

HOROWHENUA DISTRICT COUNCIL
PROPOSED PLAN CHANGE 4: TARA-IKA GROWTH AREA
REZONING TO GREENBELT RESIDENTIAL ZONING AREA
MINUTE 5 OF INDEPENDENT HEARING PANEL

Introduction

1. This is the fifth Minute of the Independent Hearing Panel (IHP) and is being sent to you because you are either a submitter or a Council reporting officer to the above Plan Change.
2. The hearing was adjourned on Friday 19th of November 2021 after three days of evidence/presentations from the Council and submitters. The purpose of this minute is to set down the issues from the hearing which we consider require further investigation and response by the Council as part of their right of reply. While these were verbally provided at the end of the hearing on the 19th of November 2021, they are set out in writing below for clarity.
3. We note that should the response contain new evidence on specific matters we may need to consider whether this raises a question of natural justice and therefore in fairness necessitates us allowing comments from submitters on those specific matters.

Issues

4. The following issues are those considered by the Panel to necessitate a response, we acknowledge that there may well be other issues the Council wishes to address in their right of reply:
 - a. The Council's officers' position in relation to whether the O2NL represents a "physical resource" and specifically infrastructure in terms of Policies 3-1 to 3-3 of the Regional Policy Statement.
 - b. The effective 'zoning' approach to the Structure Plan. Is this the most effective and efficient approach and does it enable sufficient flexibility.
 - c. The compliance status of the Structure Plan.
 - i. Who determines whether a proposal is consistent with the Structure Plan?
 - ii. Are there matters of degree involved? Was the intention for small departures to default to non-complying?
 - iii. How does the non-complying activity status fit with the matter of discretion relating to consistency with the Structure Plan?
 - d. Are the medium-density and low-density notations overlays?
 - e. Issues relating to the Arapaepae Road overlay:
 - i. Was the intention to enable all activities at a restricted discretionary status?
 - ii. Given the positioning of this area between the existing SH57 and the O2NL, it's narrowness and it's disconnect from the remainder of the Tara-Ika area, is residential activity the most appropriate use? If

so, would a higher density environment overcome some of those issues?

- f. Stormwater issues:
 - i. How is an overarching Stormwater Management Plan triggered?
 - ii. Should there be a generic blue layer shown on the Structure Plan?
 - iii. Should there be a less precise green layer to enable more flexibility in the stormwater response?
 - iv. Should there be constraints on the amount of subdivision and development enabled as a restricted discretionary activity until such time as an overall Stormwater Management Plan for the entire site is agreed?
 - g. Access issues:
 - i. Is there any certainty with regards access across the O2NL for the proposed east-west arterial?
 - ii. Will the proposed east-west arterial function in its expected way if access onto SH57 (assuming access across the O2NL is achieved) is limited to left in left out and there is no link through to Liverpool Street?
 - h. Is the central core located in the right place or is some flexibility needed as to its location, given the uncertainty on access, and its scale?
 - i. What are the pros and cons of staged development, particularly in terms of roading (and stormwater) capacity prior to the O2NL becoming operational?
 - j. The outcome of further discussions over the scale and delineation of the Maunu Wahine.
 - k. Response to the additional density and roading alignment sought by the Thomas's.
 - l. Response to the Prouce's proposal to downgrade of the collector road running through their land
 - m. Response to the Prouce's proposal to remove the potential habitat for culturally significant species notation on their land.
 - n. If a fixed approach to the roading layout is to be taken, should they be aligned to property boundaries. Alternatively, if more discretion were to be provided could they remain in their current positioning on the Structure Plan.
 - o. Response to the provisions now proposed by Waka Kotahi NZ Transport Agency.
5. For any changes, resulting from the above please identify the wording of any revised or new objectives, policies and rules/standards and associated provisions As part of this, is there any requirement for rationalisation of the Precinct Zone provisions so that there is no duplication or contradiction with provisions of the other zones that it references?

Conferecing

6. We are not directing any conferencing of parties of their expert. However, this should be not be seen as a deterrent to any parties (including Council) who wish to conference amongst themselves on issues of mutual interest and concern.

Re-Scheduled Hearing

7. The hearing is rescheduled for the **17th of December** starting at 9am in the Council Chamber. Site visits will be undertaken the same afternoon.

Circulation of Response

8. In order to focus the rescheduled hearing, we consider it would be helpful to have the response in writing prior to the hearing. Therefore, the response is to be received by the 10th of December 2021.

DATED this 23rd of day of November 2021



Dean Chrystal
Chair - Independent Hearings Panel

For and on behalf of:

Commissioner DM Chrystal

Commissioner J Mason

Commissioner DJ McMahon