

Before a Hearings Panel appointed by Manawatū District Council

In the matter of the Resource Management Act 1991 (RMA)

And

In the matter of a request by Te Kapiti Trust to change the Manawatū District Plan under clause 21 of Schedule 1 of the RMA (Private Plan Change 1)

Summary statement by Kim Anstey
Planning Matters on behalf of the Applicant

Dated 30 May 2023

Introduction

1. I have been engaged by Te Kapiti Trust (**Applicant**) to provide planning advice in relation to the request to change the Manawatu District Plan to enable residential rezoning of land at Rongotea, known as Private Plan Change 1 (**PC1**).
2. This is a summary of my evidence, which itself drew on the request for PC1 and the numerous technical reports supporting it. It provides an overview of the Statutory tests and a summary of my assessment against the relevant planning documents.

Statutory Tests

3. I consider that the Rongotea South Development Area chapter introduced by PC1 and the existing provisions provided by the underlying Village Zone are the most appropriate way to achieve the purpose of the RMA because:
 - (a) The extension of the Village Zone at Rongotea will provide opportunities for medium and large lot residential development in keeping with the existing Village character and close to shops, community and education facilities.
 - (b) The proposed Rongotea South Development Area provisions applying to the site ensure that future residential development:
 - (i) Is integrated with existing development that adjoins the site
 - (ii) Will be connected to the surrounding transport network for pedestrians, cycling and vehicles

- (iii) Protects the existing streams and wetland area and water quality overall.
- (iv) Provides new recreational opportunities for the community of Rongotea

Strategic Assessment

- 4. The strategic assessment steps through the relevant requirements of the NPS-HPL and provides a summary on how the PC1 give effect to the NPS-UD, the Horizons Regional Policy Statement and the Urban Growth objectives and policies for Villages in the Manawatū District Plan.

NPS-HPL

- 5. My assessment against the requirements of the NPS-HPL draws attention to the different requirements within the NPS-HPL for tier 1 and 2 local authorities compared with tier 3 authorities when ascertaining that the plan change is required to provide 'sufficient development capacity'.
- 6. The difference for tier 3 Councils being an assessment against 'expected demand' whereas for tier 1 and 2 Councils, the rezoning tests are more prescriptive, reflective of the detailed urban growth planning required for high growth areas under the NPS-UD.
- 7. I note in the evidence provided by Mr Mackay to support the s42A report that preparation for a district wide growth strategy for the Manawatū District is currently underway and the inclusion of the district's villages will be a key aspect of the strategy.
- 8. My evidence also highlights the more stringent tests required for rezoning and subdivision of land for 'lifestyle development' with developers having to meet tests under Clause 3.10. In comparison, there is a pathway for 'urban' rezoning when it is required to meet expected demand (Clause 3.6).

3.6 (4) (a) The urban zoning is required to provide sufficient development capacity to meet expected demand for housing or business land in the district

- 9. Here I rely on the evidence of Ruth Allen that demonstrates that the rezoning is required to provide sufficient development capacity to meet expected demand for housing in the district, essentially giving effect to 3.6(4)(a). In terms of 'expected demand' Ms Allen's evidence and that of Mr Mackay on behalf of Council illustrate that the demand for housing within the district is clearly divided between the urban

centre of Feilding, and the wider rural area that contains the Manawatū villages and their surrounding nodal areas for lifestyle development.

3.6 (4) (b) There are no other reasonably practicable and feasible options for providing the required development capacity.

10. I consider that options for providing development capacity need to be cognisant of the locations that will deliver on expected demand across the district. As just discussed, there is a clear evidential basis that the demand for dwellings is split relatively evenly between the urban centre of Feilding, and the wider rural area that contains the Manawatū villages and their surrounding nodal areas for lifestyle or village-type development.
11. As noted in the evidence of Ms Allen, there is expected to be sufficient development capacity to meet demand for housing within Feilding's urban areas. However, this capacity will not meet the expected demand for rural type living within the wider Manawatū District.
12. This has meant our consideration of other reasonably practicable and feasible options for urban growth began with possible growth options within the other villages. A spatial analysis of the district considered that the villages of Halcombe, Cheltenham and Kimbolton would not be appropriate because of their further distance from the employment hubs of Palmerston North, Feilding and Ōhakea. **Appendix B** provides a high-level constraints and opportunities analysis for growth and Rongotea and Sanson as well as other land parcels adjacent to Rongotea.
13. This options analysis supports the Council's view in their Draft District Plan that Rongotea is the most suitable of the villages for urban growth and the PC site is the most logical area for Rongotea Village to grow. This is further supported in the urban design evidence of Mr Williams for Council that states that the site is considered a logical area for the growth of Rongotea.¹
14. In summary, I am comfortable that there are no other reasonably practicable and feasible options for providing the required development capacity within the Manawatū District.

3.6 (4) (c) Do the benefits associated with the rezoning outweigh the costs associated with the loss of highly productive land?

¹ Appendix C S42A Report (page 5)

15. With regard to 3.6(4)(c) the updated s32 report now includes an assessment of whether the benefits outweigh the costs in respect of the loss productive land and considers the extent to which the objectives are the most appropriate way to achieve the purpose of the RMA with respect to the NPS-HPL which seeks to manage highly productive soils as finite resource.
16. The updated s32 report draws on information provided in the evidence of Sharn Hainsworth and Ruth Allen. It also draws on supporting information provided by local community groups and businesses that was obtained to ascertain a local perspective on the costs and benefits of the rezoning in relation the loss of this site considered productive land. I also note that difficulties and constraints on the productive capacity of the plan change site are discussed in the evidence of Duncan and Susan Cheetham.
17. In summary, the costs associated with the loss of HPL are not regarded as significant and in my opinion, it is clear that the benefits of the rezoning outweigh the costs associated with the loss of productive land.

3.6 (5) 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.

18. As demonstrated, the most reasonably practicable and feasible option for providing development capacity to meet expected demand for rural living in the Manawatū district is at Rongotea. To also be able to deliver on the objectives for the Village Zone in the Manawatū District Plan, the village character of the existing environment needs to be preserved. With that in mind, 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.
19. In my view, cl 3.6(5) is intended to avoid zoning more land than is needed to meet the established demand. In this case, Ms Allen's report identifies demand for up to 640 - 658 houses over the 10 year period. Given PC1 will provide only 140 - 160, there can be no suggestion that more land is being rezoned than is necessary.

NPS-UD

20. Where tier 1 and 2 authorities are directed to take certain steps, tier 3 authorities are “*strongly encouraged*” to do so, “*adopting whatever modifications to the [NPS-UD] are necessary or helpful to enable them to do so*”.
21. As Rongotea is not strictly an “urban environment” in that it is intended to have more of a ‘village’ character than an urban one (see cl 1.4(1) definitions). However, as the zone proposed to be applied is classified as an ‘urban’ zoning, and because it contributes to meeting housing demand within the District as a whole, I consider the NPS-UD is relevant.
22. I consider PC1 gives effect to the NPS-UD insofar as it is relevant because:
 - (a) As an extension to Rongotea, it enables the area to perform as a well-functioning urban environment, in that it:
 - (i) enables homes that meet the needs of different households, particularly in contrast to what might otherwise be available in Feilding;
 - (ii) To the extent possible, it enables Māori to express their cultural traditions and norms through influence on the development design where appropriate;
 - (iii) Has good accessibility, particularly to community services such as schools, natural and open spaces, and is potentially to be serviced by public transport;
 - (iv) Is located in an area that will be resilient to the effects of climate change.
 - (b) It will make a substantial contribution to meeting expected demand for housing in a rural or village area, within the Manawatu District over the next 10 years.
23. There is nothing about PC1 that I consider to be inconsistent with the NPS-UD, or that would result in the District Plan failing to give effect to the NPS-UD. In my view declining the plan change would risk the Plan failing to meet some of the directives considered above. While the Council is continuing to work on meeting its obligations under the NPS-UD, in my view it is relevant that granting the plan change will better serve the obligations under the NPS-UD than declining it.

Horizons One Plan Regional Policy Statement

24. A comprehensive assessment against the relevant sections of the RPS is undertaken in Appendix J of the plan change application. In my opinion, PC1 gives effect to the

relevant provisions of the RPS and this is also confirmed by the S42A Report which concludes that PC1 provides for:

- (a) Urban development in an area that is not particularly susceptible to natural hazards (Obj 9-1)
 - (b) Maintenance of the flood control values that apply to the drainage channels within the site (Obj 5.1)
 - (c) The integration of infrastructure provision with land use (Obj 3-3)
 - (d) The life supporting capacity of Class 1 and Class 2 are not compromised by the effects of subdivision and development (Obj 3-4)
 - (e) Respect for kaitiakitanga and the relationship of iwi and hapū with their ancestral lands (Obj 2-1)
25. Since lodgement of PC1, Horizon's Regional Council has notified Proposed Plan Change 3 (**RPS PC3**) to give effect to the NPS-UD (October 2022). A territorial authority must have regard to any proposed regional policy statement².
26. Despite a focus on urban environments within the objectives, the following objective is considered relevant:

UFD-O1: Strategic planning and urban development

Strategic planning for urban development ensures that:

- (a) sufficient development capacity and land supply for housing and business uses is provided to support growth,
 - (b) new development, development infrastructure and additional infrastructure are provided in a coordinated, integrated and efficient manner,
 - (c) the diverse and changing needs of people, communities, and future generations are provided for through quality, sustainable urban form, and
 - (d) competitive land and development markets are supported in ways which improve housing affordability.
27. I consider that PC1 is entirely consistent with this objective, mainly for the reasons discussed above in relation to the NPS-UD.
28. With regard to (c) in providing for the diverse needs of the community, I consider providing housing options in a village setting, rather than an urban one such as in Feilding, is consistent with this objective.

² Section 74(2)(a)(i) RMA

29. With regard to (d), which requires that urban development supports competitive land development markets to improve housing affordability, I note that PC1 introduces land supply in a single landholding. This lends itself to housing providers who are better positioned to deliver cost effective housing at scale.

The Manawatū District Plan

30. I consider that PC1 (with the modifications to the provisions as recommended) is consistent with, and gives effect to, the objectives and policies of the operative Manawatū District Plan as well as the objectives and policies proposed by PC1, because:
- (a) PC1 delivers on the urban growth objective for village zones which requires servicing to be addressed at the developers expense for growth areas around existing townships (Objective Urban Growth S8 a. iv)
 - (b) Consideration has been given to the degree to which infill development is available in existing residential or village zones (S8 a. v).
 - (c) The site is well placed between the existing village zone and lifestyle development to minimise reserve sensitivity issues from incompatible surrounding land uses (Objective Urban Growth S8 a. ix).
 - (d) The PC1 site is not considered versatile land under the Manawatū District Plan and will not fragment the ownership of such land (Subdivision Obj S1).
 - (e) The general objectives for land use in the District Plan reflect the purpose and principles of the RMA. PC1 has been prepared in accordance with the RMA.

Conclusion

31. After carefully considering the relevant statutory documents, the submissions and further submissions received and assessment undertaken in the S42A Report, it is my view that PC1 should be approved with the minor modifications to the provisions as recommended by the s42A report, and as recommended in my evidence.
32. Overall, I consider that the approach taken in PC1 to zone the land Village Zone including the application of Rongotea South Development Area and Structure Plan, is the most appropriate way to achieve the purpose of the RMA, and that the proposed provisions (in this case the zoning, and specific Development Area

objectives, policies and rules, with appropriate amendments) are the most appropriate way to achieve the Plan Change objectives, and other higher order objectives in the Manawatū District Plan and the Horizon's One Plan.

Kim Anstey

30 May 2023