

**BEFORE THE PALMERSTON NORTH CITY COUNCIL
INDEPENDENT HEARINGS PANEL**

IN THE MATTER OF the Resource Management Act 1991 and
the Local Government (Auckland
Transitional Provisions) Act 2010

AND

IN THE MATTER Plan Change G (**PCG**) Amendments to
the Palmerston North City Council
Operative District Plan

**Response of John Russell Farquhar on behalf of the submitter
Heritage Estates (2000) Limited (“HEL”) to the Commissioner's
questions on Private Plan change B of 4 December 2023**

SUMMARY

- [1] The key points addressed in this evidence are in response to Commissioners McMahon (Chair) and McGarry's question to Mr. Murphy regarding the request for a hearing of Private Plan Change B (PPCB) and that the Chair¹ indicated that question would be referred to the submitter today.

INTRODUCTION

- [2] My name is John Farquhar, I am the director of Heritage Estates 2000 Limited ("HEL"), and my qualifications are set out in my primary statement of evidence.

EVIDENCE

- [3] I note that during the first day of the hearing on 4 December 2023 Commissioner/Chair McMahon and Commissioner McGarry questioned Mr. Murphy on whether my evidence dated 28 November 2023 was in error about Private Plan Change B (PPCB). I refer to the partial transcript in **Attachment 1** from PCG: Aokautere hearing.²
- [4] Private Plan Change B was received by the Council in June 2009 and notified on 15 August 2013. I am advised that Clause 10(4)(a) of Schedule 1 requires the Council to give its decision no later than 2 years after notifying a plan change and there is a duty to avoid unnecessary delay. It is the Council's responsibility to organize the hearing, not the applicants.
- [5] Post the notification process the Council advised that PPCB would be heard by the same commissioners who had heard numerous PNCC plan changes and matters. I instructed Mr. Casey, QC to write to the Council and explain my concerns about their independence and requested alternative

¹ The transcript is taken from the audio-visual file (AVL) supplied by the Council and can be checked for word accuracy. It is difficult to discern some aspects of the audio due to the speed of delivery. Specific text "*Well, we'll ask the submitter that- but that's as far as you are aware that's the last Council correspondence on the matter.*"

² Specific text: "*in his evidence and just picking up on his evidence. It reads in there as if that is on hold, as a sort of gentleman's agreement. I just wondered if you could just clarify whether his evidence is correct on that point, or- or at whose request it is on hold at the moment?*"

Independent Commissioners, his letter is dated 4 April 2014 in **Attachment 4**. On 10 April 2014, the Council advised Mr. Thomas, my Planner that the hearing of PPCB had been postponed to a later date and that PCWL as the submitter would be advised of the hearing date as soon as a hearing date was known, a copy of this letter is in **Attachment 4**. John Annabell, in-house Legal Counsel for the PNCC letter dated 29 May 2014 responded to Mr. Casey's letter and by implication threatened to delay³ the hearing on PPCB, also in **Attachment 4**.

- [6] After receipt of Mr. Annabell's threatening letter to delay a hearing on PPCB PCWL attempted to rezone the land through the Rolling District Plan Change 6: Whakaronga and then Plan Change 15. The result is the inclusion of the PCWL land in Map 9.2 City West- Potential Residential Growth Area. I am advised that the land is protected (which could be limiting) as potentially suitable for future urban growth as part of City West (the former name for Kākātangiata) in section 9.3 Objectives and Policies, Objective 1, Policies 1.1. My rural zoned land is also subject to Map 7.8 Pressure Sewer System Areas in the Plan.
- [7] In mid-2019 Pioneer City West Limited (PCWL) further attempted to progress its rezone via a hearing, I refer you to Mr. Thomas's email to Mr. Murphy on 5 June 19 and Mr. Murphy's email response to Mr. Thomas on 7 June 19 in **Attachment 3**, the subsequent meetings resulted in the letter from Mr. Murphy dated 28 June 2019 in **Attachment 3**.
- [8] In mid-June 2019 I was approached by Mr. Murphy, who asked PWCL to stand down on progressing Private Plan Change B for 18 months to enable the Council time to notify their Plan Change Kākātangiata. I refer to the letter dated 28 June 2019 setting out PNCC's proposal from Mr. Murphy in **Attachment 3**. A subsequent exchange of emails confirmed the agreement and a Memorandum of Understanding (MOU) was negotiated as a formal response to this letter, aligning with the terms of the letter. The MOU,

³ PNCC stated "*One other matter to note is that the hearing date will not be set until the Commissioners' decision on Proposed Plan Change 6 has been released.*" PC-6 was notified 27 May 2013, Hearing 30 April – 1 May 2014, Decision dated 24 August 2014

despite not being executed, was adhered to by both parties, except that the Council did not notify Kākātangiata within eighteen months as expected.

- [9] In response to Commissioner Mc Garry's question on PC-G, Mr. Murphy stated that there had never been a 'formal' request by the application to hear PPCB. I do not agree. I refer to you paragraph 3 of the letter dated 17th June 2021 from Mr. Thomas in **Attachment 2**. Notwithstanding this and the narrowness of the term "formal" there have been many attempts over the years to advance our plan change by one mechanism or another. - formal or otherwise. It is the responsibility of PNCC to organize hearings notwithstanding Mr. Murphy's stated position that the PCWL plan change (PPCB) is 'dead', which flies directly into the face of PNCC's recent actions.
- [10] Mr. Murphy refers to an unpaid claimed debt in his evidence, however, the letter dated 28th June 2019 in **Attachment 3** provides the missing context. In the 4 April 2023 minutes at **Attachment 5**, Mr. Murphy tabled that the PCWL claimed debt would be written off as agreed (by the Council) in his 2019 letter. This claimed debt⁴ related to PPCB. PNCC has confirmed the agreement and resolved this claimed debt. I refer to the Stuff media article report dated 30 June 2023, in **Attachment 6**.
- [11] Mr. Murphy stated on 4 December 2023 in response to questions; *"I would point out with PPCB is that it's at the outer extent of the Kākātangiata area,"* this suggests to me that Mr. Murphy is setting the scene not to advance the PPCB area of Kākātangiata as Stage 1. If, this is the intent, then, I consider that approach contrary to **Appendix B** – Statements and Commitments of PNCC that were given by the Council to secure a Consent Order from the Court⁵ on Plan Change C: Kikiwhenua, see **Attachment 7**.
- [12] In addition, I note that the distance from the Palmerston North City Centre clock tower in The Square along the existing roads to the PCWL boundary on the opposite side of Te Wanaka Road and immediately adjacent to Kikiwhenua is 4280 meters. The PCWL property is 73 Hectares, enough for

⁴ From June 2014

⁵ ENV-2020-WLG-13 Pioneer City West Limited and Heritage Estates (2000) Limited v Palmerston North City Council.

at least 1000 houses, and extends 1.6 km through to No.1, Line /Tremaine Ave extension (the current nearest fully developed residential on Tremaine Avenue is 872.6 metres away). Now, contrast that with a trip from the same position in the Square to the pond on the Councils' subdivision at Whakaronga (the middle of the closest part of the Whakaronga area with infrastructure to date), approximately 6360 metres away, or from the Square to the junction of Pacific Drive and Varsity Heights in the PC-G area being approximately 6494 metres away. Note that I have measured along the roads on the Council's GIS map viewer and have not included the variance (extended lengths for gradients). The trip to the PCWL land is generally considered to be relatively flat whereas the journeys to Whakaronga and the PC-G: Aokautere are not. From the environmental impact and transport perspectives PCWL is significantly better than both Whakaronga and the PCG areas.

John R. Farquhar

ATTACHMENT 1:

Transcript of hearing dated 4 December 2023.

4 December 2023 Day 1 of the PNCC Plan Change G: Aokautere

PNCC Plan Change G Partial Transcript of David Murphy taking questions from the Independent Hearings Panel on matters about the alternative growth area Kākātangiata and the evidence of John Farquhar on behalf of the submitter Heritage Estates 2000 Limited.

David Murphy 2:18:58.

Kākātangiata is a large area, uh- growth area to the west of the, uh, city. Uh, within Kākātangiata is a, um, is a former Private Plan Change request, which is called, uh, PPCB. So, the P double P means private plan change, in terms of the acronym, uh, and- and that's, yeah, been, um. Yeah, it was first lodged in 2010, I think it was. It's in my evidence I can check but it's been- it was lodged many years ago, and has never proceeded to a hearing, but it sits within that wider Kākātangiata area.

Commissioner McGarry 2:19:58

Yeah, I think that's, um, Mr. Farquhar's interest-

David Murphy

Correct.

Commissioner McGarry

-in his evidence and just picking up on his evidence. It reads in there as if that is on hold, as a sort of gentleman's agreement. I just wondered if you could just clarify whether his evidence is correct on that point, or- or at whose request it is on hold at the moment?

David Murphy 2:20:03

Yeah. So, so there's a letter, um the most recent- there's been- The first point I would make is there's been a long history of correspondence between that landowner and the Council on Private Plan Change B over the last 10 years, um, or longer. Uh, so the most recent formal correspondence from Council is attached to my reply. Um, in short that says that if PPCB was to be advanced it would need to be relod- updated, relodged, and renotified. Um, so, the Act requires a decision to be made within two years of the date of notification. Um, so PPCB was received and notified, um, you know over a decade ago, uh, there's a whole bunch of reasons why it hasn't progressed. One of the reasons was- Initial reasons was there was some quite significant uncertainty around Kākātangiata as a legitimate growth option post the

Christchurch earthquakes uh initially, uh. There was then- in terms of the implications of liquefaction and how that would be, um, managed in- risks managed going forward. Uh, the Council at the time was very nervous about the cost of growth on multiple fronts. Uh, so the Council lodged a submission in opposition to PPCB, um, because it was concerned it wouldn't be able to afford growth on multiple fronts. Um and it was in the process of rezoning- starting the rezoning of the Whakarongo area which I referred to earlier. So that then went through and got rezoned. Um, the Council submitted in opposition to PPCB, um, the applicant then challenged the appointment of commissioners, um there was a dispute over an invoice um that was, uh, not paid, uh and then ultimately there was never an explicit request, uh, from the applicant to actually proceed to a hearing. Um, and it's been in effect overtaken by the broader planning for Kākātangiata so. Um, in short, um, um, my- my view and as- as formally recorded in a letter to, um, the applicant is that um, you know, the provisions and the way that it is put together is outdated and, would have to be updated if it was to be advanced, and- and renotified.

Commissioner McGarry 2:22:21

And- and the submitter also talks sort of about the order of plan changes and things. It is fair to say that the Council is approaching all plan changes sort of in a more of a holistic way, that it's not one standalone is going to tick a box, that it's the approach to a package to meet in terms of the, um-

David Murphy 2:22:41

Ah, that's- that's correct, and one of the things I would point out with PPCB is that it's at the outer extent of the Kākātangiata area. Um, so, we rezoned the- Council rezoned the Kikiwhenua area within Kākātangiata, which is almost like what you could call stage one. Um, but the- the Farquhar land is at the outer extent, um, of Kākātangiata um and the Council is continuing to proceed with the preparation of a plan change for the wider Kākātangiata area including the PPCB land um and I'll touch on that shortly about where that process- uh I'll touch on it now, but that- that- that work is in train, there's been a significant amount of work completed. Uh but there are some- I'm going to talk shortly separately about some of the, uh, funding constraints the Council is starting to face, um, and what that means for growth planning, including Kākātangiata.

David McMahon 2:26:35

Just before you commence again, Mr. Murphy, um we will, we will break after your, um presentation, and then we'll come back after some tea to hear from Ms Copplestone and Mr Burns, but your- the letter that you refer to in your reply is that the letter dated 7 July 2021?

David Murphy

Correct.

Chair/Commissioner David McMahon

Yes, did the Council receive a reply to that letter from- from, uh, the landowner?

David Murphy 2:27:09

I'd have to go back and check I- there was also a number of meetings, um, in addition to that, but- but I don't think there was a formal written response.

Chair/Commissioner David McMahon

Well, we'll ask the submitter that- but that's as far as you are aware that's the last Council correspondence on the matter.

David Murphy

It was the last formal Council correspondence on that matter.

ATTACHMENT 2:

Letters between Paul Thomas and Palmerston North City Council

7 July 2021 – Letter from PNCC (David Murphy) to Paul Thomas

22 September 2021 – Letter from Paul Thomas to PNCC

17 June 2021

David Murphy
Acting General Manager Strategy and Planning
Palmerston North City Council
32 The Square
Palmerston North 4410

2A, Jacobsen Lane, Ngaio
Wellington 6035
New Zealand
+64 4 4795034

Reference: RO19000037

david.murphy@pncc.govt.nz

Dear David

KAKATANGIATA RESIDENTIAL AREA PLAN CHANGE.

I refer to the meeting on 15 April regarding Kakatangiata and Private Plan Change B.

At that meeting we were surprised to hear your opinion that because Private Plan Change B had not proceeded to a hearing within 2 years, the Plan Change request was now legally invalid and could not proceed further irrespective of renotification.

It was agreed that you would seek a legal opinion on this matter and share it with Pioneer City West Ltd (PCWL) and their advisers.

While PCWL is actively reviewing the Council work on Kakatangiata that has been released to PCWL to date, it also wishes to determine whether holding a hearing on PPCB now is a valid legal course of action. It is therefore important that this legal opinion is obtained, reviewed and discussed with you and your advisers.

Please therefore forward a copy as soon as you have received it.

Yours sincerely,



Paul Thomas
Thomas Planning Ltd

paul@thomasplanning.co.nz





pncc.govt.nz
info@pncc.govt.nz

Te Marae o Hine
The Square
Private Bag 11034
Palmerston North 4442
New Zealand

7 July 2021

Paul Thomas
Thomas Planning Ltd
2A Jacobsen Lane
Ngaio
WELLINGTON 6035

Oasis #15289068

Dear Paul

Private Plan Change B

Thank you for your 18 June 2021 letter, further to our meeting of 15 April 2021 about Council's Kakatangiata plan change and Plan Change B.

I do not agree with your recollections as to what was expressed and/ or agreed at the meeting. While any confusion is regretted, a legal opinion has not been requested, and is not considered necessary at this stage. I also do not agree that your letter correctly or precisely recites views that I expressed at the meeting.

In relation to the processing of Pioneer City West Ltd's ("PCWL") PC B, the quandary that the Council is faced with is that there has been no decision within two years after notifying the proposed plan, as required by cl 10. This is essentially because your client chose not to proceed the plan change to a hearing. It has now been approximately 8 years since PC B was notified, well outside the time limit for a decision under cl 10.

You seem to have the view that '*renotification*' alone could address the Council's concerns about there being no decision within two years, but it is not clear how that can occur in a procedural sense. As you will recall, PC B was "*accepted*" by the Council under cl 25 of Schedule 1. Clause 26(1)(b) requires that notification of accepted requests must occur "*within 4 months of [the Council] agreeing to accept the request*". If the Council were simply to jump back to the notification step, it would then therefore be in breach of cl 26 unless the Council could also step back further and revisit the procedure under cl 25. I note that is not your suggestion.

I recall expressing a view at our meeting that if PCWL was determined to progress a private plan change in respect of its land at the same time as the Council is progressing its Kakatangiata plan change, then the proper process and next sensible step for PCWL would be to take the time to review and update its plan change, and to make a new request under Part 2, cl 21. I stand by that, in terms of procedural correctness and good planning practice. On my review, Schedule 1 does not allow a Council to choose to rewind a plan change to any convenient procedural step and pick things up from there. To do so would risk placing the Council in an abuse of process situation, particularly for a plan change that is so far removed in time from being accepted and notified.

To be clear, our preference and recommendation to PCWL would be to continue to engage in the Kakatangiata plan change process, which is being prepared through drafting and consultation stages, and is supported by a dedicated Council budget.

Yours sincerely

A handwritten signature in black ink, appearing to read 'DMurphy', with a long, sweeping tail stroke extending downwards and to the right.

David Murphy
CHIEF PLANNING OFFICER
Palmerston North City Council

ATTACHMENT 3:

Correspondence between Paul Thomas and David Murphy. Letter from David Murphy (dated 2019)

From: Paul Thomas <paul@thomasplanning.co.nz>
Sent: Wednesday, 5 June 2019 5:07 PM
To: David Murphy <david.murphy@pncc.govt.nz>
Subject: Plan Change B

David

As a result of a recent meeting of John Farquhar and the Mayor I have been asked to set up a meeting with you and other appropriate Council officials on moving forward with a planned approach to a hearing on PC B.

Referencing back to the PNCC submission on PC B one of the aspects sought was that the provisions be incorporated into the Greenfield Residential Area provisions now being put in place by Plan Change C.

I can advise that the requestor generally considers the Plan Change C framework to be suitable for the PC B request which in effect will form the next Stage of the now named Kakatangiata Growth Area.

The dates proposed are either the 18th or 19th of June.

Initial thoughts on items for the meeting include:

1. Likely changes to be recommended by PCC to the PC C hearing.
2. Agreements reached with PC B submitters to date.
3. Site specific stormwater provisions
4. Structure Plan
5. Provisions for medium density / multi unit housing.
6. Timetable to the hearing

Can you please come back with a proposed time on one of those two dates and we can update the agenda closer to the time.

Regards

Paul



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From: David Murphy <david.murphy@pncc.govt.nz>
Sent: Friday, 7 June 2019 5:22 p.m.
To: Paul Thomas <paul@thomasplanning.co.nz>
Subject: RE: Plan Change B

Hi Paul,

18, 19 and 20 June are looking very full at present. Could you make 21 June work?

As indicated in a variety of forums / documents, Council is keen to work with all landowners to co-create a successful development at Kakatangiata.

Prior to talking about the detail you list in items 1-6, I would like to discuss with you the broad process / method for achieving integrated development at Kakatangiata.

I am interested in your views of the appropriateness or otherwise of advancing Private Plan Change B to a hearing more than six years after submissions closed. There are other options we should explore.

Cheers

David

28 June 2019

John Farquhar
Pioneer City West Limited
By email jrfarquhar@hel.nz

Dear John

Re: Private Plan Change B and Kakatangiata District Plan Change

Further to our discussions on this matter, the Council will write off the debt of \$58,363.91 (excl. GST) owed by Pioneer City West Limited (PCWL) subject to the following condition:

- a) PCWL agrees to not progress Private Plan Change B for a period of 18 months to work collaboratively with Council on a Council-led District Plan Change at Kakatangiata.

In terms of the Council led District Plan Change for Kakatangiata, I propose the following process:

- a) Project management by myself and Jeff Baker, Senior Planner, PNCC.
- b) PNCC will appoint a consultant planner and urban designer to lead the preparation of a Master Plan and District Plan Change for Kakatangiata, excluding the Kikiwhenua Residential Area subject to District Plan Change C.
- c) There will be a dedicated budget to prepare the District Plan Change.
- d) Adopt a co-creation model where PCWL participates in key workshops throughout the process. PCWL representation would be at your cost. Other key stakeholders and landowners will also be involved.
- e) Council will utilise the District Plan 'Greenfield Subdivision Provisions' as the starting point for Kakatangiata. These provisions have been used at Whakarongo and Kikiwhenua, and may be used at Aokautere.
- f) The District Plan Change will be developed in a manner to give effect to Council strategy and relevant RMA requirements.
- g) Council will seek to maximise the use of existing technical information held by PCWL and Council, e.g. Liquefaction assessments.

- h) Council will target having a District Plan Change for Kakatangiata ready for public notification by late 2020, approximately 18 months from the date of this negotiation. Under this scenario, PCWL would have no need to advance Private Plan Change B.
- i) I anticipate that through good collaboration the Council and PCWL can agree on the contents of the Council led District Plan Change. Should there be any areas of disagreement, PCWL can submit on the Council-led District Plan Change and the hearing process could be used to resolve any areas of disagreement.
- j) The Council led District Plan Change will be subject to the RMA first schedule process and a decision by commissioners.

While unrelated to Kakatangiata, given the strong demand for housing in the City, the Council requests that you prioritise the development of your Tremaine Ave land.

Please confirm in writing that you will comply with condition a) above and that you are comfortable with the process outlined for the Council led District Plan Change for Kakatangiata.

Once our negotiations are complete, I will arrange for the formal approval of the writing off the bad debt by the Council CEO and CFO.

Your sincerely



David Murphy
City Planning Manager

ATTACHMENT 4:

Minutes of the meeting dated 15 April 2021; email circulating minutes sent 3 May 2021

PCL Project No. 5135

MEETING RECORD

Attendees: John Farquhar - Pioneer City West Limited, Pioneer Farms Limited and Heritage Estates (2000) Limited, Heritage Land Limited (PCWL)
Johnny Farquhar (PCWL) – apology.
Paul Thomas – Paul Thomas Planning Limited (PCWL)
Amanda Coats, Proarch Consultants Limited (PCWL)
David Murphy, Acting General Manager Strategy & Planning PNCC
Michael Duindam, Senior Planner, PNCC
Jeff Baker, Senior Planner, PNCC

Location: Palmerston North City Council, Level 2 Meeting Room arranged on the day
Date: 15 April 2021

Subject – [2021] PCWL Private Plan Change B (notified) request for a Hearing, Kakatangiata PNCC PCF and Paul Thomas’s letter/John Farquhar’s letter in response to the meeting of 24.2.2021.

- 1) There was general discussion at the commencement of the meeting on planning matters and the current government direction to repeal the RMA1991 and the flow on effect of that to local government.
- 2) PCWL (Paul Thomas) outlined that the purpose of the meeting was essentially set by the letters expressing PCWL’s concerns (see **Appendix A**) in relation to the engagement and consideration of PCWL PPCB in the PNCC Kakatangiata (referred to by David Murphy as Plan Change F). PCWL is disappointed with the process and the outcome as expressed through John Farquhar’s letter. Therefore, PCWL awaits a hearing and he tabled a PCWL suggested timeframe (see **Appendix B**) for that process for discussion.
- 3) PNCC (David Murphy) interrupted and queried whether PCWL was intending to update the PCWL PPCB documents. PCWL (Paul Thomas) stated that PCWL PPCB had already been notified, so there was no intention to resubmit a new plan change. PNCC (David Murphy) – “so you are going to renotify?” to which PCWL (Paul Thomas) replied, “you’re going to renotify – you are choosing to do that”. PNCC (David Murphy) questioned whether PCWL was asking PNCC to renotify exactly what was lodged 10 years ago¹. PCWL (Paul Thomas) re-emphasised that PCWL was asking the Council to arrange the hearing, that Council was deciding to renotify it and that if the Council was deciding to renotify it, then PCWL will have submissions on that process. PCWL are waiting to be heard.
- 4) PNCC (David Murphy) then advised that he considered the PCWL PPCB was “null and void” that it was “not a live plan change” he expressed the view that it was dead after 2 years and that if PCWL wanted it re-notified, then PCWL would need to relodge it with

¹ PCWL Plan Change 48 was lodged in June 2009, it was updated at PNCC request 30th October 2009 and eventually renamed by PNCC as Private Plan Change B (“PPCB”) prior to notification.

PNCC. PCWL (Paul Thomas) disputed the PNCC view on this. PNCC (David Murphy) continued by conveying if there is no decision in 2 years then it was gone. His view was that PCWL PPCB was 10 years old² and that if for any reason a position was reached that it was live, then PNCC would also be looking for PCWL to pay the \$60,000 bill before its notified, but again repeated that PCWL was null and void, that there was no live plan change.

- 5) PCWL (Paul Thomas) suggested that the difference in opinion may require a declaration from the Environment Court because the Act says that a plan change should be processed in two years. It also states that the MfE can be approached for an extension of time. However, PNCC has not done that. The Act does not state what consequences of not completing within the stated time-period are.
- 6) PNCC has not advanced a hearing. PNCC (David Murphy) asked that PCWL to 'show me' the correspondence where PCWL asked for a hearing? PCWL (Paul Thomas) referred to his PC15 evidence, to which PNCC (David Murphy) replied to the effect that those statements related to a plan change not PWCL asking for a hearing. PCWL (Paul Thomas) replied, that there is no requirement for PWCL to request a hearing, rather that PNCC are legally required to hold a hearing.
- 7) PNCC (David Murphy) stated that he had emailed (multiple times) and asked, "when would you like to have the hearing?" His view is that PNCC would normally negotiate on when the hearing would be with the applicant and that PCWL had never formally asked for a hearing. It's been 10 years since the Plan Change was notified and the Plan Change is dead. PCWL (Paul Thomas) responded that Amanda Coats (PCL-PCWL) keeps the records but his understanding of the history is that PNCC proposed a commissioner panel to hear the submissions and there was discussion on the selected commissioners` and nothing proceeded after that point. PCWL (John Farquhar) referred David to Annabell's (PNCC) letter to PCWL in response to the PCWL query on the Commissioners (letters of PCWL (Matt Casey QC) and PNCC (John Annabell) are attached at **Appendix C**). PNCC (David Murphy) requested a copy of some correspondence from PCWL that said to PNCC please schedule a hearing on the plan change.
- 8) PCWL (John Farquhar), David - I was asked not to advance the plan change for the last 18 months. If you claim that the plan change was dead eight years ago then I have been misled? PNCC (David Murphy) - no one has been misled. PCWL (John Farquhar) referred to the letter PNCC wrote to him asking him to stand down for 18 months. PNCC (David Murphy) agreed with John that he was being asked to stand down from advancing his plan change B for 18 months. David relayed that if John had not stood down then, he would have said the same thing that he is saying now, that PPCB is dead and that PWCL needed to relodge their plan change. PCWL (John Farquhar) did not agree, "No, no, no -that's too shifty".
- 9) PCWL (Paul Thomas) your letter says "he agrees not to advance Plan Change B for 18 months" so at that the time the letter was written PNCC understood it to be a live plan change. PNCC (David Murphy) – said something to the effect that "we were splitting hairs" -started to say that "if PCWL wanted to renotify it..." but PCWL (Paul Thomas) interjected and repeated what he'd already said earlier (see item 3) that PCWL does not want or ask to renotify it, that is PNCC`s decision and referred David to what had been said in his letter. PNCC (David Murphy) considered that although John (PCWL) had

² PPCB was notified on the 15th of August 2013, further submissions were notified on the 14th November 2013 so less than 8 years ago would be more accurate and noting that PCWL was asked by PNCC to stand down from advancing their plan change in June 2019, less than 2 years ago.

responded by 10th July 2019 from the UK stating that he was in general agreement but for a couple of minor items needing addressing and matters could be finalised after a meeting when back in NZ. However, despite 3 months of negotiations (several draft MOU's exchanged) PNCC had proceeded anyway with Kakatangiata. PCWL (John Farquhar), stated 'I have stood down and kept my end of the deal'. PCWL (Paul Thomas) noted that there was a formal response to the letter in the form of a proposed Memorandum of Understanding (MOU) which was not ultimately agreed between the parties, but it did state clearly what PCWL wanted to see in terms of project process and project management. While this was not completed the parties have proceeded on the understanding of the PNCC letter.

- 10) PNCC (David Murphy) did not consider he would have authority to renotify a plan change. PCWL (Paul Thomas) that is a change in position, "the last meeting I attended, PNCC shared Nick Jessen memo about these issues" and PNCC said that if we wanted a hearing that PNCC would renotify it because it was within PNCC's discretion to do so, (see **Appendix D**). PNCC (David Murphy) advised that he was happy to get some updated advice on whether they can renotify PPCB unchanged or whether it has to be a new application and share it with PCWL. PCWL (Paul Thomas) stated that the timeframe for extending under the Act can be beyond two years with agreement of the requester.
- 11) PCWL (John Farquhar) stated his concern was that PNCC was not going to get the Kakatangiata plan change through for at least 2 years. PNCC (David Murphy) - Kakatangiata is one package for the entire area. PCWL (John Farquhar) the time frame could be considerably longer if the PNCC plan is extensively appealed. PNCC (David Murphy) said that they considered appeals unlikely but if there was, the most likely and only appellant would be PCWL. PCWL (John Farquhar) said there will be reactions from landowners when they see roads planned to run through their houses. PNCC (David Murphy) indicated the Te Wanaka West group of residents were unlikely to be a challenge and would confuse themselves (or words to that effect). PCWL (John Farquhar) the problem with that is that PNCC has bitten off too much and made it too big. PNCC (David Murphy) quoted the NPS-UD2020 and stated that the drivers that feed the need for housing in Palmerston North (Linton, Ohakea, Kiwirail, Massey and Food HQ), and that Kakatangiata is the best chance of PNCC securing part of the \$3.8 billion government funding. What followed was statements to the effect that if John was to advance his plan change, then PNCC would commit all Kakatangiata expert team to that plan change hearing process, and you will start paying for every hour the PNCC group of experts is working on Kakatangiata. PCWL (John Farquhar) stated that was "rather threatening". PNCC (David Murphy), stated it was "not efficient", and that the most efficient way is if PCWL submit on the PNCC process and you take that to a hearing. That PNCC has an obligation to plan for more than just the PCWL PPCB land. The most efficient way is for PCWL to submit on our process and that it will be cheaper. PNCC intend to notify Kakatangiata this year (2021). David said that John has "not been prepared to back his horse" and John did not agree. Subsequently John said he considered David's comment as insulting and offensive, David then apologised.
- 12) PCWL (John Farquhar/Paul Thomas) NZTA business case for bridge corridor Rongotea-Camp Road (ring road). PNCC (David Murphy) summarised that they had met with the NZTA Manager yesterday (14 April 2021) and that they had not done anything more than put a line on a plan from Camp Road through Rongotea Road (despite the business case). David guaranteed in the next 5 years that NZTA would do no work on that. NZTA does not have the resources, that work was down for year 10-12. NZTA put the emphasis on the City to do their work first. He relayed that the NZTA Manager said they would not do any work at Ashhurst for 10 years so Rongotea-Camp Road would be beyond that again and by then it will not be there, the SH will be on the other side of Longburn. Meanwhile PNCC's Kakatangiata PCF process will drive the route of the freight road link

and embed it in the district plan. PNCC will set the urban framework and decide what Rongotea Road will be, PNCC does not want the SH on Rongotea Road. Discussion continued but it did not pertain to PCWL PPCB and was viewed by PNCC (in part) as a side show to the Kakatangiata.

- 13) PNCC (David Murphy) confirmed that PNCC was happy to get some advice about whether it (PPCB) needed to be re-notified, "I agree that you deserve to get in front of some commissioners and put your case as to why you would like to develop your land the way you want to – no one disagrees with that." However, PNCC did not see it as efficient to work on both processes. PCWL (John Farquhar) stated he did not want to work on both processes either but did not like how it had played out.
- 14) PWCL (Amanda Coats) asked a question about whether PPCB as part of the City West was part of the strategy. PNCC responded that the previous regime (in the last 5 years was unsupportive) due costs, that Council did not have the money. PCWL (John Farquhar) disagreed with statements around cost. PNCC had used inflated cost to it of infrastructure to City West as a reason for not supporting but would never provide the details of how the numbers were arrived at and virtually all if not all the infrastructure costs of PCWL development would be paid by PCW and not PNCC -the politicians were misled. During the same time-period PNCC has advanced multiple other plan changes since Whakaronga (PC6). David agreed that John had been patient and the discussion traversed into the other plan changes PNCC had promoted ahead of PCWL PPCB. PCWL (John Farquhar) raised the concern of the appropriateness of PNCC promoting RACE PCC (2019) ahead of PCWL PPCB (to which it was opposed) when to all intents and purposes the plan changes are in the same locality and the same. David stated that the decision was '100% political'.
- 15) PCWL (John Farquhar) asked why PNCC would not support PCWL as Stage 1 of Kakatangiata so that it goes first ahead of the remainder of Kakatangiata? PNCC (David Murphy, Jeff Baker, Michael Duindam) in various comments made did not appear to oppose PCWL suggestion, but although each indicated separately they were not opposed to PCWL being Stage 1, there was no forthcoming commitment from PNCC to advance the PCWL land holding as a separate Stage of the Kakatangiata growth area ahead of the full project. PCWL's views expressed in the meeting was that this just left PCWL languishing in likely appeals due to the multiple landowners subject to the wider Kakatangiata. While PNCC's view was that the PCWL block is likely to be developed first because John is a developer and has the major block of land, regardless of this fact there was no commitment to advance PCWL as Stage 1 ahead of Kakatangiata to get growth moving in this area.
- 16) PNCC (David Murphy) stated that it would be good if PNCC could have PCWL support as the major landowner for the PNCC submission for the government \$3.8 billion dollar fund. PCWL (Paul Thomas) revisited the frustration of PCWL at PNCC delays in getting Kakatangiata finalised. PCWL (John Farquhar) conveyed that the delay and overspend appeared to be due to Urban Design. PNCC (David Murphy) disagreed and conveyed that the PNCC team was working hard on it, that they understood that PWCL do not agree with all of it, but that liquefaction and stormwater engineering aspects were consuming a high degree of money and that they were likely to overspend on the planning budget by over \$300,000 this year. PCWL (Paul Thomas) said 'we're all going to be dead - we want to see something done'.
- 17) PNCC (David Murphy) we know that you are not comfortable with the information but if you proceed down the hearing process on PPCB then we will direct our resources to that, and you will be paying for the entire process. PWCL (John Farquhar) – 'I consider that a bit threatening.' PNCC (David Murphy) affirmed that it was what would happen.

PNCC (Jeff Baker) there is no problem in our team in providing for PCWL as part of a first stage of development. There is a difference in design form. PCWL (John Farquhar) conveyed later in the meeting that he was not wedded to the PC B design form but was interested in efficient development of land. PNCC (David Murphy) said that the PPCB design would be evaluated as part of the s32 evaluation.

- 18) PCWL (John Farquhar) queried what would happen if PNCC fails to obtain part of the \$3.8 billion fund and has no budget for infrastructure. PNCC (Michael Duindam) there is money set aside in the LTP but that is a few years out. PCWL (John Farquhar) said something to the effect that it was "quite away-out, about 5 or more years out, whereas if PNCC would rezone PCWL I can get in and do it and fund it". PNCC (David Murphy) happy for you to go first. PNCC (David Murphy) confirmed that PNCC was doing that. However, clarifications then identified that PNCC was not intending to advance PCWL Stage 1 Kakatangiata ahead of the whole Kakatangiata area (as they had done with RACE), instead PNCC would advance it as part of the whole.
- 19) PCWL (Amanda Coats) ventured that she had not understood why PNCC had gone down the track of throwing out the previous structure plan worked on by McIndoe Urban for the City West area and started again, it was relied on as part of PNCC PC-C (Kikiwhenua -RACE) but not for this. PNCC (David Murphy) stated 'that first structure plan was about 6 hours work from McIndoe Urban' and that the majority of council are not happy with what we are getting from Greenfield areas, they look at Kelvin Grove and Aokautere areas and do not want the same. PNCC (Michael Duindam) corrected her that Isthmus (not McIndoe Urban) was used for PC-C. PCWL (Amanda Coats) acknowledged this correction, but queried why the structure plan by McIndoe Urban prepared at the same time City West, was deemed suitable for notification as part of PNCC PC6 and asked if the Council was unhappy with the outcome of PC6 Whakarongo?
- 20) PCWL (John Farquhar) tabled some images of 2-3 Storey images of medium density in Auckland. PNCC discussion on this was that the plan would enable higher densities in specified locations but the developer would not be compelled to provide it. He voiced his concerns about idealised -utopian urban development and the market in Palmerston North and the proposed level of detail in the structure plan.
- 21) PNCC (David Murphy) briefly discussed that PNCC has been investigating a streamlined process for Kakatangiata. He outlined that there were some risks for PCWL in that process as there is only one shot at it no rights of appeal. PCWL (Paul Thomas) agreed that this could be looked into and referenced the recent Plimmerton Farm Plan Change streamlined plan process as an example.
- 22) PNCC (Michael Duindam) Council is looking to meet their obligations and unlock land for development. He suggested that, potentially, from a risk's perspective of Kakatangiata appeals holding up PCWL from developing their land, PNCC could think about how to divide the plan change up so that appeals that do not affect PCWL allow that part to be made operative. This will be fed into the section 32 report and use the masterplan to minimise risk much as they can. PCWL (Paul Thomas) supported this approach. PNCC (David Murphy) that PCF could be roman number PCF (i), PCF (ii), PCF (iii) so that it could be split up. The other thing that PNCC could look at was early legal effect due to the requirement for housing and while typically early legal effect is to protect a resource, he suggested that maybe PNCC could look at that creatively. However, his concern from what he was hearing from PCWL was that PCWL does not support the direction of the structure plan.

- 23) PCWL (John Farquhar) – then we should look at the areas of disagreement because we are probably not that far apart. PCWL team supportive of looking at these options the PCWL concern is around the ability to retain flexibility in the structure plan so that it is flexible by nature and that it does not become a performance standard in the plan. PNCC requires flexibility if the population density does not arrive in this location and PCWL does not want to be faced with a plan change process to remove the structure plan or advancing a non-complying resource consent to subdivide or develop its land. (David Murphy) confirmed it was not proposed to make the structure plan a performance standard. It would be policy and assessment criteria.
- 24) PCWL (Amanda Coats) indicated that it was difficult for PCWL to engage on resolving issues with no information. PNCC (Jeff Baker) not far off showing PCWL something that they can engage with, but we need time to complete that. PCWL (John Farquhar) I want PNCC to approach it with an open mind. PCWL (Amanda Coats) outlined that PCWL approached us to rezone their land in 2007 (we were younger then) and there is a lot of water under the bridge, but PCWL and PNCC are not that far apart, however, PCWL have no information, and we are constantly told *“it’s coming, its coming, it’s coming”*.
- 25) PNCC (Michael Duindam) said the update of the Housing and Business Capacity Assessment was due at the end of June 2021 and that the demand appears to be being met currently by infill residential but that they had to wait for the report.

26) **In summary:**

- a. The PCWL timeframe for the requested hearing (**Appendix B**) remains unresolved.
- b. PNCC's agreed to obtain a legal opinion on whether PC B is alive and will share that advice with PCWL. In the situation that it is not alive resubmission of an updated plan change request would be required by PNCC. If required to advance PCWL PCB or successor costs will be significant.
- c. PNCC preferred approach is to work together on resolving issues ahead of notifying PCF. PNCC and PCWL work on resolving urban design/stormwater (and any others) if they are not too far apart on Kakatangiata with PCWL proceeding as part of Kakatangiata. PNCC (Jeff Baker) agreed to provide McIndoe Urban work to date a snapshot in time post-meeting.
- d. PNCC to examine streamlining options (risks are relevant to PCWL and PNCC in this process), alternatively look at staged early effect to PCWL PPCB land to minimise the risk of appeals slowing down PCWL.
- e. PCWL prefers PCWL be advanced as separately as Stage PCF(i) Kakatangiata ahead of the other stages involving multiple landowners. PNCC does not support this approach.
- f. PCWL -as expressed to Michael Duindam and Jeff Baker (David Murphy had left the meeting) its position that it needs to make a commercial decision weighing up the advantages of advancing its own plan change and making its own time frame but with associated costs versus continuing to allowing the current situation of being a passive with PNCC to promoting its extensive -Kakatangiata- Plan Change F and the obvious long time frames associated with it - particularly with likelihood of appeals and adverse results.

g. PNCC agreed to share the Kakatangiata McIndoe Urban progress to date.



Amanda M. Coats
On behalf of Proarch Consultants Limited

Dated 28 April 2021

Note: Post Meeting Correspondence received prior to the issue of these minutes on 28 April 2021 is attached at **APPENDIX E**.

APPENDIX A:

From: Paul Thomas <paul@thomasplanning.co.nz>
Sent: Thursday, 11 March 2021 4:57 PM
To: Jeff Baker <jeff.baker@pncc.govt.nz>
Cc: Heather Shotter <Heather.Shotter@pncc.govt.nz>; David Murphy <david.murphy@pncc.govt.nz>; Michael Duindam <michael.duindam@pncc.govt.nz>; Grant C Smith <Grant.Smith@pncc.govt.nz>; John Farquhar <jrfarquhar@hel.nz>
Subject: Kakatangiata Residential Area

Jeff

Following your recent meeting with John Farquhar please find attached a letter regarding Private Plan Change B and attachments including detailed comments on the Kakatangiata Residential Area from Pioneer City West Limited.

Regards

Paul Thomas



PAUL THOMAS

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www.thomasplanning.co.nz



9th March 2021

Jeff Baker
Palmerston North City Council
32 The Square
Palmerston North 4410

jeff.baker@pncc.govt.nz

2A, Jacobsen Lane, Ngaio
Wellington 6035
New Zealand
+64 4 4795034

Reference: RQ19000037

Dear Mr Baker

KAKATANGIATA RESIDENTIAL AREA PLAN CHANGE.

Please find attached a letter from Pioneer City West Ltd (PCWL) following the recent meeting with yourself and Andrew Burns regarding the Kakatangiata Residential Area Plan Change.

The letter raises a long list of concerns regarding the proposed planning framework for the land owned by PCWL and surrounding land.

As you are aware the submissions on Proposed Private Plan Change B remain unheard and the Plan Change has not been withdrawn.

The recent basis of agreement to not progress Private Plan Change B was formalised in a letter to PCWL from David Murphy dated 28 June 2019 which I have also attached. Agreement to this was made by e mail from John Farquhar on 10 July 2019.

The agreement is clear that PCWL will not progress PC B for a period of 18 months to allow work on the Council led plan change for Kakatangiata to be progressed.

The agreement stresses the importance of a collaborative approach to the plan change through what it terms a "co-creation" model and clearly states an expectation of public notification of the Plan Change "by late 2020".

While PCWL anticipated the need for some flexibility given the nature of the process the 18 month period has now expired and it is understood that very best case scenario for the earliest possible time for notification is now September 2021.

This together with the scope of concerns regarding the direction the plan change is taking expressed in the letter attached requires PCWL to now formally request that the hearing of submissions on Private Plan Change B be conducted and the Plan change process be completed.

To advance this PCWL requests a meeting to agree the detailed hearing process and timetable. Please could you reply with some suitable dates and times for this meeting.



Alongside this PCWL wishes to indicate that it is willing to engage in discussions with the Council regarding refinements to the proposed plan provisions in PC B to better fit the current form and style of relevant sections of the District Plan.

Yours sincerely,



Paul Thomas
Thomas Planning Ltd

paul@thomasplanning.co.nz

c.c. Grant Smith, Mayor of Palmerston North City Council.
grant.smith@pncc.govt.nz

Heather Shotter, Chief Executive Officer, Palmerston North City Council.
heather.shotter@pncc.govt.nz

David Murphy, Acting General manager Strategy and Planning Palmerston North City Council.
david.murphy@pncc.govt.nz

Michael Duindam City Planning Manager.
michael.duindam@pncc.govt.nz





28 June 2019

John Farquhar
Pioneer City West Limited
By email jrfarquhar@hel.nz

Dear John

Re: Private Plan Change B and Kakatangiata District Plan Change

Further to our discussions on this matter, the Council will write off the debt of \$58,363.91 (excl. GST) owed by Pioneer City West Limited (PCWL) subject to the following condition:

- a) PCWL agrees to not progress Private Plan Change B for a period of 18 months to work collaboratively with Council on a Council-led District Plan Change at Kakatangiata.

In terms of the Council led District Plan Change for Kakatangiata, I propose the following process:

- a) Project management by myself and Jeff Baker, Senior Planner, PNCC.
- b) PNCC will appoint a consultant planner and urban designer to lead the preparation of a Master Plan and District Plan Change for Kakatangiata, excluding the Kikiwhenua Residential Area subject to District Plan Change C.
- c) There will be a dedicated budget to prepare the District Plan Change.
- d) Adopt a co-creation model where PCWL participates in key workshops throughout the process. PCWL representation would be at your cost. Other key stakeholders and landowners will also be involved.
- e) Council will utilise the District Plan 'Greenfield Subdivision Provisions' as the starting point for Kakatangiata. These provisions have been used at Whakarongo and Kikiwhenua, and may be used at Aokautere.
- f) The District Plan Change will be developed in a manner to give effect to Council strategy and relevant RMA requirements.
- g) Council will seek to maximise the use of existing technical information held by PCWL and Council, e.g. Liquefaction assessments.

- h) Council will target having a District Plan Change for Kakatangiata ready for public notification by late 2020, approximately 18 months from the date of this negotiation. Under this scenario, PCWL would have no need to advance Private Plan Change B.
- i) I anticipate that through good collaboration the Council and PCWL can agree on the contents of the Council led District Plan Change. Should there be any areas of disagreement, PCWL can submit on the Council-led District Plan Change and the hearing process could be used to resolve any areas of disagreement.
- j) The Council led District Plan Change will be subject to the RMA first schedule process and a decision by commissioners.

While unrelated to Kakatangiata, given the strong demand for housing in the City, the Council requests that you prioritise the development of your Tremaine Ave land.

Please confirm in writing that you will comply with condition a) above and that you are comfortable with the process outlined for the Council led District Plan Change for Kakatangiata.

Once our negotiations are complete, I will arrange for the formal approval of the writing off the bad debt by the Council CEO and CFO.

Your sincerely

A handwritten signature in black ink, appearing to read 'DM', with a long, sweeping horizontal stroke extending to the right.

David Murphy
City Planning Manager

Pioneer City West Limited

P O Box 813
Palmerston North
New Zealand 4410

P: +(64) 21 662 203
E: jrfarquhar@hel.nz

Palmerston North City Council
32 The Square
Palmerston North
4410

Dated: 11 March 2021

Attention: Mr Jeff Baker

Re Pioneer City West Limited (“PCWL”) PPC B and Palmerston North City Council Plan Change - Kakatangiata

Summary of Current Position and Relevant Considerations

1. This document has been prepared to address the current position of Palmerston North City Council (“PNCC”) regarding Kakatangiata as relayed to M/s Amanda Coates and me in a meeting on 24 February 2021 with you and Andrew Burns (“**Meeting**”).
2. At the outset it is important to record that PNCC made resolutions, arrangements and gave representations with and to PCWL over many years. The latest being in mid-2019 when PNCC promoted that it would:
 - a) Incorporate major elements of the design for PCWL’s Private Plan Change B (“**PPC B**”) in its proposed Kakatangiata Plan Change;
 - b) Ensure that PCWL’s land was able to be released for development as the first stage of Kakatangiata and within a wider integrated infrastructure package; and
 - c) Avoid use of PCWL land to provide for other land’s needs.
3. Despite the PNCC’s commitment to adopt a co-creation model with PCWL, the meeting was the first time that PCWL has been shown the PNCC’s preferred option for the development of PWCL land as part of the Kakatangiata Residential Area Plan Change.

4. Given what PNCC promoted in paragraph 2 above it is extremely disappointing that despite PNCC's extensive working knowledge of PPC B and all the associated correspondence, plus importantly our meeting with Mr Burns on 21 October 2020 four months previous, PNCC has decided to completely ignore the PPC B and proceed on an entirely different path.
5. Set out below are a number of matters relating to the arrangements and representations made by PNCC to PCWL that have not been met. Also set out are the reasons for our view that the design proposed by Mr Burns is neither desirable nor achievable.

The need to resolve the Western Ring Road Route ahead of the Plan Change given the expanded area

6. PNCC has continuously enlarged the proposed footprint of its proposed plan change, both west and north, from approximately 300 hectares originally to the current 700 hectares. As a direct result the route and function of the Western Ring Road becomes a crucial factor.
7. At this stage, there is no absolute certainty about the Western Ring Road or additional southern bridge crossing, both as to their locations or timing, or even whether they will occur at all. PCWL understands that a possible decision by NZTA is imminent.
8. Advice to PCWL is that the Ring Road will most likely be located on existing roads where possible and in this locality those roads can only be Rongotea Road and Shiriffs Road. If this happens, it will be not be viable to have intensive residential land zoned on the western side of these two roads as they will be in an open speed limit zone and have highly restricted access. PPC B is easily able to accommodate this problem because it's development is on the eastern (city) side of Rongotea Road and has only one access onto Rongotea Rd which can be simply removed.

Planning for Neighbourhood Centres and Open Space

9. Commercial development will not be viable until a large number of the residents live in the proximity. This will be at least 10 years away.
10. PCWL considers that the chances of commercial development occurring in the centre of PCWL site are far greater than elsewhere. This does not preclude additional centres in other locations in the longer term.
11. Sportsfields and reserves should be located beside the Mangoane Stream on land that cannot be developed for housing. Lateral spread (because of seismic liquefaction potential) precludes building development on land within 100 metres of the stream bank and the Mangoane bank length is approximately 1.2 kilometres long on the north side of Pioneer Highway, creating the opportunity for an area of 12 hectares for leisure activities.

12. On the south side, the stream length exceeds 2 kilometres and is correctly proposed for open space in the Kikiwhenua Structure Plan.
13. PNCC advised in the Meeting that Kakatangiata requires 4 hectares for sports fields and reserves. In the plan produced at the meeting 2.4 of the 4 hectares was shown as located on PCWL land. This is total unnecessary, wasteful and costly. Moving this activity to beside the Mangoane will enable valuable development land to be used for what it should be used for -housing, with reserve areas utilising undevelopable land. Reserves located alongside the stream corridor will result in significantly better environmental, town planning and financial outcomes.

Proposed Stormwater Strategy is Flawed

14. It is impractical to create wetlands on the highest ground being ironically the bed of the old filled in Mangoane Stream. You will be aware that the only source of water would be the rain which falls on that actual land. Water does not flow up hill. This ridiculous proposition would result in wetlands being dry most of the year, if not dry and made artificially wet, they would likely contain stagnant water - obviously a health hazard, a child safety hazard and visually unattractive when dry. Again this part of the PNCC/Burns plan wastes good developable land.
15. The stormwater strategy is based on assumptions about geotechnical conditions which are not consistent with the PNCC's geotechnical assessment. Underground infrastructure is not precluded by that assessment and the assumed groundwater levels are incorrect.

Proposed Roading Pattern is Flawed

16. PNCC's proposed roading patterns are virtually all tight rectangular or square grids with all roads apparently straight. There are too many roads that are too close together making development commercially unviable unless for the purpose enabling medium to high density. Below we address the suitability of these development types for Palmerston North suburbs.
17. Based on what PCWL were shown, PCWL estimates is that PNCC/Burn's roading pattern, relative to the PPC B scheme, would on PCWL land, add over 50% to the road length required (12.km compared with 8 km) and double the number of intersections (over 50) with most (90%+) being 4 way. This compares with 50% of PPCB intersections being only 3 way. The additional road length equates to a loss of approximately 7-8 hectares of highly developable residential land. This translates to approx. 120-150 houses and gardens being exchanged for kilometres of bitumen, kerbs, concrete/stone raingardens and concrete footpaths. This unnecessary excess obviously creates considerable unwarranted negative environmental and ecological effects. Presumably this approach to roading applies across the whole of the 700 hectares adding up to 40 kilometres of unnecessary roading.
18. The PNCC/Burns preferred roading layout as finally produced at the Meeting (information which PCWL had been unsuccessfully chasing for month) shows a large

number of its proposed roads on PCWL land that would be capable of being developed by PCWL on one side only. Significant lengths of roading have no development potential on either side i.e. just linking or nice to have. The loss of developable road frontage, based on preliminary observations, is over 35%. This is neither acceptable or viable unless PNCC plans on purchasing land and paying for roading.

19. There are no grounds for the Palmerston North City Ratepayers' money to be used for this purpose, therefore it simply will not happen. The Palmerston North ratepayer is already confronting unavoidable large financial demands, particularly the massive multi hundred million dollar expenditure on the City's sewer system. I am unaware of any other situations in the city in the last 20 years where PNCC financed roads for the benefit of private development.
20. Several kilometres of roads as proposed by PNCC/Burns plan on PCWL land, follow and join the PCWL boundaries, which if built would be requiring PCWL to develop the roads for the benefit of adjacent landowners. Obviously, joint financing or obtaining fair contributions from neighbours is extremely difficult. Most have differing objectives and limited resources. PCWL has at least 24 neighbours. Simply, if it falls on one party to supply (for free) the land and then 100% finance the road for only 50% of the benefit, that road will not be constructed. Any thinking to the contrary is fanciful. This means that all the boundary roads as drawn are no use. This issue was addressed and resolved satisfactorily in PPC B when PNCC and PCWL worked together. It has been floated that development contributions from the wider area would enable PNCC to buy land and finance the construction roads. Justification for this is non-existent except perhaps for a major arterial and I don't consider there any in Kakatangiata with the exception of Pioneer Highway and No.1 Line/Tremaine Ave. The Ring Road on Rongotea Road will presumably be NZTA's responsibility.
21. For clarity, if certain owners are perceived to be obtaining an unfair advantage (free ride) through the PNCC/Burns promoted plan change, there will be resistance from the others. This will come in the form of objections some will looking for trade-offs and others seeking outright decline. With 200+ landowners there would be no end.

The density expectations are Not realistic for this market

22. My view is that there is little to no appetite in the Palmerston North outer suburbs market for anything other than traditional single house configurations. The PNCC/Burns plan is attempting to create a level of densification that is unobtainable and not backed up by robust empirical evidence from the Palmerston North real estate market. In fact the contrary exists.
23. PNCC appears to be ignoring another fundamental tenet of development. This is that a single house site can be purchased on its own by an individual who can then develop what he/she chooses, when he/she chooses and how he/she chooses. This opportunity diminishes with increased density and reduced section size. With more intensity building developers as distinct to land developers by necessity become more involved in the planning and building/construction phase. With complex townhouse

apartment development a building developer is unavoidable. Two or more properties with either common boundary walls and/or floors need to be built by one common entity. In the history of Palmerston North's development the vast majority of buyers have shown a strong propensity to be individual ie buy a section and the pick a builder or buy a single land and house package. I do not see this changing. There has been not been any multi apartment block built in Palmerston North from the ground up. In the past I have twice attempted such projects but because of the nature of Palmerston North's market have not proceeded.

24. I consider the ambition to ramp up density in the outer suburbs to medium or higher, as PNCC/Burns proposes - 1:300 or even 1:400 sqm sites is not based on sound logic. The odd one might work but not streets full. Trying to force a market change when the buyers choice is so wide is doomed to fail. Kakatangiata has no existing town centre or regular public transport which are key prerequisites for densification. Without all these elements, densification is extremely poor planning and slums are the result.
25. It should be noted that the inclusion small 450m² sites at the proposed Whiskey Creek Residential Area must be put in the context of being immediately adjacent to a large tract of land that is a flood plain and cannot be developed but can be developed for public open space. This is not the situation for PCWL land.
26. Further proof of the popularity of single house is Statistics NZ info reported last week on Stuff.co.nz (Thursday 4th March 2021): *'that while houses are getting smaller, the new figures showed medium sized stand-alone houses with a floor area of between 100 – 200 sqm had become much more popular in the last decade. More than 11,000 houses were consented last year double what was seen in 2010 home building slump in the wake of the global financial crisis They were more likely to have three or four bedrooms'*.

There is very limited stakeholder support

27. Generally, the plan PNCC/Burns produced at the Meeting is utopic. It has no chance of being supported in its current form, let alone built. Considering the amount of land in Kakatangiata, the normal person has difficulty rationalising why new roads are being planned virtually alongside existing roads (making them redundant) not on them and intersections/roads are planned with total disregard for existing high quality dwellings and infrastructure. Based on my observations and experience, by the time all the appeals to the Environment Court have been exhausted there is not a chance that PNCC's Plan will be operative before 2025 and likely later.
28. You confirmed at the Meeting that you had already encountered substantial opposition from owners. I am aware of discontent amongst my neighbours. This problem will compound when various owners (stakeholders) consider they have been disadvantaged for benefit of others eg, developable land area for some owners reduced because of the desire by PNCC for more roads, wetlands and ponds on their land but not on their neighbours. This will become very interesting now that PNCC

require that each owner manages its own stormwater runoff. The viability of stormwater management systems on many of the smaller properties will be challenging.

Early staging has not been honoured

29. Prior to the Meeting, and having engaged with PNCC in good faith, it was my understanding that PCWL land would be staged to be first in this rezone process. PNCC had confirmed this in the Kikiwhenua mediation when it committed that Te Wanaka Road West and PCWL land would be leading the next stage of development. This is still the expectation of the residents of Te Wanaka Rd West.
30. You have now advised that PNCC intends now to notify and run the whole plan change as one, meaning there will not be any staging of the process. This all or nothing approach means no land will be rezoned until the last appeal is resolved. This is an unacceptable change in position. You also advised that the proposed plan change must be approved by PNCC before it can be notified. This may not be so simple.

There is no strategy to address implementation with fragmented ownership

31. It is clear to me that you recognise the problems with having 200 plus small land holders to deal with. This makes it all the more perplexing as to why PNCC has elected to take this difficult complex path particularly when the overarching Government directives regarding residential land supply are so clear. Logically, to achieve these directives, any development that is capable of being done quickly and easily - 'low hanging fruit' - must be given priority. PCWL land is capable of being developed with few obstacles and is single ownership. But this is not PNCC's approach with its current Kakatangiata proposal. The housing crisis is now. Increasing the supply side is vital not only to providing housing but to stabilising the market pricing. Perhaps PNCC officers don't really consider there is a chronic shortage of sections in Palmerston North City or if there is, it is going to be easily satisfied by whatever new stock is in the pipe line which will soon include new plan changes for Roxburgh Crescent, Flyers Line (Whiskey Creek), Tiritea plus Whakaronga including PNCC's own development there. Development time frames even for these are for the most part multiples of years.
32. In the current market PNCC does not have the prerogative of trying to impose its granular utopian masterplan on the community in . The release of housing land demands a more viable, feasible and flexible approach.
33. Rezoning is only the first stage. There is normally at least a 2 year lag before any sections are available and road construction is seasonal. PNCC needs to get on with realistic plan changes, even if in the eyes of some they are not perfect.
34. I am conversant with Auckland's Operative Auckland Unitary Plan, its constraints, opportunities, successes and failures. Mr Burns has made direct comparisons with Hobsonville that are simply not valid in Palmerston North. The market pressures are

completely different; prices, values, accessibility, commercial opportunities and expectations not comparable. It is and has been mainly constructed and sold by building developers. There is a vast number of cojoined apartments and townhouses in Hobsonville precinct. For the most part this is not a viable approach for Palmerston North. In the latest (autumn) publication by the Real Estate Institute of New Zealand an article notes that large master planned communities like Hobsonville are not getting the backing they need right now and there is a mild aversion to the idea of densely packed housing.

35. National television reported on Monday 8th March 2021 that house prices in Palmerston North has risen 10% in the last 3 months. It is difficult to rationalize how PNCC promoting a scheme which is 40% more expensive to develop versus the traditional subdivisions (and because of land lost to roading also results in up to 15% drop in yield) can help address the Palmerston North cost problem. It will clearly work in reverse.

It is concerning that after 20 months PCWL finds itself in the invidious position of experiencing PNCC not following through with its representations and obligations and worse, PCWL's role in land supply process is being marginalised by the direction the Kakatangiata Plan change has taken. PNCC has spent a large amount of money and time getting to its current position but unfortunately Kakatangiata needs a serious rethink now.

I am sorry the situation has got to this and now PCWL has to review its position.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Farquhar', written in a cursive style.

John Farquhar

APPENDIX B:

PRIVATE PLAN CHANGE B: PIONEER CITY WEST LTD
COMPLETION OF SCHEDULE 1 PROCESS

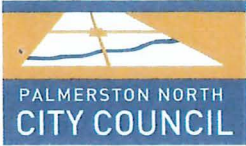
Steps	Timing
1. Renotify plan change as previously notified	By end of April
2. Additional submissions close (20 wds)	By 28 May
3. Summarise additional submissions	By 11 June
4. Publicly notify for further submissions	By 18 June
5. Further submissions close (10 wds)	By 2 July
6. Appoint commissioners	By mid May
7. Panel issues directions re exchange of evidence and hearing notice in accordance with S103B. Schedule hearing for early September.	Directions by Mid July
8. Authorities evidence 15 wds pre hearing	Early August
9. Requestors expert evidence 10 wds pre hearing	Mid August
10. Submitters expert evidence 5 wds pre hearing	Late August
11. Hearing commence	Early September
12. Plan Change Decision	Early November
13. Appeal period 15 wds	Late November

Paul Thomas

Thomas Planning Ltd

7 April 2021

APPENDIX C:



Private Bag 11034, Manawatu Mail Centre, Palmerston North 4442, New Zealand P 64 6 356 8199 W www.pncc.govt.nz

Fax No: (06) 355 4115
1032017
DMS 1110357

Submission No: SO 32

10 April 2014

Pioneer City West Ltd
C/- Paul Thomas
Environmental Management Services Ltd
PO Box 29024
WELLINGTON

Dear Mr Thomas

**HEARING OF SECTIONAL PLAN REVIEW
PROPOSED PRIVATE PLAN CHANGE B - PIONEER CITY WEST**

I write to advise that the hearing of Proposed Private Plan Change B - Pioneer City West which was tentatively set for 12 to 15 May 2014 has been postponed to a later date.

You, as a submitter, will be advised of the hearing date as soon as it is known.

In the meantime if you have any queries please contact me on telephone (06) 356 8199 extension 7152 or email lisa.tyler@pncc.govt.nz.

Yours faithfully

A handwritten signature in black ink, appearing to read "Lisa Tyler".

Lisa Tyler
COMMITTEE ADMINISTRATOR
City Corporate

MATTHEW CASEY

QUEEN'S COUNSEL

4 April 2014

Palmerston North City Council
Private Bag 11034
Palmerston North Mail Centre
Palmerston North 4442

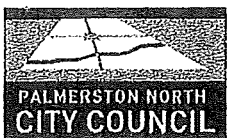
Private Plan Change B - Pioneer City West Ltd - Commissioners to be Appointed

1. I act for Pioneer City West Ltd (PCWL), the private plan change requestor for Private Plan Change B (PCB). I understand that Council is currently in the process of allocating hearing time and appointing hearings commissioners for this matter.
2. PCWL has a significant concern that the Commissioners appointed to hear PCB should be different from those appointed to hear Plan Change 6 - Whakarongo. This is necessary to ensure PCB is given a fully independent assessment.
3. You will be aware that there are ongoing issues about the appropriate priority as between Whakarongo and City West. With Whakarongo proceeding to hearing first, there is a significant potential for the Commissioners hearing the Whakarongo to form a premature view about the merits of PCB. It is crucial that the Council avoid any actual or apparent bias on the part of the Commissioners by appointing different decision-makers to both hearings. Should the Council appoint the same Commissioners to both panels, I am instructed to challenge that decision in judicial review proceedings.
4. PCWL also considers that the indicative hearing date for PCB of 12 - 15 May 2014 needs to be postponed. PCWL is still awaiting information requested under the Local Government Official Information and Meetings Act which it requires in order to properly participate in the hearing. Also, the memorandum presented to the Council on 31 March 2014 titled 'Financial and Asset Management Implications of Progressing City West Ahead of Whakarongo with and without Council funding' includes a number of statements and references to reports which PCWL requires time to investigate more fully, in order to present the Hearings Commissioners with appropriate information in due course.
5. Therefore, PCWL requests that the hearing on PCB be postponed until the weeks of 28 July or 4 August 2014. This should also give Council sufficient time to appoint independent Commissioners, separate from those hearing PC6.
6. Would you please confirm, at your earliest convenience, that the Commissioners appointed to hear PC6 will not also be appointed to hear PCB, and that the hearing on PCB will be postponed as per PCWL's request.

Yours faithfully



Matthew Casey / Asher Davidson
DDI: (09) 337 0400 / 337 0700
Fax: (09) 337 0800
Email: matt@casey.co.nz / asher@casey.co.nz



Facsimile 06 355 4115

DM# 1125615

29 May 2014

Matthew Casey
Queen's Counsel
PO Box 317
Shortland Street
AUCKLAND 1140

Dear Matthew

PRIVATE PLAN CHANGE B – PIONEER CITY WEST LTD – COMMISSIONERS TO BE APPOINTED

I refer once again to your letter dated 4 April 2014 concerning the above matter.

I advise that we have carefully considered your request regarding the appointment of Commissioners and also obtained our own legal advice about the matter. That advice was to the effect that there is no evidence of actual or apparent bias and the chance of success of any challenge to the proposed Commissioners on this basis is low.

The membership of the proposed panel was based around ensuring that there would be integrated decision making of matters connected with the review of the District Plan. While it is noted that your matter is a private plan change, it nevertheless amounts to a revision of the Plan currently being reviewed.

However, notwithstanding the above, to avoid debate on this issue we have agreed to your request for the appointment of three independent Commissioners other than those who recently heard the Proposed Plan Change 6. However, this decision is made on the basis that you will make no further challenge to the composition of the hearing panel.

One other matter to note is that the hearing date will not be set until the Commissioners' decision on Proposed Plan Change 6 has been released. This is to enable those involved with your private plan change to be aware of the Commissioners' findings and to be in a position to take those matters into account as appropriate. We note that the Council has two years from the date of notification to make a decision and the private plan change was publicly notified in August 2013.

Please confirm that you agree to the appointment of alternative Commissioners along the lines outlined in this letter. When we receive your confirming response, we will begin the process of identifying and assigning the new Commissioners.

Yours sincerely

John Annabell
LEGAL COUNSEL

APPENDIX D:

MEMORANDUM

TO: David Murphy
FROM: Nicholas Jessen
DATE: 19 June 2019
SUBJECT: TIME PERIOD FOR MAKING A DECISION ON PLAN CHANGE

Introduction

1. You seek advice concerning Plan Change B, a private plan change under Schedule 1, Part 2 of Resource Management Act 1991 (“RMA”) advanced by Pioneer City West, and accepted by the Palmerston North City Council (“Council”).
2. Plan Change B was publicly notified on 15 August 2013. It proposes a plan change in respect of approx. 73 ha of land described as the Pioneer City West Growth Area.
3. There were 34 submissions lodged with the Council as a response to notification including several submissions requesting decline of the plan change.
4. Approximately six years have elapsed since notification and the plan change has not proceeded to Hearing and it has not been withdrawn.
5. It is understood the copy of this advice will be sent to the applicant prior to our meeting on Friday.

Schedule 1

6. In respect of a plan change, cl 10 of Schedule 1 of the provides that:
 - (4) the Local Authority must-
...
 - (a) Give its decision no later than two years after notifying the proposed Policy Statement or Plan under Cl. 5
...”
7. The requirement under Cl 10 of Schedule 1 is to give a decision no later than two years after notifying the plan change. This has not been achieved.

8. In my opinion, in order for the Council to comply with Cl 10, what would be required is for the time period to begin afresh. The time period begins from the point in time that the plan change is notified under cl 5. This will require the Council to re-notify the proposed plan change under cl 5 of Schedule 1, before then proceeding to a decision within two years.
9. We consider that the Council should undertake this course of action if the Applicant maintains the request for a hearing.
10. We note that applying cl 10 in this way provides opportunity for effective and meaningful participation for any person who may have (in the six years since 2013) developed an interest in the subject matter of the plan change.

Power to waive or extend period of time

11. It will be noted by the Applicant that the Council has the power to waive or extend the time period in accordance with its powers under s 37 (subject to the constraints at 37A). The powers held by the local authority are discretionary, and accordingly the local authority is entitled to refuse invoking the powers of waiver or extension of time.
12. While I agree that it is open for the Council to invoke this power, in my opinion there is a rational basis for the Council to refuse to do so if invited by the Applicant. The following reasons would provide justification:
 - (a) If the Council proceeds to a decision on the plan change, the time period between notification and decision would certainly exceed six years. That is over four years longer than the time period provided in the RMA, constituting an extremely significant extension in which the dynamic planning context relating to and surrounding the broader City West area has shifted considerably;
 - (b) Waiving or extending the time period would present a barrier to any opportunity for participation by persons potentially affected by the plan change. As mentioned above, this would potentially include any persons who may have moved into the City West growth area within the last six years or otherwise developed an interest in its subject matter;
13. We note further that the Council must not extend a time limit unless it has first taken into account matters under s 37A(1):
 - (a) the interests of any person who, in its opinion, may be directly affected by the extension or waiver; and
 - (b) the interests of the community in achieving adequate assessment of the effects of a proposal, policy statement, or plan; and
 - (c) its duty under section 21 to avoid unreasonable delay
14. I suggest that persons who may have developed an interest in the plan change over the course of the intervening six years are persons who would be directly affected by the extension or waiver for the purposes of ss(1)(a). They would be directly affected because

the waiver would present a barrier to their ability to participate through the submission process in circumstances where notification would otherwise be required under cl 5.

15. I stress that I do not necessarily consider that the Council is required to assess the matters under s 37A(1), if the Council simply determines that it will not exercise the powers.

Yours faithfully

CR LAW



Nicholas Jessen

Partner

njessen@crlaw.co.nz

APPENDIX E:

From: Jeff Baker <jeff.baker@pncc.govt.nz>

Sent: 15 April 2021 14:16

To: Andrew Burns <Andrew@mcindoeurban.co.nz>

Cc: Amanda Coats <amanda@proarch.co.nz>; John Farquhar <jrfarquhar@hel.nz>; Paul Thomas <paul@thomasplanning.co.nz>; David Murphy <david.murphy@pncc.govt.nz>; Michael Duindam <michael.duindam@pncc.govt.nz>; Hamish Beattie <hamish@mcindoeurban.co.nz>

Subject: Kākātangiata - Provide latest version of Masterplan to PCWL

Hi Andrew

As discussed, can you please provide Amanda an PDF copy of the latest version of the masterplan and ensure there is an outline of the extent of PCWL landownership on it. If you are able to do it by the end of tomorrow (Friday 16th) that would be appreciated.

For the avoidance of any doubt or future confusion, can you please place the date on the bottom of it along with a disclaimer note to confirm that it is still a work in progress and therefore subject to change due to the iterative nature of our design process.

Cheers

Jeff



Jeff Baker
Senior Planner
Kaiwhakamahere Matua Kaupapa
Palmerston North City Council
Te Marae o Hine – 32 The Square
Private Bag 11034, Palmerston North 4442

06 356 8199
027 436 5548
pncc.govt.nz

From: Andrew Burns <Andrew@mcindoeurban.co.nz>
Sent: 16 April 2021 17:07
To: Amanda Coats <amanda@proarch.co.nz>
Cc: jeff.baker@pncc.govt.nz; John Farquhar <jrfarquhar@hel.nz>; Paul Thomas <paul@thomasplanning.co.nz>; David Murphy <david.murphy@pncc.govt.nz>; Michael Duindam <michael.duindam@pncc.govt.nz>; Hamish Beattie <hamish@mcindoeurban.co.nz>; Chris McDonald <chris@mcindoeurban.co.nz>
Subject: RE: Kākātangiata - Provide latest version of Masterplan to PCWL

Hi Amanda,

Per Jeff's email below, I am about to send you an updated Mplan drawing file (pdf). It is 40M and so will need to use a file transfer.

As Jeff mentions, this is WIP but is sufficiently advanced to give you a good feel as to the direction of the overall plan for Kākātangiata and for the PCWL land holding within that (identified as red dashed outline).

We are working through a raft of adjustments to address stormwater comments from GHD (David Arseneau), Ring Road position and local centre size.

We would be very happy to keep iterating these changes with you (assuming PNCC approval) as they emerge.

Give me a call if anything is unclear.

Note, this drawing does not provided indicative lot layouts (we focused on getting a block structure plan out to you today) but we have this information on other earlier versions of the drawing and can talk with you about this next week if that is of value. We have worked to 500sq.m lot sizes on average and generally within 400m of each centre these are reduced to 250sq.m lots to enable MUHA outcomes. I will also send you a diagram that provides our intention towards MUHA so you can see how that may affect PCWL land.

Regards,

Andrew Burns
BArch MA UD (Dist) MRTPI FRSA
Director

McIndoe Urban

L2, Hope Gibbons Building, 7-11 Dixon St, Wellington
PO Box 11908, Wellington 6142, New Zealand
+64 (04) 385 9006 +64 (0) 27 242 2308
www.mcindoeurban.co.nz

From: WeTransfer <noreply@wetransfer.com>

Sent: 16 April 2021 17:12

To: Amanda Coats <amanda@proarch.co.nz>

Subject: andrew@mcindoeurban.co.nz sent you files via WeTransfer

0000



andrew@mcindoeurban.co.nz
sent you some files

2 items, 126 MB in total • Expires on 23 April, 2021

Hi Amanda, Masterplan drawing (WIP)

Get your files

Download link

<https://wetransfer.com/downloads/839d47f6ad925055415587d618ed169d20210416051059/374056d4edfd4a341a15f2914623f87720210416051059/46c9e2>

2 items

Kakatangiata Masterplan_Density pattern_WIP.pdf

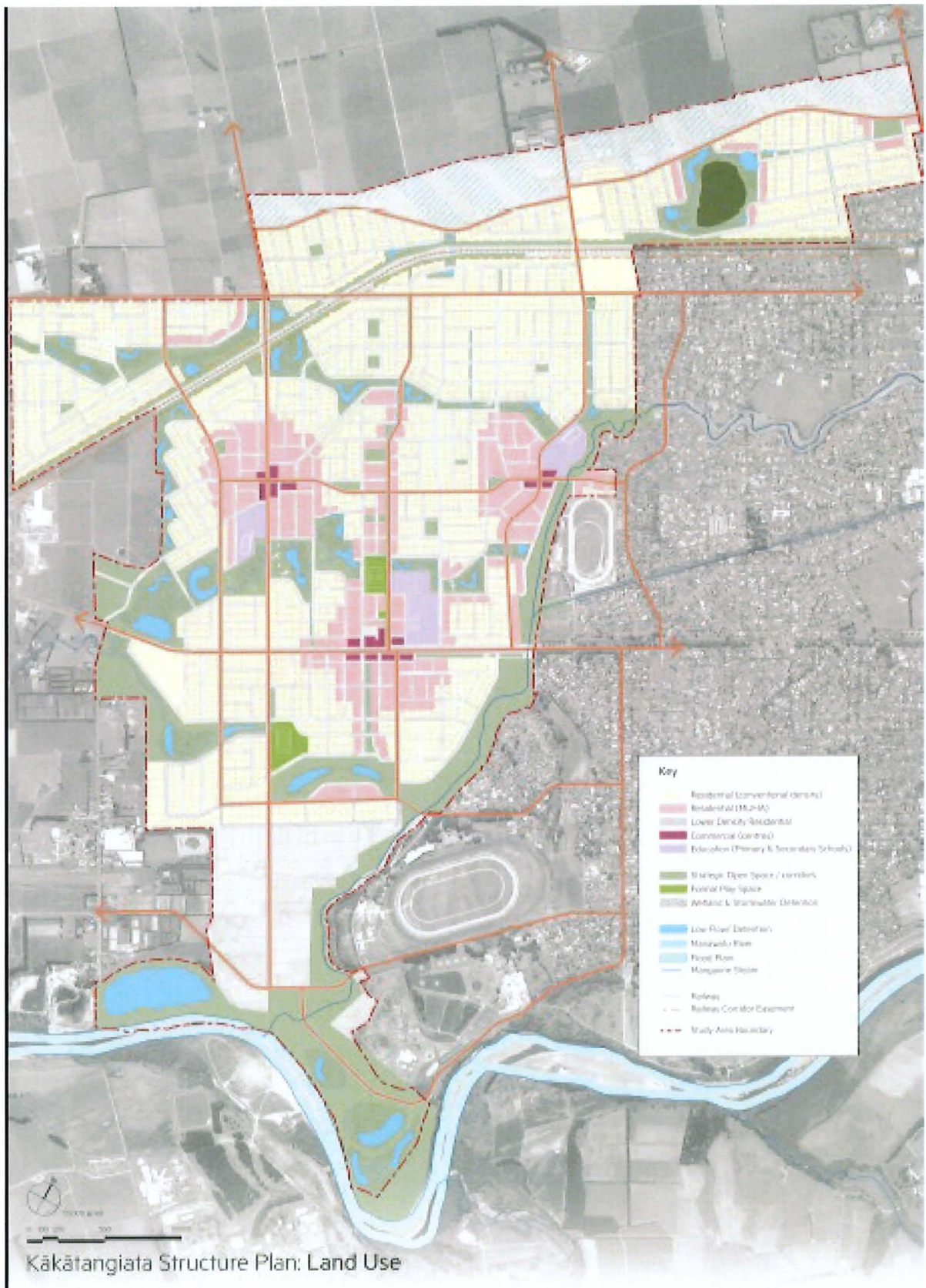
86.3 MB

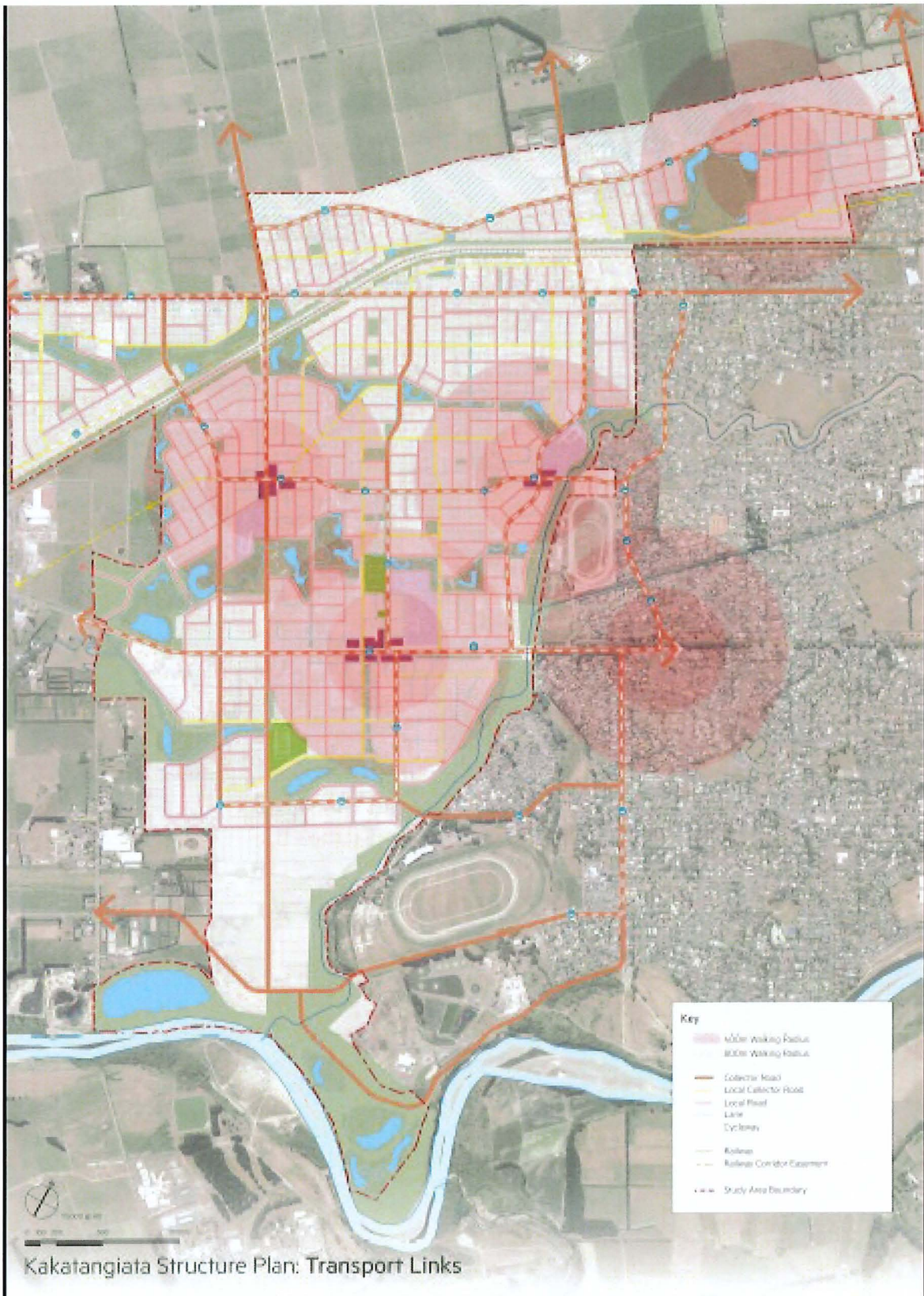
SK210416 Kakatangiata WIP Masterplan 16_4_2021 (1).pdf

39.4 MB

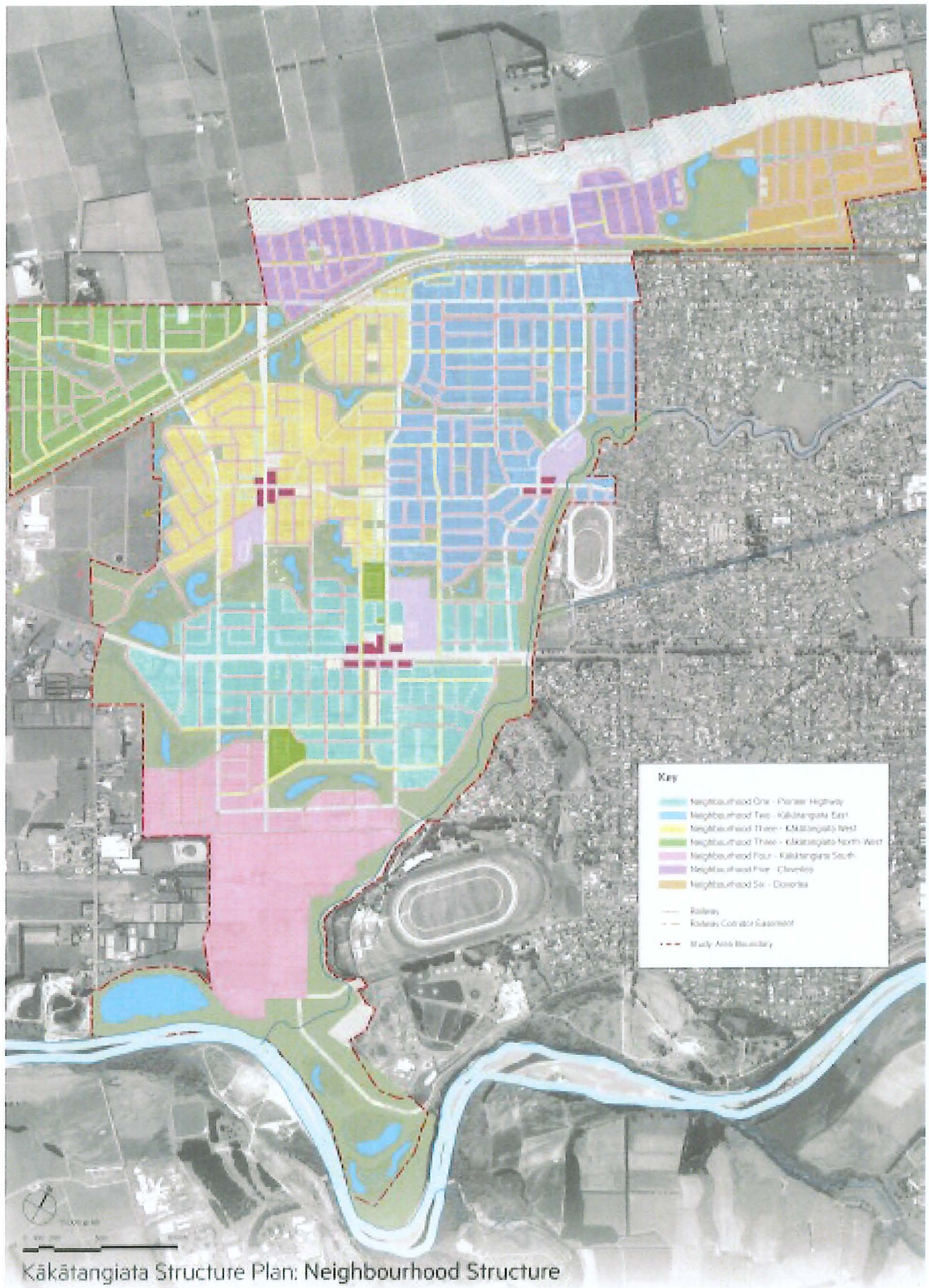
To make sure our emails arrive, please add noreply@wetransfer.com to your contacts.

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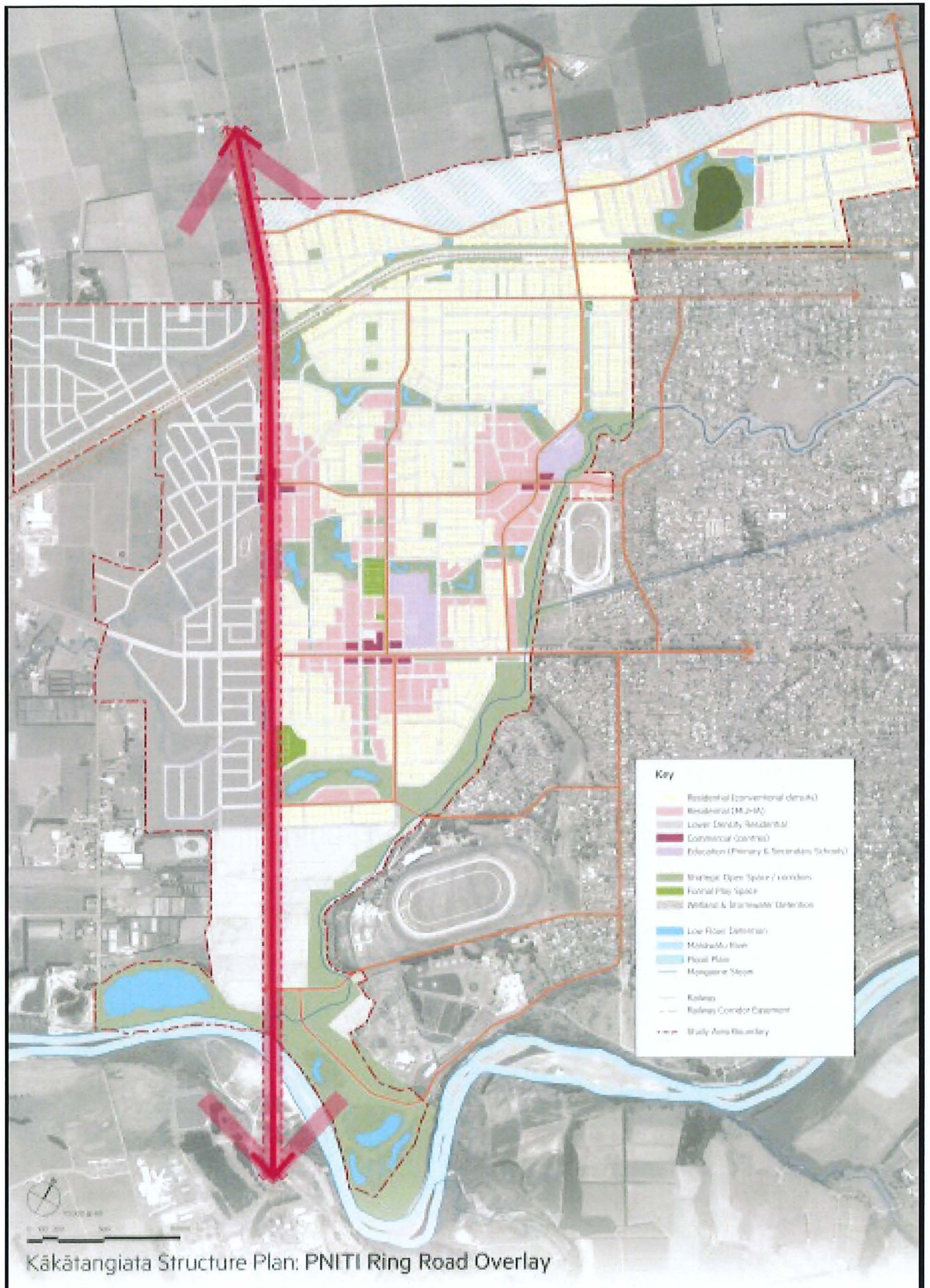


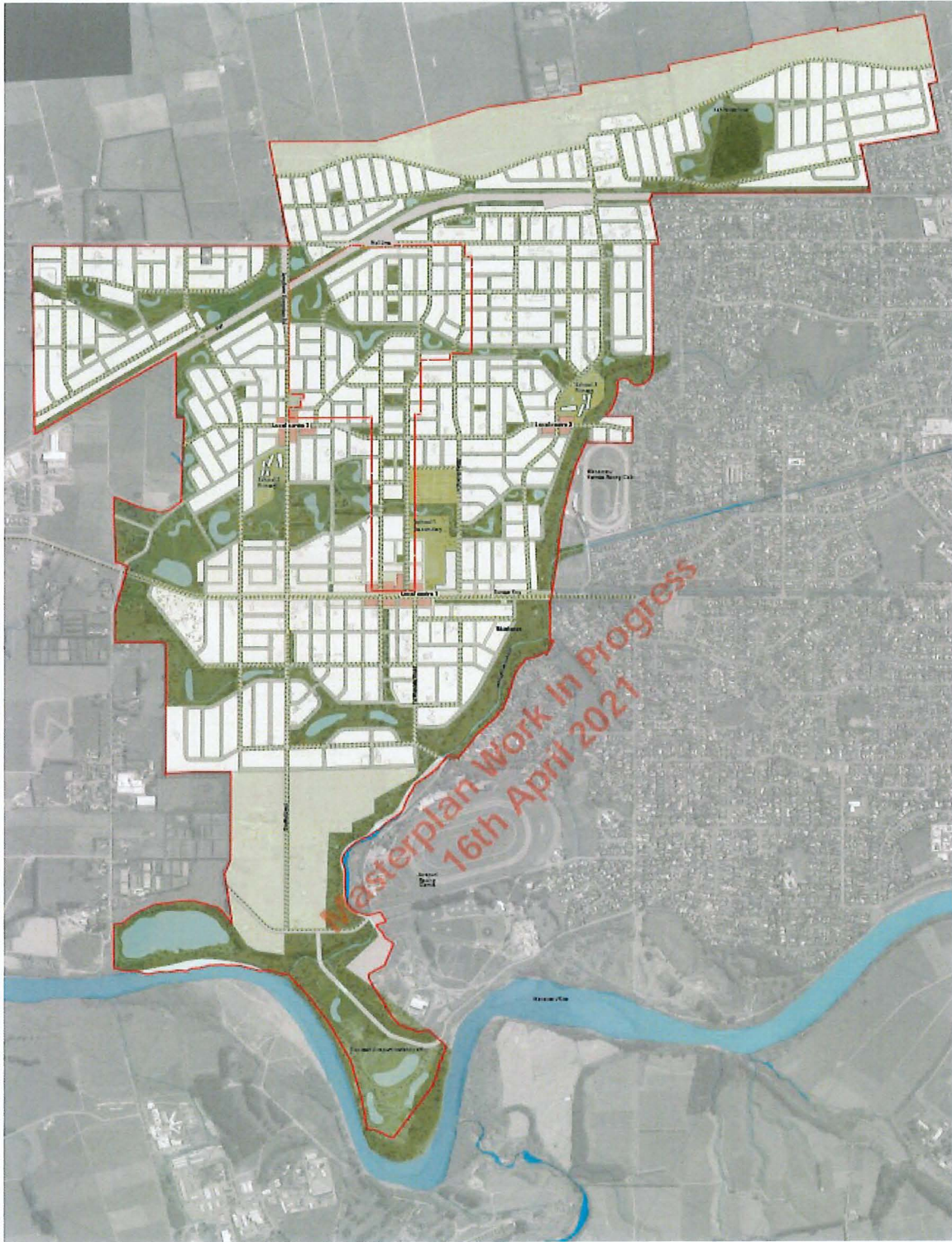


Kakatangiata Structure Plan: Transport Links



Kākatangiata Structure Plan: Neighbourhood Structure





From: Amanda Coats

Sent: 16 April 2021 17:35

To: 'Andrew Burns' <Andrew@mcindoeurban.co.nz>; jeff.baker@pncc.govt.nz

Cc: John Farquhar <jrfarquhar@hel.nz>; Paul Thomas <paul@thomasplanning.co.nz>; David Murphy <david.murphy@pncc.govt.nz>; Michael Duindam <michael.duindam@pncc.govt.nz>; Hamish Beattie <hamish@mcindoeurban.co.nz>; Chris McDonald <chris@mcindoeurban.co.nz>; '(johnnyfarquhar@gmail.com)' <johnnyfarquhar@gmail.com>

Subject: 5135-RE: Kākātangiata - Provide latest version of Masterplan to PCWL

Good Evening Andrew and Jeff

We acknowledge receipt of your emails below and file linked documents.

We have reduced the file size of the documents received added a prefix of **[2021]-16-April-** to each pdf as attached so that they fit through the email portals of those copied in.

Kind regards, Amanda



Amanda Coats

On behalf of Proarch Consultants Limited

DIRECTOR

P: 06 356 9549

M: 021 517 955

facebook.com/proarch.nz • A: 306 Church Street West, PO Box 1105, Palmerston North 4440, New Zealand

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From: David Murphy <david.murphy@pncc.govt.nz>
Sent: 20 April 2021 18:41
To: John Farquhar <jrfarquhar@hel.nz>; Paul Thomas <paul@thomasplanning.co.nz>; Amanda Coats <amanda@proarch.co.nz>
Cc: Michael Duindam <michael.duindam@pncc.govt.nz>; Jeff Baker <jeff.baker@pncc.govt.nz>
Subject: RE: Kakatangiata Residential Area

Hi John, Paul and Amanda,

Thanks for your time last week. Apologies that I had to leave the meeting early.

As discussed, in order for your private plan change request to be publicly notified for submissions it would need to be updated and lodged with Council. The previous application is approximately 10 years old and contains information that would need to be updated in order for the public to fairly consider it.

We appreciate your patience as various influences on the planning process for Kakatangiata have emerged over the last decade, e.g. the Christchurch earthquakes, infrastructure funding, funding for a Council-led planning process, Covid-19 and rezoning at Kikiwhenua.

We appreciate you would like the opportunity to test your development plans with an RMA hearings panel. As discussed, the most efficient way for that to happen at this time is for you to lodge a submission on the Council rezoning proposal for Kakatangiata. If you were to advance a private plan change at this time the Council would be required to redirect resources from the broader Kakatangiata planning process to address your rezoning proposal. This would involve all the Council experts using and progressing the technical information they have prepared, but at your cost.

By all accounts we agree on significant components of the emerging Kakatangiata rezoning proposal. The key differences can be addressed via a submission and the schedule 1, RMA process.

The section 32 for the Council rezoning proposal will note that for the Pioneer City West portion of the Kakatangiata area the landowner has specific development plans which differ from that proposed by the Council.

In the meantime, I encourage continued collaboration between yourselves and the Council team with the aim of increasing areas of agreement prior to formal submissions on the Council proposal. I see from recent emails information is being shared with this outcome in mind.

Regards

David.

From: Paul Thomas <paul@thomasplanning.co.nz>
Sent: Thursday, 11 March 2021 4:57 PM
To: Jeff Baker <jeff.baker@pncc.govt.nz>
Cc: Heather Shotter <Heather.Shotter@pncc.govt.nz>; David Murphy <david.murphy@pncc.govt.nz>; Michael Duindam <michael.duindam@pncc.govt.nz>; Grant C Smith <Grant.Smith@pncc.govt.nz>; John Farquhar <jrfarquhar@hel.nz>
Subject: Kakatangiata Residential Area

Jeff

Following your recent meeting with John Farquhar please find attached a letter regarding Private Plan Change B and attachments including detailed comments on the Kakatangiata Residential Area from Pioneer City West Limited.

Regards

Paul Thomas



PAUL THOMAS

+64 4 4795034 +64 27 453 4816

paul@thomasplanning.co.nz

2A Jacobsen Lane, Ngaio, Wellington 6035

www.thomasplanning.co.nz

From: Amanda Coats

Sent: 03 May 2021 18:49

To: 'David Murphy (david.murphy@pncc.govt.nz)' <david.murphy@pncc.govt.nz>;
jeff.baker@pncc.govt.nz; Michael Duindam <michael.duindam@pncc.govt.nz>; 'Paul
Thomas' <paul@thomasplanning.co.nz>; John Farquhar <jrfarquhar@hel.nz>

Cc: '(johnnyfarquhar@gmail.com)' <johnnyfarquhar@gmail.com>

Subject: 5135 PNCC & PCWL Meeting regarding PCWL PPB -Meeting Record 15.4.2021

Importance: High

Dear David, Jeff, Michael, John, and Paul,

We attach a meeting record from our meeting of 15.4.2021.

If there are any corrections let us know.

These have been significantly delayed due to an unusual workflow. We apologise for the delay and look forward resolution of the outstanding matters.

Kind regards, Amanda



Amanda Coats **On behalf of Proarch Consultants Limited**
DIRECTOR

P: 06 356 9549 M: 021 517 955

**facebook.com/proarch.nz • A: 306 Church Street West, PO Box 1105, Palmerston North
4440, New Zealand**

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us immediately and destroy the message. You may not copy, disclose, or use the contents in
any way. Thank you.

From: Jeff Baker <jeff.baker@pncc.govt.nz>
To: Amanda Coats
Subject: Read: 5135 PNCC & PCWL Meeting regarding PCWL PPB -Meeting Record 15.4.2021

Your message

To: Jeff Baker
Subject: 5135 PNCC & PCWL Meeting regarding PCWL PPB -Meeting Record 15.4.2021
Sent: Monday, May 3, 2021 6:49:21 PM (UTC+12:00) Auckland, Wellington

was read on Tuesday, May 4, 2021 10:59:46 AM (UTC+12:00) Auckland, Wellington.

ATTACHMENT 5:

Minutes from hearing of 5 April 2023

PCL Project No. 5135

MEETING RECORD

Attendees:

John Farquhar	Pioneer City West Limited, Pioneer Farms Limited, and Heritage Estates (2000) Limited (“PCWL”)
Amanda Coats	Proarch Consultants Limited - PCWL
David Murphy	Palmerston North City Council (“PNCC”)
Jono Fergusson-Pye	PNCC
Kegan Aplin-Thane	PNCC

Apologies/non-attendees

Johnny Farquhar	PCWL
Paul Thomas	Paul Thomas Planning Limited - PCWL

Location: Palmerston North City Council, Level 2 Meeting Room

Date: 4 April 2023

SUBJECT – [2023] PCWL Private Plan Change B (notified) request for a Hearing, Kākātangiata PNCC Plan Change F and Paul Thomas’s letter/John Farquhar’s letter in response to the meeting of 24.2.2021.

General:

- 1) There was general discussion at the commencement of the meeting on planning matters and the current government direction to repeal the RMA1991 and replace it with the Natural Built Environment Act (NBEA), Spatial Planning Act (SPA) and the Climate Change Response Act (CCRA) and the flow on effects to the district plan. Delayed infrastructure due to uncertainty around the government’s 3-Waters programme is perceived by the PCWL team to be delaying work around the country. The council indicated that they were proceeding with the wastewater “*Nature Calls*” project and continuing to undertake maintenance of council assets in the interim. PCWL (Amanda) voiced PCWL’s concern that the delay in the notification of the Kākātangiata PC would result in PCWL PPC-B being sucked into the new planning regime that replaces the RMA. PNCC (David) conveyed that early indications were that there would be transitional provisions that would apply for a ten-year period with staged implementation across regions, there will be seven years to create a spatial plan before the council has to produce its new plan. PNCC (Jono) added that the broader issue is to resolve the growth areas (Kākātangiata PC) so that they are locked in and must be given effect by the new system.

- 2) The agenda pre-circulated by PCWL given the title of “2013 Private Land Change Meeting” just prior to the meeting. However, the subject of the meeting involved the Kākātangiata Council-led plan change and the effect of that on PCWL Private Plan Change B that contributes to the delayed hearing and how that guides the way forward. A copy of the agenda at **Attachment 1** but the reference to the unrelated Kingsgate matter is redacted from the bottom of the agenda and not included in this meeting record.
- 3) David tabled “in confidence” that the PCWL debt of \$58k would be written off as agreed in 2019¹ and advised that the media may release that information shortly.
- 4) PNCC conveyed that they wanted to continue to work with PCWL and advance Kākātangiata but they were delayed essentially because the Council Planning team had run out of money to complete Kākātangiata and the Planning team would seek further funding with information being prepared for the next Council meeting. Meanwhile, the Council would continue to furnish Kākātangiata Council reports to PCWL as they came to hand. PCWL conveyed that Kākātangiata had become too big. PNCC changed the size of its PC between 2018 and 2019. The greater area created greater complexity that was not supported by PCWL. The PCWL land was previously a third of the land area for the Council’s wider plan change, PNCC (David) conveyed during the meeting that the PCWL land was now a 5th or 6th of the total Kākātangiata area and that PNCC Planning had underestimated how much it would cost for the rezone. PCWL (John) expressed throughout the meeting that PCWL’s PPCB had been notified in 2013² by the Council and that PCWL had been very patient but would not wait indefinitely for the rezoning of their land. He also expressed his concern that he had watched as PNCC had advanced the rezoning of other land areas ahead of Kākātangiata but none of those presented obstacles that this presents. It appeared that bit by bit the PC gets parked back on the shelf again. He stated that if PCWL had “run its own plan change back in 2014 (and had not attempted to work collaboratively) the land (PCWL PPC-B) would be rezoned now and would have houses on it as well.
- 5) PNCC (Jono) we need to focus on is just how can we get this (Kākātangiata) notified as quickly as possible. PCWL (Amanda) queried if the additional \$250k sought by the PNCC Planning team was earmarked for Kākātangiata, to get Kākātangiata notified and PNCC (Keegan) confirmed that it was for Kākātangiata.
- 6) The PNCC/PCWL discussion then revolved around the status and timeframe of the Council Kākātangiata Plan Change when it would be notified and in what form. PCWL (John) highlighted to the PNCC team PCWL’s disappointment that contrary to assurances given the Council had advanced multiple other Council plan changes ahead of the Kākātangiata PC that encompasses the PCWL land (PPC-B) that PCWL wants to be rezoned as per PPCB (or similar) as per the assurances PNCC has previously given.
- 7) PNCC (Jono) advised PCWL (Amanda) that PCWL should keep an eye on the approach PNCC is taking with the other PNCC plan changes coming up. That the Council is not

¹ In 2019 PCWL agreed not to advance the PCWL PC B for 18 months to afford PNCC time to complete the Kākātangiata. PNCC had advanced evidence on the 2013 notified PCWL PC B but had not arranged a hearing with the application and the outstanding \$58k related to the Council time and expenses for that activity.

² Initiated in 2008 in discussions with PNCC (David Murphy & Andrew Brown from PNCC) and accepted by the Council as a Private Plan Change in 2009.

going to have a different approach to how Council enables growth and development. There are going to be key principles that are not going to change.

- 8) PNCC (David Murphy) reiterated that PNCC is being transparent, that PNCC does want to rezone the PCWL as early as possible as part of the Kākātangiata PC and proposed that PCWL and Council continued to work collaboratively going forward. PNCC is sharing reports as they come to hand with PCWL and this would continue, "there are no hidden agendas". All reports available to PNCC have been shared.
- 9) PCWL (Amanda) queried staging of the Kākātangiata and PNCC (Jono) confirmed that it would require staging.

Kākātangiata PC - Waka Kotahi

- 10) PNCC (Jono) outlined that Waka Kotahi is focused on the State Highway function for transporting people and freight at 100km per hour. Waka Kotahi's focus is not residential growth. PNCC (Keegan and Jono) shared that Waka Kotahi was unsupportive of the residential zone extending on the opposite side of Rongotea Road (directly opposite the PCWL PPC-B area). NZTA would not support rezoning across the opposite side of Rongotea Road at this stage as Waka Kotahi thought that it would undermine PNITI and the Regional Freight Ring Road. The areas cross-hatched on the council's preferred Kākātangiata master plan will be deferred by PNCC and will not be part of the PC when notified.
- 11) Waka Kotahi had considered a speed limit change on that section of Pioneer Highway through the proposed Plan Change area in their full-speed management plan. Waka Kotahi is to reduce speed limits on the SH as late as possible (last minute), they do not want to be seen as reducing the speed limits unnecessarily by the public. PNCC sees this as unhelpful as seen through Kikiwhenua (separate PNCC PC) where stop points in the process anticipated speed reduction with a flow-on effect to infrastructure funding. The cost of roading infrastructure increases to \$100k as opposed to \$50k when the 100km/hour speed limit is maintained. PNCC stated, that the irony is that part of Pioneer Highway is not required by Waka Kotahi in the short, medium, or long term, it's the State Highway to nowhere (stops at the Mangaone Bridge).
- 12) PNCC considers Waka Kotahi roading infrastructure influences the staging of the Kākātangiata PC. It was unlikely that PNCC would notify the Longburn side of Rongotea Road as "*deferred residential*" or similar when Kākātangiata PC proceeded to notify. PNCC (Keegan) stated that they had engaged Harriet Fraser to complete the Kākātangiata PC Traffic Impact Assessment (TIA) due for completion in July 2023.

Kākātangiata PC - Stormwater

- 13) PCWL (John) queried where stormwater was and whether it had "dropped off". PNCC (Keegan) advised that stormwater had been paused but had not dropped off. The next phase was stormwater analysis to determine the network sub-catchments and how they need to be fulfilled to enable housing (staging). PCWL (John) advised that PCWL PPC-B can deal with its own stormwater to enable housing. PCWL does not concur with PNCC stormwater modeling or urban design masterplan. PCWL has completed its own

independent work, but the multiple lifestyle blocks between the PCWL and the Mangaone stream cannot deal with stormwater unless they have multiple ponds (which they could do), regardless of that, PCWL can deal with its own stormwater.

- 14) PNCC (Jono) agreed that stormwater was the big issue and Horizons (Regional Council) had to be happy, Horizons do not want any extra stormwater flow into the Taonui Basin. PNCC (Jono) queried PCWL (John) on whether he was conveying that PCWL is open to discussion with PNCC on conveying stormwater onto the PCWL land, a sort of “*land swap*”. PCWL (John) responded, “We can do that and there needs to be a positive situation”.
- 15) PCWL (Amanda) stated that “the principles of stormwater flow are that it does not run uphill.” PCWL (John) agreed that it does not like flat land. PCWL conveyed that PNCC must work out the staging and that it appears stormwater has become too difficult a task. PNCC (Keegan) acknowledged that the PCWL views on the stormwater modeling are understood. PNCC (David) added that the Council was actively working to rezone the PCWL site, and it would be good if we could agree as much as possible. PCWL (John) understood (“I get this”), but time has marched on, and PCWL is now another 3-4 years down the road (and not rezoned). Stormwater is a thorny issue for PNCC and referenced the radio silence on communications in attempts to resolve it; everyone has a different view and aspirations, but too few people know much about it. In PCWL’s opinion, the proposed wetlands will be dry most of the year, and the proposed roads cut through so any pond would need to be constructed. PNCC (David) referenced these being built at Tamakuku (refers to the earlier Council Plan Change at Whakarongo where PNCC owned approximately 1/3rd of the land, see website link - <https://tamakukuterrace.co.nz/>). PCWL queried whether they were free and PNCC (David) acknowledged they were not free.
- 16) PNCC (Jono) indicated that in a perfect world, land on each side of Rongatea Road would be designated for stormwater and purchased then create a DC growth programme that looks at buying the land for that purpose. PCWL (John) most problems would evaporate.

Kākātangiata PC – Stormwater and Urban Design

- 17) PCWL (Amanda) tabled again that Urban Design needs to be fully informed by stormwater. PNCC (Keegan) stated that PNCC had heard this loud and clear. PCWL (Amanda) reiterated that it needs to be informed by stormwater for staging to work. PNCC (Keegan) agreed and PCWL (John) emphasized that stormwater is number 1, 2, and 3. PNCC (Keegan) said that they had pushed pause on Urban Design and had advanced some other reports. PCWL (John) questioned this as he thought that in the budget sent through (by PNCC just prior to the meeting), PNCC was not spending any more money on stormwater. PNCC (Keegan) No, stormwater is resourced elsewhere and is not affected by those revised budgets, the item holding the work up is obtaining GIS information to assist with the staging.

Kākātangiata PC -Sewer

- 18) PNCC (Keegan) spoke about Stage 1 Kikiwhenua having a low-pressure sewer via existing PNCC assets (30 Lots) and that the pressure sewer under the Racecourse may

not proceed as PNCC (Keegan) had been advised that they were looking at an alternative. PCWL(John) Thurston's line (low-pressure system) could be utilised. PNCC (Keegan) advised he did not have sufficient information to comment further on the sewer. He agreed to follow up on the status of the Wastewater for the Kākātangiata PC.

Kākātangiata PC -Water

- 19) PNCC(Keegan) advised that there had been no update on Longburn Water. PNCC (Jono) indicated 'looking at a new bore'. PCWL (John) supplemented that PCWL originally had a water scheme with a pipe coming off the end of Tremaine Ave/No.1 Line and along Pioneer Highway (to connect through the PCWL PPC-B area.). PCWL (Amanda) concluded that item 8 (of the agenda) was water (freshwater) serving Kikiwhenua and queried the resolution of water for Kākātangiata PCH. PNCC (Keegan) advised that the Water Supply report had landed with a series of options from GHD or Stantec (whichever one) with differing pros, cons, and preferences and the PNCC waters team has not put their minds to confirming their preference yet. PCWL (John) queried if PNCC was talking about a line from the main servicing facility which is presumably Maxwell's Line going down Pioneer Highway and PNCC (Keegan) confirmed that the team had recommended that there needs to be a new bore and two reservoirs and a ring main. PCWL (John) said that they could run a long line down Pioneer Highway (sized to pick up Kikiwhenua and Kākātangiata PC area) as a 300ml pipe with pumps and then run through the Kākātangiata PC area (PCWL land) to join up with No.1 Line. PNCC (Keegan) acknowledged that PCWL has exceptional leverage as far as the establishment of a water ring main in the future because the PCWL land connects right through but PNCC's highest motivation (Kākātangiata PC area) is centered around Pioneer Highway and a little bit of the Manderson's Block. PCWL (John) Someone must commit to doing something, the solution is not difficult, it just needs to be grabbed with both hands. PNCC (Keegan) whose land is PNCC to put the bore on. If PNCC could solve that then they are 99% there. PCWL's (John) view is that it could go anywhere.

Kākātangiata PC -Ecological

- 20) PNCC (Keegan) There are some ecological and potentially culturally significant sites to the south in proximity to the river. PCWL (Amanda) thought PNCC had a Cultural Impact Assessment (CIA) for Kākātangiata PC completed, is it complete? PNCC (Keegan) advised it was not completed, and that PNCC had received some cultural values assessments upfront but anticipated that the CIA would be at the tail end when they could compare the performance of all the other technical facets in the master plan to cultural performance parameters set in the cultural values assessment. PNCC has been resourcing engagement with downstream iwi through the current line PNCC enjoys from Rangitane so that they are able to manage the relationship with Maupoko and Kauwhata. They need to manage those in-house and then report matters back through that gateway (through Rangitane) so that the competing interests are managed before being returned to PNCC.

Kākātangiata PC – Staging

- 21) PNCC (Jono) question to PCWL is whether we could develop a developer agreement where PNCC commits to providing that infrastructure if the developer commits to developing the land in a certain timeframe. PCWL (John) considered this to be a good question.

Kākātangiata PC – Liquefaction

- 22) PCWL (John) said liquefaction had been done to death. PNCC (Keegan) confirmed that the liquefaction report is completed but was not released to all landowners until PNCC completes the suite of district plan provisions and that the Council is not just dropping a big bomb on people, that PNCC was obtaining a legal opinion on the various options but were also advancing a future development strategy. PNCC (David) added that it was a good thing that PCWL is identified as map 9.1 or 9.2 in the district plan so PCWL is safe.

Kākātangiata PC – Timing of Notification

- 23) PCWL (Amanda) PNCC has basically confirmed a further two-year timeframe to notify Kākātangiata PC (based on the budget timing information prior to the meeting). PNCC (Jono) confirmed this interpretation was correct based on current council resourcing (interpreted as human resources not just funding). PNCC (David) added that if they received some money in the next 2 months (through the annual budget) this could be accelerated.

Amanda M. Coats.

Amanda M. Coats
On behalf of Proarch Consultants Limited

28 June 2023

Dated

ATTACHMENT 1: AGENDA

2013 Private Land Change Meeting

Agenda

Date: Tuesday 4 April 2023
Time: 1:30pm – 2:30pm
Attendees: John Farquhar, David Murphy & Jono Ferguson-Pye

Agenda Items:

With respect to Kakatangiata, David gives a complete update to the present and information and time projections going forward with specific focus on:

- Stormwater – any further designs, if so need to be shared.
- Traffic - Pioneer Highway – speed limits
- Traffic – Te Wanaka Rd intersection
- Traffic – Rongotea Rd – ring road- progress – Waka Kotaki commitment.
- Traffic – impacts on yield and stages of Kikiwhenua
- Wastewater – new pressure line under Man Racecourse, still proceeding, when.
- Freshwater – status -Longburn budget – pipeline from city,
- Freshwater – servicing of Kikwhenua.
- Freshwater – bores – if and when.
- Scope of the whole Plan Change -any reduction
- Staging – If any, when
- Funding -reductions in PNCC budgeting in the last plan -appears most funding has been cut.
- Funding – Is there any budgeted spending this year, if so on what, how much and when.
- Urban design – PNCC position and flexibility
- Urban design – Are Mcindoe still actively in control of urban design.
- Timing – When will notification be – realistically will there be notification within the next 2 years.
- Reporting – Every 2 months as was agreed and anticipated.
- PNCC commitments to third parties which relate to the plan change
- Any other relevant matters.

With respect to PCW private plan change, answers to the above will inform and have direct effect and guide the way forward.

ATTACHMENT 2: KĀKĀTANGIATA MASTERPLAN

Land Use Areas and Indicative Lot Numbers

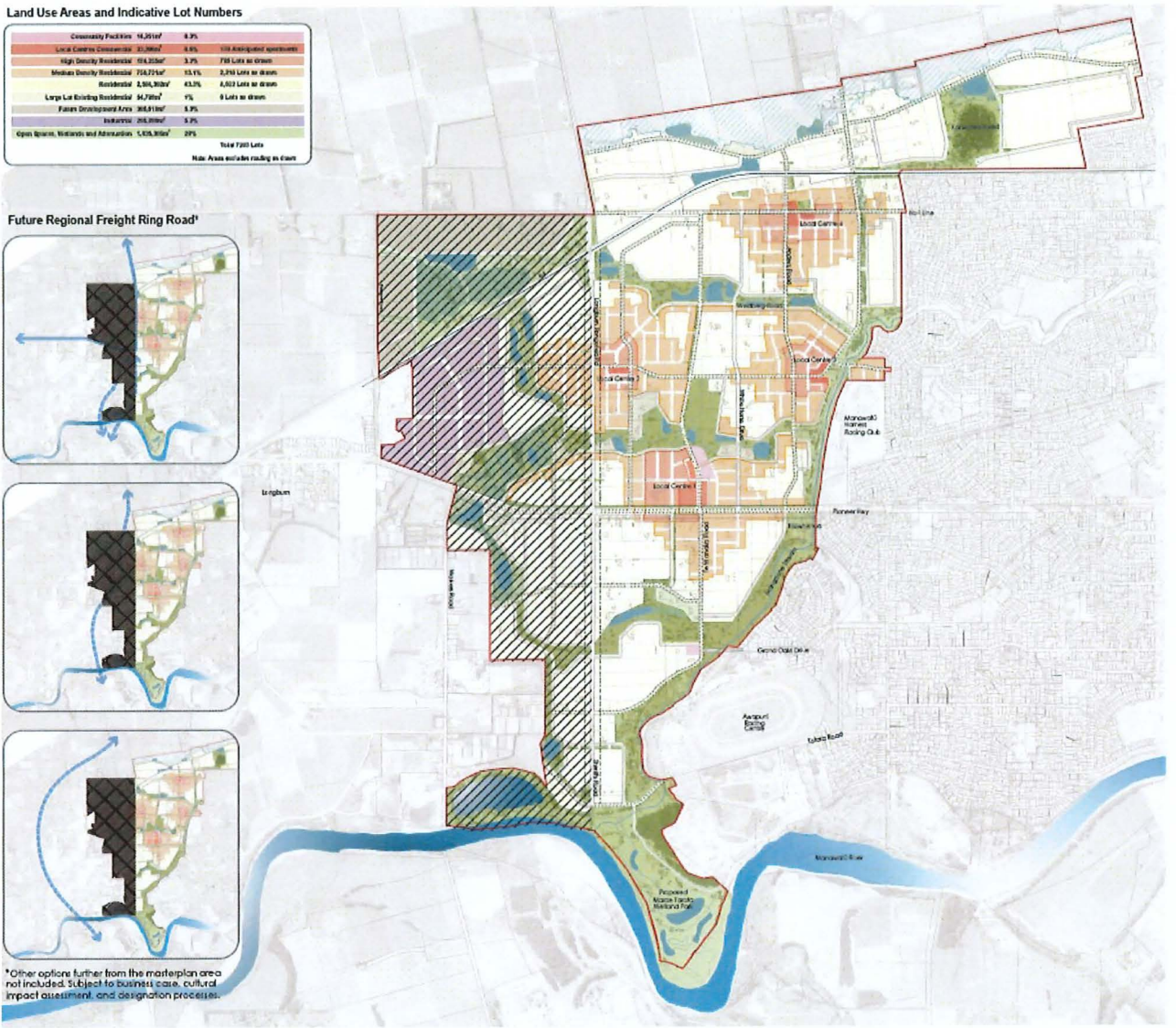
Community Facilities	14,201,114'	0.3%	
Low Density Residential	30,288,000'	3.6%	100 Residential Apartments
High Density Residential	104,250,000'	3.2%	750 Lots to be drawn
Medium Density Residential	718,725,000'	13.1%	2,270 Lots to be drawn
Residential	2,104,303,000'	63.3%	4,032 Lots to be drawn
Large Lot Existing Residential	84,770,000'	1%	0 Lots to be drawn
Future Development Areas	888,819,000'	5.3%	
Industrial	205,800,000'	3.2%	
Open Space, Wetlands and Remediation	1,424,300,000'	29%	
Total 7,900 Lots			

Note: Areas outside roading on chain

Future Regional Freight Ring Road*



*Other options further from the masterplan area not included. Subject to business case, cultural impact assessment, and design processes.



- Wetland
- Swamp
- Alteration
- Shared Path
- Flood Zone
- Future Open Space
- Community Facilities
- Mixed-Use Local Centre
- Future Development Area
- Industrial

- Residential (Average dwellings per ha net)
 - Low Density (10-15)
 - Medium Density (Min. 30)
 - High Density (Min. 40)
- Impacted by Future Regional Freight Ring Road
- McIndoe Urban local
- Nebs setback (Min. 30m)

Scale: 1:10,000
 Date: 1/1/2024
 Author: A

McIndoe Urban local
 Illustrative Masterplan

ATTACHMENT 6:

Stuff media news article dated 30 June 2023

The council was left out of pocket by the Fortress Information Systems Ltd ticketing company after the Superstock Teams Championships and Under-18 Men's Softball Championships in 2020.

Fortress went into receivership and then into liquidation later that year, with debts of around \$9 million.

The latest liquidators' report said it was unlikely any dividend would be paid to unsecured creditors, including the council and people who bought tickets to cancelled events.

The council had made an insurance claim to cover the loss, and council finance manager Scott Mancer said that process could continue, and would not be affected by the decision to write off the debt.

The council also wrote off \$20,000 owed by the former Palmerston North Jets Basketball Inc, which ceased operations in 2021. It was not related to the current Manawatū Jets organisation.

Pioneer City West, a development company, owed the council more than \$58,000. That has been written off.

The unpaid bills were for work carried out on the developer's proposed private plan change lodged more than nine years ago.

That plan change sought rezoning of land towards Longburn for residential use, an area now captured by the council's proposed plans to extend the city's urban area at Kākātangiata.

In the public-excluded part of a meeting in 2019 the council agreed it would write off the debt if the company agreed to halt its plans and work with the council on the bigger rezoning proposal.

That condition was agreed.

Mayor Grant Smith said it was never good to have to write off bad debts, but he said in the bigger scheme of things, the amounts were not huge.

ATTACHMENT 7:

Appendix B to the Joint Memorandum of Agreement and Request for Consent Order dated 18 September 2020 (ENV-2020-WLG-13 Pioneer City West Limited and Heritage Estates (2000) Limited v Palmerston North City Council.)

APPENDIX B – STATEMENTS AND COMMITMENTS

In the course of mediation the parties made the following statements and commitments:

- [4] The parties discussed the impacts of the Kikiwhenua Plan Change on the remaining area of land zoned for race training purposes and PNCC's broader plan change for Kākātangiata. In consideration of the interested parties agreeing to the deletion of the rules and policy identified at [paragraphs not included], and, subject to the full consideration of the proposed Kākātangiata plan change under Schedule 1 of the RMA, PNCC states the following:
- (a) PNCC agrees that there are good planning reasons to support the inclusion of the remaining race training zone land at Te Wanaka Road and Pioneer Highway; and Pioneer City West Limited land (Private Plan Change B land) to enable urban development as part of the first stage of Kākātangiata.
 - (b) The Te Wanaka Road land is adjacent to the Kikiwhenua Residential Area to be rezoned as part of this plan change and the Pioneer City West Limited land (Private Plan Change B land) is held in single ownership.
 - (c) The Te Wanaka Road land is likely to benefit from infrastructure put in place to service Kikiwhenua.
 - (d) Development of the Te Wanaka Road land creates a balanced land use environment on Te Wanaka Road.
 - (e) Development of the Te Wanaka Road land will resolve issues as to how the current zoning provisions align with the development aspirations of some of the current landowners within the race training zone.
 - (f) PNCC commits to regularly updating the Te Wanaka Road residents and Pioneer City West Limited on progress of the Kākātangiata plan change. Such updates shall be provided every two months until notification of the plan change.