growing market demand for large format retail activities.
56. The new Fringe Business Zone is now established in the District Plan following a favourable decision from the Environment Court in early 2008. Work is progressing

on Stage II of the Business Zone Review (reducing the extent of the Inner Business zone and extending the Outer Business zone area into those parts previously zoned Inner Business).

57. PNCC has also committed to strengthening the City Centre with the CBD revitalisation work and various other initiatives, including the Fringe Business Zone.
58. A major Large Format Retailing development was proposed in 2006 at Flyers Line, just to the north of the City within the Manawatu District (private plan change request). PNCC opposed the Plan Change request as the size and location of the development proposed would have undermined the City's overall retail strategy and reduced the overall vitality of the City centre. The Plan Change Request was withdrawn prior to the proposed hearing.
59. A private plan change request for a mixed use type development comprising residential, industrial and large format retailing is now proposed for the same Flyers Line site. As mentioned above, the site is located within the Manawatu District and it is the understanding of PNCC that the applicant intends on self servicing the site.
60. The Flyers Line site is also located within the Tanouli spillway, a floodway identified within Policy 10-2(a) and Schedule I of the One Plan. Policy 10-2(a) of the One Plan aims to maintain the function of floodways by generally not allowing any new development or any increase in the scale of existing development within the mapped areas, except for activities that cannot be located elsewhere.
61. PNCC specifically supported Policy 10-2(a) of the One Plan regarding development within floodways. This is separate from its submission on Policy 10-2(b) which deals with general land subject to inundation (as opposed to floodways).

Private Plan Change Requests

62. As indicated above, and as referred to in my planning evidence on the Overall One Plan, PNCC is facing increased pressure from private plan change requests, some of which, in my opinion, will not result in the strategic integration of infrastructure with land use and threaten PNCC's overall strategic planning objectives.
63. The following extracts from my planning evidence on the Overall One Plan are relevant:

The decision to review the Urban Growth Strategy may also result in private plan change requests providing some interim direction for urban growth planning in the City. Given the nature of some private plan change requests, this may lead to a reduction in the strategic integration of infrastructure with land use.

Given that the Combined Urban Growth Strategy is yet to be developed, the provision of future industrial land may be guided in the interim by private plan change requests. Like the City's residential urban growth planning, this may lead to a reduction in the strategic integration of infrastructure with land use.

John Maassen comments in his s42A report, at paragraph 45, that in the Manawatu-Wanganui region issues relating to land use and integration between land use and infrastructure are not great. While I agree that the issues facing Palmerston North City may not be as great as those in the Auckland, Bay of Plenty or Canterbury regions, in my opinion there is a need for some regional direction on

this matter to ensure pending private plan change requests do not result in the ad-hoc provision of infrastructure, especially in light of s30(1)(gb). Importantly, private plan change requests will need to give effect to any regional direction provided in the RPS on this matter.

64. Private plan change requests are occurring across a number of zones within the City, in particular to provide for further residential, industrial and business zoned land.
65. PNCC has and will continue to work with private plan change applicants where the Plan Change request is consistent with its own strategic planning initiatives and / or where the Plan Change request will result in the strategic integration of infrastructure with land use. In my opinion, one of the biggest issues when rezoning land, in particular greenfield sites, is the need to ensure the strategic integration of infrastructure with land use. The Napier Road Industrial Precinct and Midhurst Street Industrial Areas are examples of plan change requests where PNCC has worked with plan change applicants to achieve a successful rezoning. The strategic integration of infrastructure with land use was an important issue for both these plan change requests.
66. Challenges to private plan change requests that compete with PNCC's strategic planning initiatives or do not promote the strategic integration of infrastructure with land use can absorb a significant amount of resources through First Schedule process, e.g. Plan Change 28 in the Manawatu District.
67. The request for greater regional direction on the strategic integration of infrastructure with land use is not about seeking greater regional direction to better enable PNCC to decline or challenge private plan change requests. PNCC initiated Plan Changes and PNCC's strategic planning will also need to give effect to any regional direction provided on this matter. The amendments suggested by PNCC will help raise the strategic importance of aligning infrastructure and land use planning throughout the region for TAs and private plan change applicants alike.

Palmerston North City Land Use Planning Map

68. The descriptions below refer to the areas identified on the attached map titled *Palmerston North City Land Use Planning Areas*
69. The purpose the descriptions are to provide the Hearings panel with an understanding of the nature and breadth of urban growth planning issues facing the City.
 1. Te-Matai Area: Identified as one of two preferred urban growth areas within the Urban Growth Strategy adopted by PNCC in December 2003. The area was anticipated to form part of the Eastern Growth Corridor with the proposed second bridge crossing. The land is subject to inundation from the Manawatu River and located on productive soils.
 2. Second Bridge: Te-Matai Road is identified as the preferred location for a second bridge crossing for the City within the Draft 2009-19 PNCC Ten Year Plan.
 3. Staces Road: Location of possible private plan change request for a recreational lake and associated residential development. The land is subject

to inundation from the Manawatu River and located on productive soils. The most recent developer has withdrawn their development proposal.

4. Kahuterawa: Strong interest in a private plan change request to provide a large amount of land for future residential growth. The development would likely be a largely car dependent satellite suburb. Potential issues with regards to the efficiency of associated infrastructure.
5. Pioneer Highway / Racecourse: A private plan change request is currently being prepared by a local planning consultant to rezone land for residential purposes. The land is subject to inundation from the Mangaone Stream and located on productive soils.
6. Pioneer Highway: Interest shown for two possible private plan change requests to provide for residential development. The land is subject to inundation from the Mangaone Stream and located on productive soils.
7. Cloverlea Area: Identified as one of two preferred urban growth areas within the Urban Growth Strategy adopted by PNCC in 2003. Located within the Manawatu District Council. The proposed boundary adjustment was rejected by Joint Boundary Committee. Subject to inundation from the Mangaone Stream (low risk) and located on productive soils.
8. Flygers Line: Location of proposed “Mega-mall” private plan change request that was withdrawn prior to the hearing. A mixed use private plan change request (residential, industrial and commercial) is currently being prepared for the site. The land is located within an identified floodway under Policy 10-2(a) of the One Plan and is under the jurisdiction of the Manawatu District Council.
9. Richardsons Line: A 12ha site on Richardsons Line is subject to a proposed designation by Palmerston North Airport Limited to provide additional land for the future growth of the airport. The same site is subject to a private plan change request to rezone the site for industrial purposes.
10. North East Industrial Zone: 94 ha of rural land was rezoned for industrial development by PNCC in 2004. There has been strong demand for large warehouse distribution activities within the new Zone.
11. Joint Industrial Land Review: The Joint Industrial Land Review identified land north east of the North East Industrial Zone as one of the preferred areas for future industrial growth (in addition to Feilding and Longburn). A private plan change request was lodged with Manawatu District Council for a site specific industrial rezoning (Plan Change 28).
12. Napier Road Industrial Precinct: A successful private plan change request that rezoned approximately 5ha of rural zoned land for industrial purposes. The land is subject to inundation from the Manawatu River and is located on productive soils.
13. Midhurst Industrial Area: Successful private plan change request that rezoned approximately 15ha of rural zoned land for industrial purposes. Part of the land is subject to airport height restrictions.

14. Napier Road: Private plan change request lodged to rezone approximately 9 ha of rural land for residential development. The land is subject to inundation from the Manawatu River and located on productive soils.
15. James Line: Identified as a future residential growth area within the current District Plan. The Urban Growth Strategy adopted in December 2003 proposed to remove this area from the District Plan following an earlier decision from a Commissioner advising that PNCC should not rezone any further residential land within the Palmerston North Airport air noise contours.

An overview in terms of the requirements set out in the Resource Management Act 1991

Energy:

70. As mentioned previously, PNCC generally supported the changes made to the One Plan to better recognise the benefits of renewable energy prior to formal public notification under the RMA.
71. The development of wind farms is a significant resource management issue in Palmerston North City. The renewable energy provisions contained within chapter 3 of the One Plan are balanced by the landscape protection provisions contained within chapter 7 of the One Plan.
72. I support Objective 3-1 of the One Plan.
73. I support the amendments recommended to Policy 3-4(a) of the One Plan
74. Policy 3-4(b) of the One Plan requires that *local authority decisions and controls on land use should generally not restrict the use of small domestic-scale renewable energy production for individual domestic use.*
75. While Policy 3-4(b) of the One Plan is not a significant issue for PNCC, the effects based nature of the RMA means that most residential zone performance conditions contain general rules regarding height, height to boundary and noise. I am unsure at this stage whether or not small domestic scale renewable energy production facilities, in particular small domestic scale wind turbines, will comply with these rules.
76. I support policy 3-5 of the One Plan.

Waste, Hazardous Substances and Contaminated Land:

77. In terms of Waste, Hazardous Substances and Contaminated Land, the One Plan is generally a continuation of existing policy and current actions, which PNCC supports.

High Class Soils:

78. In response to directions from the Chairperson regarding minimising the need for expert evidence to be repeated, I have included my evidence on high class soils presented at the earlier land hearing as Appendix D.

79. The extent of the high class soils surrounding Palmerston North City are shown on the attached map titled *Land Resource Inventory*.

Horizons Regional Council s42A Reports

80. I wish to make two brief observations regarding the s42A report prepared by David Armour.

Strategic integration of infrastructure with land use:

81. In my opinion Mr. Armour has misinterpreted PNCC's submission points on the need for greater regional direction on the strategic integration of infrastructure with land use. Mr. Armour's comments in his summary of key themes and recommendations are limited to the strategic integration of *transport* infrastructure with land use. Mr. Armour notes at page 15 of his s42A report *that paragraph 3.7.1 of Chapter 3 of the One Plan appropriately references that a number of policies are included to give effect to the Regional Land Transport Strategy*.
82. PNCC's submission was not limited to the strategic integration of transport infrastructure with land use.
83. Mr. Armour also notes at page 15 of his s42A report that *specific rules for future development of land are most appropriately addressed in the relevant provisions of District Plans, while regional policy statements are required to address regional and national considerations*.
84. For the reasons discussed within my evidence and the accompanying evidence of Mr. Jonathan Fergusson-Pye, PNCC is seeking greater regional direction on the strategic integration of infrastructure with land use. In my opinion this is a matter of regional consideration and is a specific function of Horizons under section 30 of the RMA.

Infrastructure:

85. The recommended amendments to Policy 3-1(a) are noted and supported.

Suggested Amendments

86. Refer to the suggested amendments to the One Plan regarding the strategic integration of infrastructure with land use included in the planning evidence prepared by Mr. Jonathan Fergusson-Pye, Senior Policy Planner, PNCC.
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Conclusions

87. It is hoped that the high level overview of urban growth planning issues within the City will assist the Hearings Panel in making decisions on the use of high class soils, the need for greater regional direction on the strategic integration of infrastructure with land use and the request for a flexible flood hazards policy (to be addressed at the later Hazards hearing).
88. It is acknowledged that substantial changes were made to the notified version of the One Plan to provide a better balance between the relevant sections of Chapters 3 and 7 of the One Plan (renewable energy and landscapes).
89. In general PNCC is seeking three key outcomes within the One Plan to assist with its urban growth planning. These are:
- A flexible **flood hazards policy**;
 - A decision that is consistent with the approach proposed within the One Plan that regional direction is not required on the loss of **Class I and II soils** due to urban expansion; and
 - Greater regional direction on the need for the **strategic integration of infrastructure with land use**.
90. I am unsure at this stage whether or not small domestic scale renewable energy production facilities, in particular small domestic scale wind turbines, will comply with the residential zone rules in many District Plans, e.g. height and noise.
91. In terms of Waste, Hazardous Substances and Contaminated Land, the One Plan is generally a continuation of existing policy and current actions, which PNCC supports.
92. In response to directions from the Chairperson regarding minimising the need for expert evidence to be repeated, I have included my evidence on high class soils presented at the earlier land hearing as Appendix D
93. In terms of high class soils, the resource management issue in question is not the protection of class I and II soils - it is maintaining the overall productive capacity of the rural area. In my opinion, the greatest threat to the overall productive capacity of the rural area is rural-residential subdivision, not strategically planned extensions to urban areas such as Palmerston North, the only urban area in the region experiencing any significant growth.



David Murphy
Senior Policy Planner

City Future
PALMERSTON NORTH CITY COUNCIL

List of Appendices and Maps

APPENDIX A: DECISIONS REQUESTED BY PNCC WITHIN ITS ORIGINAL SUBMISSION ON THE INFRASTRUCTURE, ENERGY AND WASTE CHAPTER OF THE ONE PLAN

APPENDIX B: RENEWABLE ENERGY AND LANDSCAPES: RELEVANT EXTRACT FROM PNCC SUBMISSION ON THE ONE PLAN “ROAD MAP”

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MAP 1: PALMERSTON NORTH CITY LAND USE PLANNING AREAS

MAP 2: LAND RESOURCE INVENTORY (PALMERSTON NORTH AND SURROUNDS)

APPENDIX A:

DECISIONS REQUESTED BY PNCC WITHIN ITS ORIGINAL SUBMISSION ON THE INFRASTRUCTURE, ENERGY AND WASTE CHAPTER OF THE ONE PLAN

Energy:

- *That Horizons notes PNCC's support for the changes made to the One Plan to better recognise the benefits of renewable energy prior to formal public notification under the RMA.*
- *That Horizons adopt Objective 3-1*
- *That Horizons amend Policy 3-4(a) so that the stand alone benefits of renewable energy are recognised and renewable energy developments are specifically provided for in the region.*
- *That Horizons delete Policy 3-4(b) until such time as the potential adverse effects associated with small domestic scale renewable energy production have been thoroughly investigated*
- *That Horizons amend Policy 3-5 so that it also applies at the policy development stage.*

Waste:

- *That Horizons amend Policy 3-6 so that it is prefaced with a statement such as where there are significant environmental effects arising as a result of current waste practices....*
- *That Horizons amend Policy 3-7 so that it is prefaced with a statement such as where there are significant environmental effects arising as a result of the proposed discharge...*
- *That Horizons adopt Policy 3-8.*
- *That Horizons amend Policy 3-9 so that it is prefaced with a statement to the effect of "where appropriate for the scale of the landfill and the sensitivity of the receiving environment, landfills shall be designed, constructed..."*

Hazardous Substances:

- *That Horizons adopt Policies 3-10 and 3-11.*

Contaminated Land:

- *That Horizons notes the support of PNCC for the broad continuation of existing policy.*
- *That Horizons notes that PNCC considers the identification of "pressure areas" by 2008 as optimistic; that it would welcome further support and communication from Horizons on contaminated land; and it would like to see Horizons identify staff resources to ensure that regular contact occurs regarding contaminated land.*

- *That Horizons amend Policy 3-12 to clarify the intent of the Policy.*
- *That Horizons extend Policy 3-13 (a) to include the policy development stage.*

Infrastructure:

- *That additional issues, objectives and policies regarding the strategic integration of infrastructure with land use be added to the One Plan.*
- *That the scope of Issue 3-1 is amended to include issues relating to infrastructure other than concerns about local adverse effects prevailing over the regional and national benefits of developing infrastructure.*
- *That Horizons adopt Objective 3-1*
- *That Horizons adopt Policy 3-1 (a) and (b) and add the lower Manawatu Flood Protection scheme, stormwater reticulation, treatment and discharge points, local roading networks and the abstraction and discharge activities associated with community wastewater and water treatment plants as infrastructure of regional and national importance.*
- *That Horizons clarify the intention of Policy 3-1 (c) as it is unclear what is sought by “existing and future infrastructure shall be managed in a manner which achieves as much consistency across local authority boundaries as is reasonably possible”.*
- *That Horizons adopt Policy 3-2.*
- *That Horizons adopt Policy 3-3.*

APPENDIX B:**RENEWABLE ENERGY AND LANDSCAPES: RELEVANT EXTRACT FROM PNCC SUBMISSION ON THE ONE PLAN “ROAD MAP”**

The Roadmap identifies a key issue of “protecting our nationally and regionally significant landscapes and features from inappropriate development”. This wording is very similar to that in the present RPS. The snag is in agreeing a satisfactory definition of “inappropriate development”. This sort of term has different meanings to different people, and therefore it is inadequate to be used as a policy by itself. Recent windfarms in the Tararua ranges have been controversial, and have involved protracted consent hearing processes. There is merit in developing a clearer policy framework to guide RMA Hearings Panels. A regional policy is only worthwhile if it adds value to decision-making by district and city councils in considering individual cases.

Most windfarms attract views both in favour and in opposition. The Council received 300 submissions on one consent. Arguments against windfarms include landscape effects, noise and threat to birds. Arguments for windfarms include economic benefit, and a reduction in total greenhouse gas emissions. It will be difficult to reconcile these points of view in a clear policy. The concept of a clear regional policy in the One Plan, with implementation primarily by district councils, is supported but only with the proviso that a meaningful definition of “inappropriate development” can be found. The Council would oppose a provision to unduly restrict development of windfarms.

APPENDIX C:

RENEWABLE ENERGY AND LANDSCAPES: RELEVANT EXTRACT FROM PNCC SUBMISSION ON DRAFT VERSION 4 OF THE ONE PLAN

The Council has serious concerns about the draft landscape provisions; particularly in the way they affect windfarms.

Issue 7-2 says landscapes and natural features are “at risk” from the effects of development. This is vague, does not satisfactorily define the issue, and the provisions that follow are similarly vague and unsatisfactory.

Recent windfarms in the Tararua ranges have been controversial, and have involved protracted consent hearing processes. Most windfarms attract views both in favour and in opposition. The Council received 300 submissions on one consent. Arguments against windfarms include landscape effects, noise and threat to birds. Arguments for windfarms include economic benefit, and a reduction in total greenhouse gas emissions. It will be difficult to reconcile these points of view in a clear policy.

There may be merit in developing a clearer policy framework to guide RMA Consent Committee Hearings, but a regional policy is only worthwhile if it adds value to decision-making by district and city councils in considering individual cases.

The One Plan contains a schedule of natural features (carried forward from the present RPS), and policies to manage development of these areas. Policy 7-7 provides for management in a manner which protects the characteristics and values specified in the schedule, and “avoids any adverse effects, including cumulative adverse effects, on the existing degree of naturalness of each landscape and natural feature”.

The above wording appears to mean no windfarm development could proceed if a single submission was opposed. The wording is absolute. It does not appear possible to avoid “any adverse effects on the existing degree of naturalness”, and therefore the policy is equivalent to a prohibition on windfarms. For the Council to support any regional policy affecting windfarms, the policy must be clear and workable. Policy 7-7 is neither clear nor workable.

The Methods (section 7.5) include that Horizons will formally submit on resource consent applications for land use consents received by TAs where there is potential for effects on outstanding features and landscapes, (which Horizons has not done on recent PNCC consents). The Council questions what possible value any Horizons submission would add. The regional council role is to set the policy. A submission restating the policy (assuming a satisfactory policy can be developed) will be pointless, and there appears to be no specific landscape expertise within Horizons that could help to resolve difficult decisions.

The Methods also include that Horizons will formally seek changes to District Plans if required to ensure provisions are in place to provide appropriate level of protection to landscapes and natural features. It is noted that Council currently provides for Wind-Farms as Discretionary (Unrestricted) Activities within the Palmerston North City District Plan.

The Council suggests that the two essential features of this issue are that:

- 1) *Landscape issues have some significance; and*
- 2) *There is a place for windfarms in a sustainable energy policy.*

To determine a policy that provides for both these features requires local knowledge. A blanket provision is bound to be too simplistic one way or the other. The Council is yet to be persuaded that there is any merit in a regional policy. The alternative approach could be to leave the issue to TLAs to decide, possibly requiring them to undertake a landscape study as part of preparing a policy.

Council itself is planning to commission a landscape study this year as part of a review of rural-residential development in the City. It is hoped that this will contribute useful information. Council is willing to talk further with Horizons on this issue, and possibly share the findings of the landscape study.

Council opposes the present provisions, in particular Policy 7-7.

APPENDIX D:

PLANNING EVIDENCE ON HIGH CLASS SOILS PRESENTED TO THE LAND HEARING (DAVID MURPHY)

High Class Soils:

94. Issue 5-1 of the One Plan identifies 3 significant resource management issues:
- Hillcountry farming;
 - Coastal activities; and
 - Land disturbance from urban development
95. PNCC supports the identification of these matters as significant resource management issues for the region. PNCC also supports issue 5-1 as it does not identify the loss of Class I and II soils due to urban expansion as a significant resource management issue.
96. The loss of Class I and II soils for agricultural production due to urban expansion was discarded as significant resource management issue within the One Plan. It was considered by Horizons at the time as a local issue that could be addressed through District Plans and urban growth strategies. PNCC expressed its support for this approach early in the One Plan development process (refer to submission points on earlier working documents at paragraph 19).
97. The RMA framework establishes various tests for the development of Plans and assessment of development proposals against those Plans. Planning evaluations at both the plan development stage and individual development stage are subject to the purpose and principles of the RMA. This process requires an overall broad judgement to be made on whether or not a Plan or development proposal is consistent with the purpose and principles of the RMA (Part II).
98. The purpose of the RMA (Section 5) is to promote the sustainable management of natural and physical resources.
99. Residential and industrial growth planning and its supporting infrastructure represents a significant community resource in terms of the investment made and the actual and potential economic and social benefits that residential and industrial growth provides to the City. In this regard, residential and industrial growth planning promotes the sustainable management of the resources of Palmerston North City by providing for the physical growth of the City, an activity that stimulates and drives economic growth and development while providing for the social and economic well-being of the community.
100. Enabling people to make provision for their social, economic and cultural well-being and health and safety is qualified by the goals described in paragraphs (a), (b) and (c) of section 5(2) as follows:
- (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*

- (b) *Safeguarding the life supporting capacity of air, water, soil, and ecosystems; and*
 - (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*
101. In achieving the purpose of the RMA, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for those matters listed in section 6, have particular regard to those matters listed in section 7 and take into account section 8.
 102. In my opinion, the most relevant sections of the RMA in terms of the protection of high class soils are sections 5(2) (a) and (b), listed above, and section 7(g) – the finite characteristics of natural and physical resources.
 103. Unlike previous planning legislation, the RMA has no specific reference to *the avoidance of encroachment of urban development on, and the protection of, land having a high actual or potential value for the production of food.*
 104. The difficulty for residential and industrial growth planning is that all matters in sections 5, 6, 7 and 8 are relevant. If the protection of high class soils was added to the One Plan as a significant resource management issue, PNCC would need to give effect to this direction through its urban growth planning and District Plan review. As indicated in PNCC's submission on the One Plan "Roadmap" and Version 4 of the working document, urban growth planning needs to take an integrated approach to the complex issues of sustainable urban development. An integrated approach is preferred to a situation where one factor such as the protection of high class soils is given artificial prominence over others.
 105. In my opinion, the relatively limited controls on rural-residential subdivision within the region are a much greater risk to the needs of future generations and the life supporting capacity and finite characteristics of the regions productive land, than strategically planned extensions to Palmerston North City's current urban limits.
 106. While rural-residential subdivision generally occurs on lower class soils, in my opinion, it has the potential to result in a reduction in the overall productive capacity of rural land within the region much quicker than planned extensions to urban areas such as Palmerston North City.
 107. From my experience, in terms of the loss of productive land, planned extensions to urban areas come under unnecessarily more scrutiny than rural-residential subdivisions which are generally provided for in many District Plans in the region as controlled activities (must be granted subject to compliance with performance conditions).
 108. Palmerston North City is the only City in the Horizons region currently experiencing any significant residential and industrial growth. To limit a potentially favourable urban growth option due to a restriction on the loss of high class soils is unnecessary when it is not a regionally significant issue and rural-residential subdivisions continue to occur across the region with relatively limited controls.
 109. While I support Issue 5-1 in the One Plan as it does not identify the loss of Class I and II soils due to urban expansion as a significant resource management issue, I would not be opposed to any additional regional direction Horizons may wish to

provide on the risks posed to the overall productive capacity of rural land by largely uncontrolled rural-residential subdivision occurring within the region.

110. Currently 41% of Palmerston North City's rural zone can be subdivided down to 1ha lots as a controlled activity, subject to compliance with a number of performance conditions. The review of the rural-residential provisions of the Palmerston North City District Plan is therefore a major task that needs to be completed as part of the upcoming District Plan review. It is likely that PNCC will look to reduce the extent of the current rural-residential overlay (zone) as part of this process.
111. Further planning evidence will be provided on this topic as part of the hearings on Chapter 3: Infrastructure, Energy and Waste.