

BEFORE THE PALMERSTON NORTH CITY COUNCIL

In The Matter Of

Resource Management Act
1991 and a Plan Change under
Schedule 1

And In The Matter Of

Plan Change 23 to the
Palmerston North District Plan

SUBMISSIONS FOR MANAWATU GOLF CLUB INCORPORATED



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Introduction

1. My name is **John Maassen**. In this matter I am representing the Manawatu Golf Club Incorporated (“MGC”) that owns and operated the Manawatu golf Course. I am a barrister practising in Wellington and Palmerston North. For approximately the last 30 years I have had the privilege of acting for the Palmerston North City Council and its community (“PNCC”) on resource management and local government matters. In that capacity, I have developed a good understanding of the natural and physical resources of Palmerston North, the values of the community and gained a comprehensive understanding of the successive planning documents of the Council that have managed the community’s resources.
2. The MGC submitted on Plan Change 23 and seeks the plan change be declined. MGC shares a long border with the Plan Change site called the Hokowhitu Campus. MGC is interested in ensuring any new development is appropriate on the Hokowhitu Campus.
3. There are material deficiencies in Plan Change 23 that have not been acknowledged.
4. MGC is not opposed to all land use change at the Hokowhitu Campus. It supports development in an appropriate form and scale. The Hokowhitu Campus does provide real opportunities to leverage increased urban activity to the benefit of the City. Plan Change 23 however has features that indicate an almost breathless pursuit of the land owner’s interests without consideration of the wider context ,the interests of adjoining land owners ,the impacts on existing amenities as well as the fundamentals of planning principle. These issues will be identified in detail shortly. The City should ensure optimal planning outcomes in this important location.
5. The problems with the plan change are sufficient to send it back to Council for further consideration. MGC does not waive the primary relief it seeks in its submission that the plan change be rejected.

6. However, as an alternative measure MGC put considerable effort in preparing a modified Plan Change containing provisions that better achieves sustainable management and addresses its immediate interests concerning safety, amenity and reverse sensitivity.
7. That alternative measure does not, of course, absolve the Panel from addressing the wider issues identified in this submission that go directly to the question whether the Plan Change meets the statutory tests and whether you have sufficient information to make a decision that the Plan Change will fulfil its statutory function¹.

The thrust of MGC's case

8. MGC's case is therefore two-pronged:
 - (a) First, to demonstrate obvious deficiencies in the Plan Change of a scale and extent beyond MGC's immediate interface interests without spending expert time and money on solving these problems. That is the Council's job. The case is to show why the plan change is "half-baked".
 - (b) Secondly, to address with expert evidence particular matters MGC requires as a minimum to protect its reasonable interests and in that regard to graft onto PC 23 better and more comprehensive planning provisions.
9. The Hokowhitu Campus sits within a 'parkland' environment in the suburb of Hokowhitu adjacent to the Manawatu River north of Fitzherbert Bridge. This area comprises the reserve land around Fitzherbert bridge, Centennial Drive, the Hokowhitu Campus, Centennial Lagoon and the Manawatu Golf Course. The area is described as a parkland because it has the following characteristics:
 - (a) It is at the margin of the Manawatu River;

¹ See RMA s 32 and ss 72-76. See also *Colonial Vineyard Limited v. Marlborough District Council* [2014] NZEnvC 55.

- (b) Is characterised by large areas of open space;
 - (c) Carefully developed park-like plantings creating a sylvan environment;
 - (d) A prevalence of open space.
10. The area has an important pre- European history arising from the resources of the river margin to Rangitaane. The parkland characteristics of this locality go back to the earliest European settlement of Palmerston North and there is a rich cultural and social history associated with the current patterns of land use². The general area and the Esplanade represent the most important locus of outdoor sporting and recreational resources in Palmerston North.
11. This is such an important area culturally , recreationally and socially that key elements of the protective frame of Part 2 , RMA relating to urban amenity should be kept firmly in view.
12. Any significant change in land use in this locality must consider with the utmost sensitivity the sound *stewardship* of resources and values of the locality in order for development to be appropriate³.
13. In that regard the direction in RMA s 7(c) which is to pay particular regard to the “*maintenance and enhancement of amenity*” is pertinent as there is probably no place (other than the Esplanade) where amenity is so high in Palmerston North⁴.
14. The absence of a landscape and locality wide amenity assessment to inform a new land use change framework for the Hokowhitu Campus is a remarkable gap in information gathering by the Council. Ultimately, it may be an

² See Statement of Evidence of Martin Townend.

³ RMA s 7AA.

⁴ RMA s 7C.

information gap (along with others) so great the Panel lacks the tools to assess the potential effects of implementation of the Plan.

15. Can you imagine any City planning urban development within an area of such significance for “multi-use” without a landscape assessment and visual models for the site’s anticipated new forms of development to demonstrate appropriateness using the standard visual assessment methodologies?
16. The MGC argues that Plan Change 23 was conceived with a lack of appreciation of the importance of the Manawatu Golf Course as a recreational resource with the consequence that PC 23 creates the potential for long term significant conflict at the interface between the common boundary between the Hokowhitu Campus and the Manawatu Golf Course . This is poor planning.
17. One of the key assumptions of Plan Change 23 sponsored by the Council’s urban design assessment is that residential development can safely border the Manawatu Golf Course and overlook and appropriate or borrow the amenity of the Manawatu Golf Course as a public open space without any potential source of conflict and with very limited planning controls. An idea called “borrowed amenity”. The same is also true, according to the Council, of reserve space adjacent to the golf course so that children playing in new parks have free access to the golf course⁵. These ideas are not accepted by the MGC and are unsound.
18. The MGC has peacefully co-existed with the institutional uses on the Hokowhitu Campus and their landowners for at least over 50 years. At the common boundary interface both uses have managed planting that creates an effective screen for much of the boundary. Land use patterns minimise risk to safety. The consequential sense of enclosure for enjoyed on the Manawatu Golf Course and the absence of domestication on the boundary means that there are limited constraints on the operation of the Manawatu Golf Course

⁵ Per letter City Planner for PNCC proposing park at the end of the 15th hole of the Manawatu Golf Course dated 16 November 2016 providing free access to the golf course. See also the McIndoe Urban Design Report proposing visual, and therefore physical access from the northern reserve area to the golf course.

and this maintains the park-like amenity of the Manawatu Golf Course. The MGC contends that the management of the interface to ensure the long term preservation of the amenity and operational capability of the Manawatu Golf Course is of the utmost importance and the proposed plan provisions are inadequate.

19. The MGC's additional plan change provisions provide at the development (not just subdivision) stage more thoughtful consideration of the management of the interface.

Witnesses

20. MGC has five witnesses as follows:
 - (a) Warren Collett – Warren is the General Manager of the MGC. He outlines some of the operations of MGC as well as addressing some of the interactions with the Hokowhitu Campus land owner that demonstrate the potential for conflict as a result of poor planning for the interface between the Hokowhitu Campus and the Manawatu Golf Course;
 - (b) Martin Townend – Martin is a longstanding resident of Palmerston North and former president of the MGC. He outlines the history of the MGC, the locality and the important values of the Manawatu Golf Course as a resource for Palmerston North;
 - (c) Peter Lampp – Peter is a retired sports editor for the Manawatu Standard and his evidence addresses the qualities of the Manawatu Golf Course as a sporting facility including its status as one of the premier golf courses in New Zealand;
 - (d) Tommy Cushnahan – Tommy is a golf course architect and is an expert in golf course architecture. Tommy addresses the qualities of the Manawatu Golf Course and the potential impact on amenity and safety

of development on the immediate boundary of the Manawatu golf Course;

- (e) Hamish Wesley – Hamish is a planner with Boffa Miskell and presents evidence on amended planning provisions.

The Palmerston North District Plan – An Overview

City View Objectives and spatial planning

21. The Palmerston North District Plan in chapter 2 provides a statement of the “City View Objectives”. The aim is to promote the sustainable management of the City’s natural and physical resources⁶. I emphasise the point of physical resources not simply natural resources. That is an important point because there are significant physical resources on the Hokowhitu Campus that require management as well as the natural resource of the land. There are presently 30,000 m² of commercial space on the Hokowhitu Campus. Of that about 25,000 m² will remain after Stages 1 and 2 as identified in the Urban Design report are developed for other uses⁷. This stage 3 element is referred to as the “Institutional Core” and apparently has long term leases. Given these physical resources are likely to remain for the life of the Plan (10 years) the aim must be to sustainably manage the use of these resources during that period. Many are of a high quality. A reasonable assumption is that if there continues to be a market for them they remain. An increase in defence spending in Palmerston North, for example, may be attractive simply because these facilities are readily available. Palmerston North after all has many institutions as the core of its economy. There is no commitment to the removal of these resources and the market will therefore drive landowner choices.
22. Chapter 2 of the Palmerston North District Plan represents the community endorsed district-wide objectives against which all plan changes are to be

⁶ See RMA s 5 and s 72.

⁷ See also Map Bundle showing Stage 1 and Stage 2 produced by Boffa Miskell.

assessed. Key elements in section 2.3 of particular note in the context of the submission by the MGC are the following:

7. *The need for clear direction for the overall establishment and maintenance for amenity standards.*
 8. *The need to take a proactive approach to urban design to ensure a safe city with good amenity qualities in all areas and an enhanced quality of life.*
 11. *Need to recognise the role of economic development and the retention and enhancement of the city's economy.*
 24. *The variety of demands for recreational activities within the community.*
 25. *Noise and its effect on amenity values.*
 29. *The need to recognise the significant contribution that education and research institutions make to the city and facilitate their sustainable use and development.*
23. In achieving the City View Objectives, the Palmerston North District Plan continues a long tradition of spatial planning where there is a clear demarcation of activities to avoid incompatibility between uses and to effectively implement bulk and location, amenity and transportation standards. The classical use categories apply in the District Plan: residential, recreational, business, industrial, institutional and rural. This spatial allocation of land for particular use types has worked well for the City in achieving the City View Objectives. I am unaware of any land in the City that does not adhere to this framework and it has been in place for 50 years at least. Even in new residential areas in Palmerston North small neighbourhood retail has its own specific zoning (Local Business) and is not simply zoned residential with special activity classifications for business use.
24. As will be seen in the more detailed analysis following, Plan Change 23 represents a marked departure from traditional spatial planning in Palmerston North by making provision for a mix of uses without spatial demarcation by means of zoning. So Plan Change 23 anomalously intends to accommodate

with an homogenous 10 ha site relatively few controls for the following list of activities [sic]:

- (a) Institutional use;
- (b) Residential use;
- (c) Office activity;
- (d) Medium density residential including retirement homes.

25. The absence of spatial delineation in relation to these uses is problematic and ill- thought in many significant respects. The effects of realistic scenarios have also not been modelled for visual, amenity and transportation outcomes despite the sensitivity of receiving environment.

MGC and recreational zoning

26. While Manawatu Golf Course is zoned “recreation” it is not like other recreational zoned land in the City in that it is not a public open space. It is a privately owned facility where public use is inappropriate and where landscaping and park like amenity provision is essential to the overall experience⁸. In achieving the appropriate level amenity significant amounts of ongoing maintenance are required uncharacteristic of the residential environment⁹. Therefore, increased levels of domestication or office activity on the boundary are not compatible with an “urban oasis” golf course without proper consideration of the location of development, the design of development, and the arrangement of landscaping¹⁰.
27. As a technique the Palmerston North District Plan uses amenity planting strips as a means of demarcating potentially incompatible activities to mitigate effects. An example of this is the requirements for landscape and screen

⁸ See Statements of Evidence of Peter Lampp and Martin Townend.

⁹ See Statement of Evidence of Warren Collett.

¹⁰ See Statement of Evidence of Tommy Cushnahan.

planting on the North East industrial zone boundary when the North East industrial zone was first introduced¹¹. This was to mark the interface between the rural boundary and the industrial zone. The former owners of the Hokowhitu Campus and the MGC have voluntarily responded to the need to manage the existing boundary interface with the provision of significant mature planting.

The three deficiencies in the development and execution of Plan Change 23

28. There are three main areas where the development and execution of Plan Change 23 is deficient. These areas are within what can be called the “Three Ps” of good policy development:
- (a) Procedure – the failure to consult with affected land owners has meant the Council has not informed itself about the resource management issues that are likely to arise with a change in land use of Hokowhitu Campus in crafting PC 23;
 - (b) Preparation and provisioning – defects in the Council’s understanding of the nature of the resources, the wider context within which land use development is proposed and the values that are to be sustained;
 - (c) Planning – the failure to prepare the plan provisions that are appropriate to respond to the context and address the relevant resource management issues in a sustainable way.
29. These deficiencies are set out in subsequent sections.
30. The Environment Court said in *Long Bay Okura Great Parks Society Incorporated v. North Shore City Council*¹² at [20] the following:

¹¹ PNDP s 12A, Objective 5, Policies 5.1-5.5 and implementing performance conditions and standards including Design Guide.

¹² Decision No A078/2008.

We consider that there are not three but four general steps in most proceedings under the RMA:

- 1. Fact finding;*
- 2. The statement of the applicable law;*
- 3. Risk predictions: assessing the probabilities of adverse effects and their consequences;*
- 4. The overall assessment as to what better achieves the purpose of the RMA.*

31. Often there is a lack of proper consideration of the facts and the risk-predictions. Yet the facts and the risk-predictions are the business end of achieving sustainable management. It requires a deep understanding of the resources and the values that are potentially affected and making realistic assessments and the extent to which those affects may arise and how they may be avoided, remedied or mitigated. It is largely the task of gathering facts and making predictions that the development of Plan Change 23 has fallen down.

Deficiency in Procedure

32. Good planning is achieved by good process. Good process involves consultation with affected parties in order to understand the issues that are likely to arise from any plan change. Good process facilitates the essential task of good fact finding and risk assessment. Despite the fact that the MGC has a border with the subject site of approximately 1 kilometre virtually no consultation occurred between PNCC and MGC in the pre-notification stage of Plan Change 23¹³. This is the time when consultation means most because the plan change train has not left the station and so the understanding is complete to prepare a good plan change.
33. MGC has over 1,000 members and anyone with a small amount of knowledge of Palmerston North knows that it is one of the most important social recreational and cultural institutions of the City. The fact that the MGC was

¹³ See Statement of Evidence of Warren Collett.

not consulted in potential significant land use change on its boundary from that which has existed for over 50 years is regrettable. It is not a breach of any statutory duty but it falls short of the usual standards applied by the Council¹⁴.

34. The immediate consequence of the absence of consultation is that when experts were briefed they similarly lacked any knowledge appreciation of the qualities and resources of the MGC, the values of the club in relation to those resources and the potential risks associated with changes in land use patterns on the boundary.
35. Had consultation occurred then the Council would have gained an appreciation of the following matters:
 - (a) The MGC has holes close to the boundary that present risks to safety and property on the boundary and there are limited opportunities MGC has for changes in hole architecture to mitigate those risks;
 - (b) The inappropriateness of proposing recreation reserves with access to the golf course¹⁵;
 - (c) The relative predominance of natural features rather than built form on the perimeter of the MGC that contributes to the overall park like quality of the course;
 - (d) The amount of mature planting on the boundary with the Hokowhitu Campus much of which is literally on the boundary. Together with the value that MGC places on screening for aesthetic and safety reasons;
 - (e) The operations of the MGC including the frequency of mowing and other maintenance activities;
 - (f) The importance of the MGC as a recreational and social facility.

¹⁴ See PNCC Consultation Policy.

¹⁵ See Statement of Evidence of Tommy Cushnahan.

Deficiencies in preparation and provisioning

General comment

36. The absence of any real policy analysis that establishes the conceptual resource management underpinning of the plan change means that one cannot be certain what and opportunities and constraints analysis was used. The central premise appears to be that the area is on a so called trajectory of change to residential. Mainly single residential allotments will be established with other opportunities to create complementary activities. On that basis the most appropriate zoning is residential. In reality, the zone provides for a range of activities that are foreign to residential use as Palmerston North conceives it and the planning provisions enable so many activities it is hardly the residential zone the plan anticipates in section 10 of the District Plan. Indeed, in truth it is not a residential zone at all.
37. It is submitted that it is naïve to imagine the physical resources in the core Institutional area (within Stage 3) will be demolished in the near future if at all. The buildings have an enormous replacement value, are high quality and currently returning apparently \$ 165 per sq m¹⁶. It is unlikely this sort of economic resource value will be destroyed to create 50 residential sections or so. If that was the most likely scenario we would have the economic information to show why that is likely. It is submitted there is no reliable evidence an integrated residential development on this site with predominantly single lot residential development will occur over the next 20 years let alone the next 10.
38. Planning documents cannot direct how and when development will occur. They only place limits on the character scale and intensity of development. Therefore, the present intention of the developer to build single lot residential development (if that is the developers intention) is not a safe basis to predict

¹⁶ Per comm. G Blackmore

the future unless the plan provisions direct that outcome. If the Plan does not direct that then one can expect that the market will deliver full exploitation of the planning provisions that maximises economic return. The current proposed planning provisions are so weak that this anticipate exploitation of the plan provisions could lead to sub-optimal outcomes.

39. Usually new areas ear-marked for residential development in Palmerston North through residential zoning are greenfields sites. These are sites that are progressively developed after rezoning in a logical fashion. They usually start at the point closest to existing urban infrastructure.
40. In this case the site is not a greenfields site. It is not even a brownfields site, if brownfields refers to existing but now defunct physical infrastructure. In fact, the site is utilised and will remain for the foreseeable future utilised for intuitional purposes. Thus, the public notice for Plan Change 23 states:

The purpose of proposed Plan Change 23 is to rezone the former Hokowhitu Campus site from institutional zone to residential zone to enable residential development. Development is planned in stages. A range of institutional activities at the core of the site are anticipated to remain on site for the foreseeable future and residential development is expected of the edges of the site, until the site transitions to full residential use. Specific changes are proposed to the subdivision and residential zone sections of the District Plan to complement the rezoning, enabling existing institutional activities to continue to operate and facilitate new residential development of the site.

41. The unanswered questions in relation to that purpose statement are the following:
 - (a) How is the Institutional Core use to managed to sustain its activities over the life of the plan?
 - (b) How is the transition to full residential use managed when there are significant physical resources to be removed as part of that transition?

- (c) What machinery is in place to ensure that any Institutional Core is not nibbled away by residential or office development to a degree and extent that adverse effects are created either at the boundary with residential use or as a result of lack of facilities within the remnant institutional activity e.g. parking and access.

MGC

42. The technical reports commissioned by the PNCC for Plan Change 23 are largely silent on the significance of the MGC as a cultural and recreational facility. They also do not address the needs and requirements of the MGC and how these present opportunities and constraints that must be considered when residential development on the boundary is contemplated.

Transportation assessment

43. The transportation assessment by Opus answers the question asked of Opus but it is not an analysis of realistic scenarios. The report only models the transportation outcomes based on full residential development of the site in accordance with the Structure Plan. It does not address the question of the appropriateness of the outcome where stages 1 and/or 2 only are established and the Institutional Core remains. Or worse even the Institutional Core is nibbled away by further office activity thereby increasing demand and reducing parking space. Nor is there a contingency analysis of risks with incremental development of residential, institutional, office and multi-unit all juxtaposed. It does not address the question of what transportation risks arise if residential development occurs within the Institutional Core and this affects the internal road layout and the amount of parking provided. Particularly, as without zoning there are no minimum parking standards for the disparate existing and future uses.

Centennial Drive

44. Centennial Drive is one of Palmerston North's premier roads. It marks the centenary of the City and has special amenity characteristics and bisects what I have described as the Hokowhitu parklands. This road has only recently been dedicated and it appears the amount of land owned as road is small. It does not have the usual road reserve with a wide berm. So the legal road is confined to the envelope of the physical road formation. Other characteristics of the current environment road include a wide carriageway, generous landscape planting and an absence of physical and urban infrastructure such as pathways. The overall experience and ambience of the existing resources as part of the Centennial Drive experience is largely ignored in the technical reports. Figure 8 in the Urban Design Report contemplates at least 22 allotments with frontage to Centennial Drive all of which immediately front the boundary with the carriageway. The absence of proper landscape design of the street profile and housing frontage with a design statement is a deficiency. One sees more detailed outcomes based design statements with simulations for local urban streetscapes in new greenfields development in major cities. The design concept is "*maximising the intensity of development with overlook towards the Oxbow*". The visual effects of this on Centennial Drive has not been simulated and poor management of this corridor is it is submitted an unacceptable outcome for the City. It is easy to imagine 2-3 storey houses on the street boundary straining for a view of the lagoon from the existing service entrance at the Hokowhitu lagoon to the city side of the campus. Presently there is no design statement for the intended outcomes.
45. What are the anticipated effects if the 5000m² of office activity occurs on the Centennial Drive frontage¹⁷?
46. Further, there is no provision for public infrastructure or footpaths or the like so that public access along the frontage is excluded to the detriment of the community and the 400 odd residents of the new enclave. This, is it is submitted emblematic of the private interest spirit that has misinformed the

¹⁷ Currently there do not appear to be any setback standards applying to office activity.

design and is so foreign to the Palmerston North aspirations for good community urban infrastructure.

Centennial Lagoon

47. Centennial lagoon is as I understand it a reserve and will have a management plan. Little information on the reserve management goals have been provided. You should not assume the use of the reserve to provide public infrastructure such as footpaths and cycle paths are consistent with the management plan. So these will probably need to be provided on the Hokowhitu Campus side. That seems appropriate.

Urban Design Report

48. The McIndoe Urban Design Report is deficient. A Urban Design assessment uninformed by a full social context understanding and landscape understanding in a sensitive environment is an intrinsically flawed assessment¹⁸. The report is deficient in the following material respects:

- (a) It fails to articulate well informed and community endorsed statements of the character and context of the site and hence largely a desk-top analysis of opportunities inappropriate to deliver quality urban design for that meets community interests¹⁹;
- (b) Sits in an expert silo devoid of expertise on landscape, architecture, safety and other essential disciplines that inform how to achieve healthy and vibrant communities;
- (c) The opportunities that drive the design rationale are based on the incorrect premise that the MGC is an open space that is a recreational resource available to be enjoyed as part of the spirit of “public

¹⁸ For the synoptic elements of good urban design, see *MFE New Zealand Urban Design Protocol*, March 2015 (Wellington).

¹⁹ Ibid. See the importance of character and context in the *New Zealand Urban Design Protocol*.

generosity". This justifies , for example, the possibility of two to three storey medium density housing that maximise views across the golf course;

- (d) The block design to maximise solar access is based on the incorrect assumption that shelter amenity planting on the MGC boundary will be removed (see figure 7);
- (e) Recreation spaces and access linkages inappropriately facilitate rather than restrict access to the golf course and thereby miss the key element of safety for children;
- (f) The report assumes single lot residential development and designs a structure plan based on that but the plan change enables a hotch-potch of uses many potentially incompatible with the other and none of which are not obviously built spatially into the DNA of the structure plan. So there is no analysis of the appropriateness of the activities with clear policies as to how they are to be integrated.
- (g) The report does not address the values of Centennial Drive to maintain the overall landscape values of that road.
- (h) The report does not address the need for public infrastructure including footpaths and cycle paths on the Centennial Drive frontage (which presently appears to have a limited road reserve) for residents to move safely along and across the Hokowhitu Lagoon. Indeed contrary to good planning the assumption is housing or offices will be built more or less to the boundary removing any public realm. This will have the effect of externalising the costs of public provision facilities on the Hokowhitu Lagoon area. There is no evidence that is consistent with the management plan for that Reserve nor is there any evidence it is a sustainable outcome.

- (i) The report does not model potential and non-fanciful multi use outcomes enabled by the plan provisions to demonstrate how in situ they will be appropriate.
 - (j) A normal City transect promotes density and height at the City core and gradual reductions over distance. Based on existing height of building Mr McIndoe anticipates he justifies limited height controls well outside the central core breaking one of the cardinal rules of urban design.
49. The so called opportunities identified in the design including open views to the golf course should be properly assessed as constraints. As a consequence, the Structure Plan is defective.
50. In order to properly assess the effects of the activity visual assessments of the interface and how it is intended to look are essential. In the absence of any detailed simulations the ability to assess the impact, for example, of three storey housing and their removal of vegetation on the amenities of the golf course is impossible. Without detailed assessment of those visual affects it is difficult to actually identify what measures are required and what outcomes are justified to maintain and enhance the existing amenity of the golf course. Mr McIndoe by recommending recognition of the importance of the interface in the subdivision objective has failed to do modelling and analysis of risks to inform policies and methods and thereby causing the planners to adopt a “suck it and see” approach that is already leading to conflict between the developer and MGC.

Deficiencies in Planning

Statement of issues

51. There is no statement of issues by the City Future unit in the notified documentation identifying the resource management problem that PC 23 is trying to solve and its vision for this important land other than seeing more

residential lots which is not delivered by the plan provisions. There is no clear statement of how and what way any change will result and what anticipated environmental outcomes will be achieved. To that extent it is difficult to see how the Council has fulfilled its obligation to prepare a plan change in order to fulfil its functions and achieve the purpose of the Act as required by RMA s 72. This lack of analysis is also notable because of the extent to which the lack of spatial planning departs from the traditional planning framework of the District Plan.

52. As noted there is a statement that the plan change is intended to facilitate the eventual transition of the site to residential use. However, that is a misleading statement. Existing use comprising 30,000 m² of building remain and are provided for in the rules. All or any part of those structures probably will remain over the life of the plan. In addition, it is anticipated that they will co-exist with residential. Furthermore, the plan provides for other changes in activity including office activity²⁰.
53. The lack of a clear vision means that the examination of risks has also been deficient. The examination of risks is based on a sanitised version of the potential future which is largely single lot residential development in conformity with the structure plan. In reality things may and probably will turn out very differently and those different outcomes are also potential outcomes under the Plan Change.
54. The importance of an eye to the future and managing future development is very much a part of the task of plan framing. Therefore, for example in the Court of Appeal in *Queenstown Lake District Council v. Hawthorn*²¹ the Court of Appeal said at page 434 at [49] the following:

The same obligations must be met by territorial authorities in relation to district plans. The purpose of preparation, implementation and administration of district plans is again to assist territorial authorities to carry out their functions in order to achieve the purpose of the Act. Similarly, the functions of territorial authorities are conferred only for the purpose of giving effect to the Act (s 31) and district plans are to

²⁰ See Rule 10.7.3.5.

²¹ [2006] NZRMA 424.

be prepared and changed in accordance with the provisions of Part 2. There is a direct linkage of the powers and duties of regional and territorial authorities to the provisions of Part 2 with the necessary consequence that those bodies are in fact planning for the future.

55. If one is to infer what the vision is for the future then one method is to examine the rule framework to see what is enabled. In the subsequent sections I deal with provision for institutional, multi-unit and office activity in the proposed provisions. It is reasonable to assume (indeed the only safe assumption) that these planning provisions will be exploited to the full as, when or if market opportunities arise.

Institutional provision

56. Rule 10.7.1.6 inserts a rule into the Residential Zone that provides:

R 10.7.1.6

Continued use and operation of institutional activities at the Hokowhitu Lagoon Residential Area

Existing Residential Activities are permitted to continue to operate within Hokowhitu Lagoon Residential Area, provided:

- (i) They were lawfully established at the date of the Plan Change 23 decision [insert date]; or*
- (ii) They comply with the Institutional Zone permitted activity performance standards in Rule 19.4.1 – 19.4.2.*

57. It is not clear why the words “*Existing Institutional Activities*” are capitalised because they do not appear to be defined term. It is also unclear whether the activities relate to the activities of individual occupants or whether it relates to the building structures because there is no definition of the term “*Existing Institutional Activities*”.

58. The two disjunctive requirements in Rule 10.7.1.6 are either:

- (a) that the activity is were lawfully established at the date of the Plan Change 23 decision;

(b) or the activity complies with the performance standards for the permitted activities in Rules 19.4.1 – 19.4.2.

59. A number of points arise from this. The first is that the performance standards referred to in the second alternative standard (b) relate to height, height in relation to boundary separation, distance and parking, parking frontage outdoor storage and fencing. That means that any institutional activity can establish in the Residential Zone of the Hokowhitu Lagoon Residential Area as if it was in the Institutional Zone. Therefore, describing the Hokowhitu Lagoon Residential Area as a Residential Area is misleading. In fact, it provides for institutional activity with less constraints than are contained in the Institutional Zone.
60. Worse, someone could establish institutional activity under the performance standard in any residential property created in the Residential Zone. For any one purchasing into a “high quality” residential area there is the potential for a rude surprise.
61. In that regard it is worth noting the broad definition of Institutional Activity in s 4 of the District Plan. The definition is **Institutional Activity** means “*any activity which has as its primary function provision of education and health services and/or research and development and also includes any activity which is ancillary to an education, health or research and development related activity*”.
62. The point about ancillary is also important as any subsisting institutional activity can use residential housing created as an ancillary activity. But an ancillary activity not for residential use.
63. The broad nature of the second alternative performance standard and the fact that it is in disjunctive rather than begs the question why the first requirement exists. In any event because the unit of planning is the activity not the structure within which it is contained the effect of the first performance standard is that any of the existing tenants could operate or locate into different locations within the Hokowhitu Lagoon Residential Area.

Office activities

64. Rule 10.7.3.5 of the Plan Change states :

Office activities in the Hokowhitu Lagoon Residential Area

Office activities up to 5,000m² and gross floor area are a restricted discretionary activity with regard to:

- *Effects on the city centre.*
- *The safe and efficient operation of the roading network.*

65. The first point to bring the attention of the Panel is that the 5,000m² is not a cumulative requirement. It applies to each individual office activity. The rule does not come out of a clear objective and policy cascade.

66. If individual activity can be up to 5,000m² then the possibility is that the entire Hokowhitu Lagoon Residential Area may become office. There are a number of points that leap out from this possibility.

67. The first point is that it is possible for thousands of metres of office space to be located immediately adjacent to Centennial Drive overlooking the lagoon and overlooking the premier residential areas on the other side of the lagoon. There are no estimable performance standards including height and boundary controls and the matters of discretion are very limited.

68. There is simply no evidence that such an outcome could be a potentially sustainable result for Palmerston North both in terms of urban form or visual impacts.

69. These criticisms apply even if the total cumulative maximum is 5,000m² because all of that could be located immediately adjacent to Centennial Drive and fundamentally change the character of the neighbourhood.

70. A restricted activity is subject to clear statutory restrictions about the exercise of discretion.

71. RMA s 87A describes the classes of activity. RMA s 87(3) describes a restricted activity as follows:

If an activity is described in this Act, regulations (including any national environmental standard), a plan, or a proposed plan as a restricted discretionary activity, a resource consent is required for the activity and—

- (a) the consent authority's power to decline a consent, or to grant a consent and to impose conditions on the consent, is restricted to the matters over which discretion is restricted (whether in its plan or proposed plan, a national environmental standard, or otherwise); and*
- (b) if granted, the activity must comply with the requirements, conditions, and permissions, if any, specified in the Act, regulations, plan, or proposed plan.*

72. Further, under s 104C states:

104C Determination of applications for restricted discretionary activities

(1) When considering an application for a resource consent for a restricted discretionary activity, a consent authority must consider only those matters over which—

... (b) it has restricted the exercise of its discretion in its plan or proposed plan.

73. The only matters of discretion for Rule 10.7.3.5 are effects on the city centre and the safe and efficient operation of the roading network.
74. So matters of height, design parking etc are unregulated. Theoretically you could have a 10 storey office building with a 500 m² floorplate and have limited grounds to refuse it. Such an outcome would be incongruous in this locality.
75. The assessment criteria below Rule 10.7.3.5 in a misleading manner point to a broader consideration than those limited matters of consideration. For example, the assessment criteria refer to:

The extent to which the proposed office activity will contribute to the effect of an efficient operation and use of the physical resources of the Hokowhitu Lagoon Residential Area.

76. The effect on the efficient operation of the physical resources of the Hokowhitu Lagoon Residential Area is not a matter of discretion reserved. There is therefore a non-alignment between the discretions and the assessment criteria.
77. More importantly, is the following:
- (a) There are no performance standards for height, parking bulk and location etc.
 - (b) There is no consideration of landscape, amenity, design, urban form or other relevant considerations.
 - (c) There is no consideration of the effects on frontage and public access to Centennial Drive.
 - (d) There are no parking standards.
 - (e) There are no natural hazards discretion so neither the policy of PC 23 nor s 6(h) of Part 2 can be implemented.
78. In relation to the discretion to address “*effects on the city centre*” it is difficult to know how this can be sensibly applied by any decision maker. This is directed at distributional effects which are notoriously difficult to measure. They are the consequential social and economic effects on people and communities arising from existing centres economically affected by new developments; see *Kiwi Property Management v. Hamilton City Council*²².
79. It difficult to know how someone is going to decide when distributional effects are acceptable or not acceptable A 10 hectare site represents a real threat to

²² 8 NZED 422.

the city centre. Given the well-known extent of vacant space within the central city any alternative centre of the type proposed would create unacceptable effects and be contrary to the long standing centres based policy of the Palmerston North District Plan²³.

80. I note the definition of office activity in s 4 of the District Plan is: “**office activity** means an activity which involves the use of land or buildings of part of the building for administrative or professional activity”.

Multi-unit residential development

81. Rule 10.7.3.3 provides for multi-unit residential development in the locality by identifying a new map the area comprising the entire Hokowhitu Lagoon Residential Area as Area G.

82. Rule 10.7.3.3 provides seven matters of restricted discretion. There are no performance standards for height, and scale despite the fact that design and scale are matters of consideration. In the absence of proper policy or rules that define scale and height to an appropriate degree there is nothing to guide a decision maker as to the intended outcomes. This means outcome inconsistent with Palmerston North’s urban form are possible.

83. The definition of multi- unit residential development in the plan is:

Multi Unit Residential Development means two or more dwellings that are located on one site. This includes buildings where board and lodging is provided for up to and including five people in any one dwelling. A multi- unit residential development includes but is not limited to conjoined dwellings, apartment buildings, retirement villages, housing for the elderly and terrace housing.

Non-notification

²³ Section 12 of the Palmerston North District Plan explains the centres-based policy very clearly.

84. Given the absence of estimable height, design and location standards for multi-unit residential, office and institutional activity it appears reasonably plain that the plan does not provide a robust policy framework to guide discretions and does not provide high level of confidence that environmental risks would be addressed. Therefore, the presumption of non-notification for all these activities created by Rules made under s 77D is inappropriate.

No cascade

85. The Plan Change sets as an objective a new bespoke objective for development by subdivision in the Hokowhitu Lagoon Residential Area. The third and fourth bullet point address matters relevant to the interface.

86. The third bullet point speaks to ensuring the subdivision and development:

Is sensibly designed to enable a safe and appropriate interface with the adjoining Manawatu Golf Club.

87. And the third bullet point requires a subdivision and development “*retains existing vegetation as practicably as possible*”.

88. The general intent behind these goals is supported. However, the third bullet point does not specify an outcome. “*Safe and appropriate interface*” is not sufficiently clear and directive to describe the goal.

89. Outcomes and goals is the essence of modern planning and therefore appropriate wording should be used.

90. The MGC agrees with the idea of obtaining significant existing vegetation but again the question is what is significant and is significance derived from the quality and nature of the trees which appears to be the Council position based on the arborist report or is existing vegetation significant by reason of the amenity it affords even if the trees themselves do not have any intrinsic value?

91. There is no cascade from the Objective 14 and 14.1 into controls on office development to achieve these outcomes.

Lack of activity based risk assessment guiding policy development

92. The objectives and policies for the Hokowhitu Lagoon Residential Area are focussed on the subdivision section in Chapter 7 on the theory this activity is the trigger for any of the environmental risks. Correspondingly, there is an absence of policy in the Residential Section 10. However, the activity of land use can be the biggest potential generator of risk. An example will do. Stage 1 or 2 is sold as a block and a rest-home operator purchases it. There are no policies or objectives guiding a discretion in such a case as there are no real outcomes set out for the area of any substance.

Non-compliant and weak s 32 analysis

93. As required by the RMA there is a s 32 analysis accompanying the Plan Change documentation. This document is relatively weak and lacks any quantitative data. In particular, it does not analyse the opportunity costs associated with a reduction in existing urban infrastructure associated with institutional use.

94. RMA s32(2) reads:

“An assessment under subsection (1)(b)(ii) must –

- (a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for–*
 - (i) economic growth that are anticipated to be provided or reduced; and*
 - (ii) employment that are anticipated to be provided or reduced; and*
- (b) if practicable, quantify the benefits and costs referred to in paragraph (a); and*
- (c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.”*

95. The potential elimination of up to 25,000m² of institutional physical resources, has potential economic costs and there are some benefits in transitioning to residential to residential. However there is no analysis of the costs and

benefits. The introduction of RMA s 32(2) points to the need for an economic analysis that at least informs you of current employment levels and current economic activity associated with the existing institutional use, and what projected demand there is for continuing institutional activity that use these resources.

96. As a potential locus of employment opportunity, the physical resources at the Hokowhitu Campus may need to be sustained for the long-term to serve the wellbeing of the community.
97. There has also been no modelled effect of the potential economic effects on economic activity associated with office activity in that location. Given the strong centres based focus of the PNDP confirmed in the recent sectional review of the Business Zones this a significant deficiency. I am aware that distributional effects are closely examined by the Council. For example the Council strongly pursued limited office space provision in the airport zone for this reason.

National Policy Statement on Urban Development Capacity 2016

98. Some reliance is being placed in the s 32 analysis and other evidence on this recent National Policy Statement.
99. The Council has an urban growth strategy that is under continuous development to ensure sufficient residential capacity comes online. The recent rezoning of the Whakarongo residential area provided for an intended 15-year capacity surplus. In addition, there is proposals for rezoning of significant areas of land in the Aokutere area at the foothills of the Tararuas. The one advantage of the present locality is that it is within the existing urban fabric, and serviced by existing infrastructure. However, for reasons given it is just as likely to develop into a disjointed mixed use zone and therefore add little to residential capacity. Potentially it may have very poor connectivity then bespoke greenfields planning on the drawing board

100. It should also be noted that the National Policy Statement requires a systematic analysis of the land required for all urban purposes, including office and institutional. It should not be read as a National Policy Statement on residential development as opposed to 'urban development capacity'.
101. Institutional capacity is an important consideration for Palmerston North, which is why it has an institutional zone. Capacity provision includes providing ahead of the market demand to ensure that the market can respond to opportunities as they arise. It is arguably significant for Palmerston North's wellbeing that it has sufficient institutionally zoned land to take up opportunities as and when they arise from market activity. This is at least as equally important as making provision for housing. Growth in employment is a significant factor in the growth of housing demand and population.

Risks to MGC from Plan Change 23 provisions

102. The risk of adverse environmental effects on the natural and physical resources of the MGC and the recreational and social wellbeing of its members from the implementation of Plan Change 23 must be assessed. A workable scenario as a baseline for measurement of risk is required. In this case Plan Change 23 contemplates:
- (a) Subdivision and development is a restricted discretionary activity with no matters of discretion reserved to address the management of the interface between the Manawatu Golf Course and future development of the Hokowhitu Campus;
 - (b) Non-notification of any applications for subdivision or development consent.
103. A realistic scenario is therefore a high intensity urban environment comprising:

- (a) Three to four storey medium density development or possibly a retirement village meeting the side yard and rear yard boundaries set in Plan Change 23;
- (b) 5000 m² of office space overlooking the golf course in stage 2;
- (c) A core of institutional activity in stage 3;
- (d) Removal of vegetation on the Hokowhitu Campus boundary and elevated structures on the eastern boundary taking advantage of views across the Manawatu Golf Course;
- (e) No security fencing.
- (f) Parks run by Council with direct access to the Golf Course

104. Based on this scenario the risks identified by MGC's witnesses are:

- (a) Risk to safety from increased levels of domestication and community parks;
- (b) Conflict over vegetation on the MGC side of the boundary because of the impact of shading and views to the golf course;
- (c) Risks of degradation amenity of the golf course through loss of vegetation and inappropriate built form;
- (d) The risk of complaints from property owners arising from damage to property from errant golf balls and noise from the maintenance operations of the MGC.

105. These risks also exist to a similar degree other than (c) if single lot development is the main form of development.

106. None of these risk factors are of equal magnitude along the entire length of the golf course. The risks vary depending on the location. Cumulatively these potential effects justify estimable policies and methods that ensure careful design consideration at the time of development by means of a notified consent process.

Risk to safety

107. Tommy Cushnahan deals with the risks to safety. These risks are most acute on holes 12 and 15. The risks are also magnified by the proposed location of new recreation reserves adjacent to the boundary at the end of hole 15.
108. Currently, risks to safety are mitigated by the following patterns of land use on the Hokowhitu Campus at the boundary:
- (a) A perimeter road along much of the rear boundary adjoining the golf course;
 - (b) Large utilitarian workshop buildings and storage areas;
 - (c) Extensive boundary planting;
 - (d) The absence of public spaces on much of the boundary.
109. The risk to public safety is elevated by increased levels of domestication on the boundary. The current environment is strongly directed at avoiding risk to people's health and safety. The evidence of MGC is that a prudent course of action is to maintain a separation between the golf course and housing and that can be satisfactorily achieved by intensifying not minimising the amenity and screen planting strip along the common boundary. Particularly in those locations where the risk is greatest. Along common boundaries with reserves fencing should be installed to ensure that there is no access to the golf course by members of the public. If these risks are not mitigated and incidents affecting public health and safety occur then MGC will be under considerable pressure to reduce those risks. Its ability to do so is constrained because of a

lack of available space on the course. Changes in architecture resulting in reductions in the length of holes or the overall difficulty in the course may have adverse effects on the rating of the course.

110. The golf course is not able to and is not required to internalise the risks of errant golf balls²⁴. Best practice is to manage land use change to accommodate and manage these risks.

Conflict over vegetation on the boundary

111. PC 23 does not provide for screen planting, maintenance of vegetation or planting strips on the common boundary. The Structure Plan is designed to have allotments that take advantage of the golf course and to obtain solar access from the boundary with the golf course. This means that the Plan Change sets out the following expectations:

- (a) Removal of vegetation for views;
- (b) Removal of vegetation for solar access.

112. The vegetation on the common boundary so far as MGC is concerned is essential as part of the ambience, aesthetics and also provides to varying degrees safety.

113. Already, the land owner is advocating for significant removal of trees including those on the common boundary and adjacent to the common boundary of the MGC's land to maximise solar access and views.

114. Because screen planting and landscape management will be an important part of maintaining the overall amenity of both future residential and the

²⁴ *Winstone Aggregates and others v. Matamata-Piako District Council* (2004) 11 ELRNZ 48.

Manawatu Golf Course explicit recognition of these expectations in the PC 23 are essential.

115. The decision of the High Court in *Blakesfield Limited v. Foote*²⁵ illustrates the potential problems in relation to conflict on the boundary relating to vegetation. The developer in that case obtained a plan change to rezone land from rural to deferred residential. It then obtained a resource consent to create residential sections. As part of that subdivision consent, a planting strip of 5 metres was required at the boundary with the rural land. In the subject dispute the land owner with trees owned a 2.5 acre lifestyle block and the complainant purchased a residential section. Trees extended some 4.5 to 5.3 metres measured from the drip line. There were also extensive roots. The claim was made for the developer because there were problems selling the sections as a result of the extensive trees on the boundary. There was extensive argument about pre development representations, the significance the landscaping strip required and there remained a right beyond Property Law Act relief for nuisance in relation to trees because they affected cultivation and maintenance of the landscaping strip. This is simply one example of how expectations for high value residential sections from a developer can easily descend into complicated litigation that could easily be avoided by good planning and setting out the landscape expectations on the boundary including in relation to existing vegetation and replacement vegetation.
116. I agree with the opinions expressed in the legal advice obtained by the Council but again the wrong question is put. The correct question is not how the two statute work together in the ordinary course where properties have often similar zoning but what additional measures for landscaping to achieve the purpose of the RMA where a new use is potentially incompatible with an existing one. The Council does not leave these edge effects to be managed by the Property Law Act and nor should they be here.

²⁵ [2015] NZHC 1325.

117. Mr Collett the general manager of MGC will speak to the issues that have arisen already. The expectations that are generating this conflict can be directly attributable to the Urban Design Report that sets expectations in relation to views and solar access that are not cognisant of the interests of the golf course and therefore do not appropriately recognise the context and place.

Risk of degraded amenity through loss of vegetation and inappropriate built form

118. Some of the vegetation is plainly on the site of the Hokowhitu Campus and some of the vegetation is worth keeping to provide a back drop. If it is removed, then it is desirable for it to be planted to provide an appropriate screening. Particularly in certain locations where there is an existing pleasing back drop from particular vantage points. The existing amenity can be degraded by the removal of planting and/or failure to provide replacement planting.
119. MGC is not of the view that there are no opportunities for residential viewing across the site but if it is to occur then the management of the interface in terms of built form will be critical. The overall character and scale of these properties need to be appropriate and non-obtrusive. Currently the provisions of the plan provide for no assessment of the overall design of residential properties on sections created.
120. Controls and development style are not unheard of but are common in plans simply because there is very little new golf course creation in existing urban areas.

Risks of complaints from property owners arising from damage to property from errant golf balls and noise from the maintenance operations of MGC

121. This concern speaks primarily to the classical concept of “reverse sensitivity”. “Reverse sensitivity” is the idea that someone may come to a location where effects are not fully internalised and complain about the nature and scope of the effects of that activity and thereby constrain an existing and legitimately established activity²⁶.
122. Even if safety is not an issue certain neighbours will complain in relation to golf balls hitting their properties. In addition, extensive maintenance is required at golf courses. Mr Collett will speak to that but the reality is lawn mowers operate in the early hours and can disturb sleep.
123. Part of that can be addressed by requiring some form of mitigation at the time of development for noise attenuation and ensuring that glazing of properties is not susceptible from damage from golf balls. Equally useful are no complaint covenants created at the time of subdivision. They are not a panacea for “reverse sensitivity”. They have however been recognised as an appropriate method at resource consent stage to address “reverse sensitivity” concerns. For example, in *Avatar Glen Limited v. New Plymouth District Council*²⁷ the Environment Court said at [70]:

We accept that no complaints covenants are not a universal panacea, but they do provide a level of reassurance to the person or

²⁶ Judge Thompson in *Affco NZ Ltd v Napier CC* EnvC W082/04 found the following definition of reverse sensitivity helpful:

Reverse sensitivity can be understood as the legal vulnerability of an established activity to complaint from a new land use. It arises when an established use is causing adverse environmental impact to nearby land, and a new, benign activity is proposed for that land. The sensitivity' is this: if the new use is permitted, the established use may be required to restrict its operations or mitigate its effects so as to not adversely affect the new activity.

²⁷ [2016] NZEnvC 78.

organisation who or which may be at risk of complaint about some relatively low level adverse effect. We certainly see no harm in them.

124. Recognition in the District Plan of discretions to enable methods including covenants to ensure “reverse sensitivity” effects are managed is appropriate to mitigate this risk.

The essential elements of the MGC’s revised planning provisions and their planning rationale

Amend the third and fourth bullets of Objective 10

125. MGC proposes the amendment of Objective 10 (bullet point 3) so that it reads:

Is sensitively designed to enable a safe and compatible interface with the adjoining Manawatū Golf Club which:

- a. Minimises risk to safety of people and property from misdirected golf balls;*
- b. Maintains and enhances the amenity, landscape qualities and vegetation of the boundary with the Manawatu Golf Club by maintaining a well-designed landscape buffer that preserves the park-like character of the Manawatu Golf Course and prevents overlooking by residential development over the golf course as well as safety fencing to prevent access to the Manawatu Golf Course.*
- c. Ensures residential development incorporates noise insulation in recognition of periodic noise from maintenance of the golf course; and*
- d. Any residual reverse sensitivities after achieving the above are remedied or mitigated to ensure the continued operation of the Manawatu Golf Club based on its existing operations;.*

Rationale for Objective 10

126. The rationale for the change is to ensure that outcomes are introduced into the adjectival phraseology and non-instructive of the existing objective. This

provides the consent planner with plain guidance what is aimed at befitting the goal based nature of resource management planning²⁸.

127. The is also a modification to a goal on reserves so that it reads:

Ensures any open space and reserve provision in Hokowhitu Lagoon Residential Area is useable and does not have access to the Manawatu Golf Course.

New Policy 10.A

128. To introduce the new Policy 10.1 as follows:

10.1 To provide for a Manawatu Golf Course Management Overlay within the Hokowhitu Lagoon Residential Area along the common boundary of the Manawatu Golf Course to achieve the outcome in Objective 10 by assessing subdivision and development concurrently in an integrated manner within this overlay and with the Manawatu Golf Club's input.

Rationale

129. The rationale for new Policy 10.1 is to ensure that there is appropriate spatial trigger in which to assess subdivision and development in a comprehensive manner on the basis that a one size fits all set of regulatory standards is not

²⁸ *TVS Network Services v Waikato District Council* [1998] 1NZLR 360 at 364 where Hammond J said:

The legislation also rests on a quite changed conception of what "planning" is all about. In terms of actual function, land use planners were 25 conventionally problem solvers within the perimeters of set policies and traditions. But now, planning theory has come to recognise that "goal formation is not only the most important, but also the most neglected part of the planning process . . ." (Chadwick, *A Systems View of Planning* (1978) p 124)

appropriate and what is required is an assessment through a notified resource consent process.

New Policy 10.2

130. Introduce a new Policy 10.2 that reads:

10.2 The risk to personal safety and property damage from misdirected golf balls based on the existing architecture of the Manawatu Golf Course are minimised by requiring subdivision and development within the Manawatu Golf Course Management Overlay to assess the following factors:

- *Site layout;*
- *Development configuration;*
- *Separation distances;*
- *Existing and proposed boundary and buffer planting; and*
- *Building design and material*

Rationale for Policy 10.B

131. To achieve goal 10 (bullet point 3) it is necessary to state what factors will be taken into account to minimise the risk to personal safety.

New Policy 10.C

132. A new policy 10.3:

10.3 To ensure healthy and non-hazardous trees within 10 metres of the common boundary between the Hokowhitu Lagoon Residential Area and the Manawatu Golf Course are maintained and to replace existing trees that require removal together with other planting of sufficient adequate depth as to provide a predominance of vegetation over built form from the viewing locations within the Manawatu Golf Course and enhance the amenity of the boundary.

Rationale for Policy 10.C

133. To specify clear outcomes in terms of landscape planting on the common boundary.

New Policy 10.D

134. A new policy 10.D as follows:

10.4 To raise awareness and understanding of potential effects arising from activities at the Manawatu Golf Course, impose covenants or consent notices on all allotments within the Manawatu Golf Course Management Overlay to protect the Manawatu Golf Club from complaints over its existing and reasonable operations.

Rationale

135. To minimise the risk of “reverse sensitivity” and to ensure no complaint covenants to secure the continued operation of the Manawatu Golf Course.

Other matters

136. Hamish Wesney will explain the other methods he has recommended in order to ensure that the objectives and policies relating to MGC are effectively and efficiently implemented.
137. In relation to noise, MGC is grateful for the advice of Mr Lloyd that has resulted in the introduction of a special noise rule that recognises the greenkeeping activities of the MGC. Minor modifications have been made to recognise the

full suite of greenkeeping activity that usually occurs between the hours of 7:00am and 10:00 pm.

Conclusion

138. In conclusion, it is foreseeable that over the life of this Plan that the type of single lot residential development that initially inspired this Plan Change is unlikely to materialise. It is even non-fanciful to suggest that the residential idyll initially portrayed in the McIndoe Urban Report will be far from a reality.
139. MGC will present through its planning evidence estimable provisions to protect the natural and physical resources of the Manawatu Golf Club. I urge you however, not to lose sight of the broader planning concerns . In particular:
- (a) Preservation of the amenity of Centennial Drive and its landscape qualities;
 - (b) Appropriate physical urban infrastructure including pedestrian linkages alongside Centennial Drive on the Hokowhitu Residential Area that adequately services any future development; and
 - (c) Provisions that have real teeth to ensure that any outcomes for this site are appropriate including protecting the Institutional Core and

avoiding general office development against the Centres based philosophy of the PNDP.

140. I submit the Plan Change need to be re-considered and should therefore be refused. A more comprehensive planning regime is required for this area.

Dated:

John Maassen
Barrister
Wellington and Palmerston North