

**BEFORE THE INDEPENDENT PANEL
OF KAPITI COAST DISTRICT COUNCIL**

IN THE MATTER of the Resource Management Act 1991 ("**RMA**")

AND

IN THE MATTER of Private Plan Change 4 ("**PC4**") to the Kāpiti Coast
District Plan ("**Plan**") - 65 and 73 Ratanui Road,
Otaihanga

LEGAL SUBMISSIONS ON BEHALF OF WELHOM DEVELOPMENTS LIMITED

11 FEBRUARY 2025

1. INTRODUCTION

- 1.1 Welhom Developments Limited is the requestor for proposed Private Plan Change ("**Plan Change**"), which seeks to rezone the site at 65 and 73 Ratanui Road, Paraparaumu ("**Site**") from Rural Lifestyle Zone to General Residential Zone and provide for the establishment of a retirement village.
- 1.2 Welhom Developments Limited is a subsidiary of Summerset Group Holdings Limited (together known as "**Summerset**") and is responsible for identifying and acquiring potential sites for new retirement villages. Summerset is one of the largest comprehensive care retirement village operators, and one of the largest home builders, in New Zealand. Summerset has a long-established track record of delivering high quality villages into residential communities.
- 1.3 Summerset has 43 retirement villages across New Zealand in various stages of development (either under development or completed), providing homes for over 9,100 elderly residents. The expertise that Summerset has developed in caring for elderly residents has resulted in the company being a multiple award winner in the Reader's Digest Trusted Brand Awards in the Aged Care and Retirement Villages category.
- 1.4 Due to New Zealand's ageing population, there is unprecedented demand for retirement and aged care living options. This is recognised as a serious issue of national scale. The Kāpiti Coast district and Greater Wellington region are no exception to this demand trend where there is a significant deficiency of aged care housing.
- 1.5 Summerset has been searching for an appropriate site that can provide for a comprehensive care retirement village in the Paraparaumu area for five years. Other potential land in the area was carefully considered, but the Ratanui Road Site was identified as the most appropriate for a range of factors, including its location, size, close proximity to an existing urban area, and its infrastructure serviceability. It has also been identified in the Kāpiti Coast District Council's ("**Council**") Growth Strategy – Te Tupu Pai as a "Medium-priority greenfield growth area". This Site will allow Summerset to make a considerable contribution to the housing stock in the Kāpiti Coast.
- 1.6 Summerset's Plan Change application has been supported by a comprehensive range of expert assessments. Throughout the development of the Plan Change both before and since lodgement, Summerset has worked to

refine the provisions to address feedback from stakeholders. This has resulted in significant alignment between the Summerset witnesses and the Council reporting team.

1.7 At the hearing, Summerset will present evidence from the following witnesses:

- (a) Aaron Smail – Corporate;
- (b) Mark Thomson – Civil Engineering;
- (c) Mark Georgeson – Transport;
- (d) Vaughan Keesing – Ecology;
- (e) Tim Heath – Economics;
- (f) Alex Gardiner – Landscape and Visual; and
- (g) Torrey McDonnell – Planning.

1.8 Evidence was also filed on behalf of Summerset by Brett Black (Geotechnical), Marcus Hermann (Contamination), and Ellen Cameron (Archaeology). Prior to the hearing, the Panel decided that evidence should be taken as read and those witnesses excused due to there being "no, very little or inconsequential issues in contention between relevant experts".¹

1.9 These submissions will:

- (a) provide a brief overview of the Plan Change;
- (b) outline the legal framework for the assessment; and
- (c) address the discrete issues that remain between Summerset and the Reporting Officer; and
- (d) discuss the other issues raised by submitters.

2. OVERVIEW OF PLAN CHANGE

2.1 The Plan Change seeks to rezone the Site from Rural Lifestyle Zone to General Residential Zone under the combined Kāpiti Coast District Plan ("**District Plan**"). The Plan Change will enable the residential development of the Site, with specific provision for uses associated with a comprehensive care retirement village.

¹ Hearing Direction #3 at [4].

- 2.2 The Plan Change is requested in the context of the Kāpiti Coast District's forecasted population growth and associated growth in demand for residential development. The Site has been identified by the Council's 2022 Growth Strategy – Te Tupu Pai as a "Medium-priority greenfield growth area" which signals its potential for future urban growth.²
- 2.3 The proposed changes will be implemented through the addition of the new Ratanui Development Area to the District Plan, with an associated Structure Plan, policies, and rules. The Structure Plan identifies the proposed location and design of landscaped buffers (landscaping, fencing and / or planting) around the perimeter of the Site – aimed to soften the transition from residential to rural residential land use.
- 2.4 The proposed provisions allow for future residential development of the Site and more appropriate zoning for development of a retirement village. The Plan Change provisions enable retirement villages and residential activities and associated subdivision in the Ratanui Development Area, where the development is generally consistent with the Structure Plan.
- 2.5 Rule DEV3-R1 proposes to establish controlled activity status for retirement villages within the Ratanui Development Area where a Landscape and Earthworks Plan is provided by a suitably qualified and experienced landscape architect addressing the matters listed in policy DEV3-P1.4 and containing details of plantings proposed for the vegetated buffer and design for landscaped buffer. Proposed matters of control include the degree to which the development is in general accordance with the Structure Plan, the matters in policy DEV3-P1, and the matters of discretion in rule GRZ-R41.
- 2.6 The standards in GRZ-R33 of the District Plan also apply to retirement villages in the Ratanui Development Area.³ If an application for consent does not comply with those standards, then restricted discretionary activity status will apply.⁴ Under the proposed provisions, subdivision and residential activities where there are four or more residential units per site also have restricted discretionary activity status within the Ratanui Development Area.
- 2.7 The proposed provisions will apply in addition to the underlying General Residential Zone provisions and those in the Part 2: District-Wide Matters Chapters. Mr McDonnell discusses the proposed provisions in further detail in his evidence.

² Te Tupu Pai Growth Strategy at p 21.

³ Hearing Statement of Torrey McDonnell at [3.13].

⁴ Hearing Statement of Torrey McDonnell at [3.13].

Evolution of the Plan Change

- 2.8 In the lead up to lodgement of the Plan Change, Summerset consulted with a range of key stakeholders, including Council, Greater Wellington Regional Council, Ātiawa Ki Whakarongotai, Ngā Hapū o Ōtaki, and Ngāti Toa Rangatira. This involved detailed engagement with Council and the community, which informed the master planning for the project. Following lodgement, Summerset continued to engage with Council's team, and a number of changes were made to the Plan Change provisions to respond to feedback from the Council team, culminating in a revised Plan Change request being filed in February 2025, which was the Plan Change which was publicly notified.
- 2.9 The consequence has been a supportive Section 42A Report, with only discrete matters of disagreement between the Council and Summerset. Further refinement of the provisions continued following release of the Section 42A Report, including acceptance of a number of recommendations made by the Reporting Officer, such as amendments to the placement of the advice note in rule DEV3-R1,⁵ policies DEV3-P1 and DEV3-P2,⁶ and a number of other planning matters.⁷
- 2.10 Following the filing of Summerset's expert evidence, the Council's Reporting Officer has released an Addendum Report dated 3 February 2026 ("**Addendum Report**"), which reiterates and clarifies the Council's position, particularly on the outstanding matters and recommends further changes to provisions as set out in Appendix 1 of the Addendum. Mr McDonnell and the Reporting Officer have continued to engage on the outstanding issues, and Mr McDonnell will provide an updated version of the provisions that responds to some of the matters raised in the Addendum Report.

3. LEGAL FRAMEWORK FOR ASSESSMENT

- 3.1 The procedure for requesting, and consideration of, a private plan change is set out in Part 2 of Schedule 1 of the RMA.
- 3.2 The legal framework for assessment of private plan changes was developed by the Environment Court in *Long Bay*,⁸ and refined further in *Colonial Vineyards*.⁹ We do not intend to take you through the detail of those tests.

⁵ Evidence of Torrey McDonnell at [7.74].

⁶ Evidence of Torrey McDonnell at [7.78].

⁷ Evidence of Torrey McDonnell at [7.92] and [7.102].

⁸ *Long Bay-Okura Great Park Society v North Shore City Council* (2008) EnvC A078/2008.

⁹ *Colonial Vineyards v Marlborough District Council* [2014] NZEnvC 55.

- 3.3 Section 74 of the RMA sets out the matters the Council must consider in preparing and changing a district plan. These include:
- (a) the Council's functions under section 31;
 - (b) the provisions of Part 2;
 - (c) the Council's obligations in either preparing or having regard to a section 32 evaluation report;
 - (d) any national policy statements; and
 - (e) the purpose and principles of the RMA.
- 3.4 The Hearing Panel will be well aware of the legal framework for assessing the Plan Change under the RMA, and we do not propose to address the framework in detail but wish to make the following brief observations.
- 3.5 Section 32 requires evaluation of whether the objectives of PC4 are the most appropriate way to achieve the purpose of the RMA, and whether the changes proposed by PC4 are the most appropriate way to achieve the objectives of the District Plan by:
- (a) identifying other reasonably practicable options for achieving the objectives; and
 - (b) assessing the efficiency and effectiveness of the provisions for achieving the objectives.
- 3.6 Following evaluation of alternative options, the Plan Change was found to be the most effective and efficient means to achieve the District Plan's objectives, offering a clear pathway for development while addressing site-specific issues such as landscape integration, infrastructure servicing, and ecological restoration.¹⁰ We return to consideration of section 32 in the context of the appropriate activity status for retirement village development.
- 3.7 In our submission, PC4 accords with the principles of Part 2 of the RMA and the provisions are the most appropriate way to achieve the objectives of the District Plan and higher order documents.

National policy statements

¹⁰ Evidence of Torrey McDonnell at [5.11].

- 3.8 The Plan Change is required to give effect to the Greater Wellington Regional Policy Statement ("**RPS**") and all relevant national policy statements, including the National Policy Statement for Freshwater Management 2020, National Policy Statement on Urban Development ("**NPS-UD**"), New Zealand Coastal Policy Statement, and National Policy Statement on Indigenous Biodiversity. For example, the Plan Change must be evaluated in light of the NPS-UD policies, which require councils to be responsive to private plan changes that add significantly to development capacity. Demand for aged care is a form of "development capacity" and the NPS-UD evaluation of capacity-enablement gives strong weighting in favour of the Plan Change even where residual effects exist.
- 3.9 There is widespread alignment between Mr McDonnell and the Reporting Officer that the request gives effect to all relevant regional and national policy statements. However, a discrete point of difference relates to the interpretation of Policy UD-4 of the RPS and, in particular, which category the Plan Change falls under.¹¹ The point of difference comes down to whether the Site is "sequenced and planned greenfield urban development beyond existing urban zones".¹²
- 3.10 Policy 8 of the NPS-UD requires local authorities to be responsive to plan changes that would add significantly to development capacity. Policy UD-3 of the RPS implements that Policy and sets out the criteria for determining whether a plan change constitutes significant development capacity. Policy UD-4 prioritises use and development in the following order:
- (a) urban development within existing urban zones;
 - (b) sequenced and planned greenfield urban development beyond existing urban zones; and
 - (c) unanticipated or out-of-sequence greenfield development that is well-connected along transport corridors, is consistent with policies 55 and 56, and adds significantly to development capacity.
- 3.11 It is our submission that the Plan Change falls within the second priority of Policy UD-4, being planned greenfield urban development beyond existing urban zones – having been identified in Kāpiti's Growth Strategy.¹³

¹¹ Section 42A Report at [150]-[156].

¹² RPS, Policy UD4(b).

¹³ Te Tupu Pai Growth Strategy at p 21.

- 3.12 The Reporting Officer disagrees with Summerset's classification of the development as second priority on the basis that she does not consider it constitutes "planned" development. The Reporting Officer interprets "planned" development as being anticipated by an RMA planning document, such as a regional policy statement, regional plan, or district plan. As the Plan Change is not anticipated by any of these, the Reporting Officer's view is that the proposal cannot be considered "planned" and therefore falls under clause c, being "unanticipated or out-of-sequence greenfield urban development".
- 3.13 With respect, in our submission the Reporting Officer's interpretation does not reflect the plain wording of the RPS:
- (a) "Planned" development is not defined in the RPS.
 - (b) The RPS does not state that the planning and sequencing be part of an RMA planning document. It could have done so, but the plain wording of the RPS does not require this.
 - (c) The development of the Site is clearly planned – having been specifically identified as a medium priority greenfield growth area in Council's Growth Strategy. The Growth Strategy reflects both "planning" of development and sequencing of that development (with differing levels of priority given to different areas). The Growth Strategy was developed with community consultation under the Local Government Act 2002 and formally adopted by Council.
 - (d) Documents such as the Growth Strategy are recognised as strategic planning documents. For example, the National Policy Statement for Highly Productive Land expressly defines a strategic planning document as "any non-statutory growth plan or strategy adopted by local authority resolution".¹⁴
 - (e) Our interpretation of the RPS is supported by Mr McDonnell's expert evidence. It is Mr McDonnell's evidence that the likely intention is that future development areas in growth strategies constitute "planned" developments.¹⁵
- 3.14 It is therefore our submission that the development is also consistent with Policy UD-4(b), being sequenced and planned greenfield urban development. However, if the Panel agree with the Reporting Officer that that Policy UD-4(c)

¹⁴ National Policy Statement for Highly Productive Land 2022, Policy 1.3.
¹⁵ Evidence of Torrey McDonnell at [7.9].

is relevant, we submit that the development is consistent with this limb of the policy. The evidence of both economists demonstrate that the development adds significantly to development capacity, is consistent with Policy 55 (providing for appropriate urban expansion) and 56 (managing development capacity), and is well-connected to transport corridors.¹⁶ This conclusion is consistent with the opinion of the Reporting Officer.¹⁷

3.15 The Hearing Panel will also be aware that in December 2025 Ministry for the Environment published a suite of new and updated national policy statements, which came into effect on 15 January 2026. The proposed Plan Change must give effect to the new national policy statements – this will be a relevant consideration for the Panel.

3.16 Mr McDonnell assessed the relevance of these new and amended national directions to the Plan Change, finding several to be relevant to the Plan Change.¹⁸ However, following a comprehensive review of each new national direction, Mr McDonnell concluded that none of the national directions preclude the rezoning of the Site or otherwise require amendment to the proposed provisions. The Reporting Officer in her Addendum Report agreed with Mr McDonnell's assessment of the new and amended national directions.¹⁹

Other matters

3.17 The Hearing Panel will be aware that the RMA is currently under a major transformation with the introduction of the Planning Bill and Natural Environment Bill in late 2025. The Hearing Panel will be aware of the changes proposed. The introduction of new legislation does not impact a decision made before the Bills are enacted, which will not be until the latter half of the year. Even if the Plan Change decision was made after the new Acts came into force, we do not anticipate (based on the current drafting) that this will have any implications on the Panel's decision.

3.18 In parallel, Summerset has also lodged a referral application for the project under the Fast-track Approvals Act 2024. Even if a fast-track consent were

¹⁶ Evidence of Tim Heath at [6.10] and Section 42A Report at [160].

¹⁷ Section 42A Report at [162].

¹⁸ Resource Management (National Environmental Standard for Detached Minor Residential Units) Regulation 2025; National Policy Statement for Natural Hazards 2025; National Policy Statement for Infrastructure 2025; New Zealand Coastal Policy Statement Amendment 2025; National Policy Statement for Indigenous Biodiversity Amendment 2025; National Policy Statement for Freshwater Management Amendment 2025; and Resource Management (National Environmental Standards for Freshwater) Amendment Regulations 2025.

¹⁹ Section 42A Addendum Report at [61].

ultimately pursued, appropriate zoning of the Site is important. As such, the potential fast-tracking of the project (if referred) does not detract from the Plan Change process and is otherwise not relevant to the consideration of the Plan Change request.

4. SECTION 42A REPORT

4.1 The Section 42A Report was overall supportive of the Plan Change, and there is strong alignment between the Reporting Officer and the Summerset team. As a result, there are only three outstanding points between the parties, being:

- (a) activity status for retirement villages;
- (b) buffer widths; and
- (c) degree of naturalness and treatment of northern dunes.

4.2 We address each of these below.

Activity status

4.3 Under the Plan Change retirement villages within the Ratanui Development Area have controlled activity status.²⁰ The key point of difference between Summerset and Council is that, in the Section 42A Report, the Reporting Officer recommends amending the activity status of retirement villages from controlled to restricted discretionary.

4.4 The Reporting Officer's core concern, articulated in the Section 42A Report and Addendum Report, is that a controlled activity status is inappropriate as it would not allow the Council to decline a consent and would unduly fetter its ability to impose conditions to manage effects. In the Addendum Report, the Officer relies on s 104A of the RMA, the "Writing Effective and Enforceable Rules" Guidance Note, and recent case law to argue that the number and nature of the proposed matters of control require an evaluative judgement better suited to a restricted discretionary framework.²¹

4.5 With respect, the Officer's position misapplies the statutory framework and downplays the extensive evidence base supporting the Plan Change. It is our submission that controlled activity status is the most appropriate planning response for the following reasons:

²⁰ Rule DEV3-R1.

²¹ Section 42A Report at [278] and Section 42A Addendum Report at [13]-[30].

- (a) The purpose of a controlled activity is to provide certainty that an activity can be undertaken, subject to conditions on matters over which control has been reserved. As the Reporting Officer correctly identifies, consent for a controlled activity must be granted.²² This is entirely appropriate where, as here, a comprehensive plan change process has already carefully considered and established the fundamental appropriateness of the land use in this location. The level of detail provided for in the Structure Plan is similar to what would be required as part of a resource consent application.²³ The rules provide a level of control to ensure any development is in general accordance with the Structure Plan and recommendations in technical assessments which are articulated in DEV3-P1.²⁴
- (b) The Officer's concern that conditions may 'frustrate the exercise of the consent' is overstated. Mr McDonnell's evidence is that matters that have effects that may require the discretion of Council to decline a consent are already provided by relevant rules in other chapters and would still apply to the Site in addition to the Development Chapter.²⁵ For example, the provisions in the General Residential Chapter (including bulk and location rules for building), Subdivision Chapter, Earthworks Chapter and Transport Chapter.²⁶ In the Addendum Report, the Reporting Officer relies on the potential for a 20m retirement village requiring consideration as a controlled activity to support her contention that restricted discretionary activity status is more appropriate. It was never Summerset's intention that a retirement village breaching the permitted height limit would be a controlled activity. Mr McDonnell will provide updated drafting that addresses this issue. As a result, that no longer provides a basis for restricted discretionary activity status to be preferred.
- (c) It is well established that where the RMA's purpose and objectives of a plan can be met by a less restrictive regime, then that regime should be adopted.²⁷ This reflects the requirement to consider efficiency under section 32 and also promotes the purpose of the RMA by enabling people to provide for their well-being while

²² RMA, s104A.

²³ Refer page 70 of the Request.

²⁴ Refer page 70 of the Request.

²⁵ Evidence of Torrey McDonnell at [7.70].

²⁶ Evidence of Torrey McDonnell at [7.70].

²⁷ *Royal Forest & Bird Protection Society of New Zealand Inc v Whakatane District Council* [2017] NZEnvC 51 at [59].

addressing the effect of their activities.²⁸ Accordingly, where a less restrictive activity status is available which gives effect to the RMA's purpose and the plan objectives – in this case controlled activity status – this should be adopted.

- (d) While the Officer refers to case law suggesting a 'cautious approach' is required where 'significant values are at play', that is not the situation here. The expert evidence demonstrates that the Site's values are well understood and can be appropriately managed. Unlike the context of *Oji Fibre* (improving water quality in the Waikato River),²⁹ this Plan Change facilitates a well-serviced urban development in an area identified for growth. The controlled activity status, with its detailed matters of control, is not a 'hands-off' approach; it is a targeted regulatory method that is both effective and efficient, consistent with section 32 of the RMA.

- 4.6 Therefore, it is our submission that controlled activity status for retirement villages within the Ratanui Development Area is appropriate and should be adopted by the Panel.

Buffer widths

- 4.7 There are two subtle points of difference between Summerset and Council in relation to visual and landscape matters. The first is in regard to the width of buffer planting.
- 4.8 The Structure Plan details the design of landscaped and vegetated buffers around the perimeter of the Site. The provisions do not set specific buffer widths on the basis that detailed design is most appropriately determined at resource consent stage.
- 4.9 Ms McArthur and Ms Popova on behalf of the Council suggest that the vegetated or landscaped buffer should be extended around the entire perimeter of the Plan Change Site in order to soften the transition from the Rural Lifestyle Zone to General Residential Zone, mitigate construction effects, and deliver a more coherent spatial and amenity outcome.³⁰ A minimum 5m buffer is suggested to be included in the provisions.

²⁸ *Royal Forest & Bird Protection Society of New Zealand Inc v Whakatane District Council* [2017] NZEnvC 51 at [59].

²⁹ *OJI Fibre Solutions (NZ) Ltd v Waikato Regional Council* [2025] NZEnvC 170.

³⁰ Memorandum of Deyana Popova at [41] and Memorandum of Angela McArthur at [32].

- 4.10 In the Addendum Report, the Officer now accepts that a prescribed minimum 5m buffer may be inappropriate and supports deleting this requirement. However, this support is conditional on the activity status changing to restricted discretionary, which the Reporting Officer considers necessary to provide sufficient discretion to determine an appropriate buffer width and building form at the consent stage.
- 4.11 In our submission requiring a minimum vegetated or landscaped buffer in the development chapter is inappropriate, as detailed design is a matter more appropriately determined at the resource consent stage. Even if it were appropriate, a minimum 5m buffer is inconsistent with the urban character of the area and risks segregating the development from the surrounding properties.
- 4.12 As outlined by Ms Gardiner, the Landscape and Visual Effects Assessment ("LVEA") recommendations are intended to target mitigation specifically where visual sensitivity is highest – particularly along boundaries where neighbouring properties directly overlook the Site.³¹ Her evidence is that imposing a uniform buffer around the entire perimeter would not produce meaningful landscape benefits and may create an artificial edge that conflicts with the expected future urbanisation of the surrounding area.³² The Reporting Officer in the Section 42A Report highlighted a point made in Ms Popova's review that a continuous buffer could cause the Plan Change Site to appear segregated from its anticipated urban context.³³ In our submission, this is a key reason for Summerset's approach.
- 4.13 Ms Gardiner's evidence is that a more nuanced approach, focusing on the most visually sensitive locations and informed by detailed design at resource consent stage, would better achieve the LVEA's intention of integrating the development sensitively into the existing landscape.³⁴
- 4.14 Ms Gardiner concludes that the Plan Change provisions should establish the principle of providing landscape and vegetated buffers to manage visual effects, while leaving detailed design (including buffer widths) to be resolved at resource consent stage.³⁵ This approach would provide flexibility to respond to specific Site conditions and future context, while still meeting the intended LVEA outcomes.

³¹ Evidence of Alex Gardiner at [6.12].

³² Evidence of Alex Gardiner at [6.16].

³³ Section 42A Report at [167].

³⁴ Evidence of Alex Gardiner at [6.13].

³⁵ Evidence of Alex Gardiner at [6.17].

- 4.15 Mr McDonnell outlines in his evidence why a 5m buffer is inappropriate from a planning perspective:³⁶
- (a) the width should be determined at a consenting level based on the nature and potential effects of the actual development including the bulk and location of any buildings;
 - (b) the approach is inconsistent with other properties zoned General Residential Zone on the same rural / urban boundary, which only have a 1 or 1.5m setback;³⁷ and
 - (c) the area already has a relatively urban character due to being a pocket of residential lifestyle zoned land bordered by urban development.
- 4.16 The Council in the Addendum Report is accepting of a more flexible approach to the buffer width, provided that the activity status is restricted discretionary, rather than controlled. In our submission, the link between the buffer width and activity status is misguided. The matters of control, which include the matters in policy DEV3-P1 and rule GRZ-R41, are sufficiently broad to allow the Council to impose conditions on buffer design, width, and planting to ensure the purpose of the buffers is achieved.
- 4.17 It is therefore our submission that the proposed Structure Plan appropriately provides for the location of perimeter planting and leaves detailed design (including buffer width) to be determined at resource consent stage. This will support improved planning outcomes by enabling a tailored, context-specific response.
- 4.18 In the Addendum Report, the Reporting Officer's drafting of Policy DEV3-P1 references filtering of views "from adjacent sites". In our submission, any requirement for mitigation of views should be limited to dwellings on adjacent sites. This is consistent with the position reached by the Environment Court in *Meridian Energy Ltd v Tararua District Council*.³⁸ Mr McDonnell's updated provisions provide drafting to this effect.

Degree of naturalness and treatment of northern dunes

- 4.19 A second point of disagreement is related to the degree of naturalness and treatment of the northern dunes. The proposed Plan Change policies

³⁶ Evidence of Torrey McDonnell at [7.62].

³⁷ Refer rule GRZ-R33 in the District Plan which requires a 1.5m setback for buildings and structures from road boundaries and 1m from side and rear boundaries.

³⁸ *Meridian Energy Ltd v Tararua District Council* [2025] NZEnvC 44 at [251], [252] and [255].

encourage integration with the natural topography and landform, avoidance of adverse effects on natural character, and management of earthwork to ensure any adverse effects are avoided or mitigated. Based on Ms Gardiner's classification of the Site having a low level of naturalness, the provisions do not preclude removal of the northern dunes.

- 4.20 Ms McArthur for Council disagrees that the natural character of the Site, including the dunes, is of low value and contends that the dune landform towards the rear of the Site appears to be unmodified and part of the larger dune system and could be retained.³⁹ Based on this, Ms McArthur and Ms Popova recommend retaining the northern dunes as a characteristic feature of the Site.⁴⁰
- 4.21 The Reporting Officer in her Section 42A Report recommended protecting and restoring the northern dunes through amendment to policies DEV3-P1(4)(d) and DEVP(5)(d) to include the words "*...and natural landforms will be retained and enhanced including through the planting of indigenous species...*".⁴¹ In the Addendum Report, the Reporting Officer clarified an error in her original report which failed to bring through this recommendation in the draft provisions.⁴²
- 4.22 Ms Gardiner's evidence is that a moderate rating overstates the natural qualities of the Plan Change Area – being a modified landscape with very little naturalness or natural character remaining.⁴³ The landscape has been cleared of vegetation to facilitate grazed pasture and what does remain within the boundary is largely comprised of exotic species.⁴⁴ The original swampland has been drained and the stream which passes through the Plan Change area is channelised.⁴⁵ There are a notable lack of natural patterns and processes or experiential qualities.⁴⁶ Further, the large pond on the Site is understood to be a constructed pond.
- 4.23 The low level of naturalness does not justify protection of existing features of the Site, including the northern dune.⁴⁷ As outlined by Ms Gardiner, the LVEA acknowledges there are legible topographic patterns on the Site, such as the

³⁹ Memorandum of Angela McArthur at [19].

⁴⁰ Memorandum of Angela McArthur at [19] and Memorandum of Deyana Popova at [29].

⁴¹ Section 42A Report at [255]-[258].

⁴² Section 42A Addendum Report at [54].

⁴³ Evidence of Alex Gardiner at [7.25].

⁴⁴ Evidence of Alex Gardiner at [7.25].

⁴⁵ Evidence of Alex Gardiner at [7.25].

⁴⁶ Evidence of Alex Gardiner at [7.25].

⁴⁶ Evidence of Alex Gardiner at [7.25].

⁴⁶ Evidence of Alex Gardiner at [6.6].

⁴⁷ Evidence of Torrey McDonnell at [7.60].

northern dune.⁴⁸ The proposed DEV3 provisions require that development platforms be "*sensitively and effectively integrated into the existing terrain, particularly at the northern and eastern edges*". This approach enables earthworks to achieve practical development outcomes while maintaining a natural transition at the Site's edge. It does not preclude modification to the landforms but rather promotes sensitive earthworks such as minimising abrupt level changes and favouring natural batters over retaining walls. This will achieve the intent of the LVEA by mitigating adverse effects on landform and visual character, without locking in an inflexible constraint that may not be warranted given the Site's overall level of modification.

- 4.24 It is our submission that Ms Gardiner's evidence should be preferred. Her assessment provides strong evidence that the Site landscape has very little naturalness or natural character remaining. While the Officer's clarified policy includes the term 'where practicable', the provisions of the Development Chapter as proposed are already sufficient to ensure sensitive integration. Adding a more prescriptive policy is unnecessary given the Site's low level of naturalness and could unduly constrain appropriate development.

5. OTHER ISSUES RAISED BY SUBMITTERS

- 5.1 The issues raised by submitters fall broadly into the following three categories:
- (a) landscape and visual amenity;
 - (b) traffic; and
 - (c) civil engineering.
- 5.2 Council's experts are generally aligned with us in response to issues raised by submitters.

Landscape and visual amenity

- 5.3 Ten submissions specifically cite landscape and / or visual considerations relating to:
- (a) visual effects on neighbouring properties;
 - (b) rural character and amenity; and
 - (c) delivery of proposed mitigation measures.

⁴⁸

Evidence of Alex Gardiner at [6.9].

- 5.4 Ms Gardiner responds to these submissions in her expert evidence.⁴⁹ In our submission, that evidence is clear that there are no fundamental landscape or visual amenity issues, and appropriate provisions have been proposed within the Plan Change to ensure that matters of detail can be appropriately addressed through any subsequent resource consent application.

Visual effects on neighbouring properties

- 5.5 Submitters⁵⁰ have raised concerns relating to visual and amenity effects on neighbouring properties as a reason for opposition to the Plan Change. These include concerns about building height, density, and proximity to boundaries, particularly where properties have open views and limited screening.
- 5.6 Ms Gardiner's evidence is that the LVEA assessed the greatest visual effects as low-moderate adverse, reflecting a noticeable change in view while recognising the zone's anticipated growth, the ability to mitigate effects, and the policy direction in the Council's 2022 Growth Strategy.⁵¹
- 5.7 One submitter noted that no property access was sought to confirm the assessment. As outlined by Ms Gardiner, the LVEA did not rely on onsite viewing from neighbouring properties.⁵² Instead, it assessed the broader landscape change because no detailed design of a retirement village or subdivision exists yet. More refined assessment will occur at resource consent stage, when a detailed layout and visual simulations can be prepared. The assessment criteria ensures there will be consideration of visual effects at resource consent stage.
- 5.8 Submitters raise concerns about privacy, loss of outlook, visual dominance, and amenity. Ms Gardiner's evidence is that the LVEA acknowledges these effects and recommends managing them through sensitive earthworks, landscape integration, and layered planting, rather than imposing fixed height or density controls at the plan change stage.⁵³ This more flexible approach allows design responses to reflect actual topography and visual sensitivities once development proposals are known.
- 5.9 Ms Gardiner concludes that while substantive vegetative buffering will assist in reducing visual effects, the design must also avoid creating an isolated,

⁴⁹ Evidence of Alex Gardiner at [7.1]-[7.33].

⁵⁰ Submission #6, Submission #7, Submission #8, Submission #10, Submission #14 and Submission #15.

⁵¹ Evidence of Alex Gardiner at [7.4].

⁵² Evidence of Alex Gardiner at [7.6].

⁵³ Evidence of Alex Gardiner at [7.15].

inward-looking development and instead ensure integration with the wider neighbourhood.⁵⁴

Rural character and amenity

- 5.10 A number of submitters⁵⁵ have expressed concern that the proposed rezoning and development would erode the semi-rural character of Otaihanga and Ratanui Road.
- 5.11 Ms Gardiner points out that the Plan Change Area has not been identified as an Outstanding Natural Feature of Landscape, or as a Significant Amenity Landscape within the Kapiti Coast District Plan.⁵⁶ Due to its character and location, the Plan Change Area is considered to have rural amenity values, however, it is a modified landscape with few natural qualities remaining.⁵⁷
- 5.12 Ms Gardiner agrees there would be a change to the rural character of the Plan Change Area, with the loss of the undulating topography, rural fields and currently open character.⁵⁸ However, the Plan Change Area is surrounded by areas of urban / residential development and is already zoned for residential development – making it a logical location for residential growth, utilising existing infrastructure and the road network. Ms Popova on behalf of the Council also emphasises the primarily rural lifestyle context of the Site.⁵⁹
- 5.13 This approach is supported in the Kāpiti Growth Strategy 2022, where the Plan Change Area lies within the "Medium Priority Greenfield Growth Area" – identified to ensure that progressive urban development can occur while safeguarding valued green spaces, natural ecosystems and highly productive land which has not already been impacted by fragmentation.⁶⁰

Delivery of proposed mitigation measures

- 5.14 Submitters⁶¹ raise concerns regarding the Site's integration and maintenance of the rural appearance of the area. Ms Gardiner explains the recommendations presented in the landscape assessment seek to ensure interfaces with the Site edges are sensitively designed to reflect the character of the area.⁶²

⁵⁴ Evidence of Alex Gardiner at [7.22].

⁵⁵ Submission #1 and Submission #8.

⁵⁶ Evidence of Alex Gardiner at [7.25].

⁵⁷ Evidence of Alex Gardiner at [7.25].

⁵⁸ Evidence of Alex Gardiner at [7.26].

⁵⁹ Memorandum of Deyana Popova at [13].

⁶⁰ Evidence of Alex Gardiner at [7.27].

⁶¹ Submission #6, Submission #7, Submission #8, Submission #10, Submission #14 and Submission #15.

⁶² Evidence of Alex Gardiner at [7.28].

- 5.15 The LVEA supports this by recommending "*Sensitive earthworks designed to ensure that the development platforms are sensitively and effectively integrated into the existing terrain along the edges of the Plan Change Area, particularly at the northern and eastern edges*".⁶³ Detailed design at the resource consent stage will provide the opportunity to demonstrate how this integration can be achieved while enabling development.
- 5.16 The Structure Plan provides for a landscape buffer along the northern boundary to help integrate future development with neighbouring land uses and adjacent Plan Change Areas. The intention of this buffer is not necessarily to fully screen or obscure views from neighbouring properties but to ensure new development fits sensitively within the surrounding landscape and broader context. The buffer may be delivered through a combination of treatments – including planting, appropriate fencing, landscape bunds, and carefully designed earthworks. These tools can be used individually or together to achieve a cohesive and well-integrated interface with the wider landform.
- 5.17 Ms McArthur supports the visual mitigation planting proposed and locations identified in the Development Area Structure Plan.⁶⁴ In our submission, the proposed framework will ensure development of the site is well-integrated with the surrounding area.

Traffic

- 5.18 Fifteen of the 18 submitters raised transport-related matters. The transport and road safety aspects of the Plan Change have been thoroughly considered by Traffic Engineer for Summerset, Mr Georgeson.
- 5.19 In our submission, that evidence is clear that there are no fundamental transport issues, and appropriate provisions have been proposed within the Plan Change to ensure that matters of detail can be appropriately addressed through any subsequent resource consent application. Our submission is supported by Council's expert, Mr Shields who confirms the Plan Change provisions, coupled with the existing District Plan provisions, are appropriate to address any transport matters at resource consent stage.⁶⁵

Traffic volumes

- 5.20 In regard to concerns about additional traffic volumes on Ratanui Road, Mr Georgeson explains that the additional traffic that could be generated by

⁶³ See Section 7 of the LVEA.

⁶⁴ Memorandum of Angela McArthur at [36].

⁶⁵ Evidence of Colin Robert Shields at [15].

development of the Site will not noticeably change the function of Ratanui Road, with key intersections able to continue to operate safely and efficiently.⁶⁶ The width of the carriageway will remain sufficient for two-way vehicle movement, allowing for generous traffic growth considerations. Mr Georgeson views are informed by observations during both after-school and peak periods.⁶⁷ He says the Mazengarb Road / Ratanui Road roundabout is well-performing and has good available capacity, with traffic mostly free-flowing.⁶⁸

- 5.21 Mr Shields agrees that the proposed Site access and adjacent road network can safely and efficiently accommodate predicted traffic flows from the Plan Change.⁶⁹

Road safety

- 5.22 Three submitters⁷⁰ raise concerns relating to road safety, including with respect to the Mazengarb Road / Ratanui Road roundabout and vehicle speeds on Ratanui Road. Based on the traffic count and vehicle speed data, Mr Georgeson does not consider this data shows a concern with existing vehicle speeds relative to speed limits.⁷¹

- 5.23 In regard to submitter requests for speed limit reductions on Ratanui Road, Mr Georgeson explains this may be a matter to be considered further through the next land use consent phase.⁷² However, for now a new intersection and pedestrian crossing point with refuge island in the location proposed is not reliant on a speed limit reduction. Mr Shields confirms that the existing speed limits on Ratanui Road are appropriate.⁷³

Public transport

- 5.24 Five submitters⁷⁴ raise concerns around a lack of public transport accessibility. Mr Georgeson explains that given the distance from the Site to the nearest existing bus stops on Mazengarb Road (approximately 700m), the bus service uptake from the development of the Site will be low.⁷⁵ Public transport provision typically responds to demand and routes can be re-evaluated as part of future service reviews. Mr Shields explains that Greater Wellington

⁶⁶ Evidence of Mark Georgeson at [5.14].
⁶⁷ Evidence of Mark Georgeson at [6.3].
⁶⁸ Evidence of Mark Georgeson at [6.3].
⁶⁹ Evidence of Colin Robert Shields at [12].
⁷⁰ Submitters 1, 9 and 15.
⁷¹ Evidence of Mark Georgeson at [6.5].
⁷² Evidence of Mark Georgeson at [6.6].
⁷³ Evidence of Colin Robert Shields at [46].
⁷⁴ Submitters 7, 9, 13, 14 and 18.
⁷⁵ Evidence of Mark Georgeson at [5.18]-[5.19].

Regional Council is responsible for the planning and delivery of public transport services in the area and this is beyond Summerset's power as Plan Change requestor.⁷⁶

Car parking

- 5.25 Effects of car parking on Ratanui Road are raised by three submitters.⁷⁷ Mr Georgeson says whether the concerns related to existing kerbside car parking on Ratanui Road need attention is a matter for Council as the road controlling authority.⁷⁸ He expects car parking demand for any development of the Site, will be able to be accommodated within the Site.⁷⁹ Additionally, parking will be considered through the resource consent process.

Non-car road users

- 5.26 Three submitters⁸⁰ have concerns with effects on non-car users, including pedestrians, cyclists and horse riders. Mr Georgeson reiterates that the additional traffic generated by development of the Site will not noticeably affect the function of Ratanui Road.⁸¹
- 5.27 A number of submitters raise issues regarding the surrounding footpaths. In regard to footpath width, the existing footpath on the southern side of Ratanui Road west of the Site is a standard urban width of 1.5m and does not need to be increased except to be extended to the refuge crossing point.⁸² Mr Georgeson points out there is an existing gravel path to Otaihanga Road and development of the Site will present an option to seal the path across the frontage of the Site, and for Council to continue that same formation to the east in the future.⁸³ Additionally, the Ratanui Road frontage of the Site would be urbanised, including kerb and channel, a footpath and street lighting, at the time of development.⁸⁴
- 5.28 Mr Shields on behalf of the Council confirms that the proposed safe crossing location and extension of the footpath on Ratanui Road provides a safe connection for future residents of the Site.⁸⁵ He concludes that safe provision for pedestrians can be conditioned at the resource consent stage⁸⁶ and the

⁷⁶ Evidence of Colin Robert Shields at [50].

⁷⁷ Submitters 5, 13 and 18.

⁷⁸ Evidence of Mark Georgeson at [6.8].

⁷⁹ Evidence of Mark Georgeson at [6.9].

⁸⁰ Submitters 2, 7 and 15.

⁸¹ Evidence of Mark Georgeson at [6.10].

⁸² Evidence of Mark Georgeson at [6.11].

⁸³ Evidence Mark Georgeson at [6.12].

⁸⁴ Evidence of Mark Georgeson at [6.13].

⁸⁵ Evidence of Colin Robert Shields at [12].

⁸⁶ Evidence of Colin Robert Shields at [35].

additional traffic will not compromise safety for the very low number of cyclists that are on Ratanui Road.⁸⁷

Connectivity to adjacent land

- 5.29 Two submitters⁸⁸ comment on a lack of connectivity to adjacent land. Mr Georgeson considers the proposed policy direction and rules which would apply to a residential development of the Site, as summarised in the evidence of Mr McDonnell, will allow appropriate discretion for Council to consider this matter at resource consent stage. Additionally, Mr Georgeson considers for a comprehensive retirement village, public vehicle access through the village would not typically be provisioned for.⁸⁹ However, a secondary access for local area connectivity and access resilience is often desirable and can be provisioned for and enabled when adjacent land is developed at the land use consent stage.

Proximity to preschool

- 5.30 Three submitters⁹⁰ comment on the proximity of the proposed access relative to the preschool entry driveway. Proximity to the preschool was a key matter considered when determining the indicative private driveway location and access point onto Ratanui Road, as depicted in the Structure Plan. Mr Georgeson considers the location as suitably separated from the preschool entry driveway.⁹¹ Mr Shields agrees that the additional traffic generated by the development will not impact safety of the existing pre-school access.⁹²

Construction traffic

- 5.31 Concerns with construction traffic effects are raised by Submitters 4 and 7. In Mr Georgeson's view, construction traffic can be safely managed and accommodated on Ratanui Road, as it has for the Mansell Development.⁹³ He says it would be normal practice for a Construction Traffic Management Plan ("CTMP") to be prepared post consent setting out the details and expectations of construction activity to the satisfaction of the Council. This would be a likely outcome of the resource consent process.
- 5.32 Submitter 3 raises concerns with the safety of pedestrians crossing Ratanui Road at the proposed crossing point (with refuge island). The industry-

⁸⁷ Evidence of Colin Robert Shields at [37].

⁸⁸ Submitters 7 and 10.

⁸⁹ Evidence of Mark Georgeson at [6.15].

⁹⁰ Submitters 4, 7 and 15.

⁹¹ Evidence of Mark Georgeson at [6.16].

⁹² Evidence of Colin Robert Shields at [30].

⁹³ Evidence of Mark Georgeson at [6.17].

recognised NZTA Pedestrian Network Guidance reports pedestrian levels of service for a range of pedestrian crossing facility forms and traffic volumes.⁹⁴ Mr Georgeson explains that a crossing point with a refuge island on a road carrying up to 1,000vph with uninterrupted flow affords a "very good" level of service for pedestrians.

Other matters

- 5.33 Submitter 13 provides a number of suggestions for the wider transport network which Mr Georgeson does not consider relevant for the current proposal. Mr Georgeson recommends these matters for further consideration by the Council, independent of this application.⁹⁵ Submitter 14 questions the appropriateness of the location including for accessibility by non-car travel. Mr Georgeson's evidence is that the Site can be appropriately connected to the existing path network, with improvements that will benefit existing and future users.⁹⁶

Civil engineering

- 5.34 A number of submissions raise matters relating to earthworks and construction effects, stormwater / flooding, and wastewater and water supply. Summerset's Civil Engineer, Mark Thomson responded to the submissions in his expert evidence.⁹⁷ Importantly, there is agreement between the Summerset and Council experts in regard to all civil engineering matters.
- 5.35 In our submission, Mr Thomson's evidence is clear that there are no fundamental civil engineering issues associated with the Plan Change. The existing infrastructure has sufficient capacity to service the development and where limitations exist, robust strategies are in place to manage any adverse effects. Our submission is supported by Council's experts Ms Waterland (Water Supply), Mr Robinson (Wastewater), and Ms O'Brien (Stormwater and Flood Risk).

Earthworks and construction effects

- 5.36 Several parties⁹⁸ have submitted regarding construction-phase effects and the effect development of the Site may have on the surrounding environment with

⁹⁴ Evidence of Mark Georgeson at [6.18].

⁹⁵ Evidence of Mark Georgeson at [6.19].

⁹⁶ Evidence of Mark Georgeson at [6.20].

⁹⁷ Evidence of Mark Thomson at [7.1]-[7.47].

⁹⁸ Submission 2 – Lang Family Trust, Submission 6 – Alexander / Parsons, Submission 10 – Montcalm Family Trust, Submission 16 – Le Harivel, Further Submission 2 – Metcalfe.

regard to noise, vibration, dust, and erosion and sediment control generated by construction activities.

- 5.37 In regard to noise and vibration, Mr Thomson explained that construction noise must comply with NZS 6803:1999 as set out in permitted activity Rule NOISE-R10 unless otherwise consented.⁹⁹ Non-compliance triggers a discretionary activity under Rule NOISE-R21. Any departures or additional mitigation (eg noise bunds, restricted hours) would be addressed through acoustic reporting and resource-consent conditions.
- 5.38 In regard to dust, Mr Thomson acknowledges dust as a foreseeable construction risk that will require active management.¹⁰⁰ A Dust Management Plan (as part of an Earthworks Management Plan) must be certified by a Suitably Qualified and Experienced Person before earthworks commence. Standard mitigation, such as dust fences, water carts, timing of works, and progressive stabilisation would be required, and the level of risk is considered typical for a project of this scale.
- 5.39 In regard to erosion and sediment control, Mr Thomson explains that an Erosion and Sediment Control Plan must also form part of the Earthworks Management Plan and be prepared in accordance with the Wellington regional guidance document.¹⁰¹ Measures would likely include staging earthworks, sediment ponds, irrigation, and prompt re-stabilisation of exposed areas.
- 5.40 In regard to construction duration, submitters sought more certainty. Mr Thomson states that the Plan Change process cannot provide firm programming, but the likely earthworks volume is moderate considering the size and scale of the proposed development and could be completed within a typical construction season (around six months), with servicing and road construction to follow.¹⁰²

Stormwater / flooding

- 5.41 Submitters¹⁰³ suggest the impacts of the development should be addressed on Site, to avoid contributing to existing or creating new off-site effects.

⁹⁹ Evidence of Mark Thomson at [7.6].

¹⁰⁰ Evidence of Mark Thomson at [7.7]-[7.8].

¹⁰¹ Evidence of Mark Thomson at [7.9].

¹⁰² Evidence of Mark Thomson at [7.11]-[7.12].

¹⁰³ Submission 2 – Lang Family Trust, Submission 4 – Hobson, Submission 6 – Alexander / Parsons, Submission 7 – Foo, Submission 10 – Montcalm Family Trust, Submission 14 – Milburn, Submission 15 – Coggan, Submission 16 – Le Harivel, Submission 17 – van Iperen, Further Submission 2 – Metcalfe.

- 5.42 Mr Thomson cites the Council's Land Development Minimum Requirement which requires post-development stormwater discharges to replicate the pre-development hydrological regime across a range of storm events.¹⁰⁴ To achieve this, the proposed development separates two key stormwater considerations: managing existing flooding on the Site and mitigating the additional runoff generated by new impervious areas.
- 5.43 He explains that for existing flooding, Council modelling shows ponding near the highly modified stream and along parts of the southeast boundary.¹⁰⁵ Development in these areas would either be avoided or offset through compensatory flood-storage areas to ensure floodwaters are not displaced onto neighbouring properties.
- 5.44 Mr Thomson considers that for development-generated effects, the increase in impervious area will raise stormwater volumes and flow rates.¹⁰⁶ Dedicated stormwater management areas will be created on each side of the modified stream to manage these effects before discharge. These areas will be separate from the compensatory flood-storage areas. Where feasible, soakpits will also be installed across the Site to dispose of roof water and reduce demand on centralised systems. Soakpits will be sized in accordance with Council's requirements (via NZBC E1/VM1), and further soakage testing will be undertaken at resource consent stage to refine the design.
- 5.45 Mr Thomson's evidence is that stormwater quality treatment will be provided in accordance with Council and GWRC requirements, likely using constructed wetland systems. He confirms integration of existing low-value wet areas on the Site wherever possible, and reconstructed wetlands may be used to offset areas unable to be retained.
- 5.46 Overall, Mr Thomson's evidence demonstrates that the stormwater and flooding strategy is robust, consistent with Council requirements, and capable of managing both existing and development-related hydrological effects. Ms O'Brien for Council agrees that there are no matters raised by submitters that cannot be addressed through subsequent resource consent, that would mean the Plan Change should be rejected from either a stormwater or flooding perspective.¹⁰⁷

Wastewater and water supply

¹⁰⁴ Evidence of Mark Thomson at [7.17].
¹⁰⁵ Evidence of Mark Thomson at [7.19].
¹⁰⁶ Evidence of Mark Thomson at [7.21].
¹⁰⁷ Evidence of Rita Louise O'Brien at [40].

- 5.47 Several parties¹⁰⁸ have submitted regarding the capacity of Council's wastewater system. HAL Consulting was engaged to update Council's existing network model to include the Site for both residential development and retirement village scenario. Mr Thomson explains that both reports concluded that sufficient capacity is available in the existing wastewater network to accept wastewater generated by development of the Site without requiring off-site upgrades to the existing infrastructure.¹⁰⁹
- 5.48 Submitters¹¹⁰ question the ability of the Council's existing water supply system to provide potable water to service development of the Site. Mr Thomson explains that Stantec's report, which updated Council's existing network model to include the Site for a retirement village scenario, concluded that sufficient capacity is available in the existing water supply network to service development of the Site.¹¹¹
- 5.49 Ms Waterland and Mr Robinson for Council support this submission, concluding that Council's existing water and wastewater network have capacity to supply and service any future residential growth on Ratanui Road as a result of the development.¹¹²

6. CONCLUSION

- 6.1 As outlined in the Plan Change request documentation and supporting evidence, the Plan Change will significantly contribute to social and economic well-being in the Paraparaumu and the Kāpiti Coast District. The proposed provisions of the Plan Change are consistent with national, regional and district level policy consideration and as a result will promote the purpose of the RMA. Overall, the Plan Change will assist with addressing the significant deficiency of aged care housing in the area.
- 6.2 Summerset's team of experts have provided extensive technical input to appropriately address the matters raised in the Section 42A Report and by submitters. We submit that these matters have been sufficiently and appropriately addressed.

¹⁰⁸ Submission 4 – Hobson, Submission 15 – Coggan and Submission 17 – van Iperen.

¹⁰⁹ Evidence of Mark Thomson at [7.42].

¹¹⁰ Submission 15 – Coggan, & Submission 17 – van Iperen.

¹¹¹ Evidence of Mark Thomson at [7.47].

¹¹² Evidence of Kate Waterland at [18] and Evidence of Brian Robinson at [14].

6.3 We respectfully request that the Plan Change be approved based on the provisions **attached** to the Hearing Statement of Mr McDonnell.

DATED 11 February 2026

Daniel Minhinnick / Eve Boister
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