

**Decision of Hearing Panel**

**PRIVATE PLAN CHANGE REQUEST  
TE KAPITI TRUST LTD**

**14 BANKS ROAD, RONGOTEA:  
REZONING FROM RURAL 2 ZONE TO VILLAGE ZONE**



**Decision Report of the Hearing Panel  
appointed by the Manawatū District Council  
pursuant to section 34A of the Resource Management Act 1991**

**27 July 2023**

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## SCHEDULE OF APPENDICES

- **APPENDIX 1:** Panel decisions on relief sought by submissions and further submissions

- **APPENDIX 2:** Annotated version of Plan Change provisions
- **APPENDIX 3:** Final version of Plan Change provisions

## INDEX OF ABBREVIATIONS

This report utilises several abbreviations and acronyms as set out in the glossary below:

Abbreviation	Means...
“the Act”	Resource Management Act 1991
“the Council”	Manawatū District Council
“the District Plan”	Operative Manawatū District Plan (December 2002)
“the Draft Plan”	Draft Manawatū District Plan (March 2021)
“MDC”	Manawatū District Council
“MDHP”	Manawatū District Housing Plan (2021)
“NES-CS”	National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
“NES-FW”	National Environmental Standards for Freshwater 2020
“NPS-FM”	National Policy Statement for Freshwater Management 2020
“NPS-HPL”	National Policy Statement for Highly Productive Land 2022
“NPS-IB”	Draft National Policy Statement for Indigenous Biodiversity
“NPS-UD”	National Policy Statement on Urban Development 2020
“NPS”	National Planning Standards 2019
“the Plan Change”	Private Plan Change Request: Te Kapiti Trust Ltd Plan Change Area
“the Regional Council”	Horizon’s Regional Council
“the Requestor”	Te Kapiti Trust Ltd
“the RMA”	Resource Management Act 1991
“the RPS”	The Regional Policy Statement part of the Horizon Regional Council’s One Plan
“s[#]”	Section Number of the RMA, for example s32 means section 32
“s42A report”	The report prepared by MDC pursuant to s42A, RMA
“the site”	The land at 14 Banks Road, Rongotea, legally described Section 36 Block II Douglas District and Lot 15 DP 565962 subject to this Plan Change request

**Manawatū District Council  
Private Plan Change Request  
14 Banks Road, Rongotea  
Rezoning from Rural 2 Zone to Village Zone**

**Decision of the Hearing Panel**

**Proposal Description:**

Private Plan Change Request relating to the Manawatū District Plan at 14 Banks Road, Rongotea, legally described Section 36 Block II Douglas District and Lot 15 DP 565962, rezoning of 21.88 ha of Rural 2 Zone to Village Zone and an adjacent 10.48 ha is to remain as Rural 2 Zone, with an area set aside for public open space.

**Hearing Panel:**

G Sweetman - Independent RMA Hearing Commissioner, Chairperson  
DJ McMahan – Independent RMA Hearing Commissioner  
A Short – RMA Hearing Commissioner and MDC Councillor

**Date of Hearing:**

30 May 2023

**Hearing Officially closed:**

20 June 2023

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**1. INTRODUCTION**

**Report purpose**

- 1.1 This report sets out our decision on the Private Plan Change Request (Plan Change) to the operative Manawatū District Plan 2002, relating to Rongotea.
- 1.2 We were appointed by the Council to hear submissions made on the Plan Change and to consider and make a decision under delegated authority of the Council under s34A of the RMA as to whether the Plan Change should be declined, approved or approved with amendments, and in doing so, whether submissions received on it should be accepted, accepted in part, or rejected.
- 1.3 The Plan Change (as notified) is twofold in that it seeks to:
  - a. Rezone 21.88 ha of land from Rural 2 Zone to Village Zone, 14 Banks Road, Rongotea (legally described as Section 36 Block II Douglas District, from Rural 2 to Village Zone and

- b. Rezone 10.48 ha (legally described at Lot 15 DP 565962) to be retained at Rural 2 Zone to be utilised for stormwater management and public open space.

1.4 The Plan Change specifically seeks to:

- a. Introduce a new District Plan Chapter, titled “Chapter 17 Rongotea South Development Area”
- b. Introduce a Rongotea South Development Area and the Rongotea South Structure Plan as a spatial layer in the planning maps
- c. Introduce new Objective to the Village Zone (LU 14a xiii))
- d. Introduce new Policies to the Village Zone (h-j)
- e. Amendments to the Manawatū-wide provisions for minimum site areas in the Rongotea South Development Area (Performance Standard C2)
- f. Amendments to the Village Zone provisions in relation to density, coverage and permeability area (Rule B2)
- g. Addition of new Appendix 17A – Rongotea South Structure Plan
- h. Amendments to the Transportation Chapter (3B) to insert two new roading cross sections (new Figure 5&6: Rongotea South Development Area – Street Type 1&2)

1.5 We will canvass the Plan Change’s background in due course. It has been the subject of a s32 report<sup>1</sup>, consultation with stakeholders, and, of course, the public notification and hearing process, culminating in our decision.

1.6 Before setting out the details of the Plan Change, the submissions to it and our substantive evaluation, there are some procedural matters that we will address, beginning with our role as a Hearing Panel.

**Role and report outline**

1.7 Our role is to make a decision about the outcome of the Plan Change on the Council’s behalf. The authority delegated in us by the Council includes all necessary powers under the RMA to hear and decide on the submissions received on the Plan Change.

1.8 The purpose of this report is to satisfy the Council’s various decision-making obligations and associated reporting requirements under the RMA.

1.9 Having familiarised ourselves with the Plan Change and its associated background material, read all submissions, conducted the site/locality visits and hearing, we hereby record our decision.

1.10 In this respect, our report is broadly organised into the following two parts:

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<sup>1</sup> Section 32 of the RMA sets out the requirements for preparing reports that evaluate the appropriateness of a plan change.

a. Factual context for the Plan Change:

This non-evaluative section (comprising **Section 2** in this report) is largely factual and contains an overview of the land subject to the Plan Change and an outline of the background to the Plan Change and the relevant sequence of events. It also outlines the main components of the Plan Change as notified. This background section provides relevant context for considering the issues raised in submissions to the Plan Change. Here, we also briefly describe the submissions received to the Plan Change and provide a summary account of the hearing process itself and our subsequent deliberations. We also consider here various procedural matters about the submissions received.

b. Evaluation of key issues:

The second part of our report (comprising **Sections 3 to 5**) contains an assessment of the main issues raised in submissions to the Plan Change and, where relevant, amplification of the evidence/statements presented at the hearing (in **Section 3**). We conclude with our decision (in **Section 5**), having had regard to the necessary statutory considerations that underpin our considerations (in **Section 4**). All these parts of the report are evaluative, and collectively record the substantive results of our deliberations.

**Comments on the parties' assistance to us**

- 1.11 In advance of setting out the Plan Change context, we would like to record our appreciation at the manner in which the hearing was conducted by all the parties taking part.
- 1.12 All those in attendance enabled a focused hearing process that greatly assisted us in assessing and determining the issues, and in delivering our decision.
- 1.13 These initial thoughts recorded, we now set out the factual background to the Plan Change.

## 2. PLAN CHANGE CONTEXT

### Site and local environment

- 2.1 The site is located to the south-west of Rongotea Village. The site totals approximately 31.36 hectares in area and comprises of two main parcels.
- a. Parcel 1, with an area of 20.88ha, Section 36 Block II Douglas District
  - b. Parcel 2, with an area of 10.48ha, Lot 15 DP 565962
- 2.2 The site subject to the Plan Change is shown in **Figure 1** below, outlined in yellow. The area is currently divided into multiple paddocks, utilised for pastoral cattle grazing. The only built development on the site is a single storey residential dwelling and several accessory buildings located at 14 Banks Road, located at the eastern end of the site (refer red star on **Figure 1** below).

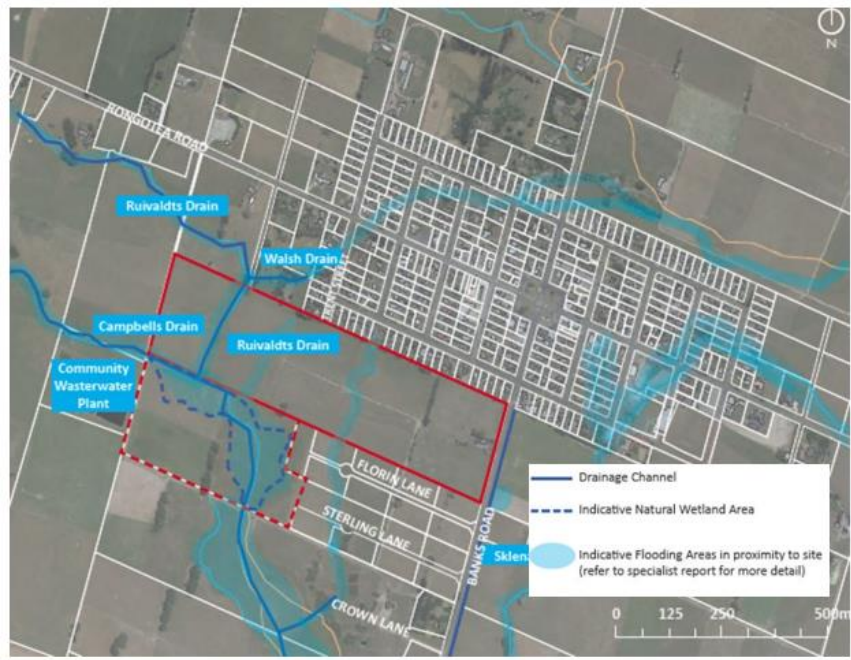


**Figure 1:** Plan Change site and surrounding locality. Not to scale. (image source: Property Group Plan Change application, page 7, Dated July 2022 (Annotated by Panel – May 2023))

- 2.3 With the exception of several exotic shelter belts planted along several of the eastern paddock boundaries and a small wetland vegetated area, the site does not contain any significant vegetation plantings. The topography of the site is generally flat.
- 2.4 There are several drainage channels located on the site, which generally run north to south through the site. Refer to **Figure 2** below.



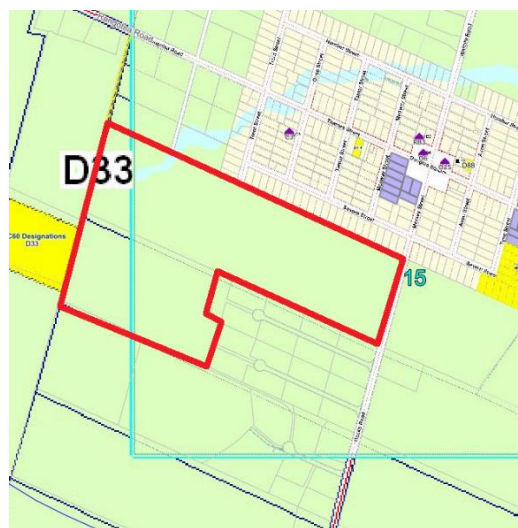
2.5 The site is immediately adjoined by Rongotea Village to the north, backing onto residential properties which front Severn Street. The site is otherwise surrounding by rural holdings to the west, south and east. In the wider context, the site is located 19km north-east of Feilding and approximately 21km south-east of Palmerston North.



**Figure 2:** Location of waterways within the Plan Change site and surrounding locality. Not to scale. (image source: Property Group Plan Change application, page 8, Dated July 2022)

### Operative District Plan

2.6 The site zoning (Rural 2 shown in light green) pattern illustrated in **Figure 3** below, with the site outlined in red.



**Figure 3:** Operative District Plan Zoning showing the site outlined in red (Source: MDC GIS Zoning Maps, annotated by RMG May 2023)

- 2.7 The land immediately adjoining the site to the northeast is zoned Village is shown pale yellow. There is also a site identified as 'Designation D33', which adjoins the site to the west, which is designated for 'Sewage Treatment Purposes' with MDC listed as the Requiring Authority.
- 2.8 With the exception of the land to the northeast and west identified in paragraph 2.4 above, the surrounding areas to the south, east and west are also zoned Rural 2 zone.
- 2.9 The following sections in the District Plan contain Zone and District-wide objectives, policies and rules that are relevant to the management of natural and physical resources on the site:

Part 1

- a. Chapter 3: District Wide Rules

Part 2

- b. Section 4: Managing Land Use Effects  
c. Section 5: Subdivision  
d. Rule B2: Zoning Standards  
e. Rule C2: Zone Standards

### Draft District Plan

- 2.10 The Draft Manawatū District Plan (**Draft District Plan**) was released for feedback in March 2021. That Plan identifies an indicative Settlement Zone for the site (Refer **Figure 3** below). However, as the Draft District Plan has not been formally proposed, the Settlement Zoning of the site, nor the Draft District Plan itself, hold no legal status or weight on our decision.



**Figure 3:** Draft District Plan Zoning showing the site outlined in red (Source: MDC Draft Plan Changes A & B GIS Zoning Maps, annotated by RMG May 2023)

### Plan Change Request: Reasons, Purpose, Evaluations and Provisions

- 2.11 Part 2 of Schedule 1 of the RMA sets out various requirements for private plan changes. Under clause 22, any private plan change request is to:
- a. explain in writing the purpose of, and reasons for, the proposed change;
  - b. contain the required evaluation under s32 of the Act; and
  - c. describe the anticipated environmental effects of the proposal in such detail that corresponds with the scale and significance of the effects.
- 2.12 Each of these are discussed further below, followed by a brief summary of the proposed Plan Change provisions. This factual outline will be ultimately drawn on in our evaluation contained in Section 3 of this decision.

#### *Purpose and Reasons for the Plan Change*

- 2.13 As notified, the Plan Change proposes to rezone the 21.88 hectares from Rural Zone to Village Zone.
- 2.14 The Plan Change document states the following four reasons for the request as being:
1. *“To assist Council in meeting the future housing needs of the Manawatū district.*
  2. *To enable additional recreation and open space opportunities for the community of Rongotea.*
  3. *Because the site is well located for commuting to local employment areas in Palmerston North and Ohakea.*
  4. *Because the land is development ready with a sales and purchase agreement in place, subject to the rezoning being made operative.”<sup>2</sup>*
- 2.15 These reasons – or purpose of the plan change - are important. This is because for the purpose of determining whether the objective of the (Plan Change) proposal is the most appropriate way to meet the purpose of the Act we must, under subsection (6) of s32, treat the purpose, objectives and reasons of the Plan Change as the relevant objective of the proposal. We return to this matter in **Sections 3 and 4** of this report.
- 2.16 In the meantime, one of the key provisions of the plan change is the proposed Structure Plan. In this respect, the area as proposed for rezoning corresponds directly with the Structure Plan submitted as part of the Plan Change request as illustrated in **Figure 4** on the next page. The Structure Plan shows key elements to be incorporated into future development of the site, including the location of future road links to the existing transport network running north south and east west, location of the proposed wetland area and anticipate lot yield areas.

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<sup>2</sup> Section 4.2: Request for a Change to the Operative Manawatu District Plan, prepared by The Property Group, page 11, dated July 2022



**Figure 4:** Plan Change site as represented by the Rongotea South Structure Plan.  
(image source: Plan Change application, Appendix I, Page 9)

### Section 32 Report

- 2.17 The Requestor’s s32 evaluation report is labelled as ‘Section 5.2: Section 32 Analysis’ in the Plan Change document.
- 2.18 The s32 Evaluation states that the relevant objectives are the proposed two new objectives of the Rongotea South Development Area, along with two existing objectives of the Village Zone.<sup>3</sup>
- 2.19 The proposed two new objectives are:

*“DEV1 – O1 Future housing needs are met through the integrated provision of infrastructure and development in accordance with the Rongotea Development Area Structure Plan”*

*“DEV1 – O2 Subdivision in the Rongotea South Development Area creates a sustainable neighbourhood where:*

- The village character of Rongotea is maintained*
- Natural site features are protected and incorporated into the development design*
- The recreation needs of the community are met through the provision of open space and pedestrian and cycle linkages*
- Cultural values are recognised and provided for”*

<sup>3</sup> Section 32 Evaluation Report, prepared by Property Group, pages 2-3, dated July 2022.

2.20 The PPC1 s32 evaluation considers that there two existing District Plan objectives for the Village Zone relevant to the proposed rezoning being:

**Objective LU 13** - *To maintain and develop the unique character and separate identity of the District's smaller settlements, namely Kimbolton, Apiti, Halcombe, Bunnythorpe, Longburn, Sanson, Rongotea, Himatangi Beach and Tangimoana. This distinctive "village" character is different from Palmerston North and Feilding, and results from elements such as: i) A low density of residential development with larger section sizes and more open space. ii) Different road formation standards with less concrete and asphalt and more grass and shrubs. iii) Closer access to, and similarities with, the countryside.*<sup>4</sup>

**Objective LU 14** - *To maintain or enhance the residential amenity within those communities, which includes:*

- i) *A mixture of residential, commercial, service, industrial and community activities is achieved while protecting and enhancing the amenities of the village as a place to live.*
- ii) *Access to adequate sunlight for residents' homes and properties, without prolonged shadowing from buildings, trees or structures on other sites.*
- iii) *Residents are not subjected to fumes, smoke or odour problems.*
- iv) *A level of aural and visual privacy consistent with small township living, with a quiet neighbourhood at night. (Refer also: Objective LU 25).*
- v) *A green, well-treed appearance and open streetscape, with planting on streets and in public places wherever possible, and with ample room for planting on private sections and front yards.*
- vi) *Most vehicle parking being provided on-site rather than on the street*
- vii) *Residents have access to public open space and to recreational and social opportunities, e.g. places of assembly, education facilities and community services. Adequate access is provided to these places for people with disabilities.*
- viii) *The township generally has a tidy appearance.*
- ix) *Neighbourhood streets cater for pedestrians and local traffic rather than encouraging through traffic. Street design promotes traffic safety and recognises that walking and cycling are important methods of transport. (Refer also: Objective LU 27).*
- x) *Problems associated with dogs and other wandering, dangerous or noisy animals are kept to a minimum. Stock droving does not occur through the village.*
- xi) *Recognising that some of the villages are sited near broad-impact land uses.*
- xii) *A high level of amenity and avoidance of those activities that can detract from this including unfinished or derelict buildings, piles of junk and car bodies being stored outside. (Issue 5) (Refer also: Objective LU 5).*

2.21 The proposed objective of PPC1 described in the s32 evaluation report as:

*"designed accordingly to deliver social and economic wellbeing while protecting important environmental values and respecting any cultural associations with the site".*<sup>5</sup>

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<sup>4</sup> Manawatu District Council and Palmerston North City Council had a boundary realignment to allow for industrial growth around Palmerston North a decade ago. This saw 755 properties transfer from MDC to PNCC and became operative on the 1st July 2012. This realignment saw the villages of Longburn and Bunnythorpe transfer into PNCC jurisdiction.

<sup>5</sup> Section 32 Evaluation Report, prepared by Property Group, page 4, dated July 2022

2.22 Further, the s32 evaluation states that:

*“The objectives, alongside the existing objectives of the Village Zone, are intended to provide a framework for development and use of the site that will facilitate sustainable management in accordance with the purpose of the RMA. The objectives find the appropriate balance between enabling development while protecting the natural and physical resources.”<sup>6</sup>*

2.23 The s32 reports provides an evaluation of three options in relation to the proposed plan change options in achieving the objectives:<sup>7</sup>

- a. **Option 1:** Do nothing, retain rural zoning with a rural residential nodal overlay and wait until a Council initiated plan change; or
- b. **Option 2:** Apply village zoning with no structure plan; or
- c. **Option 3:** New chapter 17 - Rongotea South Development Area and amendments to the existing Village Zone provisions for permeable areas, building coverage, yards and fencing.

2.24 The s32 evaluation found that Option 3 as the most appropriate option concluding that:

*“The resulting structure plan, development objectives and District Plan provisions provide for a development of an appropriate size and scale to ensure the existing village character of Rongotea is maintained. The important natural features of the site have been identified and their protection enabled. Best practice stormwater management is feasible and planned for, and the integration of development with available infrastructure ensures sustainable development in accordance with the purpose of the RMA.”<sup>8</sup>*

2.25 The s32 report also provided an evaluation of three alternative structure plan design options in achieving the objectives. This assessment demonstrated the progression of structure plan and set out the key characteristics of the Three Design Options of the proposed Structure Plan.<sup>9</sup> The report concluded that Design Option 3 as shown in **Figure 4** above, represents the most appropriate layout for the following reasons:

- Lot yield and typologies responds appropriately to housing needs
- Provides a safe and legible street layout
- Limits access onto Banks Road to one ‘T’ intersection
- Provides an appropriate area for open space reserve to protect the area mapped as natural inland wetland
- Responsive to local landscape features
- Provides for high quality active streetscapes.

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<sup>6</sup> Section 32 Evaluation Report, prepared by Property Group, page 4, dated July 2022

<sup>7</sup> Section 32 Evaluation Report, prepared by Property Group, pages 15-17, dated July 2022

<sup>8</sup> Section 32 Evaluation Report, prepared by Property Group, page 14, dated July 2022

<sup>9</sup> Section 32 Evaluation Report, prepared by Property Group, pages 15-17, dated July 2022

2.26 In summary, the s32 evaluation concluded that:

*“the proposed plan change has been thoroughly informed by a team of multi-disciplinary experts and tested in terms of Section 32. The resulting proposal provides significant community and environmental benefits while also ensuring stormwater is effectively managed and infrastructure servicing is efficiently provided for. The development is expected to add to the residential land supply to the extent of 140 – 180 dwellings. While Council initiated consultation on this proposal via the Draft District Plan in early 2021, further consultation has occurred with adjacent property owners, mana whenua and the community committee.”<sup>10</sup>*

#### *Environmental effects assessment*

2.27 The Plan Change request included an assessment of environmental effects.<sup>11</sup> This assessment drew on a number of subject specific technical assessments appended to the Plan Change bundle, as follows:

- a. **Appendix B:** *Rongotea South Urban Design Framework* prepared by The Property Group, dated November 2022
- b. **Appendix C:** *Rongotea Private Plan Change: Three Waters Assessment* prepared by GHD Limited, Dates 9 November 2022
- c. **Appendix D:** *Rural to Residential Plan Change – Rongotea: Transportation Report* prepared by East Cape Consulting, dated 14 July 2022
- d. **Appendix F:** *Ecology Report* prepared by Forbes Ecology, dated 12 July 2022
- e. **Appendix G:** *Preliminary site investigation: 14 Banks Road, Rongotea* prepared by Hail Environmental, dated 1 July 2022
- f. **Appendix H:** *Site Specific Assessment of the Proposed and Distribution of Versatile Land at 14 Banks Road, Rongotea* prepared by Land Use Capability Assessment, dated May 2022

2.28 The Requestor’s effects assessment identified and covered the following topics:

- a. Flooding and Stormwater Management
- b. Water Supply
- c. Wastewater
- d. Transport
- e. Ecology
- f. Geotechnical
- g. Versatile Land
- h. Open Space, Amenities and Social Facilities
- i. Quality Built Environment
- j. Mana Whenua Values

2.29 In summary, for each of the topics in a-j above, the assessment concluded that:

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<sup>10</sup> Section 32 Evaluation Report, prepared by Property Group, page 18, dated July 2022

<sup>11</sup> Section 7: Request for a Change to the Operative Manawatu District Plan, prepared by The Property Group, pages 21-34, dated July 2022

- a. The potential adverse effects of **flooding and stormwater management** on downstream properties and impact on the performance of the Te Kawau drainage scheme and on water quality can be managed by the PPC1 provisions.<sup>12</sup>
- b. **Water supply and wastewater** can connect efficiently to the existing water supply network without adverse environmental effect and the plan change provides the mechanism for further control over essential services being in place as subdivision is a restricted discretionary activity, with the availability of infrastructure a matter of discretion<sup>13</sup>
- c. The plan change will not result in an increase in **transportation effects** that cannot be easily accommodated within the existing roading environment, and by the proposed provisions; and the design of the new street network within the Rongotea South Development Area enables safe and connected transportation options that will encourage walking and cycling to access the existing social and community facilities at Rongotea.<sup>14</sup>
- d. In terms of **ecological effects** the plan change provides a balance of protecting and enhancing existing natural environments while also providing for new ecosystem services to support future development and provide opportunity for positive effects on landscape, cultural and ecosystem values.<sup>15</sup>
- e. The **geotechnical** assessment notes that prior to any intensive land development on the site, the Building Act generally requires a detailed geotechnical investigation to confirm the stability of the site so as to recommend any site-specific engineering requirements for development, states that the plan change will not alter the need for an investigation to be undertaken and as such concludes there are no reasons why the plan change should not proceed, from a geotechnical perspective.<sup>16</sup>
- f. The **versatile land** expert opinion concludes that the plan change will not have any adverse effects on the soils regarded as highly productive in the Manawatū District and that the soils present on the plan change site will not preclude the use of the land for residential purposes.<sup>17</sup>
- g. In terms of **open space, amenities and social facilities**, the assessment concluded that the existing social and community facilities of Rongotea are conveniently located within walking distance of the plan change area to enable future residents to meet their social and cultural needs and provides for

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<sup>12</sup> Plan Change Request Assessment and Evaluation – Section 7.1, page 24

<sup>13</sup> Plan Change Request Assessment and Evaluation – Section 7.2 and 7.3, page 25-26

<sup>14</sup> Plan Change Request Assessment and Evaluation – Section 7.4, page 27

<sup>15</sup> Plan Change Request Assessment and Evaluation – Section 7.5, page 29

<sup>16</sup> Plan Change Request Assessment and Evaluation – Section 7.6, page 29

<sup>17</sup> Plan Change Request Assessment and Evaluation – Section 7.7, page 31



additional open space to support the well-being of existing and future residents of Rongotea.<sup>18</sup>

- h. The **Quality Built Environment** assessment states that proposed rezoning and spatial layer structure plan is likely to have positive effects on the quality of the built environment and will respond effectively to an identified need for new home ownership options, with opportunities to improve community and social well-being.<sup>19</sup>
- i. The assessment of **Mana Whenua Values** states that proposed plan change responds to the presence of cultural values recorded in this area through the objectives and policies and that protection and enhancement of the wetland area and the proposed stormwater management approach provides of Māori values.<sup>20</sup>

#### *Plan Change provisions*

- 2.30 As notified, the Plan Change seeks to make the following changes to the operative District Plan:

#### **Changes to Part 2: Village Zone:**

- a. Amend Objectives LU 14 by inserting xiii)
- b. Amend Policies by inserting h)-j)
- c. Amend Rule C2 Performance Standards C2.2.1 A) Minimum Site areas but inserting iii)-v)
- d. Amend Rule B2.3.1 by inserting A) iv) and C) viii) and M.

#### **Changes to Chapter 3B: Transport**

- e. Amend Appendix 3B.2 Road Cross sections by insetting new Figure 5 and 6

#### **Insert new Chapter 17: Rongotea South Development Area**

- f. Insert new objectives DEV1-O1-O2
- g. Insert new policies DEV1-P1-P4
- h. Insert new restricted discretionary rules DEV1-R1
- i. Insert new performance standards DEV1-S1-S8
- j. Insert new discretionary rule

#### **Changes to Appendices**

- k. Insert new Appendix 17A – Rongotea South Structure Plan

#### **Changes to District Plan Maps**

- l. Amend the District Plan Maps to zone the site Village Zone

- 2.31 These changes (as set out in detail in **Appendix 2**) are considered under the relevant issue in **Section 3** of our report.

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<sup>18</sup> *Plan Change Request Assessment and Evaluation – Section 7.8, page 31*

<sup>19</sup> *Plan Change Request Assessment and Evaluation – Section 7.9, page 33*

<sup>20</sup> *Plan Change Request Assessment and Evaluation – Section 7.10, page 33*

### Notification and Submissions

- 2.32 The Plan Change was publicly notified on 8 December 2022. The closing date for submissions was 31 January 2023.
- 2.33 A total of 14 submissions were lodged with the Council.
- 2.34 A summary of submissions was prepared and subsequently notified for further submissions on 16 February 2023 with the closing date for receiving further submissions being 4 March 2023. One further submission was received.
- 2.35 **Table 1** provides a list of submitters to the proposed Plan Change, together with their broad positions. We provide a full summary of the submissions received in **Appendix 1**, including our decisions on the relief sought by each submitter.

Submission number	Submitter	Position
SO1/001	Rhonda Maurice	Oppose
SO2/001	Chantelle Miles	Oppose
SO3/001	Marti Hodgins	Unstated
SO4/001	Andrew Mercer	Conditional support
SO5/001	Wayne Page	Oppose
SO6/001	Guy & Sue Pinckney	Support
SO7/001	Rongotea & District Lions Club	Support
SO8/001	Dean Arnott	Support
SO9/001	Rob & Jan Griffin	Support
SO10/001	Walter Lockyer	Unstated
<del>SO11/001</del>	<del>Manawatu District Council</del>	<del>Unstated</del> <sup>21</sup>
SO12/001	Waka Kotahi NZ Transport Agency	Neural
SO13/001	Graham Edwards	Support
SO14/001	Horizons Regional Council	Unstated
<b>Further submission</b>		
FSO1/001	WB & CM Miles Family Trust – Warren Bernard Miles and Carolyn Maria Miles	Supports SO2/001

**Table 1:** List of submitters to the Plan Change

<sup>21</sup> Submission withdrawn

- 2.36 Of the 14 submissions received, five were fully supportive of the Plan Change in its entirety. We note that support.
- 2.37 It is duly noted that submission from Manawatū District Council (SO11/001) was formally withdrawn prior to the hearing on 23 May 2023.<sup>22</sup> Accordingly, we have not considered that submission in our decision.
- 2.38 Without taking away from the finer detail provided in the submissions, the matters raised in those submissions and further submissions opposed to the Plan Change or providing conditional support, fall into one of more of the following categories:
- a. Three Waters effects
  - b. Transport and Roothing effects
  - c. Local character and amenity effects
  - d. Recreation effects
  - e. Connectivity effects
  - f. Wetland effects
  - g. Soil effects
  - h. Community Facility effects
  - i. Positive effects
- 2.39 We discuss these issues (and the submissions underpinning them) in greater detail under our key issue evaluation in **Section 3** of this report below.

#### **Pre-hearing directions and procedures**

- 2.40 Prior to the commencement of the hearing, we issued a minute (**Minute 1**)<sup>23</sup> to the parties to address various administrative and substantive matters. This minute, and the others we issued through the course of the hearing and deliberations processes are available on Council's plan change website.<sup>24</sup>
- 2.41 In summary, the pre-hearing minutes addressed the following:
- a. **Minute 1** (10.03.2023) covered:
    - i. Introduction of the hearings panel
    - ii. Procedural matters
    - iii. Dates of the hearing (Tuesday 30 May 2023)
    - iv. Circulation dates for evidence before the hearing
    - v. Brief summary of the hearing process
    - vi. Panels approach to site visits
    - vii. Key issues identified by the Panel to date
    - viii. Request the requestor to address three matters in relation to:
      - An assessment of the applicability of the National Policy Statement on Highly Productive Land (NPS-HPL)

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<sup>22</sup> Email from Manawatū Chief Executive to the district plan review team on 23 May 2023

<sup>23</sup> Minute 1 issued 10 March 2023

<sup>24</sup> <https://www.mdc.govt.nz/services/planning/district-plan/plan-changes/private-plan-change-1-rongotea-south-residential-area>

- The feasibility of the proposed stormwater design
- The adequacy and comprehensiveness of engagement undertaken with iwi and hapū.

b. **Minute 2** (28.03.2023) covered:

- i. Request for and dates of joint witness statements on stormwater matters
- ii. Expert conferences and pre-hearing meetings on i. above
- iii. Request for Council to obtain legal advice on the interpretation of the NPS-HPL
- iv. Expert conferencing on iii. above.

c. **Minute 3** (20.04.2023) covered:

- i. The request from Council's reporting officer for an extension on timeframes for the stormwater and planning joint witness statements (**JWS**), Council's legal advice and the s42A Reports.
- ii. The Panel accepted the extension and amended the timetable for the JWS, legal advice and s42A Reports.

2.42 In the lead up to the hearing, the following reports and evidence were received and made available to all parties in accordance with the proposed timetable<sup>25</sup>:

a. Memorandum for the requestor in response to Minute 1 from the Hearings Panel setting out the following, dated 24 March 2023:

- i. The applicability of the NPS-HPL, particularly the application of Policies 3.5 and 3.6 to the PPC
- ii. Feasibility of, and approach taken to, stormwater management for the PPC area
- iii. Engagement with iwi and hapū.

b. The following **JWS** were received and were made available to all parties as follows:

- i. Stormwater Expert Conference between the requestor's engineers and Councils and Regional Council engineers, dated 13 April 2023
- ii. Planner Conference between the requestor's planner, Ms Kim Anstey and Council's planner, Mr Daniel Batley, dated 27 April 2023

c. The s42A officer's report, prepared by Mr Daniel Batley, a planner, dated 28 April 2023, and incorporating:

- i. A summary of submissions
- ii. Section 42A on Stormwater from Mr John Bell, dated 28 April 2023
- iii. Section 42A on Urban Design from Mr Tim Williams, dated 24 April 2023
- iv. Section 42A on Infrastructure from Ms Wendy Thompson, dated 28 April 2023

- v. Section 42A on Parks and Recreation from Mr Carl Johnstone, dated 28 April 2023
  - vi. Peer Review Report on Roding from Mr Tim Kelly, dated 2 September 2022
  - vii. Peer Review Report on Soils from Ms Esther Dykstra, 24 January 2023
  - viii. Strategic Planning Memorandum from Mr Matthew Mackay, dated 27 April 2023.
- 2.43 The Panel received a legal memorandum from the Requestor's Lawyer in response to the questions posed by the Panel in Minute 2, dated 21 April 2023.
- 2.44 The memorandum for the Requestor, dated 2 May 2023 supported the pro-active case management approach the Panel was taking and identified the single outstanding matter of disagreement between the Council and the Requestor, being the test for rezoning under clause 3.6 of the NPS-HPL are met.
- 2.45 Statements of evidence on behalf of the Requestor, all dated 11 May 2023, as follows:
- a. Project Overview from Mr Duncan Bruce Cheetham and Ms Susan Jane Cheetham
  - b. Planning Evidence from Ms Kim Anstey
  - c. Pedology Evidence from Mr Sharn Hainsworth
  - d. Urban Regeneration Evidence from Ms Ruth Allen.
- 2.46 We received an addendum statement of Planning evidence on behalf of Manawatū District Council on 24 May 2023, from Mr Batley. This report was supplementary to his s42A report, which specifically addressed the relevant policies under the NPS-HPL, in particular cl 3.6(4).
- 2.47 No other expert evidence was received on behalf of submitters either during the lead up to or during the course of the hearing.

### **The Hearing (30 May 2023)**

- 2.48 The hearing commenced at 9:00am on Tuesday, 30 May 2023.
- 2.49 All the documents referred to in this section are available on the council file and [web page](#).
- 2.50 At the outset of proceedings, we outlined the manner in which we expected the hearing to be conducted and called for appearances and introductions from the attendees. We also set out a range of procedural matters and outlined our role and the relevant statutory matters framing our consideration of the proposal.

2.51 No procedural matters were raised during the course of the hearing that we were obliged to make a finding on.

2.52 Over the course of the hearing, we heard from the following people:

Requestor

- Asher Davidson, Legal Counsel
- Duncan and Susie Cheetham, Trustees of the Trust
- Kim Anstey, Planner
- Sharn Hainsworth, Pedologist
- Ruth Allen, Urban Regeneration Advisor

Council s42A Advisors

- Daniel Batley, Consultant Planner
- Nick Jessen, Legal Counsel

Submitters

- Walter James Lockyer
- David Calow
- Andrew Mercer

2.53 We note that Ryan O’Leary was in attendance for the Requestor and Matthew Mackay, Carl Johnstone, Matt Pike-Daysh and Wendy Thompson were in attendance for the Council but did not have a formal role. There were also a number of other observers present at different times at the hearing. We were ably assisted by Ash Garstang, Governance and Assurance Manager for the Council.

**Hearing Adjournment (30 May 2023)**

2.54 At the conclusion of the hearing, the Panel adjourned the hearing and issued **Minute 4** (1 June 2023) setting out:

- a. The Requestor’s and Council’s planners to prepare a tracked change version of the PPPC1 provisions; and
- b. The Requestor to provide their right of reply, which would also address the scope of any changes recommended through (a).

2.55 On 9 June 2023 the Panel received the Requestors responses and right of reply to the matters outlined in Minute 4.

**Close of Hearing (19 June 2023)**

2.56 **Minute 5** was issued on 19 June 2023 stating that the Panel was duly satisfied that we had all the information we needed to make a decision and we closed the hearing.

### 3. EVALUATION

#### Context

- 3.1. For the purpose of this evaluation, we have grouped our discussion based on the key issues that we considered to be relevant to our evaluation – rather than assessing each issue on a submitter-by-submitter basis. Our decision should be read in conjunction with the s42A report which addresses all the submissions and the further submission received on the Plan Change. This approach does not downplay the importance of the matters raised by submitters; rather, their input has assisted us to shape group the issues addressed in this section of our decision and our evaluation of them.
- 3.2. The s42A report and the addendum to that report provide a comprehensive summary of submissions made on the Plan Change, as well as a thorough assessment of the Plan Change itself. The report covers the matters raised through the submissions, which we set out earlier in this decision. We note that many of the submissions were in support of the proposal. In particular, we note the support stated in submissions in respect of:
- a. That it is a great asset to the Rongotea area, and will be positive to the District
  - b. The redevelopment of the wetland area will benefit the wider community
  - c. The wetland development will provide an educational environment for the seven schools with the Te Kawau cluster
  - d. Rongotea is well suited to expansion
  - e. The Plan Change will assist to create opportunities for local businesses and the community
  - f. The Plan Change will energise the village and provide recreational opportunities for current and future generations
  - g. The Village is very self-sufficient and takes care of one another
  - h. The Village is supported by a community recreation facility and a community swimming pool, as well as local businesses
  - i. The Village is well placed to support sustainable growth
  - j. The infrastructure is ready with the new community water scheme and the newly installed wastewater to Kawakawa Road
  - k. The new recreational space will provide a safe and welcoming environment for all village residents.

- 3.3. There was no contention in respect to recreation or positive effects. Accordingly, we have not evaluated these matters in this decision, and find that the Plan Change would result in positive effects, including recreation effects.
- 3.4. To avoid unnecessary repetition or duplication between the evaluation contained in the s42A report, we have adopted the approach of focusing our written analysis on:
- a. outstanding matters in contention at the hearing
  - b. material provided to us or raised by submitters at the hearing
  - c. any alteration to the s42A author's recommendation
  - d. the final form of the Plan Change as expressed through the Requestor's reply.
- 3.5. We have organised our discussion of relevant matters under the six key issues we considered to be determinative to our evaluation of the Plan Change. These issues are:
- a. Issue 1: Local character and amenity effects
  - b. Issue 2: Servicing effects, including stormwater and flooding
  - c. Issue 3: Transportation including connectivity
  - d. Issue 4: Consistency with the NPS on Highly Productive Land
  - e. Issue 5: Consistency with other relevant policy documents, including PC3
  - f. Issue 6: Matters Raised by the Panel
- 3.6. The **first three issues** remained contested by submitters at the end of the hearing but were settled between the Council and the Requestor. Our findings on these issues are therefore determinative to our consideration and decision-making. **Issues 4 and 5** were not contested by the close of the hearing. However, they are determinative matters to the Plan Change and as such we have traversed them in the decision. We were assisted by the joint witness statements prepared by the planners before and after the hearing, and by the joint witness statement prepared by the stormwater experts. **Issue 5** was reported on after the hearing at our direction. It was also not contested.
- 3.7. During the course of the hearing, the Panel raised some issues about the workability of PPC1 in achieving its objectives. We address these matters in **Issue 6** including:
- a. Wetland and Rural Zone/Structure Plan application
  - b. Stormwater treatment as a pre-condition of consent
  - c. Mechanical matters



3.8. Our decisions on submissions and the further submission and amendments as a consequence of them are recorded in Appendices 1 to 3. **Appendix 1** records our decision to accept, accept in part, or reject each submission point and the associated further submissions. **Appendix 2** includes an annotated version of the Plan Change, clearly identifying our amendments to the Plan Change as notified and the submission(s) they are attributed to. Our amendments are shown in ~~strikethrough~~ for deletions and underlined for additions. The amendments proposed as notified are shown in underline. **Appendix 3** is a clean version of the Plan Change.

### **Statutory Framework**

3.9. As a precursor to our detailed evaluation of the key issues, we need to consider overall whether the Plan Change is the most appropriate way to provide for growth in the Manawatu District. To reach a finding on the matter, we must settle the determinative issues above first. We then return to that seminal question at the end of this section of our report. These matters are framed by specific requirements of the RMA (also described below), and (more broadly) by consideration of fundamental thematic questions set out in case law that underpin our evaluation.

3.10. Before undertaking our detailed evaluation of the key issues, we wish to record a central theme that underlines several of the issues - whether there is any fundamental impediment to the proposed change in zoning.

3.11. The primary issue was whether the NPS-HPL provided a route for the site to be rezoned to Village zone for urban purposes. This is dealt with in detail in our evaluation. However, we wish to acknowledge, as a starting point that we do not consider there to be any fundamental impediment to the proposed change in zoning.

3.12. We have arrived at that conclusion on the basis that during the hearings process, through the evidence presented, and the subsequent redrafting of the provisions to address the workability concerns raised by the Panel, it has become apparent that the Plan Change provisions provide for a future consenting process that is robust and capable of resolving any foreseeable issues and that the proposal meets the thresholds outlined in the NPS-HPL (clause 3.6(5)) to enable the site to be rezoned from a rural to an urban zoning.

### **Section 42A Report Recommendation**

3.13. Prior to embarking on our evaluation of the key issues and the evidence before us, we record that the s42A report initially did not contain an overall conclusion as to whether the Plan Change would achieve the purpose of the RMA due to there being an insufficient level of information regarding whether it gave effect to the NPS-HPL. The author of that report sought that the Requestor provide a further assessment in respect to the NPS-HPL before he made a final recommendation.

3.14. Otherwise, the s42A report recorded that Mr Batley supported the following aspects of the Plan Change:

- a. *“That the potential landscape, visual, amenity and character effects from the development area can be appropriately mitigated over time to a minor effect;*
- b. *The adverse social impacts of the proposal will be minimal and there will be some positive social impacts;*
- c. *The long-term positive effects associated with new walking and cycling infrastructure, impacts on community, culture, health and wellbeing and amenity/quality of life outweigh the potential adverse effects;*
- d. *The Requestor has attempted to address cultural values and is continuing to participate in ongoing dialogue. I am of the opinion that cultural values have been addressed to an appropriate extent within the Proposed Plan Change.*
- e. *The urban design components of the proposal can be appropriately mitigated or managed;*
- f. *The economic benefits of PPC81<sup>26</sup> are positive and construction of residential housing will provide positive outcomes for housing supply;*
- g. *Any potential noise effects will be appropriately managed and mitigated through the existing MDP provisions and will maintain an acceptable level of amenity at the surrounding dwellings;*
- h. *The site is geotechnically suitable for residential development;*
- i. *Any adverse effects in relation to archaeology or heritage will be acceptable;*
- j. *The impacts from earthworks will be acceptable provided all excavation and fill is undertaken in accordance with industry best practice;*
- k. *Adequate provision for open/green spaces have been made within the development area and I accept that additional areas can be determined at the time of subdivision consent.*
- l. *Reverse Sensitivity Effects can be managed within the proposed development through appropriate mitigation and management of potential effects;*
- m. *Effects in relation to transport and roading infrastructure can be appropriately managed.*
- n. *That the development area is serviceable in terms of stormwater treatment and control. However, this will be subject to further investigation and detailed engineering design at the Resource Consent stage for the development to meet MDC’s level of service and avoid adverse effects on the neighbouring properties, asset owners and receiving environment”<sup>27</sup>.*

3.15. Mr Batley recommended modifications to the management of the interface between the site and the adjoining properties.

3.16. After having reviewed the Requestor’s statements of evidence, Mr Batley amended his recommendation that the Plan Change be approved. In particular, he considered that the Requestors assessment against Clause 3.6(4) to be of an appropriate level for the Plan Change. Of consequence, he found that:

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<sup>26</sup> We note that this was an error in Mr Batley’s report

<sup>27</sup> Paragraph 275 of the s42A Report of Daniel Batley on behalf of Manawatu District Council Planning 28 April 2023

*“...based on the information supplied by the Requestor and the assessment above, PPPC1 is able to navigate the relevant Policy and clauses of the NPS-HPL, such that the Council is not directed by the NPS-HPL to refuse the zoning”<sup>28</sup>.*

3.17. Mr Batley then concluded that:

41. *“Considering this, I can therefore complete my assessment of PPPC1. In accordance with Section 32 of the RMA, I consider PPPC1 to be the most appropriate way to achieve the purpose of the RMA. As such, I consider the application site to be suitable for urban development.*
42. *In my opinion, the proposed objectives are appropriate and consistent with the broader plan objectives. The provisions as drafted contain a suitable level of detail that corresponds to the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal.*
43. *Overall, I conclude, as required under section 32 of the RMA, that the objectives proposed in PPPC1 are the most appropriate way to achieve the purpose of the RMA, and that the provisions proposed (including the zoning of the land) are the most appropriate way to achieve the objectives. As a result, is it in my opinion that the Proposed Plan Change promotes the sustainable management purpose of the RMA.*
44. *Based on the assessment above, and in the original s42A report, I recommend that PPPC1 be approved by the Hearing’s Panel, subject to the modifications put forward in the original s42A report.”*

3.18. As will be apparent in the following evaluation, we endorse Mr Batley’s conclusions and adopt his s42A report in large parts.

### **Issue 1: Local character and amenity and a quality built environment**

3.19. Submitters who were opposed to the Plan Change stated that they had purchased a section in the area due to the quiet rural area and did not anticipate being surrounded by residential properties<sup>29</sup>. They owned lifestyle properties and wanted the area to maintain its current character. A submitter was also concerned about additional foot traffic, with associated noise, loss of privacy and damage to the private road<sup>30</sup>.

3.20. Neither of the planners addressed whether the proposal would achieve a quality built environment or effects on local character and amenity at the hearing; however, these questions were traversed in the s42A report, Council’s Urban Design expert’s report<sup>31</sup>

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<sup>28</sup> Paragraph 40 of the Final Supplementary Evidence, referring to paragraphs 36 to 39

<sup>29</sup> S02/001, S05/001

<sup>30</sup> S05/001

<sup>31</sup> Section 42A Technical Report of Tim Williams on behalf of Manawatu District Council Urban Design 28 April 2023

and in the Requestor's Urban Design Report<sup>32</sup> and the Application<sup>33</sup> itself. None of the submitters who appeared at the hearing raised matters relating to local character and amenity.

3.21. In terms of the impact on adjacent lifestyle properties, Mr Batley stated his agreement with the Requestor's Urban Design report:

*In regard to the amenity effects on neighbours, the density provisions provide for larger lots on the permitter providing a suitable transition between the existing residential lots on the northern boundary, and the lifestyle sites to the south<sup>34</sup>.*

3.22. In terms of local character and amenity effects, Mr Batley's position was that:

*although the character and amenity these submitters currently experience will change the measures proposed and recommended through the re-zoning will adequately address and ensure the re-zoning integrates with these adjoining lifestyle properties<sup>35</sup>.*

3.23. Mr Williams recommended two refinements to the provisions to address concerns raised by submitters and achieve good urban design outcomes. These were to ensure:

- a. adequate provisions are in place to require the landscaping of and fencing controls to the boundary with the lifestyle lots on Florin Lane<sup>36</sup>; and
- b. the walkway is developed through the open space/reserve area<sup>37</sup>.

3.24. The two refinements were adopted by Mr Batley. Mr Batley also recommended an amended to Objective DEV-O1 as follows<sup>38</sup>:

DEV1 – O2

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

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

3.25. In turn, Ms Anstey adopted these three amendments.

3.26. With no expert evidence to the contrary, we accept the urban design experts and planners' opinions, and we find that these amended provisions appropriately reflects the local character and amenity effects raised by submitters and that a quality built

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<sup>32</sup> Rongotea South Urban Design Framework November 2022, The Property Group

<sup>33</sup> Section 7.9 of the Application

<sup>34</sup> Para 116 of Section 42A Report of Daniel Batley on behalf of Manawatu District Council Planning 28 April 2023

<sup>35</sup> Para 146 of Section 42A Report of Daniel Batley on behalf of Manawatu District Council Planning 28 April 2023

<sup>36</sup> DEV-S6 viii – Comprehensive Development Plan

<sup>37</sup> DEV-R2, DEV-S6

<sup>38</sup> Para 147 of Section 42A Report of Daniel Batley on behalf of Manawatu District Council Planning 28 April 2023

environment that addresses the transition with the lifestyle blocks will be achieved. We assess matters relating to the workability of the provisions later in this decision.

## **Issue 2: Servicing effects, including stormwater and flooding**

3.27. One submitter was concerned that the three waters infrastructure would not be able to cope<sup>39</sup>. Other submitters were concerned that there is already flooding during in this area during heavy rain periods, and with the site sitting higher than surrounding properties, runoff to those properties occurs<sup>40</sup>. They sought that there be a sufficient drainage system in place to ensure stormwater effects are prevented on adjoining properties. Alternatively, another submitter stated that the infrastructure is ready with the new community water scheme and the newly installed wastewater to Kawakawa Road.

3.28. The Regional Council submitted that:

- a. *The reserve concept for stormwater management should be encouraged. Consideration to putting an easement over the two additional overland flow paths should be given to ensure these flow paths are maintained.*
- b. *Stormwater treatment and attenuation pond within 100m proximity of identified natural inland wetlands. Regulation 54 of the National Environmental Standard for Freshwater (2020) determines that the diversion or discharge of water within, or within a 100m setback from, a natural wetland is a non-complying activity. The Requestor has not addressed how the requirements of the NES-FM 2020 will be met.*

3.29. As outlined earlier in this decision, we requested that expert conferencing occur between the Council's, Requestor's and Regional Council's stormwater experts, culminating in a joint witness statement<sup>41</sup>. The overall conclusion of the experts as paraphrased by Mr Batley was that *"a practical and feasible stormwater management solution is available for the application site subject to more detailed design through the subdivision process for future development"*<sup>42</sup>. In their own joint witness statement, Mr Batley and Ms Anstey acknowledged the engineers' expertise and agreed that no further changes to the plan change provisions are required as a result of the engineers' conclusions<sup>43</sup>.

3.30. The Application included a technical report addressing Three Waters Infrastructure<sup>44</sup>. In her technical report<sup>45</sup>, Ms Thompson for the Council concluded that:

- a. There will be sufficient capacity within the Rongotea wastewater network to account for the Proposed Plan Change area.

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<sup>39</sup> S01/001

<sup>40</sup> S03/001

<sup>41</sup> Joint Witness Statement – Stormwater Expert Conference 13 April 2023

<sup>42</sup> Para 131 of Section 42A Report of Daniel Batley on behalf of Manawatu District Council Planning 28 April 2023

<sup>43</sup> Joint Witness Statement – Planners Conference 27 April 2023

<sup>44</sup> Three Waters Assessment, GHD, 9 November 2022

<sup>45</sup> Section 42A Technical Report of Wendy Thompson on behalf of Manawatu District Council Three Waters Infrastructure 28 April 2023

- b. There is sufficient capacity within the Rongotea water supply network to account for the Proposed Plan Change area.
  - c. A feasible and practical stormwater solution is available to service the Proposed Plan Change area.
- 3.31. Mr Batley and Ms Anstey did not raise any outstanding matters regarding three waters. Mr Batley was of the view that *“the proposed provisions and planning framework for subdivision will adequately manage future development and ensure any potential stormwater effects are mitigated”*<sup>46</sup>.
- 3.32. With no expert evidence to the contrary, we accept the three waters’ experts and planners’ opinions, and we find that there are no three waters matters that would prevent the granting of the Plan Change. We address matters relating to the workability of the provisions later in this decision.

### **Issue 3: Transportation, including connectivity**

- 3.33. Submissions relating to transportation and connectivity raised:
- a. traffic congestion; and
  - b. including a new linking road to Witham Street to be more in keeping with the village structure
- 3.34. Waka Kotahi did not expect the proposal to adversely impact the safe operation of the surrounding state highway network or nearby freight connections. They supported a multi-modal approach to the development and sought the inclusion of a walkway on the structure plan. They sought that the wording of clause 3 of Objective DEV-O2 be amended to read:
- the recreational and multi-modal opportunities of the community are enhanced through the provision of public open space and pedestrian and cycle linkages, or similar. This was to recognise that cycling and walking have more than recreational benefits. Waka Kotahi did not appear at the hearing.*
- 3.35. In terms of traffic congestion, the Plan Change request was accompanied by an expert transportation report<sup>47</sup>, which was reviewed by Council’s independent traffic expert<sup>48</sup>. Both assessments concluded that there would be no adverse traffic effects, with the additional movements able to be accommodated within the wider roading network. Mr Batley advised that specific road designs and access arrangements would need to be submitted with any subdivision applications and assessed at that time<sup>49</sup>. We note Waka Kotahi did not raise any concerns about the impact on the state highway network.

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<sup>46</sup> Para 131 of Section 42A report of Daniel Batley on behalf of Manawatu District Council Planning 28 April 2023

<sup>47</sup> Rural to Residential Plan Change – Rongotea, prepared by East Cape Consulting Ltd, dated 14 July 2022

<sup>48</sup> Rongotea South Private Plan Change, Manawatu Review of Transportation Assessment, prepared by Tim Kelly Transportation Planning Ltd, Dated 2 September 2022

<sup>49</sup> Para 135 of Section 42A Report of Daniel Batley on behalf of Manawatu District Council Planning 28 April 2023

- 3.36. Mr Lockyer, who requested the new linking road from Trent Street to Witham Street, appeared at the hearing. From our site visit and observations, it was clear that this part of Witham Street is a paper road. Mr Lockyer confirmed he would like to have Witham Street formed as well.
- 3.37. For the Council, Mr Williams – a traffic engineer - addressed this in his technical report and was of the view that the proposed walkway would provide an appropriate level of connectivity and given the Open Space/Reserve area in this location, would be a better outcome for the road not to be extended or connected in this location<sup>50</sup>. In his s42A report, Mr Batley noted his agreement with Mr Williams, and also added that the existing drainage system would require extensive changes to accommodate a roading connection. This would impact on the proposed green space and walkway. Further, he confirmed with the Council that there are no immediate or future planned projects to form Witham Street<sup>51</sup>.
- 3.38. We acknowledge Mr Lockyer's relief. However, in the circumstances, we accept the Council's advice on this matter, in terms of both the impact on the structure plan layout and on the drainage network. We find that the benefits of providing a walkway access outweigh the provision of a road connection.
- 3.39. In her evidence, Ms Anstey identified that Mr Batley in his s42A had not addressed the request from Waka Kotahi regarding the wording of clause 3 of Objective DEV-O2.<sup>52</sup> She considered that the amendment is appropriate with regard to the overall objectives of the Plan Change and provides further clarification. She considered it met the relevant tests under s32AA. We accept her advice and find that it is an appropriate amendment.
- 3.40. Having received no expert evidence to the contrary, we find that there are no transportation matters that would prevent the granting of the Plan Change.

#### **Issue 4: Consistency with the National Policy Statement on Highly Productive Land**

- 3.41. By the end of the hearing there was no dispute between the Requestor and the Council that the Plan Change met the relevant tests under clause 3.6(4) of the NPS-HPL. No submitter had raised the NPS-HPL as a reason that the Plan Change should be refused. While there was no contention, given the central nature of the NPS-HPL to this Plan Change and Mr Batley's initial conclusions in his s42A report, we considered it necessary to traverse the relevant tests of the NPS-HPL. In doing so, we were greatly assisted by Ms Anstey and Ms Allen's statements of evidence and Mr Batley's final supplementary evidence.
- 3.42. We also consider it appropriate to record that at the hearing both Ms Davidson and Mr Jessen agreed that it was not necessary for the Panel to consider clause 3.5(7) of the

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<sup>50</sup> Para 27 of Technical Report of Tim Williams on behalf of Manawatu District Council Urban Design 28 April 2023

<sup>51</sup> Para 138 of Section 42A Report of Daniel Batley on behalf of Manawatu District Council Planning 28 April 2023

<sup>52</sup> Para 103 of Statement of evidence by Kim Sarah Anstey on Planning Matters on behalf of the applicant, dated 11 May 2023

NPS-HPL given that the tests under clause 3.6 are satisfied. Accordingly, we have not evaluated clause 3.5(7) and our evaluation centres on clause 3.6(4) of the NPS-HPL.

3.43. Sub-clause (4) of Clause 3.6 is relevant to Manawatu District Council as a Tier 3 territorial authority under the NPS-UD. This clause states:

*Territorial authorities that are not Tier 1 or 2 may allow urban rezoning of highly productive land only if:*

- (a) the urban zoning is required to provide sufficient development capacity to meet expected demand for housing or business land in the district; and*
- (b) there are no other reasonably practicable and feasible options for providing the required development capacity; and*
- (c) the environmental, social, cultural and economic benefits of rezoning outweigh the environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.*

3.44. As we set out above, we were greatly assisted by the legal submissions from the Requestor and Council as well as their respective planners' evidence. We were also assisted by Mr Hainsworth's evidence and response to questions at the hearing, particularly in respect to Clause 3.6(4)(c). He was able to confirm that the site has low productive capacity relative to other LUC Class 1 to 3 land because of its attributes, including a propensity for "droughtiness", waterlogging and leaching of soil and contaminants to waterways<sup>53</sup>. We accept his evidence.

3.45. We were assured through the evidence that the rezoning of the land met the tests in clause 3.6 (4) (a) to (c). Mr Batley's supplementary evidence provided a useful evaluation and summary of the evidence presented. We have not reproduced these in the decision and his evidence should be read in conjunction with this decision in this regard. In terms of Clause 3.6(4):

- a. Paragraphs 11 to 22 address clause (a). We accept Mr Batley's conclusion that the urban zoning is required to provide sufficient development capacity to meet the expected demand for housing in the district.
- b. Paragraphs 23 to 26 address clause (b). We accept Mr Batley's conclusion that there are no other reasonably practicable and feasible options for providing the required development capacity either within the District or Rongotea itself, that would meet the NPS-UD requirements along with the NPS-HPL.
- c. Paragraphs 27 to 32 address clause (c). We accept Mr Batley's conclusion that the loss of the highly productive land is outweighed by the benefits from the rezoning.

3.46. Mr Batley also addressed Clause 3.6(5), which states:

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<sup>53</sup> Statement of evidence by Mr. Sharn Bernard Hainsworth Soils dated 11 May 2023



*Territorial authorities must take measures to ensure that the spatial extent of any urban zone covering highly productive land is the minimum necessary to provide the required development capacity while achieving a well-functioning urban environment.*

3.47. We accept Mr Batley's conclusion in paragraph 35 that:

*Based on the evidence of Ms Anstey, and my assessment above, I accept the conclusion that "the proposed spatial extent of plan change area is considered the minimum necessary required to maintain village character while also ensuring that expected demand for rural/village living can be met" (paragraph 78 of Ms Anstey's evidence). I also consider, based on the assessment above and in the s 42A report, that PPPC1 will provide for and achieve a well-functioning urban environment.*

3.48. Overall, we concur with the Requestor and the Council that the Plan Change is able to navigate through the NPS-HPL such that the Council is not directed to refuse the rezoning.

#### **Issue 5: Consistency with other relevant policy documents, including Plan Change 3**

3.49. No submitters raised concerns with consistency with other relevant policy documents, and both planners were satisfied that that Plan Change was consistent with, or gave effect to, other relevant high level policy documents. With no contention, we accept their expert advice.

3.50. However, we consider it relevant to address Plan Change 3 (**PC3**) to the Horizon's One Plan. Horizons Regional Council publicly notified PC3 on 17 October 2022. PC3 sets out changes to the One Plan to meet the requirements of the NPS-UD.

3.51. As mentioned, the initial Plan Change request included an assessment against Horizon's One Plan objectives and policies but did not include an assessment against PC3. Therefore, the Panel sought an assessment from the Respondent in relation to PC3 against the proposed objectives and policies of this plan change.

3.52. The Respondent provided a full analysis of the following proposed objectives and policies of PC3 as notified:<sup>54</sup>

- *UFD-01: Strategic Planning and Urban Development*
- *UFD-02: Urban growth and rural residential subdivision on versatile soils*
- *UFD-03: Urban form and function*
- *UFD-04: Urban development and the Treaty of Waitangi (Te Tiriti o Waitangi)*
- *UFD-05: Urban development and climate change*
- *UFD-P1: Integration of infrastructure with land use*

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<sup>54</sup> Appendix C to the JWS, post hearing.

- *UFD-P2: Providing sufficient development capacity*
- *UFD-P3: Urban growth and rural residential subdivision on versatile soils*
- *UFD-P4: Urban intensification and expansion*
- *UFD-P6: Significant development capacity criteria*
- *UFD-P7: Hapū and iwi involvement in urban development*
- *UFD-P8: Urban development and climate change*

3.53. The Panel accepts and adopts the assessment provided which concludes that the plan change will give effect to the proposed objectives and policies of PC3<sup>55</sup>. Furthermore, the Panel also accepts the JWS overarching assessment that “*the Plan change is still in its early stages so minimal weight would need to be afforded to these provisions*”.<sup>56</sup>

3.54. Having found that, we now turn to the workability issues referenced earlier that we identified during the hearing.

#### **Issue 6: Matters Raised by the Panel**

3.55. As set out above in paragraph 3.8, the Panel raised some issues about the workability of the Plan Change provisions in achieving its objectives.

3.56. Although these matters were not raised by submitters, the Panel asked the Respondent to comment on several matters to ensure workability of the provisions of PPC1. As a result of these queries posed by the Panel, the Planners provided a JWS, post hearing to address our matters of concern.

3.57. As set out below, we agree overall, with the changes outlined in the JWS as being ‘sensible and logical’. Furthermore, we consider that the implications and effects of these changes have no effect other than on the Respondent themselves and therefore, there is scope to accept such changes, which we set out in greater detail below.

#### *Wetland and Rural zone/Structure Plan*

3.58. At the hearing, the Panel noted that the area covered by the Structure Plan is divided between two zones; namely the main 20ha block to the north which is has a Village zoning and the 10ha block to the south containing the wetland which is zoned Rural 2. The Panel queried whether the Rural Zone provisions are appropriate to deliver the outcomes embodied in the Rongotea South Structure Plan for the 10ha block/wetland. In addition, the Panel sought further assessment from the Respondent as to whether the provisions could be strengthened to provide for the application of the Rongotea South Structure Plan on Rural zoned land.

3.59. The Panel suggested that there may be three options that would potentially address this matters, namely:

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<sup>55</sup> Appendix C to the JWS, post hearing

<sup>56</sup> JWS, post hearing dated 8 June 2023, page 3.

- a. Exclude the wetland area from the Structure Plan
- b. Continue to include the wetland area in the Structure Plan but provide a new zoning.
- c. Retain the Structure Plan and zonings as notified but alter the Rural 2 Zone provision to ensure implementation of the Structure Plan over that area

3.60. In response to this request, the Requestor and Council's planners produced the aforementioned JWS. In that document, they discounted options a and b above and stated that the Rural zoning is the most appropriate zoning for the 10ha block but conceded that some amendments to the provisions are necessary to control land use and development on the area identified for 'wetland' purposes to ensure that the Rongotea South Development Area provisions are triggered for any activity that occurs on this site.<sup>57</sup>

3.61. To implement option c, the JWS provided a further tracked change version of Chapter 17 Rongotea South Development Area, which included:<sup>58</sup>

- a. Clarification text within the 'Introduction' section which outlined that Chapter 17 applied to both the underlying Village Zone and Rural Zone
- b. Included further clarification within the 'Introduction' text setting out that where a more restrictive activity status due to a rule elsewhere in the District Plan, the activity will still be assessed under this Chapter
- c. An additional Restricted Discretionary Activity Rule be inserted 'DEV-R2 - Any activity within the Rongotea South Development Area as shown in Appendix 17A which is zoned Rural that meets performance standards DEV S2 and S6.'
- d. Introduction of a planning map so that the area Chapter 17 applies to is clear.

3.62. In terms of the above, the Panel:

- a. did not consider there was scope to extend the spatial extent of either the Village Zone or the Structure Plan and therefore agrees with the discounting of options a and b; and
- b. accepts and adopts the proposed amendments, along with the s32AA analysis<sup>59</sup> for these additional changes as it will ensure that the outcomes for open space, improved biodiversity and pathways for recreation for the 10ha wetland lot will be better provided for.

3.63. Overall, we conclude that the changes also accord with NPS-UD in that standards can apply over multiple zones.

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<sup>57</sup> Joint Witness Statement – Planners Conference Post Hearing, dated 1 June 2023, para 3, page 2

<sup>58</sup> Appendix A to the JWS Dated 1 June 2023

<sup>59</sup> Appendix B – Section 32AA Report, to the JWS Dated 1 June 2023

*Stormwater Treatment as a pre-condition of consent*

- 3.64. During the hearing the Panel also sought clarification from the Council about the provisions aimed at ensuring that the Stormwater Treatment and Attenuation Pond is designed and consented prior to any subdivision being approved.
- 3.65. The JWS provided a response to this matter and included amendments to development standard **DEV1- S8 Stormwater Management Plan**<sup>60</sup> which included:
- a. Inserting a specific reference for hydrologic modelling for the Rongotea South Development Area; and
  - b. Inserting a condition assessment of the stormwater network specifically for the Rongotea South Development Area<sup>61</sup>
- 3.66. The Panel accepts and adopts the proposed changes and the s32AA evaluation that these changes are minor in nature and collectively provide for greater clarity in demonstrating that stormwater solutions need to be inclusive and cater for all development discharges within a single network.<sup>62</sup>

*Other Mechanical Matters*

- 3.67. The Panel had concerns regarding three mechanical matters of the proposed provisions, relating to:
- a. Ensuring that the development standards and matters of discretion are applied as intended;
  - b. There is consistent language with regard to Rongotea South Structure Plan; and
  - c. Ensuring there is no 'floating' activity status, particularly in relation to DEV-S6
- 3.68. We address each of these sub-issues below in turn.

Ensuring that the development standards and matters of discretion are applied as intended

- 3.69. Further changes were proposed in response to the Panel's request. These included amendments to the wording of Standard DEV1-S6, replacing the word 'demonstrate' with the word 'includes', along with other minor wording changes. The Panel accepts the proposed changes and s32AA assessment, that as a result of these wording changes there is no longer a requirement for a value judgement as to how well the

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<sup>60</sup> Joint Witness Statement – Planners Conference Post Hearing, dated 1 June 2023, para 4, page 2-3

<sup>61</sup> Appendix A, page 6-7 of the JWS Dated 1 June 2023

<sup>62</sup> Appendix B – Section 32AA Report, to the JWS Dated 8 June 2023

comprehensive development plan required under Standard DEV1-S6 delivers on the requirements listed.<sup>63</sup>

There is consistent language with regard to Rongotea South Structure Plan

3.70. To address this matter, the JWS proposed splitting Matter of Discretion MD011 into two, and introduced a new matter of discretion being 'MD012 General accordance with the Rongotea South Structure Plan' to ensure consistent and appropriate wording applies with respect to assessing a development against the Structure Plan as part of the resource consent process.<sup>64</sup> For the reasons set out in the JWS, we accept the efficacy and appropriateness of this alteration in achieving the objective of promoting development that accords with the Rongotea South Structure Plan.

Ensuring there is no 'floating' activity status, particularly in relation to DEV1-S6

3.71. The Panel were mindful to ensure that that Standard DEV1-S6 did not create a 'floating' activity status, whereby the activity status is not definitive if non-compliance of this standard was not met.

3.72. The JWS provided further amendments to the DEV-S6 and DEV-S7, which included simplifying the language of the standards to ensure a yes/no response as to whether the requirements of various plans have been included and therefore whether the standard has been met.<sup>65</sup>

3.73. We agree and accept the proposed changes and s32AA assessment that proposed amendments to standards DEV-S6 and DEV-S7 is written in a manner that clearly articulates whether a standard has been met or not and removes the issue of a floating activity status.<sup>66</sup>

**Summary**

3.74. Having assessed the above six issues and based on the information gleaned from the hearings process, through the evidence presented, and the subsequent redrafting of the provisions to address the workability concerns raised by the Panel, we conclude that the Plan Change provisions provide for a future consenting process that is robust and capable of resolving any foreseeable issues.

3.75. Moreover, we find that the proposal meets the thresholds outlined in the NPS-HPL to enable the site to be rezoned from a rural to a residential zoning.

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<sup>63</sup> Appendix B – Section 32AA Report, to the JWS Dated 8 June 2023, page 6

<sup>64</sup> Appendix B – Section 32AA Report, to the JWS Dated 8 June 2023

<sup>65</sup> Post hearing JWS Dated 8 June 2023, page 3

<sup>66</sup> Appendix B – Section 32AA Report, to the JWS Dated 8 June 2023

## 4. STATUTORY CONSIDERATIONS

### Context

- 4.1 Drawing on our consideration of the Plan Change material, the submissions, evidence presented and revised provisions, this final part of our report addresses the statutory requirements outlined at the start of Section 3 above.
- 4.2 We have adopted a thematic approach to presenting our findings using the relevant criteria from the Environment Court's *Colonial Vineyards* decision<sup>67</sup> as a 'road map.' In particular, we rely on the detailed reasoning in Section 3 and have added to it where appropriate in the context of each thematic question we outline in turn below.

### Evaluation

***Is the plan change designed to accord with, and assist the territorial authority to carry out its functions so as to achieve the purpose of the Act?***

- 4.3 The Plan Change involves the rezoning of the site from Rural 2 Zone to Village Zone, with the introduction of a Structure Plan and site-specific District Plan provisions for future development within the Structure Plan area to manage potential effects of such activities consistent with the outcomes sought by the District Plan.
- 4.4 As the Plan Change involves provisions dealing with subdivision, land use and development of land, we find that the Plan Change is designed to accord with and assist the Council to carry out its s31 functions.

***Does the plan change give effect to any national policy statement (NPS) or New Zealand Coastal Policy Statement (NZCPS)?***

- 4.5 The NZCPS is not relevant to the Plan Change. The National Planning Standards 2019 are relevant.
- 4.6 The following three NPSs are also relevant to the Plan Change:
- a. The National Policy Statement on Urban Development 2020 (NPS UD)
  - b. The National Policy Statement Highly Productive Land 2022 (NPS-HPL)
  - c. The National Policy Statement for Freshwater Management 2020 (NPS-FM)

### *National Planning Standards*

- 4.7 We find that the Plan Change has been drafted to be as consistent as possible with the National Planning Standards, in term of aligning with zone types, whilst still being

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<sup>67</sup>ENV-2012-CHC-108, [2014] NZEnvC 55

consistent with the existing structure of the Operative Manawatū District Plan to ensure usability. This represents a reasonable balance of keeping the new provisions recognisable in terms of the operative plan structure whilst referencing zones and terms that are used by the National Planning Standards.

*NPS-UD*

- 4.8 The Plan Change has been developed to provide land to meet housing demand to give effect to the NPS-UD. The Plan Change demonstrates that the rezoning will enable increased housing capacity which provides for identified growing household demand and growth projection data of the Council's Long Term Plan.<sup>68</sup>
- 4.9 The housing demand evidence presented by the Requestor states that the Long Term Plan 2021-23 highlights there could be demand for up to 640-658 houses in the Villages over the next ten years and that the supply of potentially 160 dwellings in Rongotea would contribute to meeting this short fall in capacity to meet both demand for homes outside Feilding in the shorter term and also provide a more affordable housing choice.<sup>69</sup>
- 4.10 Therefore, we find that the Plan Change accords with Policy 6: c) of the NPS-UD the benefits of urban development that are consistent with well-functioning urban environments.

*NPS-HPL*

- 4.11 This matter is covered under **Issue 4: Consistency with the National Policy Statement on Highly Productive Land**.
- 4.12 NPS-HPL seeks to protect highly productive land from inappropriate development. Highly productive land defaults to being any land with a land use capability class of 1-3 until such time as Regional Councils undertake an assessment to specifically classify such land within their regions.
- 4.13 As discussed in Issue 4 in Section 3 above, we find that clause 3.6(4) of the NPS-HPL is satisfied and there are no reasons under the NPS-HPL to refuse the rezoning request

*NPS-FM*

- 4.14 This matter, as it is relevant to a Plan Change to rezone land, is covered under **Issue 2: Servicing effects**.
- 4.15 We conclude that the Plan Change has provided for the requirements of freshwater management that have been adequately demonstrated through evidence.<sup>70</sup>

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<sup>68</sup> Statement of Evidence from Duncan and Susan-Jane Cheetham, dated 11 May 2023, page 5

<sup>69</sup> Statement of Evidence from Ruth Allen, dated 11 May 2023, page 10

<sup>70</sup> Appendix C: Rongotea Private Plan Change: Three Waters Assessment prepared by GHD Limited, Dates 9 November 2022

***Is the plan change consistent with any relevant plans and strategies or proposed plans and strategies?***

4.16 In relation to the above, the relevant plans and strategies are:

- a. Manawatū District Plan
- b. Manawatū District Housing Strategy
- c. Walking and Cycling Strategy 2020
- d. Horizon's One Plan
- e. Proposed Plan Change 3 to Horizon's One Plan

4.17 We accept that the Plan Change has been guided by the above plans and strategies throughout its development and drafting. We therefore consider the Plan Change has had sufficient regard to these documents.

4.18 In particular in our evaluation above under **Issue 5**, we confirm that the Plan Change is consistent with:

- a. The Manawatū District Plan
- b. the Horizon's One Plan (including the RPS); and
- c. Proposed Plan Change 3 of the Horizons One Plan, which in turn gives effect to the NPS-UD.

***What (if any) regard should be given to relevant management plans and strategies under other Acts, including any relevant entry in the Historic Places Register?***

4.19 The site to which the Plan Change relates is not identified in any RMA policy statement or plan as having any special historical or cultural significance, and we have not been presented with any evidence to the contrary.

4.20 We note that Rangitāne o Manawatū prepared a Cultural Values Report which was included AEE and no objections to the Plan Change were raised.

***To what extent does the plan change need to be consistent with the plans or proposed plans of adjacent territorial authorities?***

4.21 We are satisfied that the proposal has had sufficient regard to the extent to which it needs to be consistent with other plans of other territorial authorities and provides for an appropriate strategic fit.

***Are the provisions the most appropriate way to implement the "objectives," having regard to their efficiency and effectiveness, actual and potential environmental effects and reasonable alternatives?***

4.22 The key proposed objectives are:

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*“DEV1 – O1 Future housing needs are met through the integrated provision of infrastructure and development in accordance with the Rongotea Development Area Structure Plan”*

*“DEV1 – O2 Subdivision in the Rongotea South Development Area creates a sustainable neighbourhood....”*

- 4.23 As extensively set out under our evaluation of issues in Section 3 of this report, we have concluded that:
- a. These objectives are considered to be the most appropriate means to achieve the Act’s sustainable management purpose in respect of the management of the future development of the Plan Change area; and
  - b. The policies, rules and development standards are the most appropriate to meet the objectives of PPC1.
- 4.24 Overall, it is our conclusion that PPC1 is the most efficient and effective means to achieve the proposed objectives of the District Plan through the adoption of the revised provisions of the proposed Plan Change as set out in **Appendix 2**.

***Do the provisions have regard to the actual or potential effect of activities on the environment?***

- 4.25 This is an additional consideration which underpinned our evaluation under **Issues 1-3**, in **Section 3** above.
- 4.26 On the basis of our conclusions set out in **Section 1-3** above, we consider that the proposed Plan Change as amended through the hearing process in **Appendix 2**, in tandem with the other applicable rules in the Operative District Plan, will appropriately manage any actual and potential adverse effects of future development on the Plan Change site.
- 4.27 We consider the critical planning mechanism that gives the Panel assurances that the actual or potential effects of the Plan Change on the environment can be managed is through the revised Development Standards.

***Does the plan change have regard to any emissions reduction plan and any national adaptation plan made in accordance with the Climate Change Response Act 2002<sup>71</sup>***

- 4.28 We understand that the transitional provisions of Schedule 12 of the RMA<sup>72</sup>, in combination with the processing timeframes for this plan change, mean this newly instated consideration for plan changes does not need to be considered.

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<sup>71</sup> RMA s 74(2)(d) & (e); inserted by section 21 of the Resource Management Amendment Act 2020 (2020 No 30)

<sup>72</sup> 91 Schedule 12, Clause 26 RMA

*Does the plan change comply with other statutes?*

4.29 No other statutes are relevant in this case.

**Summary**

4.30 In summary, we conclude that when assessed against the relevant statutory framework and the individual elements produced under that framework, the Plan Change accords well in that:

- a. in terms of the proposed Objectives and Policies, the Plan Change will appropriately give effect to the RMA and the higher order documents and national direction (including the NPS-UD, NPS-HPL), as well as the RPS, created under that legislation;
- b. the proposed rules of the Plan Change as amended in **Appendix 2**, in tandem with the other applicable rules in the Operative District Plan, will appropriately manage any actual and potential adverse effects of future development within the Plan Change area; and
- c. the most efficient and effective means to achieve the proposed and settled objectives of the District Plan is through the adoption of the proposed Plan Change with modifications as set out in **Appendix 2**.

**5 OVERALL DECISION**

- 5.1 Based on our consideration of all the material before us, including the Section 42A report from the council advisors, submissions, further submissions, evidence and legal submissions presented at the hearing, and following consideration of the requirements of Section 32 and Section 32AA and other relevant statutory matters, we accept the Plan Change as amended in **Appendix 2** and we accept, accept in part or reject submissions on the Plan Change be accepted, to the extent set out above (and summarised in **Appendix 1**).
- 5.2 We recommend, pursuant to Clause 10 of the First Schedule of the Resource Management Act 1991, that the Council gives notice of its decision on submissions to the Plan Change.

**DATED AT WELLINGTON THIS 27<sup>th</sup> DAY OF JULY 2023**



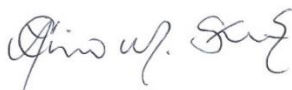
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G Sweetman  
Independent Commissioner  
(Chair)



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DJ McMahon  
Independent Commissioner



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Cr Alison Short  
MDC Councillor