

Plan Change 17

Te Rapa North Industrial Private Plan

Change

Addendum Section 42A Hearing

Report

27 November 2025



Date: 27 November 2025

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1.0 Introduction

- 1.1 My full name is Damien Ryan McGahan, and I am a Principal with Aurecon New Zealand Limited ("Aurecon"). My qualifications and experience were set out in the Section 42A Report dated 11 September 2025 which I authored on behalf of Hamilton City Council.
- 1.2 I reconfirm that I have read and am familiar with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and I agree to comply with it.
- 1.3 This report is prepared as an addendum to the primary Section 42A report to provide further assessment and comment on Private Plan Change 17 (PPC17) following review of the applicant's evidence, submitter evidence and the applicant's rebuttal evidence. It also proposes several amendments to PPC17 having considered the evidence and the applicant's response to initial recommendations made on the shape and requirements of the plan change provisions.

2.0 Scope of Report

- 2.1 The scope of this addendum covers the following:
 - Update since the issuing of the Section 42A Report, dated 11 September 2025.
 - Consideration and assessment of key issues raised in evidence and rebuttal, relevant to my area of expertise and other remaining issues including:
 - Matters raised through evidence
 - Extent of PPC17
 - Transport – Baseline
 - Horotiu East South / PPC17 North Block Boundary Treatment.
 - Residual Section 42A report matters
 - Transport.
 - Water and Wastewater.
 - Stormwater.
 - PPC17 planning framework and provisions.
 - Proposed amendments to PPC17.

- Updated recommendations.

2.2 In preparing this addendum report, I have reviewed all evidence and rebuttal evidence lodged in relation to PPC17, but I have specifically focussed on the following:

- Statement of Evidence and Rebuttal Evidence of Nicolas Grala (Planning) on behalf of the Applicant (Fonterra Limited), dated 14 October 2025 and 20 November 2025 respectively.
- Statement of Evidence and Rebuttal Evidence of Cameron Inder (Transport) on behalf of the Applicant (Fonterra Limited), dated 7 October 2025 and 20 November 2025 respectively.
- Statement of Evidence and Rebuttal Evidence of Scott King (Stormwater) on behalf of the Applicant (Fonterra Limited), dated 7 October 2025 and 20 November 2025 respectively.
- Statement of Evidence of Samual Coles (Urban Design) on behalf of the Applicant (Fonterra Limited), dated 7 October 2025.
- Statement of Evidence of Aaron Collier (Planning) on behalf of Te Awa Lakes Unincorporated Joint Venture Limited and Horotiu Farms Limited (which I refer to as “**TAL**”), dated 3 November 2025.
- Statement of Evidence of Mark Apeldoorn (Transport) on behalf of TAL, dated 29 October 2025 (insofar as it relates to planning matters).
- Statement of Evidence of Michael Bilsborough (Urban Design) on behalf of TAL, dated 30 October 2025 (insofar as it relates to planning matters).
- Statement of Evidence of Briar Belgrave (Planning) on behalf of Empire Corporation Limited and Porter Group (which I refer to as “**Porters**”), dated 30 October 2025.
- Statement of Evidence of Le Hills (Transport) on behalf of Porters, dated 30 October 2025 (insofar as it relates to planning matters).
- Statement of Evidence of Dean Morris (Engineering) on behalf of Porters, dated 30 October 2025 (insofar as it relates to planning matters).
- Statement of Evidence of Briar Belgrave (Planning) on behalf of a collective of submitters comprising Sam and Alisa Coleman (Submitter #4), Scott Mathieson (Submitter #5), Graeme Boddy (Submitter #8), Hayden Porter (Submitter #9), Paul

and Gloria Stone (Submitter #12) and Wen Sen Shih and Hsiu-Jung Huang (Submitter #17) (which I collectively refer to as the “**Meadowview Lane Submitters**”), dated 30 October 2025.

2.3 I have also relied expert advice sought from Council specialists on technical matters including transport, stormwater, and water and wastewater. The Council’s technical specialists have completed Addendum Section 42A Technical Memorandums and include:

- PPC17 Transportation Review, dated 26 November 2025, prepared by Naomi McMinn, Grey Matter (Appendix A).
- PPC17 Water & Wastewater Review, dated 26 November 2025, prepared by Chris Hardy, WSP NZ Limited (Appendix B).
- PPC17 Stormwater Review, dated 26 November 2025, prepared by Iain Smith, Beca Limited (Appendix C).

3.0 PPC17 Update

3.1 Since the issuing of the Section 42A report on 11 September, alongside the review of evidence and rebuttal evidence I have continued to engage with the applicant (including Nicohlas Grala and Suzanne O’Rouke) regarding aspects of PPC17 and on plan change form and content.

3.2 While these sessions have been beneficial, I have reconsidered the version of the plan change received as part of Mr Grala’s rebuttal evidence. In doing so, I have also considered the residual matters highlighted in Section 9 of the Section 42A report, along with several technical matters related to infrastructure that remain unresolved. As a result, I have taken the opportunity to present a revised version of the plan change provisions that:

- respond to these matters
- strengthen the provisions, and
- improve overall plan legibility in line with the structure of the District Plan.

- 3.3 I have attached my recommended PPC17 provisions at **Appendix D** and discuss these further in **Section 5.0** of this report.
- 3.4 A revised flow chart with updated references, based on Mr Grala's Planning Evidence (dated 7 October 2025, Attachment 3), has been attached at **Appendix E**. The chart provides a step-by-step guide through the relevant provisions, clarifying the consent pathway.

4.0 Evaluation of Key Matters

Matters raised through evidence

Extent of PPC17

- 4.1 The submissions and supporting evidence of Porters and the Meadowview Lane Submitters seek that PPC17 is expanded to include their land interests / holdings. I provided an analysis of these submissions at paragraph 5.8 of the Section 42A report. I don't repeat my general conclusions here, other than to note that submitters who sought this relief were invited to produce further evidence on the matter. I note that Mr Grala has responded to these submitters at sections 3 and 4 of his rebuttal evidence, including figures which indicate the proposed extents (namely Figures 3 and 4).

Porters

- 4.2 Ms Belgrave on behalf of Porters that the inclusion of Porters' land would create a more logical and integrated urban boundary and in doing so, would provide for a more efficient and comprehensive development pattern for Te Rapa North. Furthermore, she considers that PPC17 represents a piecemeal approach to structure planning that is inconsistent with best practice and relevant objectives of relevant planning documents.

4.3 Mr Grala has confirmed in his rebuttal evidence the structure planning undertaken for PC17 was robust and comprehensive and that it has been informed by a full suite of evidence that covers the field of disciplines as to what would be expected for urban growth areas and structure planning of this nature. He suggests this remains a limitation in respect of Porters position. He also notes that PPC17 expressly accounts for the interface with the parts of the TRNIZ that remain within the DIZ overlay (which includes the contiguous area of Porters' land adjoining the southern portion of the structure plan area, bound by Old Ruffell Road, Ruffel Road, Onion Road and the North Island Main Trunk line).

4.4 Having had regard to the evidence of Ms Belgrave and Mr Grala, I remain of the view that the approach taken by Fonterra is appropriate.

4.5 While transportation and engineering infrastructure evidence has been produced (and shows that integration could readily work), there remains several technical or environmental assessments required which more broadly respond to the site, its context and to inform a comprehensive plan change and its associated provisions.

4.6 Aside from the contiguous block of Porters' land referred to above, I consider that the plan change in its current form will not result in fragmentation and poor outcomes at the interface. I note also that the remaining blocks of Porters' land are clearly separated from the structure plan area by the North Island Main Trunk line in this regard. This separation enables to Porters to plan for the use of this site in a contained and comprehensive manner.

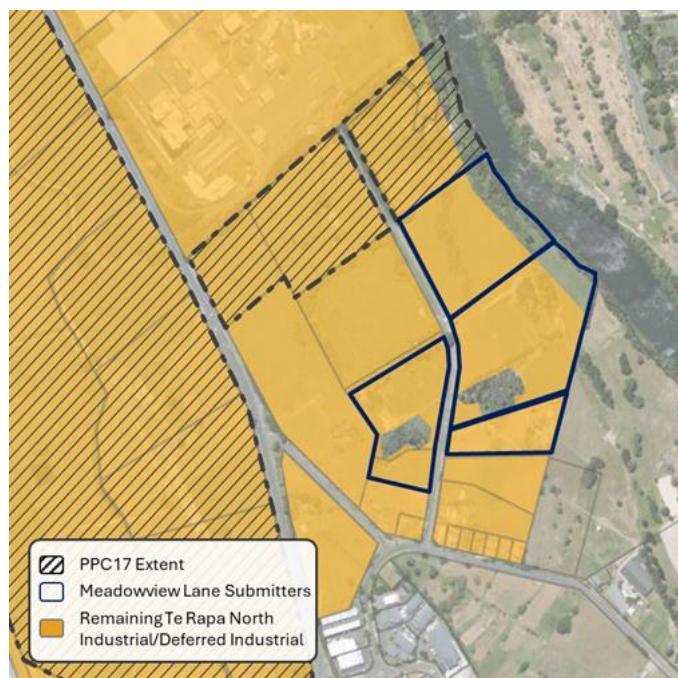
4.7 Acknowledging that the IHP will consider the submissions and evidence relating to PPC17 extent, if an extension to the plan area is deemed appropriate, I am of the view that the above referenced contiguous block of Porters' land would be a logical inclusion, for the reasons outlined in Ms Belgrave's evidence and for the reasons I outline in the Section 42A report at paragraph 5.8.

Meadowview Lane Submitters

4.8 Like the Porters' position, Ms Belgrave considers that the inclusion of the Meadowview Lane Submitters' land would achieve a more comprehensive and integrated outcome for the zone.

4.9 Mr Grala has responded to this and notes that there is a lack of an evidence base to support the relief sought, including with reference to higher order policy direction.

4.10 Drawing on Figure 4 from Mr Grala's rebuttal evidence, I have included Figure 1 below to indicate the location of the Meadowview submitter properties relative to other blocks covered by the deferred zoning overlay.



*Figure 1: Properties covered by Deferred Industrial Zone Overlay
in vicinity of Meadowview Lane submitters*

4.11 I note that the Meadowview submitters represent approximately half of the area shown in Figure 1 above, and it is unknown what the position of other landowners within this broader block is at this point. While some of these property owners did initially submit on PPC17 (e.g. Morth Trust, submitter 16), I note that no further evidence has been produced by these parties that suggests inclusion within PPC17 is still being pursued.

4.12 Based on the above, I consider that PPC17 in its current form will not lead to the outcomes suggested by Ms Belgrave. In my opinion, the surrounding land holdings, including adjacent blocks within the Deferred Industrial Overlay (owned by others), could be comprehensively planned for given their size and location relative to the Fonterra South block, should landowners wish to pursue a plan change. Inclusion of the Meadowview submitter properties only within PPC17 without the inclusion of other surrounding blocks would in my view result in an incoherent zoning pattern.

4.13 In addition, and as Mr Grala notes, no technical assessment has been undertaken for this wider land grouping. I agree that various assessments would be essential to properly address the site's context and constraints and to inform any future plan change provisions.

Transport – Baseline & Upgrade Framework

4.14 The evidence of TAL and Porters have both raised transportation related matters.

4.15 Mr Apeldoorn and Mr Collier have indicated that PPC17 has not appropriately accounted for the entire TAL development area, limiting the assessment to the consented stages / areas only. This is also a concern of Ms McMinn who has indicated in her addendum (Appendix A) that the underlying land use and trip generation that forms the basis for the PPC17 has been reduced (from that notified) to reflect consented traffic limits from the Te Awa Lakes Structure Plan area rather than the land use and trip generation permitted by the TAL Structure Plan.

4.16 Mr Grala and Mr Inder have responded to this concern and indicated that they do not consider that the Major Facilities Zone should form part of the future transport environment on the basis it is not yet consented / use known. Ms McMinn is concerned that Mr Inder's assessment has adjusted the WRTM baseline by reducing peak period trips from Te Awa Lakes area to match the consented trip generation limits and this has the effect of underestimating the transport environment and infrastructural upgrades needed, particularly as it relates to Te Rapa Road.

4.17 While I agree in principal that the consented environment does reflect the state of the environment as it exists at the time a decision is made on a resource consent, plan, or designation, I note that the detailed modelling that supported the initial plan change request did consider the broader transport effects associated with the full build out of Te Awa and transport upgrades were proposed. I consider that the 'whole' scenario remains important and needs to be accounted for, either though not precluding it, confirming it now in terms of a potential upgrade requirement, or through a commitment to further assessment via a Broad ITA as development stages progress.

4.18 As part of the updated provisions, while Fonterra have signalled a form of staging in ‘hectare’ blocks, there is a lack of certainty that remains in terms of timing and location of development and relative to the other developments occurring in the vicinity (including TAL).

4.19 I consider that this matter can be appropriately addressed by development within PPC17 being required to provide a Broad ITA for each stage of the development, following the first 20-hectare block signalled (and subject to other upgrade requirements being met). Each Broad ITA would be required to assess the cumulative effects of the proposed stage within the updated transport environment and identify the necessary mitigation (including timing and responsibility). This aspect has been built into the updated PPC17 provisions appended to this report (Appendix D).

4.20 I note that McMinn has signalled several other upgrade requirements in her updated assessment, and I am in general agreement with those and have reflected them in the updated PPC17 provisions. I touch on these in more detail below.

Horotiu East South (HES) / PPC17 North Block Boundary Treatment

4.21 TAL has raised the following issues regarding the boundary treatment between their land and the Fonterra North sub-block. Mr Collier disagrees with the conclusion that no additional development controls are necessary for PPC17 on the boundary between PPC17 and the HES block. Mr Collier considers that the HES block is in fact zoned Future Urban, notes that it is not proposed to be developed for future industrial use and is intended for future mixed-use development. As such, he considers the controls to be inappropriate to manage this interface.

4.22 Having reviewed the position promoted by Mr Collier and the response from Mr Grala, I reconfirm my position that the HES is zoned TRINZ and is subject the Deferred Industrial overlay (as clearly shown on the District Plan Map Viewer). I agree with the general view of Mr Grala in terms of the applicability of the Future Urban Zone (FUZ) provisions in this instance. I consider that the FUZ provisions, to which Chapter 12 directs the plan user to, are in place to aid in plan administration and are in fact designed to retain (or preserve) the underlying rural / Greenfields use of the land to which it applies until such time as the zone overlay is uplifted for its future intended use (which in this case is industrial).

4.23 While Mr Collier has indicated that HES will not be used for Industrial purposes, the fact Fonterra has promulgated a plan change which seeks to uplift the adjacent deferred zoning ahead of any formal consenting by TAL of the HES block, should not, in my opinion, limit Fonterra's ability to develop in the future for this purpose and on the provisions as proposed. This is on the basis that the two blocks share a common boundary that maintain an underlying zoning which enables development for industrial purposes.

Residual Section 42A report matters

Transport

4.24 Ms McMinn has provided an Addendum Transportation Review (attached as Appendix A) and highlights the remaining residual issues:

- Initial access to PPC17 is proposed from the south, which will significantly increase traffic at the Ruffell Road/Old Ruffell Road intersection. A roundabout is considered mandatory to improve safety and future-proof the intersection. Additionally, Old Ruffell Road requires an upgrade to allow safe turning at industrial crossings and align with the Structure Plan Spine Road design. These requirements should be reflected in the provisions.
- PPC17 does not provide a concept layout for the Spine Road connection to Old Ruffell Road or the T-intersection for the stub, which must maintain access to existing industrial businesses and ensure appropriate separation and vehicle tracking. Provisions to future proof a four-leg intersection between the Spine Road and the planned Northern River Crossing are recommended.
- In addition, the current provisions in 3.9.3.2 delay connecting the Spine Road until development exceeds 35ha, essentially creating two long cul-de-sacs. This approach conflicts with good transport planning principles, increasing travel distances, reliance on Te Rapa Road, and intersection pressure. It is therefore recommended that the Spine Road connection should occur earlier.
- Ms McMinn considers that PPC17 has underestimated trip generation from surrounding zoned land and may not have fully addressed future transport effects. Uncertainty in development timing for PPC17 and nearby areas risks making proposed mitigations insufficient. To manage this, more frequent assessments as

development progresses are needed, and the triggers for a Broad ITA should therefore be brought earlier into the staging framework.

- Finally, PPC17 should have strengthened provisions for the future Northern River Crossing and Bus Rapid Transit to align with Hamilton City Council's long-term vision.

4.25 I concur with the recommendations listed above and have reflected these recommendations in the updated PPC17 provisions (refer to Appendix D).

Water and Wastewater

4.26 Mr Hardy has provided an Addendum Water and Wastewater Review (attached as Appendix B) and highlights the remaining residual issues:

- Water allocation will remain a challenge for the city until the current consent expires in 2044, and Council prefers that the applicant secure additional allocation for supply certainty as outlined in the Strategic Water and Wastewater Memorandum. According to Mr Hardy, PPC17 can proceed if the applicant demonstrates water allocation availability at each stage through the Infrastructure Plan, with development deferred if allocation is unavailable at the time of any stage.
- A clearer estimate of staging order and timing would help plan wastewater treatment capacity, water allocation, and integration with future developments. Notwithstanding, PPC17 can proceed if infrastructure requirements are assessed and confirmed for each stage through the Infrastructure Plan and implemented before development occurs.

4.27 I have worked closely with Mr Hardy to reflect these requirements through strengthened PPC17 provisions, including a stronger objectives and policy framework and through specific requirements needed as part of strategic three water upgrade requirements as stages progressed and Infrastructure Plan requirements.

Stormwater

4.28 Mr Smith has provided an Addendum Stormwater Review (attached as Appendix C) and highlights the remaining residual issues:

- Te Rapa Stream is an existing issue, and PPC17 will result in increased stormwater volumes discharged to the stream, exacerbating stream erosion in the reaches

downstream of SH1C. The volume increase needs to be mitigated in accordance with the Integrated Catchment Management Plan (ICMP), and the details of strategic stormwater infrastructure will need to be embedded within the Infrastructure Plan.

- As there is currently no funding allocated for the physical works (related to stream erosion) in Hamilton City Council's Long Term Plan, it is critical that the requirement to prepare an Implementation and Funding Plan be included as a provision in PPC17. This will set the framework for later design development, agreements and responsibilities for the implementation of the works.
- The Structure Plan (Figure 2-22) calls up a "5m riparian margin required" in the legend under the permanent watercourses. This has been deleted as the riparian margin will vary along the corridor.

4.29 I have worked closely with Mr Smith to reflect his recommendations through strengthened PPC17 provisions, including explicit references to the Te Rapa Integrated Catchment Management Plan and other necessary stormwater infrastructure upgrades.

PPC17 planning framework and provisions

4.30 The Section 42A report included several matters in relation to the PPC17 plan change framework and provisions at paragraph 6.4 – 6.21. These related to transport and three waters infrastructure, staging, information requirements and alignment with District Plan structure. This culminated in several proposed amendments and associated recommendations (Sections 8 and 9 of the Section 42A report). While the applicant has made some progress through its evidence in chief and rebuttal evidence, the response to many of these matters has been limited. As previously noted at paragraph 3.2 of this report, I have therefore proposed several further amendments, and I discuss these below. As previously noted, amendments I have proposed have been built into the version of the provisions attached to Mr Grala's rebuttal evidence.

5.0 Proposed Amendments to PPC17

5.1 This section of the report summarises the key proposed amendments to PPC17. I note that there are several editorial and cross-referencing recommendations that have been proposed, but I do not cover these below. Rather, for a complete list of recommended amendments, I have included a cover note within Appendix D. The amendments I discuss below are based on the following:

- Strategic Water & Wastewater for the PC17 Area Memo, dated 19 May 2025 (attached to Mr Hardy's PPC17 Water and Wastewater Review, dated 8 September 2025); and the PPC17 Strategic Stormwater Servicing Memo, dated 3 July 2025 (attached to Mr Smith's PPC17 Stormwater Review dated 9 September 2025).
- Review of applicants and submitters evidence.
- Updated technical assessments from Council's technical specialists.
- Strengthening of the overarching objective and policy framework that applies to the zone.
- Strengthening of structure plan chapter rules, triggers, information requirements and assessment criteria relating to restricted discretionary, discretionary and non-complying activities.
- Relocation of PPC17 elements to better reflect District Plan structure and eligibility.

5.2 The review has considered in some detail the uncertainties and technical gaps that remain within the plan change provisions.

5.3 It is important to note, that I have undertaken this review, in conjunction with Council technical specialists and planning team members from the perspective of District Plan administration.

Chapter 3.9

5.4 Revision to 3.9.2.5.c. to better reflect the criticality of the Northern River Crossing and the role that the East-West Road will play in doing that.

5.5 Revision to 3.9.2.5.e.1.i to clarify the blocks that the intersection connects to.

- 5.6 Inclusion at 3.9.2.5.g to include the upgrade of Old Ruffell Road to Collector status and including walking and cycling as an upgrade as part of the first stage of development because of introduced traffic volumes and associated safety requirements.
- 5.7 Refractoring of 3.9.2.6.b. and c. to highlight the importance of providing an Infrastructure Plan at each stage of development. It is also strengthened to require consideration of water availability and allocation as well as wastewater treatment capacity. These are considered by Council's technical specialists as critical considerations alongside the base infrastructure requirements themselves.
- 5.8 Insertion of 3.9.3.1(a)(iii) to reference the infrastructure maps in Volume 2, Appendix 2 (Figures 2-23 a-c) which have been relocated to their correct position in the District Plan (legibility).
- 5.9 Included a range of additional minimum infrastructure requirements at Rule 3.9.3.2 (Transport Upgrades) to reflect important early requirements in the first stage to respond to traffic generation and safety requirements and additional requirements for later stages, including a requirement for a Broad ITA to respond to uncertainties and cumulative effects as development across the zone.
- 5.10 A substantial reworking of Rule 3.9.2.2 (Strategic Three Waters Infrastructure) to reflect the indicative 'plug and play' staging now proposed, but also having consideration of water availability and allocation and wastewater treatment capacity alongside the infrastructure itself. The associated 'indicative staging framework' has been developed to reflect critical requirements as part of enabling works (to be agreed with Hamilton City Council) and a strengthening of requirements and necessary infrastructure and assessment as each stage (or sub-block) is developed. As noted, these requirements have been expanded to manage the actual and potential effects on the receiving environment, both internal and external to the site, associated with the uncertainty around staging. This approach will require a high-level of engagement between the applicant and the Council and this has been enabled. The Infrastructure Plan (an information requirement) is a key element in relation to this rule, and this has been reflected.
- 5.11 Rule 3.9.3.4 (Information Requirements) has been updated to align with District Plan structure.

5.12 3.9.3.5 (Activity Status) has been edited to reflect District Plan phrasing.

Chapter 12

5.13 I have updated the Objective and Policy framework at 12.2, on the basis that the proposed objectives and policies were somewhat narrow / limited and did not respond to the nature and complexity of the infrastructure matters relevant to the zone. To that end, I have developed tailored objectives and associated policies which respond to three waters and transportation. I have attempted to approach this in a way which is consistent with the District Plan, and which reflects the assessments on these elements. Based on the advice I have had from technical experts, this has included to expanding consideration, not only to the physical infrastructure requirements but also consideration of water capacity and availability and wastewater treatment capacity. I consider a strong objectives and policy framework is particularly important when it comes to the consideration of future resource consents.

5.14 The inclusion of 'Wet Industry' at 12.3.1 along with a definition based on known water allocation constraints in the area.

5.15 In the absence of any transportation assessment of industrial traffic accessing Hutchinson Road from Lot 1 DP551065, access restrictions have been amended in 12.5.1.

Appendix 1.2 (Information Requirements)

5.16 I note that the 'Information Requirements' have been relocated from Chapter 3.9 to Appendix 1.2 – to align with District Plan structure (legibility). I have also undertaken some reordering to give more primacy to the Infrastructure Plan requirement (and which aligns with the structure in Chapter 3.9).

5.17 1.2.2.30 (Infrastructure Plan), has been developed (expanded) to require specific details, modelling, assessments and consistency with documents including the ICMP, and at each stage of development. This is based on known constraints in the three waters space and the need to confirm that provision is made for the physical infrastructure, and to assess and confirm matters relating to water allocation and wastewater treatment capacity so both the short-term intervention and longer-term solution can be aligned on.

5.18 A key inclusion is the requirement to assess and identify for the preferred Te Rapa Stream erosion resilience works on a full development basis. A process has been proposed to confirm this, in conjunction with relevant parties. Mr Smith has provided detail in relation to this key requirement.

5.19 Evidence of engagement with key parties, including mana whenua regarding the preparation of the Infrastructure Plan is included.

Appendix 1.3.3 (Restricted Discretionary, Discretionary and Non-Complying Assessment Criteria)

5.20 The requirements of 1.3.3. Q1 has been developed to ensure the appropriate cross-referencing is in place to both governing rules, information requirements or an already approved document.

5.21 1.3.3 Q3 has been developed to provide clear reference back to the governing rules to which these criteria apply. I have expanded these to ensure water allocation and wastewater treatment capacity is picked up alongside the physical infrastructure and like the applicants proposed 1.3.3. Q3 c., I have included reference Three Waters assessment criteria that already exist in the District Plan and which I consider appropriate to apply to manage effects associated with PPC17 and to the required Infrastructure Plan.

5.22 I have relocated edited and added to the applicant's proposed Q5 assessment criteria based on the assessment of Ms McMinn.

Other District Plan sections

5.23 I note that Chapter 23 (Subdivision) has been subject to a minor cross-referencing edit, while the Te Rapa Structure Plan and the associated three waters infrastructure figures which were all located in Chapter 3.9, have been relocated to Appendix 2 to align with the District Plan structure.

6.0 Recommendations

- 6.1 Having reviewed all the technical material associated with PPC17, the evidence of the applicant and submitters and accounting for the technical review of Council specialists and subject the adoption of the proposed amendments attached to this Addendum Section 42A report I consider that the plan change can be approved by the IHP.
- 6.2 I consider that PPC17 is strongly aligned with the surrounding land use and is expected under the provisions of the District Plan and other regional policy documentation. Subject to the proposed amendments being adopted, I consider that PPC17 is consistent with the national, regional and district statutory framework, including Te Ture Whaimana and Part 2 of the Resource Management Act.