Statement of Evidence for Plan Change I: Minor Amendments

BEFORE THE HEARING COMMISSIONER

In the Matter of:The Resource Management Act 1991AndProposed Plan Change I: Minor Amendments

Manawatū District Council

STATEMENT OF EVIDENCE BY

Star Wilson-Jennings

Dated: 13 February 2025

1. Introduction

- 1.1. This report has been prepared under section 42A of the Resource Management Act 1991. It makes recommendations for amendments to the Operative Manawatū District Plan as proposed under Proposed Plan Change I: Minor Amendments.
- 1.2. My name is Star Michaela Wilson-Jennings. I have worked as a Policy Planner for the Manawatū District Council for two years, mainly working on the Manawatū District Plan. I have a Bachelor of Resource and Environmental Planning (Hons.) from Massey University. I am a Graduate member of the New Zealand Planning Institute. I am the lead planner for this plan change.
- 1.3. I have worked alongside other policy planners at Manawatū District Council and am familiar with the processes associated with preparing and applying District Plan provisions. Evidence submitted in this report is within my area of expertise.
- 1.4. The purpose of this report is to assess the proposed plan change in terms of the relevant statutory considerations and requirements.
- 1.5. I have read the Code of Conduct for Expert Witnesses (2023) and I agree to comply with this Code of Conduct. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
- 1.6. The following is a list of abbreviations and acronyms which are used in my report:
 - PCI Proposed Plan Change I: Minor Amendments
 - RMA or the Act Resource Management Act 1991.
 - Plan Manawatū District Plan.
 - Council Manawatū District Council.
- 1.7. The following appendices have been attached in support of this report:
 - Appendix 1 TW-Tangata Whenua Chapter in full (showing changes based on the recommendations of this report)
 - Appendix 2 Email correspondence with Te Ao Tūroa Environmental Centre (TATEC)

2. Background

- 2.1. Proposed Plan Change I: Minor Amendments (PCI) was prepared and notified in accordance with Section 74 of the RMA, and the first part of Schedule 1 which outlines the requirements for changing a District Plan. PCI is an administrative plan change designed to assist the Manawatū District Council's ongoing Sectional District Plan Review project. PCI changes consist mostly of deleting sections of text, which is intended to simplify future reviews.
- 2.2. The purpose of PCI is to better align the Manawatū District Plan with the Resource Management Act 1991. Over time, sections of the District Plan have become outdated or inconsistent with the Act and could cause potential confusion for Plan users. Three technical planning reports were prepared to accompany the section 32 evaluation. These reports demonstrated why existing provisions in the District Plan are no longer required and are likely to cause confusion for Plan-users. This is particularly the case for those matters that are now inconsistent with the direction in the Act, national direction, or the Horizons Regional Policy Statement and Regional Plan contained in the One Plan.
- 2.3. The Technical Planning Report: Evaluation of Explanations assessed each explanation in the District Plan and whether they include substantive matters that are essential to the implementation of the District Plan. Overall the assessment identified that the explanations were largely out of date, provided no material essential to applying the provisions of the Plan, contradicted national or regional direction, or quoted sections of the Act that have changed since the District Plan became operative in 2002.
- 2.4. The Technical Planning Report: Evaluation of Resource Management Issues highlighted the need to remove Issues from the Plan. The main reason for this recommendation was that the Act no longer

requires District Plans to describe its resource management issues. Issues cannot be used in resource consent processes to justify decision-making. The report recommends the deletion of all resource management issues from the District Plan.

- 2.5. The Technical Planning Report: Evaluation of Assessment Criteria for Discretionary activities in the GEN-General Approach chapter discusses how, at the time these criteria were included, the Act did not describe Restricted Discretionary as an activity class. This change in the Act occurred in 2005. The Report found that the assessment criteria included in the GEN-General Approach chapter either repeat the Act, or repeat existing objectives or policies in the District Plan. They are essentially an unnecessary and potentially confusing repetition for Plan users. On that basis, the Assessment Criteria contained in the GEN-General Approach chapter are recommended to be deleted, as well as consequentially deleting references to these Assessment Criteria throughout the District Plan.
- 2.6. Other deletions are also recommended outside of the technical planning reports. These deletions are the sections named: Environmental Results Anticipated, Monitoring and Review Procedures, District Plan Methods, Other methods, The Content and Structure of the District Plan, Procedural information, and Consent Procedures. Similarly to the Issues and Explanations, these sections do not have any legal weight, nor are they required under the Act. These sections do not contain substantive material that is not otherwise covered in the existing objectives, policies and rules. In many cases they are also inconsistent with higher order documents and direction. It is therefore recommended that they are also deleted.
- 2.7. As discussed in the Section 32 Report for PCI, along with the changes outlined above, a change in definition from 'dwelling' to 'residential unit' is also proposed as both terms are currently being used in the Plan and mean the same thing. The final change under PCI is the deletion of Tree 4 from the TREE-Notable Trees chapter, as the tree sustained damage during a storm and after being deemed unsafe was cut down.
- 2.8. Further detailed description of the changes and the reasons to support the deletions and changes proposed by PCI is contained in the Section 32 Report and is not replicated in this report for efficiencies.

3. Submissions

- 3.1. Council notified PCI on 10 October 2024. Two (2) submissions were received on Proposed Plan Change I by the closing date of Thursday 21 November 2024 at 4pm. These were from:
 - Te Ao Tūroa Environmental Centre (TATEC) iwi authority for Rangitāne o Manawatū, and
 - Mark Wasley member of the public

The complete submissions and summary can be found in the Summary of Submissions and Original Submissions Report from the PCI notified package.

- 3.2. Further submissions were notified on 5 December 2024. No further submissions were received by the closing date of 4pm Thursday 19 December 2024.
- 3.3. There are no procedural issues to draw to the Hearing Commissioner's attention for this plan change process.

4. Analysis of submissions

- 4.1. Before a Plan Change can be incorporated into a District Plan, it must fulfil a number of statutory requirements set out in the RMA, including:
 - Part 2, comprising Section 5, *Purpose and Principles of the Act;* Section 6, *Matters of National Importance;* Section 7, *Other Matters;* and Section 8, *Treaty of Waitangi;*
 - Section 31 Functions of Territorial Authorities;
 - Section 32 Duty to consider alternatives, assess benefits and costs;
 - Section 32AA Requirements for undertaking and publishing further evaluations;
 - Section 74 Matters to be considered by territorial authorities; and
 - Section 75 Contents of district plans.

- 4.2. The assessment of the plan change must also include an evaluation of the provisions of PCI to determine their appropriateness. I consider this has been completed through the Section 32 Report prepared for this plan change. The Section 32 report has not been reproduced in my evidence, but can be found in the bundle of material notified as PCI.
- 4.3. The focus of this report is to assess the issues raised in submissions on PCI and to determine whether the decisions requested are appropriate, taking into account:
 - Good planning practice,
 - The requirements of the RMA, and
 - The relationship with the broader planning framework under the Manawatū District Plan and its implementation and consistent administration.
- 4.4. Given the small number of submissions the discussion below steps the Hearing Commissioner through the issues raised, any prehearing meetings held and my recommendation for addressing the submission points raised.

Submitter S01 – Te Ao Tūroa Environmental Centre (TATEC) – iwi authority for Rangitāne o Manawatū

- 4.5. Te Ao Tūroa Environmental Centre (TATEC) (S01/01), who are the iwi authority for Rangitāne o Manawatū, submitted on PCI. TATEC's key relief sought was "*That the Council retain all existing text in the tangata whenua chapter of the District Plan.*" TATEC have requested this on the basis that they have not actively participated in the preparation of PCI, therefore the Rangitāne o Manawatū Environmental Management Plan (the EMP) has not been taken into account appropriately.
- 4.6. In order to better understand the points raised by the submitter and their application to PCI, I reached out to TATEC to have a pre-hearing meeting. Unfortunately a pre-hearing date was not confirmed prior to the completion of my evidence. Instead I emailed Alana Nuku (TATEC) and Siobhan Karaitiana (Kāhu Environmental, representing TATEC) and outlined my recommended approach. This approach forms part of my evidence to retain the TW Tangata Whenua (TW Chapter) provisions as outlined in paragraph 4.9. of this s42A report. A copy of this email chain is attached in Appendix 2. TATEC were happy with the proposed approach. To assist the Hearing Commissioner, I asked for clarification on whether TATEC wish to withdraw their request to be heard at the hearing. I received written confirmation on 11 February 2025 that they do not wish to speak at the hearing. Evidence of this correspondence is held in Appendix 2 of this report.
- 4.7. Based on the email correspondence in Appendix 2, it is my opinion that retaining the Explanations and Methods sections of the TW Chapter would not undermine the overall intent of PCI. The only minor change to the specific request of the submitter to retain the entire TW Chapter is to replace the word 'dwelling' with 'residential unit' to be consistent with the rest of the District Plan. This was not a matter specifically raised by TATEC in their submission but was discussed as part of the pre-hearing email chain. TATEC agreed with this approach.
- 4.8. As per submission point S01/02, TATEC considers that Council have not fulfilled the requirements under Schedule 1 Clause 3B of the Act. This comes from the comment in TATEC's submission: "... if the EMP [Environmental Management Plan] were taken into account we would have actively participated in the plan change's preparation." Given the ongoing nature of engagement processes extends beyond PCI, parties have agreed to discuss these matters in a meeting scheduled for 18 February 2025. These wider discussions are not considered to impact the decisions on PCI itself.

Recommendation on Submission S01

- 4.9. I recommend that the Hearing Commissioner accept the submission of TATEC insofar as the Explanation and Methods sections of the TW chapter are retained as per the operative District Plan, with the minor change of replacing 'dwelling' with 'residential unit' for the reasons outlined above.
- 4.10. A copy of the TW-Tangata Whenua chapter showing the recommended changes as a result of the submission is attached to this report under Appendix 1. Other chapters are not replicated in this report, but they remain as notified under Clause 5.

Submitter S02 – Mark Wasley

4.11. Mr Wasley submitted that "I support all proposed changes in Proposed Plan Change I to the Manawatu District Plan because I trust the Council's opinion and comprehensive reasoning given. The changes will

make the District Plan easier to read and less ambiguous, which is important. I also know the owners/occupants of Notable Tree 4 and support its removal from the Notable Trees Schedule." The submitter did not indicate a desire to speak at a hearing. No further action is required for S02.

4.12. I acknowledge the support for the plan change as stated by the submitter. No pre-hearing meeting was held with the submitter.

Recommendation on Submission S02

4.13. I recommend that the Hearing Commissioner accept the submission by Mr Wasley.

5. Section 32AA

5.1. Section 32AA of the Act requires that any proposed further changes are subject to a further evaluation. The only change recommended is to retain what is already in the District Plan, the Explanation and Methods sections of the TW Chapter, for the reasons outlined above. On that basis, no additional s32AA assessment is considered necessary.

6. Overall conclusions

- 6.1. Overall, the proposed plan change is considered to be the most appropriate option to achieve the purpose of the Act.
- 6.2. The deletion of the sections of the Plan listed in paragraphs 2.3 2.6 of this s42A Report is necessary as these sections are incorrect, outdated or inconsistent with the RMA. The exception to these deletions is the TW-Tangata Whenua chapter, which I recommend is retained as outlined in paragraph 4.9 above.
- 6.3. No submissions were received on the proposed change to replace 'dwelling' with 'residential unit' as outlined in paragraph 2.7 of this report. This definition change is considered appropriate to continue the gradual transition to a National Planning Standards compliant District Plan. I recommend that this change be adopted.
- 6.4. The only submission received regarding the proposed deletion of TREE 4 in TREE-SCHED1 was in support of this change. I recommend that this change be adopted.
- 6.5. Following my assessment of PCI, I am satisfied that the Plan Change and recommendations in paragraph
 6.7 are the most appropriate means of facilitating the sustainable management of the natural and physical resources of the Manawatū District.
- 6.6. The principal reasons for my conclusion are:
 - The proposed changes do not alter the effect of objectives, policies or rules in the Plan;
 - The proposed changes will avoid potential confusion for Plan-users; and
 - The proposed changes in part implement the National Planning Standards through the definition change of dwelling to residential unit.
- 6.7. It is recommended that:
 - The TW Tangata Whenua chapter is retained without change in the operative District Plan, with the exception that it includes the change from 'dwelling' to 'residential unit' in TW-P3.
 - Delete the headings and content under the headings of Issues, Explanations, Methods (District Plan Methods and Other Methods), Environmental Results Anticipated, Monitoring and Review Procedures, The Content and Structure of the District Plan, Procedural Information, and Consent procedures.
 - Amend 'dwelling' to 'residential unit', including the deletion of the definition of dwelling from the Definitions Chapter.
 - Delete Tree 4 from the TREE-SCHED1 Notable Trees Schedule.

Star Wilson-Jennings Graduate Policy Planner Manawatū District Council Date: 13 February 2025

Appendix 1: TW-Tangata Whenua chapter in full (showing recommendations from submissions)

TANGATA WHENUA

TW – Tangata Whenua

Objectives

Refer also: GEN-O1 and GEN-O4

TW-01To ensure that *Māori land* can be used in accordance with Māori cultural
preference, as long as any adverse environmental *effects* are addressed.

Policies

TW-P1	To recognise the importance of existing marae, to provide for their further development, and to provide for new marae to be established if appropriate.
TW-P2	To ensure that any adverse <i>effects</i> arising from such development, including effluent disposal and traffic safety problems, are avoided, mitigated or remedied.
TW-P3	To recognise the need for multiple dwellings <u>residential units</u> to be built on areas of <i>Māori land</i>, at an appropriate density for dwellings <u>residential units</u> unconnected to a sewerage scheme.

Explanation

Marae have cultural and spiritual importance to the Tangata Whenua, and most of the existing marae in the District have considerable heritage value. The Plan aims to recognise the importance of marae and to make provision for their development. This may include housing for Kaumatua (elders) and for other whānau members who wish to live on *Māori land* close to the marae to which they belong. (Whether specific parcels are "*Māori land*" is clearly defined by the Te Ture Whenua (*Māori Land*) Act 1993 and by the Māori Land Court). New marae may also be established if appropriate.

Proposals to build more than one house on partitioned areas of *Māori land* are provided for. Such blocks may not necessarily be near a marae but may have important ancestral value to the people concerned.

The above types of development are treated as *discretionary activities* (or controlled in the case of housing) to ensure that relevant impacts of each particular proposal can be considered.

Methods

District Plan Methods

• Rules in chapters: General Residential Zone, Settlement Zone, General Rural Zone, Commercial Zone, Open Space Zone, Natural Hazards, Manfeild Park Zone, Special Development Zone

Other Methods

• Heritage Recognition

Appendix 2: Email correspondence with Te Ao Tūroa Environmental Centre (TATEC)

From: Siobhan Karaitiana <siobhan@kahuenviro.co.nz>
Sent: Tuesday, 11 February 2025 9:49 am
To: Star Wilson-Jennings
Cc: Alana Nuku; Matthew Mackay; Andrea Harris
Subject: Re: MDC - Plan Change I hui
CAUTION: This email originated from outside of MDC's network. Do not click links or open attachments unless you know the content is safe. If in doubt contact the MDC IT Team!

Kia ora Star

I can confirm that TATEC has advised they do not wish to speak at the hearing based on the agreement outlined in this email thread.

Please let me know if you require this in a formal letterhead otherwise i assume this email meets you needs.

Ngā mihi mahana

On Mon, 3 Feb 2025 at 07:54, Star Wilson-Jennings <<u>Star.Wilson-Jennings@mdc.govt.nz</u>> wrote:

Mōrena kōrua

Hope you both enjoyed the weekend!

Siobhan, you indicated that TATEC are unlikely to want to speak at the hearing. If this is the case, could you please reply with written confirmation to this effect? With this in writing, we can forward it onto the Hearing Panel. The Panel can then make a decision on how best to hold the hearing.

Ngā mihi nui

Star



 STAR WILSON-JENNINGS (she/her)
 Graduate Policy Planner

 Manawatū District Council
 Private Bag 10001
 Feilding 4743

 P: (06) 323 0000
 M: 027 249 8184
 www.mdc.govt.nz

From: Siobhan Karaitiana <<u>siobhan@kahuenviro.co.nz</u>>
Sent: Thursday, 30 January 2025 12:32 pm
To: Star Wilson-Jennings <<u>Star.Wilson-Jennings@mdc.govt.nz</u>>
Cc: Alana Nuku <<u>alana@rangitaane.iwi.nz</u>>; Matthew Mackay <<u>Matthew.Mackay@mdc.govt.nz</u>>; Andrea Harris <<u>Andrea.Harris@mdc.govt.nz</u>>; Subject: Re: MDC - Plan Change I hui

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Kia ora Star

Plan Change I: Minor Amendments

I agree with your proposed approach below for the s42a assessment and PCI to address the concerns that Rangitāne have raised. Based on this, I do not expect Rangitāne will want to attend the hearing or present evidence.

Im looking forward to the hui on the 18th. Will it be at Te Hotu Manawa o Rangitāne Marae? It would be great to discuss what an efficient processes could look like between Rangitāne and MDC for plan changes going forward. I just need to leave around 245 for the school run if at the marae. If in Kawakawa, I will need to leave around 230pm.

Ngā mihi mahana

Siobhan Karaitiana Kaupapa Taiao Specialist | 027 342 8400 Te Papaioea

Kahuenvironmental.co.nz



On 30 Jan 2025, at 11:51 AM, Star Wilson-Jennings <<u>Star.Wilson-Jennings@mdc.govt.nz</u>> wrote:

Mōrena kōrua

Just following up on the emails received this morning from you both and that TATEC is not available to meet with us intil 18 February.

Alana, you should have received an email from Ash Garstang at MDC yesterday regarding the first Minute from the Hearing Chair for PCI. The Minute contains directions for the upcoming hearing as follows:

- MDC to make the s42A hearing report available online by 4pm 14 February
- Submitters to submit expert evidence to the Council by 4pm 21 February
- Hearing date is 9am 28 February, online only

Siobhan, you indicated that your next available date to meet is 18 February, this comes after the deadline for my s42A report to be made available. In lieu of including any pre-hearing discussions in my s42A report as initially intended, I thought it may be useful to outline my current thinking on the relief sought in your submission on PCI, which is to recommend:

• The TW-Tangata Whenua chapter is retained as it currently is in the operative District Plan, with the exception that it includes the change from "dwelling" to "residential unit" in TW-P3.

The reason for this recommendation is that it fulfils TATEC's request to retain key text in the TW-Tangata Whenua chapter. The reason for the change from "dwelling" to "residential unit"

is because this is a key change under PCI and making the change does not detract from the essential context in the chapter. So you can see what this would look like, I've attached an example copy of the proposed TW-Tangata Whenua chapter to this email showing the only changes to the operative chapter in yellow highlighter as a result of my draft recommendation above.

We would like to meet with you both on the 18 February to discuss PCI matters. Given your proposed times and dates, how are you both placed **between 1-3pm on the 18th**? Following this hui, I would then update the Hearing Chair of any changes to my recommendations at the start of the hearing on the 28 February 2025.

Hope this helps to clarify my current thinking on your submission.

Looking forward to hearing from you both.

Ngā mihi nui

Star

<image003.png>| STAR WILSON-JENNINGS (she/her) | Graduate Policy Planner | | Manawatū District Council | Private Bag 10001 | Feilding 4743 | | P: (06) 323 0000 | M: 027 249 8184 | www.mdc.govt.nz |

From: Alana Nuku <<u>alana@rangitaane.iwi.nz</u>>
Sent: Thursday, 30 January 2025 10:37 am
To: Siobhan Karaitiana <<u>siobhan@kahuenviro.co.nz</u>>
Cc: Star Wilson-Jennings <<u>Star.Wilson-Jennings@mdc.govt.nz</u>>
Subject: Re: MDC - Plan Change I hui

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I can do 18th except 9-12pm, 19th anytime, 20th anytime except 11am-4pm

From: Siobhan Karaitiana <<u>siobhan@kahuenviro.co.nz</u>>
Sent: Thursday, January 30, 2025 8:21 AM
To: Alana Nuku <<u>alana@rangitaane.iwi.nz</u>>
Cc: Star Wilson-Jennings <<u>Star.Wilson-Jennings@mdc.govt.nz</u>>
Subject: Re: MDC - Plan Change I hui

Kia ora kōrua

Thanks for patience as I make my way back from leave. I had a well needed long summer break, so feeling refreshed and ready to go!

Would a time on the 18th, 19th, 20th or 21st of February in school hours work for you both?

Plan Change I: Minor Amendments

S42A Hearing Report

Kahuenvironmental.co.nz <image001.png>

On 29 Jan 2025, at 11:14 AM, Alana Nuku <<u>alana@rangitaane.iwi.nz</u>> wrote:

Kia ora Star,

Arohamai, I thought had copied in Siobhan! I would prefer to meet when she is available, thanks.

From: Star Wilson-Jennings <<u>Star.Wilson-Jennings@mdc.govt.nz</u>> Sent: Wednesday, January 29, 2025 9:17 AM To: Alana Nuku <<u>alana@rangitaane.iwi.nz</u>> Subject: RE: MDC - Plan Change I hui

Kia ora Alana

Not sure about Siobhan's schedule. As I understood it, she was assisting on your end – I don't have a contact email for her. If you're happy to meet with us without her, then let's lock in the 4th 😊

Ngā mihi

Star

<image003.png>| STAR WILSON-JENNINGS (she/her) | Graduate Policy Planner | | Manawatū District Council | Private Bag 10001 | Feilding 4743 | | P: (06) 323 0000 | M: 027 249 8184 | www.mdc.govt.nz |

From: Alana Nuku <<u>alana@rangitaane.iwi.nz</u>>
Sent: Wednesday, 29 January 2025 7:56 am
To: Star Wilson-Jennings <<u>Star.Wilson-Jennings@mdc.govt.nz</u>>
Subject: Re: MDC - Plan Change I hui

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Kia ora Star,

Sounds good to me, that time might not suit Siobhan - we are scheduled for 4/2 1.30pm - 3pm. Does that work for Siobhan?

Ngā Mihi,

Alana Nuku I Manager

Te Ao Tūroa Environmental Centre

Tanenuiarangi Manawatū Charitable Trust

Rangitāne o Manawatū

Plan Change I: Minor Amendments

140-148 Maxwells Line, Palmerston North 4412 Cellphone: 021 592 334

<image004.png><image005.gif>

From: Star Wilson-Jennings <<u>Star.Wilson-Jennings@mdc.govt.nz</u>> Sent: Tuesday, January 28, 2025 9:47 AM To: Alana Nuku <<u>alana@rangitaane.iwi.nz</u>> Subject: MDC - Plan Change I hui

Mōrena again!

Have just been chatting to Robert Rose at MDC and heard you're meeting with him on the 4th. In the interests of everyone's time efficiency, how would you feel about myself, Andrea and Matt joining in with this hui? Robert is comfortable with this on our end.

Kia pai tō wiki

Star

From: Star Wilson-Jennings
Sent: Tuesday, 28 January 2025 9:10 am
To: Alana Nuku (Rangitāne o Manawatū) <<u>alana@rangitaane.iwi.nz</u>>
Subject: MDC - Plan Change I hui

Mōrena Alana

How are things?

We're looking ahead to scheduling some key dates for Plan Change I. If possible, can we please meet with yourself and Siobhan sometime before the 7th February? This gives us time to prepare hearing notes etc. Let me know some dates/times that could work.

Ngā mihi nui

Star

<image006.png>| STAR WILSON-JENNINGS (she/her) | Graduate Policy Planner | | Manawatū District Council | Private Bag 10001 | Feilding 4743 | | P: (06) 323 0000 | M: 027 249 8184 | www.mdc.govt.nz |

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