

**New Plymouth District Council
Proposed New Plymouth District Plan**

Recommendations of the Independent Hearings Panel

Recommendation Report 3

**Hearing 1 and Hearing 23(b) (in part)
Strategic Direction**

13 May 2023

This report should be read in conjunction with **Report 1** and **Recommendation Reports 2 and 38**.

Report 1 contains an explanation of how the recommendations in all subsequent reports have been developed and presented, along with a glossary of terms used throughout the reports and a record of all Panel Minutes. It does not contain any recommendations *per se*.

Recommendation Report 2 contains the Panel's recommendations on Part 1: Introduction and General Provisions of the Proposed Plan. Part 1 provides relevant context, background, structure, definitions, and general provisions applying to the Proposed Plan as a whole and its interpretation and application.

Recommendation Report 38 contains the Panel's recommendations regarding mapping and plan integration matters, including consequential amendments.

This Recommendation Report contains the following appendices:

Appendix 1: Schedule of attendances

Appendix 2: Summary table of recommendations on each submission point

Appendix 3: Recommended amendments to the Proposed Plan - Tracked from notified version (provisions not consequentially renumbered)

Appendix 4: Recommended amendments to the Proposed Plan provision wording - Accepted (provisions renumbered as will appear in the Decisions Version of the EPlan)

The Independent Hearings Panel for the purposes of **Hearing 1** and **Hearing 23(b)** comprised Commissioner Stephen Daysh (Chair), Commissioner Antoine Coffin, Commissioner Kitt Littlejohn and Commissioner David McMahon.

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Recommendation Report 3

Strategic Direction

1 Introduction

Report outline and approach

- 1.1 This is Report 3 of 38 Recommendation Reports prepared by the Independent Hearings Panel appointed to hear and make recommendations on submissions to the Proposed New Plymouth District Plan (PNPDP).
- 1.2 This report considers the provisions and records our recommendations on the submissions relating to the PNPDP's Strategic Objectives. Where PNPDP objectives are otherwise specific to the topic concerned we have dealt with the submissions to them in the relevant topic-based hearing report. The relevant provisions are as follows:

Strategic Direction Chapters	PNPDP provisions
HC - Historical and Cultural	Objectives HC-1 to HC-3
NE - Natural Environment	Objectives NE-4 to NE-7
TW - Tangata Whenua	Objectives TW-8 to TW-12
UFD - Urban Form and Development	Objectives UFD-13 to UFD-22
IE – Infrastructure and Energy (NEW)	Objectives IE-1 to IE-2
RE – Rural Environment (NEW)	Objective RE-1 to RE-2

- 1.3 We have structured our discussion on this topic as follows:
- Section 2** summarises key contextual matters, including relevant provisions and key issues/themes in submissions, and regulatory updates;
 - Sections 3 - 26** contains our evaluation of key issues and recommended amendments to provisions; and
 - Section 27** contains our conclusions.
- 1.4 This Recommendation Report contains the following appendices:
- Appendix 1: Schedule of attendances** at the hearing on this topic. We refer to the parties concerned and the evidence they presented throughout this Recommendation Report, where relevant.
 - Appendix 2: Summary table of recommendations on each submission point.** For each submission point and further submission point we provide a recommendation as to whether it should be accepted or rejected.
 - Appendix 3: Recommended amendments to the Proposed Plan – Tracked from notified version.** This sets out the final amendments we recommend be made to the Proposed Plan provisions relating to this topic. The amendments show the specific wording of the amendments we have

recommended and are shown in a 'tracked change' format showing changes from the notified version of the Proposed Plan for ease of reference.

Where whole provisions have been deleted or added, we have not shown any consequential renumbering, as this method maintains the integrity of how the submitters and s42A Report authors have referred to specific provisions, and our analysis of these in the Recommendation Reports. New whole provisions are prefaced with the term 'new' and deleted provisions are shown as struck out, with no subsequential renumbering in either case. The colour coding used for the different rule status has not been changed. In this version where a list is included within a particular whole provision, and items have been added or deleted from a list the numbering does, however, run as sequential.

- b) **Appendix 4: Recommended amendments to the Proposed Plan provision wording - Accepted.** This accepts all the changes we have recommended to the provision wording from the notified version of the Proposed Plan as shown in Appendix 3 and includes consequential renumbering of provisions to take account of those provisions that have been deleted and new provisions we have recommended. Appendix 4 does not include updates to the mapping layer, which can be found in the Decisions Version of the EPlan.

1.5 The requirements in clause 10 of the First Schedule of the Act and section 32AA are relevant to our considerations of the submissions to the PNPD provisions. These are outlined in full in Report 1. In summary, these provisions require among other things:

- a) our evaluation to be focussed on changes to the proposed provisions arising since the notification of the PNPD and its s32 reports;
- b) the provisions to be examined as to whether they are the most appropriate way to achieve the objectives;
- c) as part of that examination, that:
 - i) reasonable alternatives within the scope afforded by submissions on the provisions and corresponding evidence are considered;
 - ii) the efficiency and effectiveness of the provisions is assessed;
 - iii) the reasons for our recommendations are summarised; and
 - iv) our report contains a level of detail commensurate with the scale and significance of the changes recommended.

1.6 We have not produced a separate evaluation report under s32AA. Where we have adopted the recommendations of Council's s42A authors, we have adopted their reasoning, unless expressly stated otherwise. This includes the s32AA assessments attached to the relevant s42A Reports and/or Right of Reply Reports. Those reports are part of the public record and are available on the Council website. Where our recommendation differs from the s42A authors' recommendations, we have incorporated our s32AA evaluation into the body of our report as part of our reasons for recommended amendments, as opposed to including this in a separate table or appendix.

- 1.7 A fuller discussion of our approach in this respect is set out in paragraphs 4.12 to 4.21 of Report 1.

2 Summary of provisions and key issues

Outline of matters addressed in this section

- 2.1 In this section we provide relevant context around which our evaluation is based, including:
- a) summary of relevant provisions;
 - b) themes raised in submissions;
 - c) identification of key issues for our subsequent evaluation; and
 - d) summary of key legislative changes since notification of the PNPDP.

Relevant provisions

- 2.2 As indicated in paragraph 1.2 of this Recommendation Report, the relevant provisions we address relate to the Strategic Direction chapters.
- 2.3 Each Strategic Direction Chapter contains high level objectives to address key strategic matters for the district and guide decision-making. The intention is all other objectives and policies in the District Plan are to be read and achieved in a manner consistent with the strategic objectives.
- 2.4 Strategic Objectives HC1 to HC-3 (the "SD-HC Chapter") ensure that the contribution of natural and cultural heritage is recognised, protected and provided for. The PNPDP seeks to protect historic heritage through the identification and protection of heritage buildings, items, areas and archaeological sites. Historic and cultural features are key components of the environment that contribute to the community's sense of place and identity. Providing for the protection of historic and cultural values is a matter of national importance in section 6(e) and (f) of the RMA and another matter to have regard to under section 7(a), (c), (f) and (g).¹
- 2.5 Strategic Objectives NE4 to NE7 (the "SD-NE Chapter") address the key natural environmental values that the PNPDP is seeking to address. Providing for the protection and the integrated management of the natural environment is a strategic issue for the district, with natural values a key feature in both the rural and urban landscapes. The PNPDP identifies and protects natural values, and identifies and manages natural hazards. Hazards and features in the natural environment are managed through the District-wide Matters in the Natural Hazards, Natural Environmental Values and Coastal Environment chapters.²

¹ s42A Report – Strategic Direction – Historic and Cultural, Joanne Ritchie, undated, paras 16 and 17

² s42A Report – Strategic Direction – Natural Environment, Rachelle Lee MacBeth, undated, para 17

- 2.6 Strategic Objectives TW-8 to TW-12 (the “SD-TW Chapter”) address the matters that are identified as important to tangata whenua. They also implement the Kaupapa Māori Framework³ of Rangatiratanga, Kaitiakitanga, Ūkaipōtanga, and Kotahitanga that have been developed by Ngā Kaitiaki to support greater consistency and transparency of hapū and iwi perspectives across resource management issues generally, and which are applied throughout the PNPDP to guide the development of provisions. The PNPDP identifies and protects sites of significance to Māori and enables development on Māori land through zone provisions and more specifically in the Māori Purpose Zone.⁴
- 2.7 Strategic Objectives UFD-13 to UFD-22 (the “SD-UFD Chapter”) address the key issues which relate to built form and the predominantly urban environment and the activities that will occur within them. The SD-UFD Chapter broadly provides for future development of residential, business and industrial land and promotes an integrated, well-functioning and well-planned urban form.⁵
- 2.8 Strategic Objectives IE-1 and IE-2 (the “SD-IE Chapter”) are new objectives recommended in our Minute 9 Interim Guidance and were inserted based on a range of evidence we heard. They address district-wide matters relating to infrastructure and energy. This is a new chapter recommended by the Panel.
- 2.9 Strategic Objectives RE-1 and RE-2 (the “SD-RE Chapter”) are amended and renumbered from proposed objectives UFD-23 and UFD-24 as recommended in our Minute 9 Interim Guidance based on a range of evidence we heard. They ensure that the extensive rural environment of the district is protected and the benefits of rural activities are recognised. This is a new chapter recommended by the Panel.

Submissions

- 2.10 As detailed in the SD-HC s42A Report, a total of 44 original submissions and 71 further submissions were received on the SD-HC provisions. The s42A Report records that many submissions and further submissions covered more than one submission point.
- 2.11 As detailed in the SD-NE s42A Report, a total of 16 original submissions covering 50 submission points and nine further submissions covering 70 further submissions points were received on the SD-NE provisions.
- 2.12 As detailed in the SD-TW s42A Report, a total of 72 original submissions and 62 further submissions were received on the SD-TW provisions. The s42A Report records that many submissions and further submissions covered more than one submission point.
- 2.13 As detailed in the SD-UFD s42A Report, a total of 44 original submissions covering 145 submission points and 19 further submissions covering 112 further submissions points were received on the SD-UFD provisions.

³ s32 Report – Overview and Strategic Objectives, NPDC, undated, Section 5.3

⁴ s42A Report – Strategic Direction – Tangata Whenua, Joanne Ritchie, undated, paras 16 and 17

⁵ s42A Report – Strategic Direction – Urban Form and Development, Sarah Edwards, Louise Wai, Lauren O’Byrne, and Campbell Robinson, undated, para 34

Interim Guidance

- 2.14 In our Minute 9, we provided our interim view on submissions to the Strategic Objectives. As recorded in that Minute, the interim guidance was provided after considering the submissions and evidence presented to us during Hearings 1 and 2, on the understanding that submitters on these hearings would be assisted.
- 2.15 At the beginning of subsequent hearings where relevant, we requested counsel, experts and the s42A Reporting Officers to reflect on our Minute 9 interim guidance and inform us if they considered any amendments to them were required to better reflect matters in issue for the district.
- 2.16 We specifically requested the Strategic Objectives be re-tested by the Reporting Officers in Hearing 23(b) which provided an opportunity for submitters to bring forward any remaining legal submissions or evidence regarding the Strategic Objectives at that time.

Key issues

- 2.17 We have organised the key issues to emerge from the submissions seeking amendments to the provisions, or inclusion of new provisions, into the following categories that are consistent with the way the s42A Reporting Officers organised their reports:
- a) Reflect Strategic Direction through the rest of the PNPD.
 - b) Climate change.

Strategic Direction – Historic and Cultural Chapter

- c) Increase the number of scheduled heritage buildings and items.
- d) Use of the term “protected” in HC-1 and HC-2.
- e) Correct, clarify and strengthen HC-1, HC-2 and HC-3.

Strategic Direction – Natural Environment Chapter

- f) Strengthen protection of the natural environment.
- g) Improve alignment with Part 2 of the RMA.
- h) Contribution of the natural environment to social and cultural well-being.
- i) Integrated management.

Strategic Direction – Tangata Whenua Chapter

- j) Strengthen, clarify and make TW-8, TW-9 and TW-10 more specific.
- k) Provide for the use and development of Treaty settlement land and Māori land.

- l) Reduce duplication of objectives across different Strategic Direction chapters.

Strategic Direction – Urban Form and Development Chapter

- m) Maintaining compact urban form through the timing and location of residential development capacity.
 - n) Housing “bottom lines”.
 - o) Amend the Centres hierarchy in the PNPDP.
 - p) Zoning of specific areas affecting Centres hierarchy.
 - q) The supply and location of industrial land.
 - r) The supply and location of business land.
 - s) Greater strategic recognition for specific activities – energy activities, infrastructure, intensive indoor primary production and social infrastructure.
 - t) Limiting subdivision and development of the Rural Production and Rural Lifestyle zones.
 - u) Protection of and use of the term “productive, versatile land” in the PNPDP.
 - v) Strengthen/clarify/specify some strategic objectives to reflect tangata whenua values.
 - w) Correct wording in relation to mātauranga Māori.
 - x) Other recommended amendments.
- 2.18 Some of these matters feature more prominently than others in our evaluation below, but we record that all submissions on the provisions relating to the Strategic Direction chapters have been taken into account in our deliberations. In general, submissions in support of the PNPDP have not been discussed but are accepted or accepted in part. More detailed descriptions of the submissions and key issues can be found in the relevant s42A Reports and written Right of Replies, which are available on the Council’s website. As stated above, our decision on each submission point is set out in Appendix 2.

New National Policy Statements

- 2.19 Of relevance to the Strategic Direction chapters is the introduction of the National Policy Statement for Freshwater Management 2020 (NPS-FM) 2020, the National Policy Statement on Urban Development 2020 (NPS-UD) and, most recently, the National Policy Statement on Highly Productive Land 2022 (NPS-HPL).
- 2.20 The PNPDP was notified on 23 September 2019 and the initial submission period closed on 22 November 2019.

- 2.21 The NPS-FM came into effect on 3 September 2020, the NPS-UD came into effect on 20 August 2020 and the NPS-HPL came into effect on 18 October 2022. As such, all three NPSs came into effect after the PNPDP was notified and the initial submission period had closed. Consequently, no original submissions specifically requested that the PNPDP align with these national policy statements.
- 2.22 The further submissions period on the PNPDP ran from 12 August 2020 to 25 August 2020, and although several further submissions were received seeking that the PNPDP align with the intent of the NPS-FM in particular (which had been promulgated by then), those relief requests are not valid due to the limitation in clause 8 of the First Schedule that further submissions can only be made in support of or in opposition to an original submission.
- 2.23 We received helpful advice and legal submissions concerning the extent to which we were obliged to give effect to the NPS-FM and NPS-UD under s75(3)(a) of the RMA in circumstances when the relevant statements (and the statutory obligation) only came into existence after the PNPDP was notified and submissions received.⁶ The position has also more recently been clarified by the Environment Court.⁷
- 2.24 In short, despite the overriding duty to ensure that the PNPDP gives effect to the relevant provisions of NPSs generally, our scope to amend the PNPDP to achieve their desired outcomes is limited by the extent to which we have scope to do so by way of relief fairly and reasonably raised in submissions on the PNPDP. Where submissions do not provide sufficient scope and given there is no mandatory direction in the NPS or accompanying legislation to amend the relevant planning document without using the RMA First Schedule process, then the s75(3)(a) obligation will need to be met by the Council promoting a plan change in due course.
- 2.25 Undoubtedly both the NPS-UD and NPS-FM contain provisions that are relevant to the content of the PNPDP and this was confirmed through the evidence we heard. We record that based on the well-considered structure and content of the PNPDP when notified, and the depth of the relief sought in submissions, we consider that the within-scope changes we recommend to the PNPDP, and the Strategic Directions chapters in particular, will ensure that the PNPDP generally gives effect to the objective and policy outcomes sought in these two NPSs. We summarise those broad outcomes below.
- 2.26 The NPS-HPL raises applicability and implementation issues for us. With respect to applicability, we have had no direct evidence that the rural land in the District is “highly productive” as that term is defined in the NPS-HPL. We have, however, seen some power point slides showing land class types as part of some power point slides the s42A report writer presented to us in Hearing 17(b). For this reason, we have taken the cautious approach of assuming that the provisions of the NPS-HPL are relevant to all Rural Production zoned land in the District. Accordingly, by way of overview, we also summarise the key outcomes sought by the NPS-HPL below, which we have also endeavoured to give effect to, where scope has allowed that.
- 2.27 In terms of the implementation issue, unlike the NPS-FM and NPS-UD, the NPS-HPL includes directive provisions that require the avoidance of activities that would be

⁶ Refer to legal submissions on behalf of NPDC, dated 30 July 2021 and s42A Report – Strategic Direction – Urban Form and Development, Sarah Edwards, et. al., undated, paras 58-74

⁷ Federated Farmers of New Zealand v Northland Regional Council [2022] NZEnvC 16, at [31]

inconsistent with the intent of the NPS. In particular, these provisions require the rezoning of highly productive land to be avoided pending the required regional mapping exercise being completed (see Policy 6). The NPS includes complex defined terms that are intended to operate to identify highly productive land to which this avoidance direction applies, and to which it does not apply (see clause 3.5(7)). These provisions are highly relevant to the PNPDPs proposed rezoning of rural land for urban or other purposes, and to submissions on the PNPDP seeking that land notified as Rural Production be rezoned for urban purposes. If these rezoning proposals offend Policy 6 of the NPS-HPL, because they are non-exempted rezonings of rural land, then there is a strong avoidance policy direction that we must give effect to.

- 2.28 As this issue relates directly to the PNPDP's proposals to zone rural land for urban activities, and to submissions to zone Rural Production land to urban activities, we have determined that the most appropriate place to discuss and make findings about it is in the recommendation report relating to the Rural Production Zone (Recommendation Report 26a).
- 2.29 The NPS-HPL came into effect on 17 October 2022, some 36 working days after the close of the PNPDP hearings. While the Panel was aware of the draft of this document throughout the hearing process, we could not (and did not) take this draft into account during the hearings process. The specific situation for the Panel is that, unlike the NPS-FM and NPS-UD, we had no opportunity to ask questions and have input from submitters on this matter through either counsel or expert planning advice. We have sought legal advice on how the Panel should deal with the arrival of the NPS-HPL post completion of the PNPDP hearings, and issued Minute 36 on 4 November, attaching a Memorandum of Counsel for NPDC. The NPDC Memorandum of Counsel addressed two specific issues⁸ that we sought advice on, being:
- a) whether land that is zoned rural environment under the Operative District Plan, which was proposed to be zoned urban, rural lifestyle or future urban in the notified PDP, is subject to the NPS-HPL; and
 - b) whether land proposed to be zoned as rural production in the notified PNPDP that is subject to a submission which seeks to change the land's zoning to urban or rural lifestyle, is subject to the NPS-HPL.
- 2.30 The conclusions of this advice were that "in relation to Issue 1, it was submitted the NPS-HPL does not apply to land identified as urban, Rural Lifestyle or Future Urban Zone by the Council in the notified PDP" and "In relation to Issue 2 it is submitted the NPS-HPL lacks clarity and is open to interpretation".⁹ For Issue 2 Ms Wallace and Ms Eaton put forward two interpretations associated with the intent of the exclusion outlined in clause 3.5((7)(b)(ii) of the NPS-HPL.
- a) first, that the clause 3.5(7)(b)(ii) exclusion does not include Urban Rezoning Request Land as the relevant submissions are not a Council initiated or adopted, notified plan change to rezone the land (in accordance with Schedule 1, clause 25 of the RMA) (Interpretation 1); and

⁸ Memorandum of Counsel for NPDC, Lauren Wallace and Rebecca Eaton, 3 November 2022, para 1.3

⁹ Memorandum of Counsel for NPDC, Lauren Wallace and Rebecca Eaton, 3 November 2022, paras 5.1 and 5.2

- b) in the alternative, that the clause 3.5(7)(b)(ii) exclusion does include Urban Rezoning Request Land, on the basis that the land is subject to a Council notified plan change (being the PDP, a full District Plan Review) (Interpretation 2).
- 2.31 After considering the interpretation and natural justice principles, on balance Ms Wallace and Ms Eaton, favour Interpretation 1, noting this intent appears to reflect some non-binding MFE guidance.¹⁰
- 2.32 The Panel received responses from nine submitters regarding Minute 36.¹¹ This included legal, planning and lay submitter inputs. All of the representations made by these submitters support generally support Interpretation 2, apart from Transpower who provided a letter saying they did not have a particular view. After assessing all of the information provided to us, we also favour Interpretation 2 and therefore we have not taken account of the NPS-HPL in forming any of our recommendations on the PNPD to the Council.
- 2.33 The key reasons for this position of the Panel relates to the legal principles relating to retrospectivity, fairness and natural justice, and the consequences of such in terms of the two Interpretations. Our position on this is well captured in the identical submissions of Mr Scott Grieve made on behalf of Johnson Family/Johnston Partnership, Kevin Newsome, Settlers Bush Development Trust Limited, GD Trowbridge, and AT Bayly & Doyle Trustee Services Limited.¹² For completeness and easy reference we have included these paragraphs below:

“If the IHP was to decide that Interpretation 2 is the correct interpretation, in light of the rule against retrospectivity and the significant impacts on the “existing, vested or accrued rights” of submitters (which, it is respectfully submitted, it should as a matter of simple fairness), then it must set the NPS-HPL aside (as it would not apply pursuant to clause 3.5(7)).

If the IHP was to decide that Interpretation 1 is the correct interpretation (which, it is respectfully submitted, it should not), then – as a matter of simple fairness – it would be essential for the IHP to reconvene the hearings – and receive evidence and submissions from any submitter who wished to address the IHP in respect of the tests in clauses 3.6(1)(a), (b), and (c) (in the case of rezoning to urban), or in Clause 3.10(1) (in the case of rezoning to rural lifestyle).

Otherwise, the IHP will have had no evidence and submissions on those essential tests put before it – and would have to make findings by inference – with potentially significant impacts on those submitters. The wider principles of natural justice, as identified in the Council’s legal opinion at [4.7.1], [4.7.2], [4.7.4], and [4.7.5], require this.

¹⁰ Ibid paras 5.3 and 5.4

¹¹ Johnson Family / Johnston Partnership (182.10 and 440.1), Kevin Newsome (342), Settlers Bush Development Trust Limited (308), GD Trowbridge, AT Bayly & Doyle Trustee Services Limited (281.1), Oākura Farm Park Limited (494), Transpower (565), Todd Generation Limited (521), Todd Energy Limited (511), and Tracey and Chad Zehnder (31)

¹² See Memorandum of Counsel on behalf of Johnson Family / Johnson Partnership, Scott Grieve, 18 November 2022, paras 38-41

Particularly, it is respectfully submitted, given that submitters (such as my client) made submissions in 2019 – and many subsequently engaged expert professional and/or legal advice to assist with the PDP process – including further submissions (if any) and moreover, evidence, submissions and appearances at hearings.”

National Policy Statement for Freshwater Management 2020

2.34 The NPS-FM has one overarching objective which is:

“(1) The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:
(a) first, the health and well-being of water bodies and freshwater ecosystems
(b) second, the health needs of people (such as drinking water)
(c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.”

2.35 While the majority of requirements of the NPS-FM 2020 sit with Regional Councils, section 3.5(4) states:

“Every territorial authority must include objectives, policies, and methods in its district plan to promote positive effects, and avoid, remedy, or mitigate adverse effects (including cumulative effects), of urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments”.

2.36 The NPS-FM 2020 also contains: “Policy 4: Freshwater is managed as part of New Zealand’s integrated response to climate change”.

2.37 National guidance around *Te Mana o te Wai* and climate change insofar as it is relevant to the functions of the District Council has been considered by the Panel during our deliberations.

2.38 We consider that our recommended changes, particularly the introduction of NE-NEW1, are within scope of submissions and improve alignment with the NPS-FM.¹³

National Policy Statement on Urban Development 2020

2.39 The NPS-UD replaced the National Policy Statement on Urban Development Capacity 2016 (NPS-UDC). It defines and promotes “well-functioning environments” which form the core of several objectives and policies. Key changes in the NPS-UD which are relevant to the PDP include:

- a) the requirement for planning decisions to broadly contribute to well-functioning urban environments;
- b) new policies which make specific references to amenity values, climate change, housing affordability and the Treaty of Waitangi (te Tiriti o Waitangi);

¹³ TKOTAT (459.182), Pukerangiora Hapū (515.3), Ngāti Mutunga (520.70), Ngāti Maru (533.105) and Te Kāhui (534.95)

- c) that plans are encouraged to have intensification policies;
 - d) removal of minimum car parking requirements;
 - e) a requirement for local authorities to be responsive to unexpected plan change requests where these would contribute to desirable outcomes.
- 2.40 Reporting Officers provided their position on how the PNPDP as notified provided for relevant NPS-UD objectives and policies.¹⁴ While the PNPDP was prepared with the intention of giving effect to the NPS-UDC, the Council’s analysis demonstrated that the PNPDP largely gives effect to the NPS-UD.
- 2.41 We have kept the requirements of the NPS-UD in mind during our deliberations and consider that our recommended changes are within scope of submissions and improve alignment with the NPS-UD.¹⁵

National Policy Statement on Highly Productive Land 2020

- 2.42 As we have decided not to consider the NPS-HPL in forming the recommendations for the PNPDP in our Recommendation Reports, we do not provide any paraphrase of key provisions here.

3 Reflect Strategic Direction throughout the rest of the PNPDP

Overview

Provision(s)	Panel recommendations
All other chapters, under the heading “Cross references to other relevant District Plan provisions”	Amend to include the following wording: <i>“Strategic Objectives – All objectives and policies in this chapter are to be read and achieved in a manner consistent with the strategic objectives.”</i>
Part 1: Introduction and General Provisions / How the Plan Works / General Approach	Amend to describe the role of the Strategic Direction objectives.

¹⁴ s42A Report – Strategic Direction – Urban Form and Development, Sarah Edwards, et. al., undated, para 68 and Table 2

¹⁵ s42A Report – Strategic Direction – Urban Form and Development, Sarah Edwards, et. al., undated, paras 59-73

Amendments and reasons

- 3.1 Submissions seeking the improved reflection and integration of Strategic Direction objectives throughout the rest of the PNPDP were made in relation to each of the Strategic Direction chapters.¹⁶
- 3.2 Reporting Officers generally considered that the strategic objectives are sufficiently reflected in the other objectives and policies in the PNPDP. However, Reporting Officers did recommend inserting the following wording into all PNPDP chapters (except the Strategic Direction chapters), under the heading 'Cross references to other relevant District Plan provisions': "*Strategic Objectives - All objectives and policies in this chapter are to be read and achieved in a manner consistent with the Strategic Objectives.*"¹⁷
- 3.3 At the initial hearing for Hearing 1 - Strategic Direction on 5 and 6 July 2021, several submitters presented legal submissions to us on the general role of the Strategic Direction Objectives within the PNPDP. At the conclusion of the hearing, we issued Minute 5 on 8 July 2021, requesting further legal submissions from the parties regarding the role of the Strategic Direction chapters.¹⁸
- 3.4 We received further legal submissions on this request from Kāinga Ora – Homes and Communities, Transpower New Zealand Limited and Ara Poutama Aotearoa – The Department of Corrections. Counsel for the New Plymouth District Council also provided us with legal submissions on the questions we raised.
- 3.5 After considering the legal submissions, our interim view was that the additional wording suggested by counsel for the Council best reflects the purpose and role of the Strategic Direction Objectives within the PNPDP and describes how they will guide decision-making in relation to the natural and physical resources of the district over the life of this plan.
- 3.6 We recommend incorporating the following wording into Part 1: Introduction and General Provisions / How the Plan Works / General Approach:

"Strategic Objectives: The strategic objectives address key strategic and/or significant matters for the district and provide district-wide strategic considerations to guide decision making at a strategic level.

All other objectives and policies in the District Plan are to be read and achieved in a manner consistent with the strategic objectives. The strategic objectives are not repeated in the other chapters in the District Plan but are given effect to by policies within those relevant chapters.

¹⁶ SD-HC Chapter = 8 submission points, SD-NE Chapter = 4 submission points, SD-TW chapter = 20 submission points, SD-UFD Chapter = 6 submissions points

¹⁷ s42A Report – Strategic Direction – Historic and Cultural, Joanne Ritchie, undated, paras 95-96; s42A Report – Strategic Direction – Natural Environment, Rachelle McBeth, undated, paras 53-61; s42A Report – Strategic Direction – Tangata Whenua, Joanne Ritchie, undated, paras 63-72; s42A Report - Strategic Direction – Urban Form and Development, Sarah Edwards et. al., undated, paras 243-248

¹⁸ Minute 9 of Independent Hearings Panel, dated 20 August 2021, paras 12-16

For the purpose of plan development, including plan changes, the Strategic Objectives provide guidance on the key strategic or significant matters for the district that are relevant when developing District Plan provisions.

For the purpose of plan implementation (including in the determination of resource consent applications and notices of requirement), the Strategic Objectives provide guidance on what the related objectives and policies in other chapters of the Plan are seeking to achieve in relation to key strategic or significant matters for the district.¹⁹

- 3.7 Furthermore, Reporting Officers undertook a “bottom-up” analysis of strategic objectives in order to identify inconsistencies or gaps in order to ascertain whether further changes should be recommended for the Strategic Objectives. In general, this analysis confirmed that the Strategic Direction Objectives are fit-for-purpose and cascade to the District-wide and Area Specific chapters. A limited number of matters were identified, and recommendations provided to address these.²⁰
- 3.8 We accept the recommendations of the Reporting Officers in the relevant s42A Reports. Consequently, we accept their s32AA analyses in this regard.

4 Climate change

Overview

Provision(s)	Panel recommendations
NE-5	Do not amend for this issue.
UFD-20	Amend UFD-20 so that the benefits of activities that reduce greenhouse gas emissions are supported, as well as recognised.

Amendments and reasons

- 4.1 Climate change is an issue that cuts across the PNPD with submissions being made against the PNPD in general and various chapters, including SD-NE, SD-TW and SD-UFD.²¹
- 4.2 The submissions we consider here are those seeking to amend Strategic Direction objectives to:
- a) incorporate climate change concerns into the SD-TW Chapter;²²
 - b) increase visibility of climate change concerns and resilience;²³ and

¹⁹ From Legal Submissions on behalf of the New Plymouth District Council in Response to Minute 5, 30 July 2021, paragraph 2.20

²⁰ s42A Report – Plan Integration, Denise Young, et.al., undated, paras 295-298

²¹ s42A Report – Strategic Direction – Natural Environment, Rachele McBeth, undated, paras 53-61

²² Climate Justice Taranaki Incorporated (311.25)

²³ Climate Justice Taranaki Incorporated (311.24)

- c) enable activities that reduce greenhouse gas emissions.²⁴
- 4.3 No matters raised by the submitters in relation to the requests referred to in (a) and (b) above remained actively contested at the hearing and apart from the s42A Report we did not receive further evidence on these matters. Consequently, we accept the recommendations contained in the SD-TW, SD-NE and SD-UFD s42A Reports in relation to these matters for the reasons given in those reports.²⁵ We also accept and adopt their s32AA analysis in that respect.
- 4.4 The wording of NE-5 in relation to the requests referred to in (c) above did remain contested at the hearing.
- 4.5 Ms McBeth’s s42A Report acknowledged statutory requirements on the District Council relating to climate change mitigation and adaptation. It also outlined the relevance of climate change to Māori identity and well-being. Ms McBeth recommended amending NE-5 to add visibility, and to clarify that ‘resilience’ includes reference to climate change by adding the phrase “including being resilient to the effects of climate change”.²⁶
- 4.6 Ms McBeth retained the proposed wording regarding climate change resilience in her Right of Reply.²⁷
- 4.7 As discussed below in paragraph 8.2, we consider proposed changes to NE-5 were endeavouring to address too many concepts and NE-5 had ‘lost its way’ as a meaningful outcome statement.
- 4.8 We do not recommend any amendments to NE-5 in relation to the requests listed in (c) above. A s32AA analysis is not required in this regard because we do not recommend changes.

5 Increase the number of scheduled heritage buildings and items

Overview

Provision(s)	Panel recommendations
SD-HC Chapter and objective HC-1 particularly	Do not amend for this issue.

²⁴ Climate Justice Taranaki Incorporated (311.33) and Hiringa Energy (558.15)

²⁵ s42A Report – Strategic Direction – Natural Environment, Rachelle McBeth, undated, paras 76-78; s42A Report – Strategic Direction – Tangata Whenua, Joanne Ritchie, undated, para 113; s42A Report - Strategic Direction – Urban Form and Development, Sarah Edwards et. al., 16 July 2021, para 226

²⁶ s42A Report – Strategic Direction – Natural Environment, Rachelle McBeth, undated, para 75

²⁷ s42A Report – Officer’s Right of Reply: Strategic Direction – Natural Environment, Rachelle McBeth dated 16 July 2021, para 39

Amendments and reasons

- 5.1 The submissions we consider here sought that:
- the number of heritage items listed in the PNPDP is increased;²⁸ and
 - apply Category A protection, strengthen heritage provisions and increase funding provision.²⁹
- 5.2 The SD-HC s42A Report recommended that the Panel defer consideration and discussions regarding the identification of additional heritage buildings and items until the Historic Heritage chapter hearing.³⁰
- 5.3 We accept the recommendations contained in the SD-HC s42A Report in relation to these matters for the reasons given in that report. Where matters requested above remained contested at the Historic Heritage Chapter, they are discussed in Recommendation Report 10.

6 Use of the word “protected” in HC-1 and HC-2

Overview

Provision(s)	Panel recommendations
HC-1	<ul style="list-style-type: none">Amend HC-1 to remove duplication of reference to “the district’s”.Amend HC-1 to use the words “and provided for”, instead of “and protected”.
HC-2	Amend HC-2 to include a qualifier for the use of the word “protected”.

Amendments and reasons

- 6.1 The submissions we consider here are those seeking to remove or constrain the use of the term “protected” in HC-1 and HC-2.³¹
- 6.2 The matter above remained actively contested at the hearing by Kāinga Ora and Trustpower.
- 6.3 As set out in her Right of Reply, Ms Ritchie stood by her initial recommendation to reject requests to remove references to “protected” in HC-1 and HC-2, and that the use of qualifiers is not necessary for over-arching strategic objectives.³² However, Ms Ritchie did propose amended wording and an alternative qualifier which intended to reflect the intent behind the three SD-HC objectives as summarised in section 7.1.1.

²⁸ John Powell (113.1)

²⁹ Mike Gooch (348.1)

³⁰ s42A Report – Strategic Direction – Historic and Cultural, Joanne Ritchie, undated, para 66

³¹ Trustpower (544.28 and 29), and Kāinga Ora (563.140 and 145)

³² s42A Report – Officer’s Right of Reply: Strategic Direction – Historic and Cultural, Joanne Ritchie, dated 16 July 2021, para 12

of the s32 'Overview and Strategic Objectives' Report and provide for the flexibility sought by submitters.³³

- 6.4 We find that the amendments as now proposed to HC-1 and HC-2 in Ms Ritchie's Right of Reply represent an appropriate response to the submitters' requests. We consider that the changes are not a significant departure from the Plan as notified. Accordingly, we accept and adopt the officer's s32AA evaluation in her s42A Report in that regard.³⁴

7 Correct, clarify and strengthen HC-1, HC-2 and HC-3

Overview

Provision(s)	Panel recommendations
HC-1	Amend HC-1 by using the defined term "historic heritage" and deleting the words "and cultural values and sites".
HC-2	<ul style="list-style-type: none"> Amend HC-2 to reflect that historic heritage includes sites and areas of significance to Māori. Amend HC-2 to reflect that all aspects are important and should be given consideration. Amend HC-2 so that the cultural values of historic heritage are protected from inappropriate activities.
HC-3	Amend HC-3 to remove the apostrophe and the "s" from "Tangata Whenua".

Amendments and reasons

- 7.1 The submissions we consider here are those seeking to correct, clarify and strengthen HC-1, HC-2 and HC-3 by:
- prioritising the importance of tangata whenua cultural and heritage values;³⁵
 - adding the words "sites make a critical contribution" to HC-1 and "sites" to HC-2;³⁶
 - allowing tangata whenua to practice kaitiakitanga over the values and other matters identified in HC-3;³⁷
 - adding protection for "intrinsic qualities, uses, resources, well-being, mātauranga Māori, tikanga and interests ...";³⁸

³³ s42A Report – Officer's Right of Reply: Strategic Direction – Historic and Cultural, Joanne Ritchie, dated 16 July 2021, para 14

³⁴ s42A Report – Strategic Direction – Historic and Cultural, Joanne Ritchie, undated, para 76

³⁵ Louise James (49.1)

³⁶ Ngāti Mutunga (520.11 and 12), Ngāti Maru (533.41) and Te Kāhui (534.47)

³⁷ Ngāti Mutunga (520.13)

³⁸ TKOTAT (459.13)

- e) correcting the anglicisation of Māori words;³⁹ and
 - f) reflecting that all aspects of HC-2 are important and should be given consideration.⁴⁰
- 7.2 No matters raised by the submitters in relation to the requests referred to in (a), (d) or (e) above remained actively contested at the hearing and apart from the s42A Report we did not receive further evidence on these matters. Consequently, we accept the recommendations contained in the s42A Report in relation to these matters for the reasons given in that report. We also accept and adopt the s32AA evaluation in this regard.⁴¹
- 7.3 Matters did remain contested at the hearing with response to the requests in (b) and (c) above.
- 7.4 In relation to the matters raised in (b) above, we consider that the amendments as now proposed in Ms Ritchie’s Right of Reply represent an appropriate response to the submitters’ requests. We also accept and adopt their s32AA analysis in that regard.⁴²
- 7.5 In relation to the matters raised in (c) above, Ms Ritchie considered that reference to “kaitiakitanga practices” enhanced and strengthened HC-3 and reflected the ‘kaitiakitanga’ Kaupapa Māori value within the PNPDP and section 7(a) of the RMA.
- 7.6 TKOTAT supported Ms Ritchie’s recommendation in part but sought the removal of the word “practices”. In her Right of Reply, Ms Ritchie accepted the guidance of tangata whenua in respect of the term ‘kaitiakitanga’ and considered that the removal of the word “practices” corrected unnecessary phrasing around a Māori term and did not change the intent of the objective.⁴³
- 7.7 We note that the strategic objectives in all of the strategic objective chapters are meant to be read together and all other objectives and policies in the District Plan must be read and achieved in a manner consistent with the strategic objectives.⁴⁴ We consider that recognition of and participation in kaitiakitanga as an outcome is provided for and better reflected in TW-8, TW-10 and NE-7, as we have worded them in Appendix 3.⁴⁵
- 7.8 Consequently, we do not accept the recommendation contained in the officer’s Right of Reply in relation to this matter. The only amendment recommended to HC-3 is a minor grammatical change, therefore a s32AA analysis is not required.

³⁹ s42A Report – Strategic Direction – Historic and Cultural, Joanne Ritchie, undated, para 87

⁴⁰ Dean Raymond, Evidence in Chief on behalf of HNZPT, paras 17-18

⁴¹ s42A Report – Strategic Direction – Historic and Cultural, Joanne Ritchie, undated, pages 17-18

⁴² s42A Report – Officer’s Right of Reply: Strategic Direction – Historic and Cultural, Joanne Ritchie, dated 16 July 2021, paras 17-20 and 23-25

⁴³ s42A Report – Officer’s Right of Reply: Strategic Direction – Historic and Cultural, Joanne Ritchie, dated 16 July 2021, paras 26-28

⁴⁴ s42A Report – Strategic Direction – Historic and Cultural, Joanne Ritchie, undated, para 84

⁴⁵ Minute 9 of Independent Hearings Panel, dated 20 August 2021, para 10(a)

- 7.9 An additional correction raised at the hearing related to matter (f) above. We agree with Ms Ritchie’s Right of Reply regarding this matter and also accept and adopt the officer’s s32AA evaluation in that regard.⁴⁶

8 Strengthen protection of the natural environment

Overview

Provision(s)	Panel recommendations
NE-5	Amend NE-5 to simplify wording.
NE-NEW1	Insert a new objective to the SD-NE chapter which recognises <i>Te Mana o te Wai</i> , intrinsic value and the life supporting capacity of natural resources, to ensure that the Proposed Plan’s strategic direction in relation to development is balanced with the need to protect the natural environment.
Definitions	Add a definition and link reference to NPS-FM 2020 concept of <i>Te Mana o te Wai</i> .

Amendments and reasons

- 8.1 The submissions we consider here sought changes to NE-5 or to insert new strategic objectives to strengthen protection for the natural environment.⁴⁷
- 8.2 In our Minute 9, we set out our interim view that the s42A Report recommended amendments to NE-5 endeavoured to address too many concepts and that NE-5 had ‘lost its way’ as a meaningful outcome statement. We recommended that it be simplified and not include the words “protected, restored, improved and/or sustained”. We considered that rather than using NE-5 to address so many concepts, that the objective be simplified with a nuanced approach to the protection, restoration etc within the relevant topic chapters.⁴⁸
- 8.3 Reporting Officers supported this approach and recommended minor amendments to improve syntax.⁴⁹ The changes we recommend to NE-5 are minor in nature and therefore a s32AA analysis is not required.
- 8.4 Several submitters sought new SD-NE objectives for various purposes as summarised in Ms McBeth’s s42A Report.⁵⁰
- 8.5 Ms McBeth proposed a new objective centred on the concept of *Te Mana o te Wai* which was the subject of considerable discussion throughout the hearing. While some submitters supported the inclusion of *Te Mana o te Wai* and sought to strengthen the

⁴⁶ s42A Report – Officer’s Right of Reply: Strategic Direction – Historic and Cultural, Joanne Ritchie, dated 16 July 2021, paras 21-25

⁴⁷ Forest and Bird (487.33 and 487.32b), TKOTAT (459.16), Te Rūnanga o Ngāti Mutunga (520.34), Ngāti Maru (533.38), Te Kāhui (534.49 and 50), DOC (550.30), and Kāinga Ora (563.169)

⁴⁸ Minute 9 of Independent Hearings Panel, dated 20 August 2021, para 10(b)

⁴⁹ s42A Report – Plan Integration, Denise Young et. al., undated, para 301-302

⁵⁰ s42A Report – Strategic Direction – Natural Environment, Rachelle McBeth, undated, para 85

proposed wording,⁵¹ some submitters considered that application of *Te Mana o te Wai* should be limited to urban environments.⁵²

- 8.6 In her Right of Reply, Ms McBeth confirmed that there is scope to incorporate the principle of *Te Mana o te Wai* into the PNPDP and outlined that its inclusion would not result in any unintended consequences due to the limiting effect of s31 of the RMA on District Council functions.
- 8.7 In our Minute 9, we indicated that we are satisfied with the scope to include NE-NEW1 and support its inclusion within the SD-NE Chapter.⁵³
- 8.8 Consequently, we accept the recommendations set out by Ms McBeth in her s42A Report for the reasons contained in that report and the subsequent Right of Reply. We also accept and adopt the officer's s32AA evaluation in that regard.⁵⁴

9 Alignment with Part 2 of the RMA

Overview

Provision(s)	Panel recommendations
SD-NE chapter	Do not amend for this issue.

Amendments and reasons

- 9.1 We have considered all the submissions that seek to amend strategic objectives or insert new strategic objectives which are consistent with or reflect the wording of Part 2 of the RMA.⁵⁵
- 9.2 We accept Ms McBeth's rationale at paragraphs 97-100 of her s42A Report that it is inappropriate and unnecessary to include or duplicate wording from Part 2 of the RMA in order to give effect to it.⁵⁶
- 9.3 We do not recommend changes to NE-5 or the introduction of new objectives to this effect. A s32AA is not required because we do not recommend changes.

⁵¹ Speaking notes, Sarah Mako, Te Kotahitanga, dated 6 July 2021, para 9-10; Evidence in Chief, Keith Holswich, dated 18 June 2021, paras 33-34; speaking notes, Tom Kay, Forest and Bird, undated, para 11

⁵² Evidence in Chief, Hilary Walker, Federated Farmers, dated 6 July 2021, paras 18-20

⁵³ Minute 9 of Independent Hearings Panel, dated 20 August 2021, para 10(c)

⁵⁴ s42A Report – Strategic Direction – Natural Environment, Rachele McBeth, undated, paras 82-94

⁵⁵ Forest and Bird (487.32a, 32b, 33 and 34) and DOC (550.30)

⁵⁶ s42A Report – Strategic Direction – Natural Environment, Rachele McBeth, undated, paras 97-100

10 Contribution of the natural environment to social and cultural well-being

Overview

Provision(s)	Panel recommendations
NE-4	Do not amend for this issue.
NE-5	Do not amend for this issue.

Amendments and reasons

- 10.1 The submissions discussed here are those seeking to:
- insert reference to “critical and unique” to NE-4;⁵⁷
 - emphasise the importance of a “healthy” natural environment;⁵⁸ and
 - include “social and cultural well-being” into NE-4.⁵⁹
- 10.2 No matters raised by the submitters in relation to matters (b) or (c) remained actively contested at the hearing and apart from the s42A Report we did not receive further evidence on these matters. Consequently, we accept the recommendations contained in the s42A Report in relation to these matters for the reasons given in that report.⁶⁰
- 10.3 In relation to the requested changes in (a) above, Ms McBeth’s s42A Report considered that “recognise and provide for” already imposes a strong obligation, and to add “critical and unique” would create duplication and would not improve the objective as notified.⁶¹
- 10.4 In her Right of Reply, Ms McBeth acknowledged the submissions of Mr Manu and Ms Mako, and the importance of this matter for tangata whenua. Ms McBeth maintained that adding the word “critical” would not result in different or more positive outcomes, and that the matter was already covered by objectives in the SD-TW chapter, particularly TW-12.⁶²
- 10.5 We do not recommend amendments to NE-4 for the reasons stated in the s42A and Right of Reply. A s32AA analysis is therefore not required because we do not recommend changes.

⁵⁷ TKOTAT (459.15), Te Rūnanga o Ngāti Mutunga (520.35), Te Kāhui (534.49)

⁵⁸ Te Kāhui (534.49)

⁵⁹ Kāinga Ora (563.152)

⁶⁰ s42A Report – Strategic Direction – Natural Environment, Rachelle McBeth, undated, paras 104-108

⁶¹ s42A Report – Strategic Direction – Natural Environment, Rachelle McBeth, undated, para 103

⁶² s42A Report – Officer’s Right of Reply: Strategic Direction – Natural Environment, Rachelle McBeth, dated 16 July 2021, paras 19 and 20

11 Integrated management

Overview

Provision(s)	Panel recommendations
NE-6	Amend Objective NE-6 by removing “land use” and relying on the PNPDP definition of ‘activity’ which includes both land use and subdivision, to reflect that integrated management is relevant to both subdivision and land use.

Amendments and reasons

- 11.1 The submission discussed here sought to include reference to “subdivision” in NE-6 and to clarify what is meant by an “integrated management approach”.⁶³
- 11.2 No matters raised by the submitters in relation to this remained actively contested at the hearing and apart from the s42A Report we did not receive further evidence on these matters. Consequently, we accept the recommendations contained in the s42A report in relation to these matters for the reasons given in that report. We also accept and adopt the officer’s s32AA evaluation in this regard.⁶⁴

12 Strengthen, clarify and make TW-8, TW-9 and TW-10 more specific

Overview

Provision(s)	Panel recommendations
TW-8	Amend TW-8 to strengthen, clarify and make more specific.
New TW-9	Insert new TW-9 regarding engagement with tangata whenua.
TW-9	Consequential amendment to re-number TW-9 as TW-10 and amend to strengthen, clarify and make more specific.
TW-10	Consequential amendment to re-number TW-10 as TW-11.

Amendments and reasons

- 12.1 The submissions considered here are those that seek to:
- improve specificity of TW-8;⁶⁵
 - reference the Treaty of Waitangi / Te Tiriti o Waitangi;⁶⁶

⁶³ Kāinga Ora (563.171)

⁶⁴ s42A Report – Strategic Direction – Tangata Whenua, Joanne Ritchie, undated, paras 104-108

⁶⁵ TKOTAT (459.19); Te Rūnanga o Ngāti Mutunga (520.19); Ngāti Maru (533.62); and Te Kāhui (534.53)

⁶⁶ Kāinga Ora (563.168)

- c) insert the word “culture” into the list of aspirations described in TW-10;⁶⁷ and
 - d) strengthen and clarify TW-11.⁶⁸
- 12.2 No matters raised by the submitters in relation to the requests listed in c. and d. above remained actively contested at the hearing and apart from the s42A Report we did not receive further evidence on these matters. Consequently, we accept the recommendations contained in the s42A Report in relation to these matters for the reasons given in that report.⁶⁹
- 12.3 In relation to matters (a) and (b) above, Ms Ritchie summarises the submissions and evidence of submitters in her Right of Reply.⁷⁰
- 12.4 As a result of submissions and evidence provided at the hearings, Ms Ritchie proposed substantially amended wording for TW-8, a new TW-9, and amended wording for TW-10 (previously TW-9). These changes were developed based on the wording provided by tangata whenua.⁷¹
- 12.5 We support the direction and principles of these objectives and do not recommend further amendments. No further evidence has been presented at subsequent hearings which changed our view. Consequently, we accept the recommendations contained in the Right of Reply in relation to these matters for the reasons given in that report. We also accept and adopt the Right of Reply s32AA evaluation in this regard.⁷²

13 Provide for the use and development of Treaty settlement land and Māori land

Overview

Provision(s)	Panel recommendations
TW-10	Replace “Māori land” with “ancestral land”.

Amendments and reasons

- 13.1 The submissions considered here are those seeking to extend the definition of “Māori land” as used in TW-10 to include Treaty settlement land.⁷³
- 13.2 The SD-TW Chapter s42A Report inferred that the submissions were referring to land which has been returned to tangata whenua as part of the Treaty settlements, which tangata whenua want to use and develop, including for papakāinga housing.⁷⁴

⁶⁷ Kāinga Ora (563.166)

⁶⁸ Ngāti Mutunga (520.28)

⁶⁹ s42A Report – Strategic Direction – Tangata Whenua, Joanne Ritchie, undated, paras 83 and 84

⁷⁰ s42A Report – Officer’s Right of Reply: Strategic Direction – Tangata Whenua, Joanne Ritchie, 16 July 2021, paras 5-37

⁷¹ s42A Report – Officer’s Right of Reply speaking notes, Joanne Ritchie, undated, page 2

⁷² s42A Report – Officer’s Right of Reply: Strategic Direction – Tangata Whenua, Joanne Ritchie, 16 July 2021, paras 19-31, 33-37

⁷³ TKOTAT (459.43) and Te Rūnanga o Ngāti Mutunga (520.29)

⁷⁴ s42A Report – Strategic Direction – Tangata Whenua, Joanne Ritchie, undated, paras 86 and 92

Ms Ritchie noted that including Treaty settlement land is a complex matter because land returned to iwi/hapū via Treaty settlements is returned under a number of different land tenures.

- 13.3 Ms Ritchie also acknowledged and supported the aspirations of tangata whenua to use and develop Treaty settlement land and considered this is a strategic issue for the district, however, also acknowledged that widening the definition of “Māori land” could have unintended consequences throughout the PNPDP. Consequently, she recommended that the words “, and Treaty Settlement Land,” were added to the Strategic Objective to sit alongside Māori land. Consideration of the exact definition of “Treaty Settlement Land” was to be considered in the Definitions hearings.⁷⁵
- 13.4 The evidence of Keith Holswich for Ngāti Rāhiri Hapū (paragraph 27) supported this amendment. Evidence presented by Ms Mako for TKOTAT (paragraphs 28-29) stated that the MPZ is a key method of implementation for this strategic objective and that the MPZ is not limited to Māori land. Ms Mako also stated that most of the land returned to Te Atiawa is general land, not Māori land, and “... *there is a concern that the current wording of TW-10 could limit development of Treaty settlement land in different tenure for papakāinga.*” Ms Benson for Ngāti Mutunga (paragraph 21) supported the change and commented that for their papakāinga aspirations to be achieved Treaty Settlement land “should be able to be utilised for this purpose without it having to be put under the control of the Māori Land Court.” Mr Manu for Ngā Mahanga a Tāiri (paragraph 4) supported the amendment in part but wanted the objectives to “... *allow Māori to develop Māori land (irrespective of tenure or zoning) in a way that works for Māori.*”
- 13.5 As a result of considering tangata whenua evidence, Ms Ritchie recommended the definition of “Papakāinga housing” should also be reconsidered.⁷⁶ She did not recommend any further changes to the wording of TW-10. Through the MPZ hearing (Hearing 21), the definition for “Papakāinga housing” was amended to move the reference to “housing” in the title definition to the body of the definition, and also to add reference to “Treaty settlement land”.⁷⁷
- 13.6 The terms “Papakāinga”, “Treaty settlement land” and “Māori’ land” were also canvassed at the Definitions hearing (Hearing 23(a)). In her Definitions Right of Reply Report, Ms Cannon, recommended that reference “Treaty Settlement land” be removed from the Proposed Plan and that “Papakāinga” be amended accordingly.⁷⁸ Following the Definitions hearing, Ms Ritchie prepared an Addendum to her Right of Reply on the Strategic Direction – Tangata Whenua Chapter. As a result of the recommendations of the Definitions hearing Ms Ritchie recommended that any provisions that refer either to “Māori’ land” or “Treaty Settlement” land be amended so that the provision refers generally to “ancestral land” of any tenure.⁷⁹
- 13.7 For the reasons stated in Ms Cannon’s s42A Report, we accept and adopt the changes recommended to TW-10 by Ms Ritchie in her Addendum to her Right of Reply. We also accept and adopt the s32AA evaluation undertaken by Ms Cannon in that regard.⁸⁰

⁷⁵ s42A Report – Strategic Direction – Tangata Whenua, Joanne Ritchie, undated, paras 96, 97 and 99

⁷⁶ Officer’s Right of Reply: Strategic Direction – Tangata Whenua, Joanne Ritchie, 16 July 2021, paras 46 and 47

⁷⁷ s42A Report – Māori Purpose Zone, Joanne Ritchie, undated, paras 186-188

⁷⁸ Right of Reply Report – Definitions, Jaimee Cannon, 23 May 2022, para 59 and Appendix 1 to that report

⁷⁹ Addendum to s42A Report – Officer’s Right of Reply: Strategic Direction – Tangata Whenua, Joanne Ritchie, undated, paras 4, 5 and 6

⁸⁰ s42A Report – Definitions, Jaimee Cannon, 23 May 2022, Section 3.7

14 Reduce duplication of objectives across different Strategic Direction chapters

Overview

Provision(s)	Panel recommendations
TW-11	Delete TW-11 as it duplicates Historic and Cultural Strategic Objective HC-3.

Amendments and reasons

- 14.1 The submissions discussed here opposed retention of Objective TW-11 because they considered that it duplicated Strategic Direction-HC-3.⁸¹
- 14.2 No matters raised by the submitters in relation to this request remained actively contested at the hearing and apart from the s42A Report we did not receive further evidence on these matters. Consequently, we accept the recommendation contained in the s42A Report in relation to the deletion of TW-11 for the reasons given in that report. We also accept and adopt the s32AA evaluation in that regard.⁸²

15 Maintaining compact urban form through the timing and location of residential development capacity

Overview

Provision(s)	Panel recommendations
UFD-13	Include reference to changes over time and changes in amenity values in line with the NPS-UD 2020.
UFD-13	Insert the term "well-functioning" in line with the NPS-UD 2020.
UFD-13	Amend to include impacts of natural hazards.
UFD-14	Amend to improve alignment with the NPS-UD.
UFD-15	Amend to reference local centres and key transport routes.

Amendments and reasons

- 15.1 The submissions discussed here largely sought changes to UFD-13 and UFD-14 to ensure that the PNPDP maintains compact urban form.
- 15.2 The Reporting Officers recommended changes to UFD-13 and UFD-14 which improve alignment with the NPS-UD, including by signalling that existing urban environments may change over time, directly referencing infill and providing greater guidance for the

⁸¹ TKOTAT (459.24) and Ngāti Maru (533.68)

⁸² s42A Report – Strategic Direction – Tangata Whenua, Joanne Ritchie, undated, paras 101-106

timing and location of residential intensification, and referring to “well-functioning” urban environments.⁸³

- 15.3 The Right of Reply summarised the issues arising through submissions which remained contested throughout the hearing and assesses the evidence of Mr Campbell on behalf of Kāinga Ora. The Reporting Officers recommended further minor changes⁸⁴ and confirmed that UFD-13(1) is not hierarchical.⁸⁵
- 15.4 In our Minute 9, we indicated a preference for different wording to provide for the concept of anticipated change in urban environments and to ensure that the matters in UFD-13(1) were not read hierarchically.⁸⁶
- 15.5 While the proposed wording differs to that put forward by Reporting Officers, we consider the intent is the same as that proposed by officers in the s42A. Therefore, we accept and adopt their s32AA analysis in that regard.
- 15.6 An additional matter which has remained live throughout the hearings relates to references to “transport nodes”. Kāinga Ora submitted that residential intensification should capitalise on established public transport.⁸⁷
- 15.7 Reporting Officers also provided input on this matter, suggesting UFD-14 and UFD-15 be amended to refer to “key transport routes”.⁸⁸
- 15.8 There was no further discussion regarding “transport nodes” and therefore we adopt the recommendation of the Reporting Officers for the reasons set out in the 23b Hearing s42A Report. We also accept and adopt the s32AA evaluation in that regard.
- 15.9 The bottom-up analysis undertaken by Reporting Officers also highlighted the need to reflect the RMA functions of territorial authorities for the avoidance and mitigation of natural hazards. Reporting Officers recommended a change to UFD-13 to this effect, which we accept for the reasons stated in the 23b Hearing s42A Report.⁸⁹ We also accept and adopt the s32AA evaluation in that regard.

16 Housing “bottom lines”

Overview

Provision(s)	Panel recommendations
UFD-14	Amend to remove reference to numerical housing bottom lines.

⁸³ s42A Report – Strategic Direction – Urban Form and Development, Sarah Edwards et. al., undated, paras 101, 106 and 120

⁸⁴ s42A Report – Officer’s Right of Reply: Strategic Direction – Urban Form and Development, Sarah Edwards et. al., 16 July 2021, paras 55, 63 and 77

⁸⁵ s42A Report – Officer’s Right of Reply to Minute, Sarah Edwards, Louise Wai, Lauren O’Byrne and Campbell Robertson, 30 July 2021, paras 59 and 64

⁸⁶ Minute 9 of Independent Hearings Panel, dated 20 August 2021, para 10(e) and page 4

⁸⁷ Statement of Primary Evidence, Michael Campbell on behalf of Kāinga Ora (563), 13 April 2022, para 4.13

⁸⁸ s42A Report – Plan Integration, authors et. al., undated, paras 308 and 309

⁸⁹ s42A Report – Plan Integration, authors et. al., undated, paras 303-306

Amendments and reasons

- 16.1 The submissions discussed here sought to remove reference to specific dwelling number targets.⁹⁰
- 16.2 No matters raised by the submitters in relation to these requests remained actively contested at the hearing and apart from the s42A Report we did not receive further evidence on these matters. Consequently, we accept the recommendations contained in the s42A Report in relation to these matters for the reasons given in that report.⁹¹ We also accept and adopt the s32AA evaluation in that regard.⁹²

17 Amend the Centres hierarchy in the PNPDP

Overview

Provision(s)	Panel recommendations
UFD-16	Amend to encourage and enable residential living in centres.
UFD-17	Amend by replacing business activities with business service activities as an activity that is anticipated in local centres.
UFD-18	Amend to include business service activities and commercial service activities as an activity that can undermine centres.

Amendments and reasons

- 17.1 The key matter of contention on the PNPDP's centres hierarchy objective arose from requests by several submitters that UFD-17 refer to a "centres network" instead.⁹³ This issue was closely related to the relief sought by BCL relating to land at Waiwhakaiho to be rezoned from General Industrial Zone to a Sub-Regional Centre Zone, enabling a variety of commercial activities.⁹⁴ See Recommendation Report 28 regarding this rezoning request and that of John and Mary Hamblyn.
- 17.2 Mr Brophy on behalf of BCL, gave evidence that a centres hierarchy approach was not appropriate or necessary. Rather, he considered that the proposed City Centre Zone and BCL's proposed Sub-Regional Centre Zone should both exist in a 'centres network', with no hierarchy expressed between them at the strategic objective level. We did not receive evidence from Marsden Machinery Limited, Ian Humphrey, Bro Devon Limited, Gordon-Stables Industries Limited and John and Mary Hamblyn in respect of the centres hierarchy approach taken in the PNPDP.

⁹⁰ Kāinga Ora (563.156) and Landpro Limited - Kathryn Hooper (475.19)

⁹¹ s42A Report – Strategic Direction – Tangata Whenua, Joanne Ritchie, undated, paras 104-108

⁹² S42A Report – Strategic Direction – Tangata Whenua, Joanne Ritchie, undated, pages 28-29

⁹³ Marsden Machinery Limited (577.13), Ian Humphrey (578.11), Bro Devon Limited (579.11), Gordon-Stables Industries Limited (580.11), John and Mary Hamblyn (581.14), and Bluehaven Commercial Limited (584.59)

⁹⁴ 584.1

- 17.3 In their Right of Reply, Reporting Officers maintained that a centres hierarchy is a way of categorising centres to recognise their different roles, and that the city centre should be at the top of that hierarchy as the principal centre.⁹⁵
- 17.4 We did not issue interim guidance regarding this matter as we sought more detailed evidence in the relevant area specific chapter hearings concerning rezoning requests for the BCL land and at Fitzroy.
- 17.5 We heard extensive evidence regarding the zone change requests during Hearing 22 in June 2022. We had originally intended to issue further interim guidance on these remaining SD-UFD objectives however, at the conclusion of this hearing we decided against doing so due to timing constraints. We noted that further deliberations would be required with all panel members and that Hearing 23(b) offered an opportunity for submitters to be heard again regarding these matters, if they chose.
- 17.6 In the s42A Report for Hearing 23(b), the Reporting Officer stated that:
- “The Reporting Planner Mr Bonis has recommended that the Bluehaven site be a Commercial Zone (a brand new zone). If it is deemed to be in the centres hierarchy it may need to be added to UFD-17. If not, it is covered under UFD-18 (business service activities, commercial service activities and retail activities located outside of centres) and there are no updates needed.”⁹⁶
- 17.7 At the completion of our deliberations on the submissions and evidence presented in relation to this site, the Council received correspondence from BHL and Bunnings Limited advising of the sale of the site to Bunnings. This was followed by a Memorandum to the Panel from Bunnings advising that:
- “(a) Bunnings withdraws the submission point seeking creation of a new Sub Regional Centre Zone.
(b) Bunnings supports the General Industrial Zone applying to the Property (rather than the rezoning proposed by Bluehaven).
(c) Bunnings no longer supports the consequential changes to other parts of the Proposed Plan associated with the rezoning of the Property to Sub Regional Centre Zone.”⁹⁷
- 17.8 Having considered the matter and noting the ability for a person to withdraw a submission at any time prior to the making of a final decision on that submission, we accept that the BCL submission points opposing the notified zoning and seeking an alternative bespoke zone and other consequential changes are withdrawn. We understand the withdrawal of submission points operates to extinguish any further submission made in relation to it. Accordingly, the Panel no longer has the jurisdiction to amend the PNPDP in relation to the zoning of this property and the site shall retain its notified GIZ zoning.
- 17.9 However, we recognise that the submissions from Marsden Machinery Limited, Ian Humphrey, Bro Devon Limited, Gordon-Stables Industries Limited and John and Mary

⁹⁵ s42A Report – Officer’s Right of Reply: Strategic Direction – Urban Form and Development, Sarah Edwards, Louise Wai, Lauren O’Byrne and Campbell Robertson, 16 July 2021, paras 85 and 86

⁹⁶ s42A Report – Plan Integration, authors et. al., undated, para 310

⁹⁷ As attached to Minute 39 of Independent Hearings Panel – Further directions regarding Bunnings as successor of the BCL submissions, dated 18 Jan 2023

Hamblyn requesting a centres network remain “live”. In the absence of any evidence from these parties that the centres hierarchy approach in UFD-17 should be amended to a ‘centres network’ approach we find that the ‘centres hierarchy’ approach should be retained. The centres hierarchy approach is a central organising principle for the commercial areas of the District and flows through various chapters of the PNPDP. We are satisfied that it is an appropriate objective for the District as set out in UFD-17 and we accept the recommendations of the Reporting Officer in this regard.

17.10 A s32AA evaluation is not required as we do not recommend changes.

18 Zoning of specific areas affecting Centres hierarchy

Overview

Provision(s)	Panel recommendations
UFD-17	Insert reference to Fitzroy and consequential changes to maintain clarity.

Amendments and reasons

- 18.1 In Section 17 above we have noted that BCL’s submission that their land be rezoned from General Industrial Zone to a new Sub-Regional Centre Zone has since been withdrawn.⁹⁸ This leaves the submission from Kāinga Ora⁹⁹ who sought the up-zoning and expansion of Fitzroy as a Town Centre Zone to discuss here.
- 18.2 Mr Campbell, on behalf of Kāinga Ora, stated in his planning evidence that they will be submitting planning and economic evidence to support the identification of Fitzroy as a town centre at a subsequent hearing and that it would be appropriate for the Hearings Panel to consider that evidence before making a decision on the role of Fitzroy within the overall hierarchy of centres, and whether or not it should be specifically identified within UFD-17.
- 18.3 In their Right of Reply, Reporting Officers considered it would be appropriate to wait to hear the planning and economic evidence regarding Fitzroy and did not recommend any changes to the PNPDP in that regard.¹⁰⁰
- 18.4 Subsequently as part of their Right of Reply for the Plan Integration Hearing, the Reporting Officers recommended consequential amendments to UFD-17 resulting from recommendations that Fitzroy be up-zoned to Town Centre Zone.¹⁰¹ We accept the recommendations of the Reporting Officers and also accept and adopt their s32AA analysis in this regard.
- 18.5 Recommendation Report 27 records our recommendation to provide for Fitzroy as a Town Centre Zone.

⁹⁸ 584.1

⁹⁹ 563.163

¹⁰⁰ s42A Report – Officer’s Right of Reply: Strategic Direction – Urban Form and Development, Sarah Edwards et. al., 16 July 2021, para 98

¹⁰¹ s42A Report – Plan Integration, authors et. al., undated, para 293

19 The supply and location of industrial land

Overview

Provision(s)	Panel recommendations
UFD-22	Do not amend for this issue.

Amendments and reasons

- 19.1 Submissions considered here are those questioning the directive of UFD-22 to locate industrial areas along key transport routes and seeking amendments to focus on avoidance and mitigation of effects, rather than separating activities.¹⁰² Some submitters also sought that UFD-22 provide for a variety of activities and the promotion of public transport and attractive working environments within industrial areas.¹⁰³
- 19.2 No matters raised by the submitters in relation to these requests remained actively contested at the hearing and apart from the s42A Report we did not receive further evidence on these matters. Consequently, we accept the recommendations contained in the SD-UFD s42A Report in relation to these matters for the reasons given in that report.¹⁰⁴
- 19.3 A s32AA evaluation is not required because we do not recommend changes.

20 The supply and location of business land

Overview

Provision(s)	Panel recommendations
UFD-13	Do not amend for this issue.
UFD-22	Do not amend for this issue.

Amendments and reasons

- 20.1 Submissions considered here are those seeking to amend UFD-13 to refer to business and retail.¹⁰⁵
- 20.2 No matters raised by the submitters in relation to these requests remained actively contested at the hearing and apart from the s42A Report we did not receive further evidence on these matters. Consequently, we accept the recommendations contained

¹⁰² Civil Properties Limited (574.11), Marsden Machinery Limited (577.15), Ian Humphrey (578.13), Bro Devon Limited (579.9), Gordon-Stables Industries Limited (580.13), John and Mary Hamblyn (581.19), Bluehaven Commercial Limited (584.19)

¹⁰³ Bluehaven Commercial Limited (584.19) and John and Mary Hamblyn (581.19)

¹⁰⁴ s42A Report - Strategic Direction – Urban Form and Development, Sarah Edwards et. al., 16 July 2021, paras 180 and 181

¹⁰⁵ Bluehaven Commercial Limited (584.57), John and Mary Hamblyn (581.12 and .19), and Southern Cross Hospitals Limited (571.14)

in the SD-UFD s42A Report in relation to these matters for the reasons given in that report.¹⁰⁶

20.3 A s32AA evaluation is not required because we do not recommend changes.

21 Greater strategic recognition for specific activities – energy activities, infrastructure, intensive indoor primary production and social infrastructure

Overview

Provision(s)	Panel recommendations
UFD-13	Include reference to “social infrastructure”.
UFD-19	Include reference to “social infrastructure”.
Definitions	Insert definition for “social infrastructure”.
(New) Strategic Objectives – Infrastructure and Energy Chapter	Insert new Strategic Directions Chapter – Infrastructure and Energy.
IE-1	Insert new strategic objective relating to infrastructure.
IE-2	Insert new strategic objective relating to energy activities.

Amendments and reasons

21.1 Submissions considered here related to:

- a) Intensive indoor primary production;¹⁰⁷
- b) Energy activities;¹⁰⁸
- c) General infrastructure;¹⁰⁹ and
- d) Social infrastructure.¹¹⁰

21.2 Matters relating to intensive indoor primary production did not remain contested through the SD Chapter hearings and apart from the s42A Report we did not receive further evidence on these matters.

¹⁰⁶ s42A Report - Strategic Direction – Urban Form and Development, Sarah Edwards et. al., 16 July 2021, paras 184 and 185

¹⁰⁷ Tegal Foods Limited (467.82)

¹⁰⁸ TGL (521.9 and 521.11), Greymouth Petroleum Ltd (548.22 and 548.23), OMV (573.18 and 23) and the PEPANZ (539.26), Hiringa Energy Limited (558.14)

¹⁰⁹ KiwiRail (514.17), Transpower (565.40 and 565.41) and Spark (567.22), Two Degrees (569.22), Chorus (547.22), Vodafone (552.23), and Waka Kotahi (566.32)

¹¹⁰ Southern Cross Hospitals (571.13) and Ara Poutama Aotearoa – Department of Corrections (510.9a)

21.3 The following matters relating to energy activities and social infrastructure remained contested through the hearings and are discussed below.

Energy activities

21.4 The Reporting Officers did not recommend changes to the strategic objectives to include reference to energy activities, however, they did provide wording for a potential new strategic objective.¹¹¹

21.5 In our Minute 9, we indicated that we support the creation of a new Strategic Direction Chapter focussed on Infrastructure and Energy for the reasons set out in that Minute.¹¹²

21.6 As set out in the s42A Report for Hearing 23(b), further amendments have been proposed to SD-IE-1 and SD-IE-2 as a result of other zone and topic hearings.¹¹³

21.7 We accept the recommended changes and associated s32AA analyses as set out in the Officer's Right of Reply in that regard.

General infrastructure

21.8 As summarised in the Right of Reply, Transpower, Spark and Chorus sought the addition of new SD-UFD objectives relating to infrastructure in general. The S42A Report recommended rejecting these submissions.

21.9 After hearing the evidence of Mr Anderson, Ms Wratt and Mr St Clair that the provision of infrastructure should not be limited to the context of urban growth and needed to be considered as a District-wide issue, Reporting Officers recommended a new strategic objective be included in the UFD Chapter.¹¹⁴

21.10 In our Minute 9, we indicated that we supported the wording proposed by the Reporting Officers, however we considered that the new objective should sit within a new Infrastructure and Energy chapter.¹¹⁵

21.11 As set out in the s42A Report for Hearing 23(b), further amendments have been proposed to SD-IE-1 and SD-IE-2 as a result of other zone and topic hearings.¹¹⁶

21.12 We accept the recommended changes and associated s32AA analyses as set out in the Officers' Right of Reply in that regard.

21.13 We consider that the insertion of a new Infrastructure and Energy chapter is a minor change and no s32AA evaluation is required in this regard.

¹¹¹ s42A Report – Officer's Right of Reply: Strategic Direction – Urban Form and Development, Sarah Edwards et. al., 16 July 2021, para 150

¹¹² Minute 9 of Independent Hearings Panel, dated 20 August 2021, para 10(h)

¹¹³ s42A Report – Plan Integration, Denise Young, et. al, undated, para 293

¹¹⁴ s42A Report – Officer's Right of Reply: Strategic Direction – Urban Form and Development, Sarah Edwards et. al., 16 July 2021, para 192

¹¹⁵ Minute 9 of Independent Hearings Panel, dated 20 August 2021, para 10(h)

¹¹⁶ s42A Report – Plan Integration, Denise Young, et. al, undated, para 293

Social infrastructure

- 21.14 In our Minute 9, we indicated that we support the inclusion of “Social Infrastructure” and the inclusion of a definition as put forward by Southern Cross Healthcare (571.10) within the strategic objectives, for the reasons set out in that Minute.¹¹⁷ We accept and adopt the s32AA evaluation provided by Mr Brophy in that regard.¹¹⁸

22 Limiting subdivision and development of the Rural Production and Rural Lifestyle zones

Overview

Provision(s)	Panel recommendations
SD Chapter	Insert new Strategic Direction – Rural Environment Chapter.
UFD-23	Re-number as RE-1.
UFD-24	Re-number as RE-2.

Amendments and reasons

- 22.1 Submissions considered here are those seeking to amend UFD-23 to clarify that rural and rural lifestyle subdivision, use and development should be avoided in the rural environment.¹¹⁹
- 22.2 The s42A Report did not recommend this change, considering that UFD-23 and UFD-24 provided sufficiently strong direction to enable primary production activities to continue and protect highly productive land in the rural environment. Further, the considered establishment of a new rural lifestyle zone in the PNPDP, and strong controls on rural subdivision will prevent further fragmentation of rural productive land from rural lifestyle living.¹²⁰
- 22.3 During the hearing, we queried the appropriateness of rural focused Strategic Objectives being located within the SD-UFD Chapter, particularly because that chapter has a strong focus on urban development.
- 22.4 While the Reporting Officers maintained their opinion as stated in the s42A Report, they did acknowledge that the evidence of Mr Campbell and Ms Wratt suggested an amendment to UFD-24 which they considered gave effect to the relief sought by Kāinga Ora and Transpower.¹²¹ Reporting Officers also recommended that it was appropriate to separate UFD-23 and UFD-24 into their own Strategic Direction - Rural Environment chapter.¹²²

¹¹⁷ Minute 9 of Independent Hearings Panel, dated 20 August 2021, para 10(e) and page 4

¹¹⁸ Statement of Planning Evidence of Jeremy Brophy, Southern Cross Hospitals Limited, 18 June 2021, paras 12-14

¹¹⁹ Kāinga Ora (563.172)

¹²⁰ s42A Report - Strategic Direction – Urban Form and Development, Sarah Edwards et. al., 16 July 2021, paras 215

¹²¹ s42A Report – Officer’s Right of Reply: Strategic Direction – Urban Form and Development, Sarah Edwards, et. al., 16 July 2021, paras 163, 164, 167, 168 and 169

¹²² s42A Report – Officer’s Right of Reply: Strategic Direction – Urban Form and Development, Sarah Edwards et. al., 16 July 2021, para 157.

- 22.5 In our Minute 9, we indicated that we support the creation of a new Strategic Direction Chapter focussed on the rural environment for the reasons set out in that Minute.¹²³
- 22.6 Consequently, we accept the recommendations contained in the Right of Reply for the reasons given in that report. We also accept and adopt their s32AA evaluation in that regard.¹²⁴

23 Protection of and use of the term “productive, versatile land” in the PNPD

Overview

Provision(s)	Panel recommendations
UFD-24 (now RE-2)	Amend to read as follows: <i>“Productive, versatile <u>Highly productive</u> land and natural, physical and cultural resources located within rural areas that are of significance to the district are protected and maintained from inappropriate activities.”</i>

Amendments and reasons

- 23.1 Submissions considered here are those seeking to amend UFD-24 to refer to highly productive land and remove the word “protected”.¹²⁵
- 23.2 Other submissions sought that UFD-24 should apply beyond the rural area and raised matters relating to the protection of biodiversity and natural character.¹²⁶ We consider that those matters are more appropriately addressed by the SD-NE objectives and have been adequately addressed by Sections 8 - 0 above, relating to submissions on the SD-NE Chapter.
- 23.3 The s42A Report recommended referring to highly productive land instead of productive, versatile land as is consistent with the then draft but now released NPS-HPL.
- 23.4 The s42A Report also recommended retaining the term “protected” as Reporting Officers considered it appropriate and that the Network Utilities Chapter provided a consenting pathway. In their Right of Reply, Reporting Officers recommended that UFD-24 be amended to qualify the activities that rural activities should be protected from in light of Mr Watt’s evidence.

¹²³ Minute 9 of Independent Hearings Panel, dated 20 August 2021, para 10(h)

¹²⁴ s42A Report – Officer’s Right of Reply: Strategic Direction – Urban Form and Development, Sarah Edwards et. al., 16 July 2021, paras 175 and 176

¹²⁵ Trustpower Limited (544.31), Transpower (565.42) and HortNZ (457.14)

¹²⁶ Forest and Bird (487.30)

- 23.5 We accept the recommendations contained in the s42A Report and Right of Reply for the reasons given in those reports.¹²⁷ We also accept and adopt the s32AA evaluations in that regard.¹²⁸

24 Strengthen/clarify/specify some strategic objectives to reflect tangata whenua values

Overview

Provision(s)	Panel recommendations
UFD-13	Do not amend for this issue.
UFD-15(5)	Insert wording as follows: <i>"Papakāinga housing that provides for the ongoing relationship of tangata whenua with <u>their culture and traditions</u> and with their ancestral land and for their cultural, environmental, social and economic well-being."</i>

Amendments and reasons

- 24.1 The submissions discussed here are those seeking to amend UFD-13 to prioritise managing impacts on the natural and cultural environment, and UFD-15 to reflect the relationship of tangata whenua "with their culture and traditions", as well as with their ancestral land.¹²⁹
- 24.2 No matters raised by the submitters in relation to these requests remained actively contested at the hearing and apart from the s42A Report we did not receive further evidence on these matters. Consequently, we accept the recommendations contained in the SD-UFD s42A Report in relation to these matters for the reasons given in that report. We also accept and adopt the s32AA evaluation in that regard.¹³⁰

25 Correct wording in relation to mātauranga Māori

Overview

Provision(s)	Panel recommendations
UFD-19	Amend UFD-19(5) in relation to mātauranga Māori wording.

¹²⁷ s42A Report - Strategic Direction – Urban Form and Development, Sarah Edwards et. al., 16 July 2021 undated, paras 216-222; s42A Report – Officer’s Right of Reply: Strategic Direction – Urban Form and Development, Sarah Edwards et. al., 16 July 2021, paras 166-170

¹²⁸ s42A Report - Strategic Direction – Urban Form and Development, Sarah Edwards et. al., 16 July 2021 undated, pages 47-48; s42A Report – Officer’s Right of Reply: Strategic Direction – Urban Form and Development, Sarah Edwards et. al., 16 July 2021, paras 175 and 176

¹²⁹ TKOTAT (459.64 and 65)

¹³⁰ s42A Report - Strategic Direction – Urban Form and Development, Sarah Edwards et. al., undated, paras 231, 232, and 233

Amendments and reasons

- 25.1 The submissions considered here sought to amend UFD-19 to appropriately reflect the broad concept of mātauranga Māori or provide greater detail on the outcome of mātauranga Māori planning, rather than the method.¹³¹
- 25.2 No matters raised by the submitters in relation to these requests remained actively contested at the hearing and apart from the s42A Report we did not receive further evidence on these matters. Consequently, we accept the recommendations contained in the SD-UFD s42A Report in relation to these matters for the reasons given in that report. We also accept and adopt the s32AA evaluation in that regard.¹³²

26 Other recommended amendments

Overview

Provision(s)	Panel recommendations
All Strategic Direction chapters	Amend use of term " <i>and/or</i> " as appropriate to clarify meaning. Update numbering of provisions as required.
Strategic Objective IE-2	Recognise that 'reverse sensitivity effects' are to be 'avoided or mitigated'

Amendments and reasons

Consequential amendments arising from 'whole of plan' submissions

- 26.1 A number of submitters sought specific drafting changes to the proposed plan as a whole.
- 26.2 A full list of whole of plan submissions and our recommendation on how they should be applied to the PNPD is included in Recommendation Report 38.

Other consequential amendments

- 26.3 It is noted that changes to the Strategic Objectives have been made in accordance with evidence presented at later hearings.
- 26.4 The recommended drafting of IE-2 is in accordance with amendments arising from Recommendation Report 33.
- 26.5 Finally, where numbered provisions have been deleted or added to the Strategic Direction Chapters, we recommend that the numbering be updated, and this is shown in Appendix 4.

¹³¹ TKOTAT (459.63), Te Rūnanga o Ngāti Mutunga (520.22), Ngāti Maru (533.66), Te Kāhui (534.62), Chorus (547.20), Vodafone (552.22), Spark (567.20) and Two Degrees (569.20)

¹³² s42A Report - Strategic Direction – Urban Form and Development, Sarah Edwards et. al., 16 July 2021, paras 237, 239, 241 and 242

27 Conclusion

- 27.1 For the reasons summarised above, we recommend the adoption of a set of changes to the PNPDP provisions relating to the Strategic Direction Chapter. Our recommended amendments are shown in Appendix 3.
- 27.2 Overall, we find that these changes will ensure the PNPDP better achieves the statutory requirements, national policy directions, and our recommended Strategic Direction objectives, and will improve its useability.