

Oral Summary – Representations of Development Nous Limited (SO208.1)

Palmerston North City Council – Plan Change I

Introduction

- My name is Matthew Holder, Director of Development Nous Limited.
- Our Submission (on behalf of A and S Hall) seeks the inclusion of 567 and 567A Featherston Street in the Medium Density Residential Zone (MRZ).
- These are arterial frontage sites, already serviced, and suitable for intensification (size, location, current zoning).

Officer's Recommendation

- The Section 42A report recommends rejection, citing two reasons:
 1. The sites are 1,300m from a neighbourhood centre, exceeding the 800m threshold.
 2. They are not contiguous with the MRZ- approximately 330m west, 430m east.
- The officer also suggests the relief is effectively out of scope.

Scope and Jurisdiction

- Reliance on *Clearwater* and *Motor Machinists* seems to have extended too far.
- Clearwater: test is whether the relief is *reasonably and fairly raised* and foreseeable to affected parties.
- Motor Machinists: expansions must be a *natural and foreseeable consequence* – not an unrelated rezoning.
- Albany North [2017] NZCA 518 (Court of Appeal) confirmed that rezoning by submission is lawful where it is a **logical extension**, and warned:

“To adopt a narrow or rigid interpretation of scope would neutralise the participatory intent of the RMA.”

- Inclusion of 567 and 567A is a foreseeable and proportionate extension, not a remote departure. *Albany North* further endorsed the principle that rezonings sought through submissions can be within scope if they are a logical and foreseeable extension of the notified proposal (para 91).
- Therefore, when we say that our submission is within scope under *Clearwater*, *Motor Machinists*, and *Albany North* we are not ignoring the Council's reading- rather, we are saying their use of *Clearwater* and *Motor Machinists* appears selective and overly rigid.
- When applied properly, those cases don't exclude our submission because it is a logical, foreseeable extension.
- To this end it seems, the Council is extending *Clearwater* and *Motor Machinists* beyond their facts to shut down expansion requests

Accessibility Criteria

- Council has applied accessibility thresholds as absolutes.
- The Accessibility and Demand Assessment (ADA) identifies: 800m to centres, 400m to parks, 600m to bus stops, 800m to schools.
- MfE guidance (2022) stresses flexibility by stating:

"The Ministry for the Environment guidance provides that 'a walkable catchment of 800 metres may be a good starting point, but the draw of certain amenities will influence how far people are willing to walk ... and is likely to influence the size of a walkable catchment.'¹"

- These sites are on a strategic bus-served corridor. Accessibility is not in question. consider this an unduly rigid application. Accessibility thresholds should be guidelines, not hard cut-offs. Featherston Street is a primary transport corridor with bus services and strong connectivity. A 1,300m distance to a neighbourhood centre is not prohibitive in practice, particularly where residents have direct arterial access and multiple amenities nearby.

National Policy Statement on Urban Development (NPS-UD)

- Policy 5 requires plans to enable density commensurate with accessibility or demand.
- The key driver is accessibility by active/public transport to a range of services.
- Council's "all four criteria" approach is overly rigid and not required by the NPS.
- Policy 8 also requires responsiveness to opportunities that add significant capacity.
- Inclusion of these sites is consistent with both policies. Rigid reliance on a single accessibility metric is inconsistent with national direction. Inclusion of 567 and 567A Featherston Street would give effect to both Policy 5 and Policy 8 by enabling additional, well-located capacity that can be delivered quickly

Spot Zoning

- Ms Jenkin characterises the inclusion of these properties as creating an "outlier." we disagree.
- But true spot zoning is rezoning a single, isolated site with no policy rationale.
- Here: two contiguous sites, on an arterial road, within a residential corridor.
- This is a logical extension, not an anomaly. They sit within a wider residential corridor already experiencing intensification pressure. Their inclusion represents a logical, defensible extension of the MRZ boundary and would not undermine the coherence of the zone framework.

¹ (MfE, *Understanding and implementing intensification provisions for the NPS-UD*, 2022, Section 5.5.2, p. 23)

Infrastructure Readiness

- Council's strategic evidence stresses fiscal constraints and reputational risk if land is not serviceable.
- 567 and 567A are already serviced and infrastructure ready.
- They present a low-cost, high-yield addition compared with large-scale or remote expansions.

Urban Design

- MRZ objectives (MRZ-O2, MRZ-P3) require compatible built form and managed effects.
- These sites can deliver three-storey development consistent with the MRZ framework.
- Arterial frontage reduces sensitivity to interface effects.

Conclusion

- We believe our submission is within scope under *Clearwater*, *Motor Machinists*, and *Albany North*.
- The sites are accessible, infrastructure-ready, and consistent with MRZ objectives.
- Council's rigid approach to accessibility and scope is inconsistent with national policy and case law.
- Inclusion is a logical and defensible extension of the MRZ.

It is therefore requested that the Panel our submission and rezone 567 and 567A Featherston Street into MRZ.

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