

UNDER the Resource Management Act
1991

AND

IN THE MATTER of a request by
Welhom Developments Limited to
Masterton District Council for a private
plan change to the Combined Wairarapa
District Plan

**Masterton District Council
Hearing of Private Plan Change Request by Welhom Developments Limited
State Highway 2, Lansdowne, Masterton**

**Minute #5 of Independent Hearing Panel
Dated: 28 April 2023**

Introduction

1. This Minute is being sent to you because you are either the Requestor, a submitter or a Council reporting officer to the above private plan change proposal.
2. This minute covers the following matters:
 - a. The interim decision of the Hearing Panel at the conclusion of the reconvened hearing on 27 April 2023;
 - b. The agreed timetable for provision of the additional information requested by the Hearing Panel at the conclusion of the reconvened hearing on 27 April 2023; and
 - c. A request from the Hearing Panel that Daniel Minhinnick (legal counsel for Welhom) submit written legal advice on the Environment Court decision on Balmoral Developments Ltd & Others v Dunedin City Council (EnvC 59).

Interim decision of Hearing Panel

3. The interim decision of the Hearing Panel, as verbally advised by Chair Stephen Daysh at the conclusion of the reconvened hearing on 27 April 2023, is that the Plan Change be approved with:
 - A restricted discretionary activity rule for land use consent for a retirement village on the Site that includes a clause requiring notification of Waka Kotahi; and
 - A discretionary activity rule for subdivision of the Site; and
 - No structure plan; and
 - An Outline Development Plan that is enhanced and improved to make it clearer.
4. This interim decision is subject to two provisos, as follows:
 - a. That the Hearing Panel is satisfied and comfortable with the revised provisions put forward by Welhom; and
 - b. That the Hearing Panel needs to revisit the NPS-HPL matters in light of the Environment Court decision on Balmoral Developments Ltd & Others v Dunedin City Council (EnvC 59).

Agreed timetable for provision of additional information requested by Hearing Panel

5. Welhom are to provide the following information by close of business on Wednesday 3 May 2023:
 - A restricted discretionary activity rule for land use consent for a retirement village on the Site that includes a clause requiring notification of Waka Kotahi; and
 - A discretionary activity rule for subdivision of the Site; and
 - An Outline Development Plan that is enhanced and improved to make it clearer.
6. Council and Waka Kotahi are to provide comments on the information submitted in response to point 5 above by close of business on Monday 8 May.

Request for Welhom to submit written legal advice on the Environment Court decision on Balmoral Developments Ltd & Others v Dunedin City Council (EnvC 59)

7. The Hearing Panel has requested that Daniel Minhinnick (legal counsel for Welhom) submit written legal advice on the Environment Court decision on Balmoral Developments Ltd & Others v Dunedin City Council (EnvC 59) by close of business on Wednesday 3 May 2023.
8. Legal counsel for Council is to provide comments on the legal advice submitted in response to point 7 above by close of business on Monday 8 May.

Conclusion

9. All information to be provided under these directions is to be provided to the Hearings Administrator at megan.barr@4sight.co.nz for dissemination to the parties and the Hearing Panel.

DATED this 28th day of April 2023



Stephen Daysh
Chair – Independent Hearings Panel

For and on behalf of:
Commissioner: Stephen Daysh
Commissioner: David McMahon