
BEFORE THE HEARINGS PANEL

In the Matter of: The Resource Management Act 1991

And Palmerston North City District Plan:
Private Plan Change for Whiskey Creek
Residential Area

Proposed By: Flyers Investment Group Limited

STATEMENT OF EVIDENCE BY
Marz Asgar

Dated: 11 May 2022

Introduction

Preamble

1. My name is Marzuq Mufid Ali Asgar. I hold the position of Planner with Stantec. I hold the tertiary qualification of Bachelor of Resource and Environmental Planning from Massey University and I am a graduate member of the New Zealand Planning Institute. I have approximately 6 years of planning experience, the majority of which have been in private consultancy in Palmerston North.
2. The primary purpose of this report is to assess Flyers Investment Group Limited Private District Plan Change request for Whiskey Creek Residential Area, in terms of the relevant statutory considerations and obligations, taking into account issues raised by submissions.
3. I have read the Code of Conduct for Expert Witnesses (Section 7 of the Environment Court Practice Note 2014) and I agree to comply with this Code of Conduct. This evidence is within my area of expertise, except where I state I am relying on what I have been told by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
4. To support this report the Palmerston North City Council (hereafter 'The Council') has commissioned the following team of experts to address technical issues raised in submissions:
 - Chris Rossiter – Transport Assessment.
 - Bill Wood – Noise Assessment.
 - Eleni Gkeli and Ioannis Antonopoulos – Geotech, Liquefaction and Lateral Spreading Assessment.
 - Tim Preston and Reiko Baugham – Stormwater, Hydrology and Flood Hazard Assessment.
 - Aaron Phillips – Parks and Recreation.
 - David Miller and Jaques Mik – Water and Wastewater Infrastructure.
 - Michael Duindam – Strategic Planning.
5. The following is a list of abbreviations referred to throughout my report:
 - RMA or the Act – Resource Management Act 1991.
 - LGA – Local Government Act 2002.
 - One Plan – Horizons Regional Council Combined Regional Policy Statement, Regional Plan and Regional Coastal Plan.
 - The Plan – Palmerston North City District Plan.
 - The Council – Palmerston North City Council.
 - NPS-UD – National Policy Statement for Urban Development 2020.
6. This report is structured according to the following format:
 1. Overview.

2. Submissions.
 3. Assessment of Plan Change Issues.
 4. Statutory Consideration.
 5. Purpose and Principles of the RMA.
 6. Conclusion and Recommendations.
 7. Appendices.
8. This report includes the following appendices:
- Appendix A: Modifications to the Whiskey Creek Plan Change as Recommended in the S42A Report.
 - Appendix B: Summary of Recommendations in relation to the Whiskey Creek Plan Change Decisions Requested by Submitters.
 - Appendix C: Strategic Planning Evidence by Michael Duindam.
 - Appendix D: Stormwater & Flooding Evidence of Tim Preston.
 - Appendix E: Geotechnical Review from Eleni Gkeli and Ioannis Antonopoulos.
 - Appendix F: Noise Review from Bill Wood.
 - Appendix G: Transport Engineering Review from Chris Rossiter.
 - Appendix H: Infrastructure Services Assessment from Jaques Mik.
 - Appendix I: Parks and Recreation Assessment from Aaron Phillips.

1. Overview

Summary of Whiskey Creek Private Plan

1.1 A detailed description of Whiskey Creek Private Plan Change has already been provided in the documentation prepared by Paul Thomas dated 20 April 2021.

1.2 In summary, the Whiskey Creek Private Plan Change involves:

1. *The rezoning of approximately 12.9 hectares of land from Rural Zone to Residential Zone and an area of 10 hectares of land adjacent to that from Rural to Conservation and Amenity Zone to establish the Whiskey Creek Residential Area. The remainder of 611 Rangitikei Line shall remain with its current Rural Zone [status]. This area forms part of the wider Kakatangiata Growth Area (formerly City West) identified in the Palmerston North City Development Strategy (2017) as a preferred residential growth area.*

The land to which Plan Change relates consists of four three properties as follows:

- *The 19.2-hectare property owned by Flyers Investment Group Limited with the address of 611 Rangitikei Line and described as Lot 2 DP 389924 in the title referenced WN493/128.*
- *The adjacent 20.23-hectare property owned by Flyers Investment Group Limited with the address of 165 – 243 Flyers Line and described as Part Section 553 Town of Palmerston North referenced in title WN329/81.*
- *The property of 0.86 hectares with a single large dwelling at 609 Rangitikei Line owned by Mr Bruce Robertson. The land is described as Lot 1 DP 389924.*
- *127 Benmore Avenue being Lot 14 Deposited Plan 40933 described in the title referenced WN10D/573.*

2. The Whiskey Creek Plan Change seeks the following amendments to the District Plan:

- i. To include the definition of 'Whiskey Creek Residential Area' and amend the definition of 'Pressure Sewer Areas' in Section 4 – Definitions of the District Plan.
- ii. Changes to District Plan Section 7A: Greenfield Residential Area to include:
 - Include the Whiskey Creek Residential Area to Section 7A of the District Plan.
 - Apply the objectives, policies, and rules that address resource management issues common to all Greenfield Residential Areas to the Whiskey Creek Residential Area.
 - Introduce the Whiskey Creek Structure Plan (Map 7A.3) to guide future development in the Whiskey Creek Residential Area.
 - Introduce specific provisions for the Whiskey Creek Residential Area into objectives, policies, and rules of Section 7A of the District Plan.

iii. Changes to District Plan Section 10: Residential Zone to include:

- Introduce specific provisions for the Whiskey Creek Residential Area into objectives, policies, and rules of Section 10 of the District Plan.
3. Consequently, changes to the District Planning Maps to highlight the Whiskey Creek Residential Area of the properties detailed in Paragraph 1.3(1) above to part Residential, part Conservation and Amenity Zone and part remaining as Rural Zone as shown in Plan A pg. 6 of the Requestors Report (dated 20 April 2021). The requested District Plan map changes also include amending the Flood Prone Overlay boundary associated with the Whiskey Creek Residential Area so that it aligns with the proposed boundary of the Residential Zone and the insertion of the annotation to the District Plan maps:

“The change to the Flood Prone Overlay shown here shall take effect once the earthworks authorised in Resource Consent XXXXXX have been fully implemented.”

Plan Change Processing Chronology

- 1.3 The Whiskey Creek processing chronology to date is detailed in **Table 1** below:

Table 1: Processing Chronology to date for Whiskey Creek Private Plan Change

Processing Milestone	Date/Notes
Date Application	20 April 2021
PNCC acceptance	30 June 2021
Notification letter (Clause 5 of the first schedule of RMA)	29 September 2021
Public notification of Summary of Submissions	06 December 2021
Acknowledge letter for further submissions (2 submissions – Anderson and Rasmussen)	17 December 2021
Pre-hearing (with submitters)	4 May 2022

Whiskey Creek – Strategic Context

- 1.4 A detailed Palmerston North City Council (the Council) Strategic Statement has been provided by the Council Principal Planner Michael Duindam attached as **Appendix C**. In summary, this statement identifies that, the Whiskey Creek Private Plan Change had been anticipated by Council since 2018 and has been noted within the:

- 2018 City Development Strategy,
- 2018 Infrastructure Strategy,
- 2018-2028 Long Term Plan,
- 2019 Housing and Business Needs Assessment,
- 2021 Housing Capacity Assessment and
- 2021 Long Term Plan and accompanying strategic documents.

- 1.5 Prior to the lodgement of the private Plan Change, the Council had produced a Housing Capacity Assessment, which identified that strong population growth was expected in the short to medium term and that additional land would need to be rezoned and serviced to meet that demand. The assessment identified a number of urban growth rezoning options to address housing needs, including the anticipated lodgement of a private plan change at Whiskey Creek.
- 1.6 Council's growth monitoring results of 2021 suggests that there may be some supply constraints for greenfield growth within the city. From a District Plan integrity and consistency perspective, the private Plan Change request is generally consistent with Council's approach to addressing urban growth in the medium-term. As it utilises the recently developed framework for greenfield growth in Section 7A of the District Plan.
- 1.7 The Council's strategic documents identify that further greenfield capacity is required with Aokautere, Roxburgh Crescent, Napier Road and Ashhurst being areas of interest by the Council. Private interests in Whiskey Creek as an additional urban growth option became known in 2018. Although at the time the Council could not lead this Plan Change in anticipation of a private plan change application the Council has developed a place-holder budget for reserves in the 2021-31 Long Term Plan and acknowledged Whiskey Creek as a potential future growth area in the Infrastructure Strategy and Financial Strategy to align with NPSUD requirements to align land-use planning and infrastructure delivery.
- 1.8 Additionally, the NPS-UD requires Councils to prepare a Future Development Strategy (FDS) to inform growth planning. Council will prepare an FDS to inform its next Long-Term Plan. While Palmerston North City Council does not have an FDS in place yet, it has taken a strategic approach to planning for growth for decades, with residential growth strategies informing Council plan changes to address housing needs. This has been reinforced in strategic direction in the 2021 Long-Term Plan, including the Spatial Plan, Innovative and Growing City Strategy, City Growth Plan and Development Contributions Policy. These strategic documents alongside the 2019 Housing and Business Needs Assessment and 2021 Housing Capacity Assessment provide significant direction about how the Council intends to provide for future urban growth needs.

2. Submissions

- 2.1 The Whiskey Creek Private Plan Change was notified on 29 September 2021. The application received 26 submissions in total. A list of all submitters is provided in **Table 2** below:

Table 2: Submitters List

Submission no.	Submitter	Position
SO1	Marion J. Anderson	Opposed
SO2	Edward Anderson	Opposed
SO3	Paula Eyres	Opposed
SO4	Flygers Investment Group	Support
SO5	Peter D Jones	Opposed
SO6	Joshua Thompson	Support

Submission no.	Submitter	Position
SO7	Michelle Mitchell	Opposed
SO8	Palmerston North City Council	Conditional support
SO9	Barney and Rose Hyde	Opposed
SO10	Brian S McPherson	Opposed
SO11	Michael McCavana	Opposed
SO12	Maureen A Haddock	Opposed
SO13	Micheal G Hermansen	Opposed
SO14	Hayden Turo (Ngati Turanga)	Opposed
SO15	Anthony and Carlyne Cade	Opposed
SO16	David J Setter	Opposed
SO17	Waka Kotahi	Conditional support
SO18	Horizons Regional Council	Conditional support
SO19	MidCentral DHB	Conditional support
SO20	John and Raewyn Anderson	Opposed
SO21	Anne J Milne	Opposed
SO22	Sally M Rasmussen	Opposed
SO23	Heritage Estates Limited	Conditional support
SO24	First Gas Limited	Conditional support
SO25	Brian Kouvelis	Conditional support
SO26	Irene G Hamilton	Opposed

- 2.2 Based on the submissions received, **SO4** and **SO6** were the only submissions made in total support of the proposed Plan Change.
- 2.3 **SO4** is made by the requestor, following discussions with Council Planners prior to notifying the Plan Change. **SO4** seeks to covers gaps within the proposed Plan Change by the requestor.
- 2.4 **SO6** made by Joshua Thompson, in its entirety is in support of the Plan Change and does not require further assessment within my report. Most of the submissions oppose the Plan Change. The issues raised in the submitters are identified in Section 3 below.

Further Submissions

- 2.5 The application also received two further submissions on original submissions made by the submitters. One of the further submissions was made jointly by Marion and Edward Anderson (**SO1/SO2**) and the other was from **SO22**, Sally Rasmussen.
- 2.6 Further submission from **SO1/SO2** refers Council to a book named 'Destructive Deluge'.
- 2.7 Further submission from **SO22** raises concerns about the flood risks associated with the area and identifies damage caused in recent flood events.

3. Assessment of Plan Change Issues

- 3.1 The focus of this section of my report is to assess the key issues associated with the Plan Change, including the issues raised in submissions. In relation to each issue, I make an assessment of whether the plan change request and the decisions requested by submitters are appropriate, taking into account:
- a) Good planning practice.
 - b) The input of technical experts.
 - c) The requirements of the RMA.
 - d) The requirements of the LGA.
 - e) The relationship with the broader planning framework under the District Plan and its implementation and consistent administration.
- 3.2 For each issue I conclude with a recommendation whether the relevant element of the plan change request should be declined, approved, or approved with modifications.
- 3.3 The potential environmental effects of Whiskey Creek Private Plan Change include a wide range of matters which were examined in the application report prepared by Paul Thomas dated 20 April 2021. However, this section of my report focuses on those aspects that are critical to appropriateness of the plan change request and to the matters raised by the submitters and identified by the technical experts within their review of the application. These key issues can be categorised under the following headings:
1. Natural Hazards
 - a. Flooding and Stormwater Management
 - b. Liquefaction Effects
 2. Noise Effects
 3. Urban Design, including the interface adjoining properties
 4. Transport
 5. Commercial Activities
 6. Infrastructure Services
 - a. Wastewater Management
 - b. Water Supply
 7. Cultural Matters
 8. Conservation and Amenity Zone Impact
 9. Other
 - a. Construction Effects
 - b. Versatile Soils
 - c. Impact on Water quality
 - d. Negative impacts of the Stormwater detention pond
- 3.4 The assessment below is structured to provide a summary of application request, a summary of submission points and requests per issue, the relevant technical reports and my planning evaluation of submissions taking into account the evidence prepared by the technical experts.
- 3.5 Each submission summary identifies the relevant submitters that shared that view, and a colour coding of *red* for submission points in opposition of the issue or *green* for submission points in

support of the issue, for quick reference.

3.6 Finally, I note that before a plan change request can be incorporated into a District Plan it must fulfil a number of statutory requirements set down in the Resource Management Act, including:

- a) Part II, comprising Section 5, *Purpose and Principles of the Act*; Section 6, *Matters of National Importance*; Section 7, *Other Matters*; and Section 8, *Treaty of Waitangi*;
- b) Section 31, *Functions of Territorial Authorities*;
- c) Section 32, *Duty to consider alternatives, assess benefits and costs*;
- d) Section 74, *Matters to be considered by territorial authorities*; and
- e) Section 75, *Contents of district plans*.

3.7 I assess my recommendations against these statutory requirements in Section 4 below. I set out all recommended modifications to the Plan Change in **Appendix A**. An overview of the recommendations in relation to the Decisions Requested by submitters can be found in **Appendix B**.

Issue 1: Natural Hazard

Issue 1a: Flooding and Stormwater Management

3.8 Below is a summary of requestors application in regard to flooding effects and the flood risk mitigations proposed.

Flood Management

- a) A portion of the properties subject to this Plan Change are contained within the Flood Prone Overlay in the current District Planning Maps as shown in **Figure 1** below.



Figure 1: Current District Plan Map of the Whiskey Creek Residential Area

- b) The applicant notes, a large part of the area is affected by sheet flow across State Highway 3 through the site in a 1 in 100-year AEP flood event in conjunction with the triggering of the Flyers Line Spillway.
- c) The requestor is planning to undertake earthworks to reduce the extent of flood prone area and increase the developable area within the site whilst protecting the functioning of the Lower Manawatu Drainage Scheme. The effect of this would be that the developable area is increased from 7 hectares to nearly 13 hectares. Resource consent applications for these earthworks have been lodged with both Palmerston North City Council and Horizons Regional Council. My understanding is that further information on application to the City Council was recently provided by the applicant. I also understand that the applicant is preparing a revised application to submit to the Horizons Regional Council. Given the importance of these earthworks to the viability of the proposed re-zoning, I would expect that the Plan Change requestor will provide further information on their status at the Plan Change hearing.
- d) In anticipation that the proposed earthworks will result in that section of the site being no longer flood prone, the requestor seeks that District Plan 'Flood Prone Area' overlay is removed from the proposed Residential Zone portion of the Whiskey Creek site. However, in acknowledgement that the earthworks are not consented or complete, the requestor proposes that this amendment to the overlay is deferred until the earthworks have been fully implemented. The requestor has proposed a District Plan map annotation for this purpose.
- e) DHI Ltd was commissioned by the requestor to model a number of different earthworks scenarios in order to obtain hydraulic neutrality over the Plan Change development area.

This assessment was reviewed by both Horizons Regional Council and Palmerston North City Council and is detailed in Appendix 2 of the requestor's application report. Out of the six options investigated by DHI Ltd, only Option 6 was found to manage flood risk to a less than minor extent for downstream properties. This has therefore been adopted as the basis for developing the overall plan change proposal by the requestor.

- f) Option 6 includes a series of swales connecting to the ephemeral Whiskey Creek stream bed including one from the repositioned drain, two online ponds either side of the same stream bed. These ponds seek to divert overland flow paths to the west, and this is achieved with an east – west bunds crossing both drains but with a stream opening of 2 metres. In addition, there are two retention ponds at the downstream end to store peak flood volumes. To provide further certainty this will be investigated in detail during the resource consent processing stage for earthworks that will be sought ahead of the Plan Change.

Stormwater Management

- g) Developing the subject area for residential use will result in less ground permeability and therefore more stormwater runoff. The additional run off can add to loads on the reticulated stormwater system as well as adding to flood risks identified above.
- h) Mitch Hydro Ltd was commissioned by the requestor to investigate stormwater and recommend a Stormwater Mitigation Plan. Their report is included as Appendix 12 of the requestor's application.
- i) The proposed Stormwater Mitigation Plan is based on a piped layout within proposed roads leading to a flood detention pond at the southern end of the development as per Option 6 detailed above. Secondary flow paths will be contained within the proposed road corridors.
- j) Stormwater from the development will be channelled through the pond to a 300 mm culvert outlet. The floor of the pond will be planted with native species and will be dry most of the time. However, storm events that exceed the capacity of the 300mm outlet will then be detained in the pond and released as the inflow reduces. Events greater than 50-year ARI will result in spillage from the pond via a constructed spillway discharging the surplus water to the Whiskey Creek flood area. The 300 mm outlet will discharge to the reserve and drain via an open swale for a distance of 100 m to the Whiskey Creek channel immediately upstream of the southwestern property boundary.
- k) The requestor is confident based on the assessments by their technical team to date that the area subject to this Plan Change can be made hydraulic neutral with reductions in peak discharges in all events up to the 100-year ARI event.
- l) The assessment also considered how site stormwater would relate to the timing of floodwater released from the Flyers Line spillway. It found that the mitigated peak outflows from the proposed flood detention pond would be unlikely to coincide with the peak discharge from the Flyers Line spillway to the Taonui Basin. The increased runoff volume in the 1% AEP event as a result of the Plan Change is also minimal.
- m) To ensure that future developments within the proposed Whiskey Creek Residential Area are appropriate in terms of flood and stormwater management, various amendments to the provisions of the current District Plan are sought by the requestor. In summary these are:

- Referencing the requirement to avoid, remedy or mitigate adverse effects on the Lower Manawatū Drainage scheme within a new policy proposed to be included in Section 7A (proposed Policy 2.8), and
- Including a similar requirement within a new assessment criterion for subdivision within the Whiskey Creek Residential Area.

3.9 These additional provisions would sit alongside existing requirements for subdivision in the greenfield residential area Section 4 of the District Plan, including:

- Objectives 3 and 4 and their related policies,
- restricted discretionary rule R7A5.2.1 matters of discretion (b), (g), (i) and (q)
- performance standard R7A5.2.2 (xiii)
- assessment criteria R7A5.2.3 (a) (x), (xi), (xiv) and (xvi)

3.10 Below is a summary of the submissions in support (green) and opposition (red) to the rezoning proposed in Whiskey Creek Plan Change in regard to flooding and stormwater management:

1a: Flooding and Stormwater Management		
Submission Point	Site Specific or General Request	Further Submission(s)
<p>Cumulative effects of earthworks, climate change and intensification that would exacerbate the current flooding and stormwater risks.</p> <ul style="list-style-type: none"> • SO1 – Marion J Anderson • SO2 – Edward Anderson • SO3 – Paula Eyres • SO5 – Peter D Jones • SO7 – Michele D Mitchell • SO9 – Barney and Rose Hyde • SO11 – Michael McCavana • SO12 – Maureen Haddock • SO13 – Michael G Hermansen • SO14 – Ngāti Turanga • SO15 – Anthony & Carlyne Cade • SO18 – Horizons Regional Council • SO20 – John & Raewyn Anderson • SO22 – Sally & Murray Rasmussen 	<p>Opposes plan change in total.</p> <p>Manage future effects of flooding to mitigate effects on residents from future developments.</p> <p>That concerns be addressed, and relevant amendments be made.</p> <p>That the Council seek a peer review of the hydraulic and stormwater modelling, potential impacts of flooding and seek more detail on any proposed mitigation both upstream and downstream of the development as well as within the development area.</p>	<p>Concern whether the current Mangaone Stream stop bank will continue to hold deluges following development.</p> <ul style="list-style-type: none"> • SO22 – Sally & Murray Rasmussen
<p>Flooding risk imposes concerns for new owners in terms of insurance cover.</p> <ul style="list-style-type: none"> • SO2 – Edward Anderson • SO12 – Maureen Haddock • SO22 – Sally and Murray Rasmussen 		

<p>Flood Prone Overlay should not be built on.</p> <ul style="list-style-type: none"> • SO2 – Edward Anderson • SO10 – Brian S McPherson • SO12 – Maureen Haddock • SO15 – Anthony and Carolyne Cade • SO26 – Irene Hamilton 		
<p>No additional adverse stormwater and flooding effects on State Highway network</p> <ul style="list-style-type: none"> • SO16 – David J Setter • SO17 – Waka Kotahi 	<p>Have wording to avoid adverse flood effects on properties</p>	
<p>No additional adverse stormwater and flooding effects on neighbouring properties.</p> <ul style="list-style-type: none"> • SO20 – John and Raewyn Anderson • SO26 – Irene Hamilton 	<p>Opposes plan change in total.</p>	
<p>Technical review of flooding assessment must be undertaken.</p> <ul style="list-style-type: none"> • SO8 – Palmerston North City Council • SO18 – Horizons Regional Council 	<p>Further amendment to the proposed provisions of District Plan may be necessary, subject to planning review.</p>	
<p>The land will help to provide for the City's residential growth needs.</p> <ul style="list-style-type: none"> • SO4 – Flyers Investment Group Ltd • SO6 – Joshua Thompson 	<p>Approve the rezoning proposed Whiskey Creek Private Plan Change with the additional provisions provided as part of SO4 submission.</p>	

3.11 The critical technical reports and evidence for this issue are:

- a) Whiskey Creek Plan Change requestors report Dated 20 April 2021, in particular Appendix 2 (DHI Ltd – *Hydraulic modelling (flooding)*) and Appendix 12 (Mitch Hydro – *Stormwater Management Plan*).
- b) Section 42A Stormwater & Flooding Evidence from Tim Preston attached as **Appendix D**.

Assessment of Issue

3.12 Mr Preston's evidence raises significant concerns about the Plan Change. These relate to whether the earthworks proposals (subject to a separate resource consent process) are appropriate, whether the modelling of potential flood and stormwater effects is adequate to fully understand the potential adverse effects of the proposal and whether the proposed plan change provisions are sufficient. Despite these concerns Mr Preston has concluded that:

- a) it is 'more likely than not' that residential subdivision can occur on the site with acceptable flooding impacts

- b) he has no objection to the proposal on the basis of stormwater quantity.
- 3.13 Mr Preston recommends that a number of additional provisions are added to the plan change to address the issues of stormwater and flooding. Having reviewed Mr Preston's evidence, taking into account the current uncertainty with respect to the earthworks proposals and considering the issues raised by submitters, I recommend that the Plan Change request to amend the 'Flood Prone Area' overlay is rejected, that a subdivision standard be added for the Whiskey Creek Residential Area which sets minimum floor levels and further I support most of the recommendations in Mr Preston's evidence (see **Appendix A**). At this point, on matters of scope, I do not support those aspects of Mr Preston's recommendations which would apply to areas outside of the Whiskey Creek Residential Area. These are the recommendations relating to 7A.5.2.2 (a) and 10.6.1.5 (i).
- 3.14 The implications of the recommendation to reject the amendment to the 'Flood Prone Area' overlay would be that development and activities on the Whiskey Creek site continue to be regulated under Chapter 22 of the District Plan. Under Rule 22.6.2.1 (2) any habitable structure or increase in scale of any existing habitable structure would be a restricted discretionary activity. Palmerston North City Council's discretion when considering any application under this rule is limited to flood hazard avoidance or mitigation, functional necessity, and placement of new critical infrastructure. The performance standards applying to a structure or activity under Rule 22.6.2.1 are:
- a) Building sites for habitable structures must have a finished floor or ground level, which includes a reasonable freeboard, above the 0.5% AEP or (1 in 200 year) flood level.
 - b) Access between habitable structures and an identified safe area, where safe evacuation may be carried out (preferably ground that will not be flooded), must be a safe wading zone in a 0.5% AEP or ("1 in 200 year") flood event.
- 3.15 The combined intent of retaining the Flood Prone Area overlay and adding a new subdivision performance standard relating to ground level is ensure that the hazard risk to sites within the Whiskey Creek site is resolved at the time that the subdivision consent application is considered. In practice it is anticipated that both the subdivision consent requirement within Chapter 7A of the District Plan and the land use consent requirement from Chapter 22 of the District Plan would be resolved through a joint application made by the developer.
- 3.16 It is assumed that the developers' application would be framed in such a way that, if granted it allows for the construction of, and addition to, habitable buildings, i.e. individual property owners would not need to seek resource consent to alter or extend their dwelling in the future.
- 3.17 The intent of the recommended modifications to 7A.5.2.2, addressing stormwater and flood risk assessment is to address the limitations that Mr Preston has identified with respect to these matters in his evidence. I recognise that these recommendations represent significant changes from the requestor's proposal however based on current uncertainties and the limitations identified in Mr Preston's evidence, at this point, I consider that they are the most appropriate way to address stormwater and flooding issues.
- 3.18 I note that in section 4 of this report I evaluate these recommendations against key Regional Policy Statement and District Plan objectives and policies.

Issue 1b: Liquefaction and Geotechnical

3.19 Below is a summary of requestors application in regard to liquefaction and geotechnical effects and mitigations proposed.

- a) The requestor has commissioned Riley Consultants Ltd and Total Ground Engineering Ltd to undertake specific geotechnical investigations that may have an impact on residential development within this site. Their reports can be found within Appendix 6 and Appendix 7 of the requestor's application.
- b) Tests done by Riley Consultants Ltd identified some liquefiable materials in the soil profile being discrete layers of loose to medium dense sandy silt, or silty sand. The liquefaction assessment identified potential for induced settlement in the order of 20 mm to 100mm under an ultimate limit state event.
- c) The lateral spreading report from Total Ground Engineering Ltd recommends further investigations be undertaken while identifying the need to provide a 50m setback from stream and open drains for any dwelling units. Consequently, the earthworks design of the Structure Plan realigns the overflow channel to be 55m from the flood protection line.

3.20 Below is a summary of the submissions in support (green) and opposition (red) to the rezoning proposed in Whiskey Creek Plan Change in regard to liquefaction and geotechnical effects:

1b: Liquefaction and Geotechnical		
Submission Point	Site Specific or General Request	Further Submission(s)
Safety of existing residents as subject area consists of unsuitable land to build on for residential development. <ul style="list-style-type: none"> • SO2 – Edward Anderson • SO15 – Anthony and Carolyne Cade • SO20 – John & Raewyn Anderson • SO22 – Sally & Murray Rasmussen 	Decline Plan Change. Opposes plan change in total.	
Consider the potential impact of liquefaction and Geotech. <ul style="list-style-type: none"> • SO8 – Palmerston North City Council • SO18 – Horizons Regional Council 	Conditional support – peer review requestors technical analysis. Further amendment to the proposed provisions of District Plan may be necessary, subject to planning review.	

<p>The land will help to provide for the City's residential growth needs.</p> <ul style="list-style-type: none"> • SO4 – Flyers Investment Group Ltd • SO6 – Joshua Thompson 	<p>Approve the rezoning proposed Whiskey Creek Private Plan Change with the additional provisions provided as part of SO4 submission.</p>	
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3.1 The critical technical reports and evidence for this issue are:

- (i) Whiskey Creek Plan Change requestors report Dated 20 April 2021, in particular Appendix 6 (Riley Consultants Ltd – *Geotechnical Assessment*) and Appendix 7 (Total Ground Engineering Ltd – *Lateral Spreading Assessment*).
- (ii) Section 42A Geotechnical Review from Eleni Gkeli and Ioannis Antonopoulos attached as **Appendix E**.

Assessment of Issue

- 3.2 Peer review of the relevant technical assessments identify the liquefaction and lateral spreading potential at the site and the associated settlements are expected to be higher than currently assessed by the requestor. Overall, technical review concurs with the identified risks for liquefaction and lateral spreading. However, based on the change of seismic demands per Module 1 v1, and the uncertainty of soil class per NZS 1170.5:2004, it is expected that the green field liquefaction induced settlements and lateral spreading magnitude and extend should be greater than those already reported.
- 3.3 The soil-foundation-structure interaction, by including the structural geometry and loads, should also be assessed to quantify the risk and to optimise the selection and design of an economical ground improvement and/or foundation solution. The geotechnical review recommends that the updated hazard assessment should be used for the geotechnical assessment and designs in the future for this development should it proceed to the next stages of consenting.
- 3.4 The land proposed for development is generally flat, Council's geotechnical reviewers agree with the Applicant's assessment that the risk of land stability, under static and seismic conditions is considered negligible.
- 3.5 The geotechnical reviewers also identify that land deformations (settlements) due to the loading of the proposed earthworks and structures under static conditions will need to be assessed in the detailed design stage of the development, should it proceed.
- 3.6 While the geotechnical review has identified a number of issues that require further analysis and closer scrutiny during the subdivision, I consider, based on the information provided by the requestor including issues raised by the submitters that the current District Plan provisions in Section 7A are adequate to control the effects of liquefaction and geotechnical hazards.
- 3.7 My recommendation is based on current District Plan provisions requiring detailed assessment for earthworks at the time of subdivision pursuant to Section 7A: Objective 3, Policies 3.1 and 3.2 and Rules R7A.5.2.1 (b) and (i) (matters of discretion), R7A.5.2.2 (xii) (performance standards) and R7A.5.2.3 (xiv), (xv) and (xvi) (assessment criteria).

- 3.8 Thus, no further amendments to the current District Plan are required to address issues on liquefaction and geotechnical.

Issue 2: Noise Effect

- 3.21 The requestor has provided a noise assessment as appendix to the Plan Change request. This makes the following conclusions and recommendations:
- The noise provisions of the Residential Zone are adopted for the Proposed Plan Change Area. This provides for the establishment of residential activity and protection of residential amenity during the transition stage (from rural to residential).
 - Provision for a 40-metre set back from the SH3 carriageway edge for any dwelling and for an 80 metre effects area where dwellings will need to be appropriately noise insulated and ventilation provided. Such noise mitigation will not be onerous.
- 3.22 These recommendations and conclusions have formed part of the plan change request, and potential reverse sensitivity effects on SH3 are proposed to be managed through a minor amendment to Rule 10.6.1.6 (e).
- 3.23 Below is a summary of the submissions in support (green) and opposition (red) to the rezoning proposed in Whiskey Creek Plan Change in regard to noise effects:

2: Noise Effect		
Submission Point	Site Specific or General Request	Further Submission(s)
Proposed Road 1 between 127 Benmore Avenue will create adverse effect on the adjoining properties. <ul style="list-style-type: none"> SO15 – Anthony and Carlyne Cade 	Decline Plan Change.	
Construction noise will adversely impact on existing nearby residential properties. <ul style="list-style-type: none"> SO11 – Michael McCavana SO12 – Maureen Haddock SO22 – Sally & Murray Rasmussen 	Reject the proposed Whiskey Creek Private Plan Change.	
Noise effects generated from traffic activities. <ul style="list-style-type: none"> SO13 – Michael Hermansen SO15 – Anthony and Carlyne Cade SO20 – John & Raewyn Anderson 	Decline the plan change. If the plan change is approved, suggests the proposed commercial area be moved further into the proposed plan change area, away from existing residents on Benmore Avenue.	

<p>40m dwelling setback from existing state highway network is appropriate.</p> <ul style="list-style-type: none"> • SO8 – Palmerston North City Council • SO17 – Waka Kotahi 	<p>Conditional support – peer review requestors technical analysis.</p>	
<p>The land will help to provide for the City's residential growth needs.</p> <ul style="list-style-type: none"> • SO4 – Flyers Investment Group Ltd • SO6 – Joshua Thompson 	<p>Approve the rezoning proposed Whiskey Creek Private Plan Change with the additional provisions provided as part of SO4 submission.</p>	

3.24 The critical technical reports and evidence for this issue are:

- a) Whiskey Creek Plan Change requestors report Dated 20 April 2021, in particular Appendix 9 (Acousafe Consulting & Engineering Ltd – *Noise Assessment*).
- b) Section 42A Noise Effect Review from Bill Wood attached as **Appendix F**.

Assessment of Issue

3.25 Peer review of the relevant technical assessments in relation to noise effects concur that the proposed provisions of Rule R10.6.1.5(e) within the District Plan is sufficient to manage reverse sensitivity noise effects on future dwelling in the Whiskey Creek Residential Area. This is also supported by Waka Kotahi in their submission **SO17**.

3.26 I therefore recommend that the proposed addition to refer Whiskey Creek Residential Area within Rule R10.6.1.5(e).

3.27 In his evidence Mr Wood has considered the potential for reverse sensitivity effects between the existing residential dwellings on Benmore Avenue and the proposed Conservation and Amenity Zone adjoining the back boundary. However, since there are no sports ground or popular sporting events proposed at the recreational area, he concludes noise standards within the Conservation and Amenity Zone including the noise generated from daily operations of a recreational space is similar to the current Rural Zone standards and environment. Thus, the effects on these properties would be similar.

3.28 Mr Wood's review has also taken into account the potential for noise to be generated from the intended business/commercial area as shown within the proposed structure plan. In his assessment, Mr Wood refers to existing Rule R10.8.1 of the District Plan applying to non-residential activities within the Residential Zone. Mr Wood considers that this rule provides sufficient protections for adjoining properties. I also note that Rule R10.7.3.5 in Section 10 of the District Plan provides for Commercial Activity within Residential Zone as a Restricted Discretionary Activity. The matters of discretion for this rule include 'effects on nearby residential activities and residential amenity.'

- 3.29 Thus, I am of the view that pursuant to Rule R10.8.1 appropriate provisions in the District Plan are in place to assess the effects of noise from non-residential activities within the Residential Zone at the time of seeking resource consents for future commercial activity within the Whiskey Creek Residential Area.
- 3.30 Noise generated from traffic and construction was also raised by the submitters and I consider that sufficient provisions exist within the current District plan to ensure that these effects can be adequately addressed at the time of future resource consenting phase.
- 3.31 In particular I note that:
- a) Rule R7.6.2.1(6) of the District Plan, provides for subdivision which involves the construction of a road is a Restricted Discretionary Activity and has an assessment criterion on *“the extent to which subdivision design and layout compliments the character and amenity values of the surrounding residential area.”*
 - b) Rule R7A.5.2.1(f) of the District Plan, provides for ‘*noise attenuation and management*’ as a matter of discretion for subdivision in the greenfield residential zone.
- 3.32 Overall, I consider that the District Plan has provisions in place to assess noise effects from future development activities within the Whiskey Creek Residential Area. However, I recommend that the proposed addition to refer Whiskey Creek Residential Area within the heading of Rule R10.6.1.5(e) is accepted to ensure that potential reverse sensitivity effects on SH3 are appropriately managed.

Issue 3: Urban Design

- 3.33 Below is a summary of requestors application in regard to Urban Design.
- a) The requestor commissioned Andrew Burn from McIndoe Urban to undertake an Urban Design study of the Whiskey Creek Residential Area to inform the proposed Structure Plan implementation. Mt Burn’s report can be found within Appendix 2 of the requestors application.
 - b) In implementation of the proposed Structure Plan Mr Burn took into account a wide range of aspects significant to the Whiskey Creek area, including:
 - Cultural context,
 - Development restraints from existing state highway network as discussed above requiring 40m setback for future dwelling units,
 - The section of high-pressure gas transmission pipeline owned by First Gas crossing the site in a north-west-southeast direction. An easement of 6m in both directions from the centreline of the gas main is required. Building restrictions apply within 20m of the centreline,
 - Proposed earthworks requiring a range of recontouring,
 - For liquefaction, a 55m easement required to restrain development between any watercourse (temporary or permanent),
 - Integration of open space, access movement, new city edge, vegetation, and ecology.

- c) In designing the Structure Plan, the plan change request indicates that Mr Burn gave thought to market relevance and feasibility, encouraging a mix housing density offering choice of housing type and price point.
- d) Mr Burn recommends the proposed development should seek a good relationship between new and existing housing. Sensitive integration along the southern boundary is proposed to be achieved by:
- *Aligning proposed lot boundaries with those of existing lots where possible.*
 - *Limiting height to 5m (single storey) on new lots that adjoin existing parcels.*
 - *Achieving larger lots (500-550sqm) along the common boundary to allow for more generous yards and appropriate positioning of dwellings.*
 - *Generally matching the scale, alignment, and orientation of new development to existing patterns.*
 - *Ensuring all flood mitigation is managed on the Site with no adverse flooding effects on neighbouring properties.*
 - *Establishing an attractive, safe road connection from Benmore Ave into the Site.*
 - *Providing for an appropriately located small convenience retail/cafe facility near the connection with Benmore Ave.*
- e) The Structure Plan is implemented with the following key features:
- New local collector street (Road 1) linking Benmore Avenue to Rangitikei Line: 16.2m wide legal road corridor (13.6m wide adjacent to reserve).
 - New local roads (Roads 2-8): 15.2m wide legal road corridor.
 - New shared street lanes: 4.5m wide carriageway.
 - New roundabout connection with Benmore Avenue and left-in / left-out connection with Rangitikei Line.
 - Sustainable Urban Drainage (SUD) network integrated into the street and open space system.
 - Variation in housing density - conventional suburban lots (ranging from 450 – 550sqm) and a Multi-Unit Housing Area overlay along part of the Reserve edge.
 - Whiskey Creek Reserve including a revitalised waterway and planting to achieve an ecologically diverse and rich area.
 - Public shared pathways throughout the area and connecting Mangaone Stream to Whiskey Creek Reserve.
 - Incorporation of gas pipeline easement, SH3 setback/buffer and flood boundary.
 - Area of restricted height for lots adjoining existing Meadowbrook Drive properties to achieve sensitive transition and protect amenity.
- f) Based on Mr Burn's recommendations the requestor has proposed the following amendments in the District Plan in relation to Urban Design outcomes:
- Insertion of the proposed Structure Plan as Map 7A.3 (see below)



Figure 2: Proposed Whiskey Creek Residential Area Structure Plan

- Inclusion of Policy 2.8 in Section 7A of the District Plan incorporating provisions on: Open space and Reserves, Gas pipeline, Streets and linkages, Subdivision design and integration, Typology, and density.
- In Section 7A Rule 7A.5.2.2 (d)(i) to include average lot size in the Whiskey Creek Residential Area of 400m² – 500 m².
- In Section 7A Assessment Criteria 7A.5.2.3 (h) which requires that key aspects of the proposed structure plan are assessed as part any future subdivision application
- In Section 10 add a new policy (9.7) which seeks to enable multi-unit development within the Whiskey Creek Residential Area in accordance with the Structure Plan (Map 7A.3)
- In Section 10 Rule R10.6.1.5 make the following amendments:
 - Rule R10.6.1.5(b)(iii) include provision limiting the building height to 5m that adjoin the existing residential boundaries on Meadowbrook Drive.
 - Rule R10.6.1.5(c)(iii) include provisions limiting building (other than accessory buildings) to 20m from Gas Pipeline infrastructure.
 - Rule R10.6.3.3 inclusion of Whiskey Creek Multi-Unit Area in the.

3.34 Below is a summary of the submissions in support (green) and opposition (red) to the rezoning

proposed in Whiskey Creek Plan Change in regard to Urban Design matters:

3: Urban Design		
Submission Point	Site Specific or General Request	Further Submission(s)
<p>Loss of amenity in back boundary e.g., living court, privacy, view, and sunlight.</p> <ul style="list-style-type: none"> • SO1 – Marion J Anderson • SO2 – Edward Anderson • SO3 – Paula Eyres • SO7 – Michele D Mitchell • SO11 – Michael McCavana • SO12 – Maureen Haddock • SO15 – Anthony & Carolyne Cade • SO20 – John & Raewyn Anderson • SO22 – Sally & Murray Rasmussen • SO26 – Irene Hamilton 	<p>Decline Plan Change.</p> <p>Opposes plan change in total.</p> <p>A road be created to the rear of houses along Meadowbrook Drive.</p> <p>A 15 to 20 metre green belt or buffer to the rear of houses along Meadowbrook Drive.</p> <p>That the section directly behind 23 Meadowbrook Drive be made a reserve or playground.</p> <p>No high fencing that will block sunlight.</p> <p>Height restrictions of any building that may block sunlight onto 23 Meadowbrook Drive.</p> <p>Only one-story houses in the area closest to Meadowbrook Drive to reduce loss of sunlight onto existing sections on Meadowbrook Drive.</p> <p>Incorporate a greenbelt to retain amenities, sun, privacy, and views.</p>	
<p>Supports multi-unit and mixed density housing typology within the Whiskey Creek Residential Area.</p> <ul style="list-style-type: none"> • SO8 – Palmerston North City Council • SO17 – Waka Kotahi • SO18 – Horizons Regional Council 	<p>Careful consideration of the proposed provisions and further prescription of design outcomes for the development to ensure delivery of the identified multiunit housing areas.</p>	
<p>The land will help to provide for the City's residential growth needs.</p> <ul style="list-style-type: none"> • SO4 – Flyers Investment Group Ltd • SO6 – Joshua Thompson 	<p>Approve the rezoning proposed Whiskey Creek Private Plan Change with the additional provisions provided as part of SO4 submission.</p>	

- 3.35 The critical technical reports and evidence for this issue are:
- Whiskey Creek Plan Change requestors report Dated 20 April 2021, in particular Appendix 2 from Andrew Burn (McIndoe Urban – *Urban Design and Landscape Report*).
 - Section 42A Parks and Reserves Servicing Assessment from Aaron Phillips attached as **Appendix I**.

Assessment of Issue

- 3.36 Given the historic work that Mr Burn has undertaken on behalf of the City Council and upon review of his Urban Design and Landscape report, Council was satisfied with his expert opinion on urban design outcomes and the Structure Plan implemented based on his assessment of the relevant design principles. As such, there was no technical review of the Urban Design report undertaken as part of Plan Change processing.
- 3.37 Initial conversations between the Council and the requestor prior to notification identified gaps within the proposed Plan Change and the lack certainty around achieving the design principles that had been suggested by Mr Burns in his report.
- 3.38 Prior to notifying the Plan Change Council Planning representatives discussed the above lack of certainty with the requestor which resulted in the requestor making a submission (**SO4**) and through this submission seeking that an amended version of Policy 2.8 is included in Section 7A.
- 3.39 I have reviewed that amended version of Policy 2.8 and recommend that to provide greater certainty that the design principles that form the basis of the structure plan are achieved further modifications should be made. To this end, I recommend that Policy 2.8 in the plan change request be replaced with the following (underlining and strikeouts show changes proposed to the policy included in the requestor's submission):

2.8 To ensure that subdivision in the Whiskey Creek Residential Area gives effect to ~~has regard for~~ the following design principles which have been incorporated into the Structure Plan (Map 7A.3):

Stormwater and flooding

- *Avoid any more than minor adverse effects on the Lower Manawatu Drainage Scheme are avoided, remedied or mitigated.*
- *Flooding risk on adjoining properties shall not be exacerbated.*
- *Water Sensitive Design sustainable urban drainage solutions either within the street network or within the reserve are provided.*
- *Design of the stormwater detention pond shall have regard to visual amenity and ecological benefits whilst achieving hydraulic neutrality.*
- *The feasibility of supplementing flows within Whiskey Creek with stormwater discharges is explored.*

Open space and Reserves

- *The design provides for:

 - *Ecological restoration of the ephemeral tributary of Whiskey Creek as recreational reserve.*
 - *A dry formal equipped play area and a flat open space for informal recreation.**

Gas pipeline

- *Appropriate setbacks of buildings from the natural gas pipeline are provided and the pipeline is located within a public service corridor.*

Streets and linkages

- To provide safe vehicle access is provided to Benmore Avenue/ Meadowbrook Drive intersection and a left in/left out access to Rangitikei Line.
- All streets shall interconnect with no cul-de-sacs.
- The cycle and pedestrian links shown on the Structure Plan are provided.
- Street design and planting shall be in accordance with the Council Engineering standards for appropriate road hierarchy. ~~adopt the structure plan street cross sections Local and Local Collector Roads.~~

Subdivision design and integration

- For lots adjoining existing Meadowbrook Drive properties:
 - The subdivision design shall maximise alignment with existing lot boundaries for Nos. 7 to 31 Meadowbrook Drive.
 - A 1 storey height standard shall apply.
- A positive city edge is achieved by ensuring all lots adjoining the reserve enable dwellings fronting the reserve.
- Layout of the multi-unit housing area will achieve active frontages to road 1 and the flood plain reserve.
- The extent to which lots enabling dwellings fronting streets is maximised.
- The street and block layout provides for a fine grain walkable block structure and a predominant north-south street alignment as shown on the Structure Plan (Map 7A.3).
- The location, dimensions and size of lots shall provide for a mix of conventional suburban lots, multi-unit residential development, open space, recreation and commercial activities that is generally consistent with mix of housing density and uses shown on the Structure Plan (Map 7A.3).

Typology and density

- Multi-Unit Housing is provided for ~~enabled~~ in the location shown on the Structure Plan, allowing for development up to 11m in height while ensuring reasonable sunlight access to adjacent properties is maintained.
- Commercial activities are enabled in accordance with the Structure Plan (Map 7A.3) ~~near the Benmore Ave connection~~ that provide:
 - A positive relationship to the reserve and attenuation area
 - Amenities and services for the local neighbourhood
 - An active frontage at the street edge.

3.40 In addition, I have also recommended the following modifications:

- a) Insertion in Rule R7A.5.2.1(d)(i) of an average lot sizes between 250 m² – 350 m² in the multi-unit housing area identified within the Structure Plan.
- b) Consequently, enabling this under Rule R7A.5.2.1(ii).
- c) To add the words ‘and encourage’ to proposed Policy 9.7 in Section 10.

These are provided within **Appendix A**.

- 3.41 The basis of my recommended modification to Rules R7A.5.2.1(d)(i – ii) and Policy 9.7 is to give certainty that the identified design principles in the Structure Plan will be achieved. **SO8, SO17** and **SO18** have supported this and is considered appropriate for the Plan Change.
- 3.42 Generally, most submitters who opposed the current Structure Plan as identified in the red box in Issue 3 table above raised concerns on the proposed neighbouring units adjoining directly with the existing residential properties on Meadowbrook Drive. These submitters have raised concerns on the loss of sunlight, visual amenity, and privacy. Most have requested a greenbelt to be provided directly behind their property boundary on Meadowbrook Drive or to place a link Road adjoining the existing Meadowbrook Drive residential boundary.
- 3.43 It is noted that at the pre-hearing undertaken on Wednesday 4th May 2022, these concerns were also raised and discussed between the submitters present and the applicant.
- 3.44 Based on the discussions held with the Council representatives in my processing, it was apparent that having a narrow strip of greenbelt space adjoining the existing residential area on Meadowbrook Drive is undesirable due to the maintenance issue it would create in the long term and that it would not be consistent with good practice from urban design perspective (i.e. having properties backing onto a strip reserve). Council officers identified concerns that this piece of greenbelt will eventually be neglected and would only promote growth of pest plants such as wild blueberries etc. This is also addressed within Mr Phillips evidence provided and attached as **Appendix I**.
- 3.45 I am of the view that utilising the adjoining block of land for a narrow greenbelt space will not be an effective use of space, would be difficult to maintain on an ongoing basis, and may create worse urban design outcomes. By having the old and new development adjoining each other will create a better sense of connectivity into the new city edge along Rangitikei Line.
- 3.46 Additionally, the NPS-UD sets out clear direction that community expectations on existing amenity will not remain constant over time and should not be anticipated. The NPS-US further signals that future community housing needs should take precedent over protecting existing amenity. This is a significant change in approach regarding urban development in New Zealand. The approach taken by the requestor is consistent with what has been applied in other parts of the city that are zoned for residential use. Thus, is not considered out of the ordinary.
- 3.47 The proposed 5m max height of new dwelling units on properties adjoining Meadowbrook Drive will be sufficient to mitigate potential loss of sunlight and visual amenity. Any non-compliance will require a thorough assessment of environmental effects at the time of resource consents.
- 3.48 It is also noted that any new dwelling units in the Whiskey Creek Residential Area will need to comply with Rule R10.6.1.1 (a-c) in relation to Height Recession Plane, Overlooking and minimum Separation Distance standards within the District Plan. Any non-compliances with these Rules will require resource consent and likely require written approval from or limited notification to affected parties (i.e., the neighbours).
- 3.49 Considering the benefit from the proposed Plan Change by having regard to the strategic growth

of the city (**Appendix C – evidence from Mr Duindam on PNCC**) and the need for housing via greenfield development, the effects raised by the submitters are likely to be less than minor, and /or will be addressed by the proposed provisions of the existing plan combined with those in the Plan Change.

3.50 As such I have recommend the proposed Plan Change is accepted based on my recommended changes in **Appendix A**.

Issue 4: Transport

3.51 Below is a summary of requestors application in regard to transport mitigation proposed.

- a) The requestor has commissioned Harriet Fraser to undertake their Traffic Engineering & Transportation Planning assessment. Her report can be found within Appendix 10 of the Plan Change application.
- b) There are three types of road hierarchy within the internal Whiskey Creek Residential Area, the collector road that connects Benmore Avenue to Rangitikei Line, the local roads that provide access to area to the south of the collector road and lanes which provide access to housing on the northern side of the collector road.
- c) The collector road intersection with Benmore Avenue and Meadowbrook Drive will consist of a four-lane roundabout. The detailed design of the roundabout will need to include particular consideration of the nearby residential driveways and the safe accommodation of pedestrians and cyclists. Some existing kerbside parking will be removed but sections of kerbside parking will remain available nearby.
- d) The connection onto SH3 is to be restricted to left in/left out only to ensure the ongoing safety of the highway. The requestor has consulted with Waka Kotahi and have an agreement in place for a left-in/left-out access on to the state highway network. The restriction of turns at the SH3 connection will help with ensuring that only local traffic from the subdivision use this connection. Other measures can be included in the detailed design at resource consent stage to deter through traffic travelling through the subdivision.
- e) It is anticipated that public transport will be accessed from the existing bus stops on Benmore Avenue. The site is within walking distance of the existing bus route along Benmore Avenue.
- f) There is some existing peak hour traffic congestion at the signalised intersection of Rangitikei Street (SH3) with Bennett Street and John F Kennedy Drive. The proposed plan change could result in additional 89vph on the Bennett Street approach during the weekday morning peak. With an average cycle time of around two minutes, on average there would be around three additional vehicles on the approach during each cycle of the traffic signals. There are two lanes at the stop line so there would be expected to be one or two additional vehicles per lane per cycle of the traffic signals. Harriet concludes, this level of additional traffic will not be discernible from day-to-day traffic fluctuations through the intersection.

- g) Additionally, the grid layout of the existing roading network also means that future and existing residents have the option of accessing the city via Benmore Avenue towards the west and then Gillespies Line and Botanical Road.
- h) No discernible change in the performance of Benmore Avenue is expected and the traffic flows will remain comfortably within the range anticipated for a Collector Road.
- i) Ms Fraser notes that there is some kerbside parking along the northern side of Bennett Street on the approach to Rangitikei Street. This parking was observed to restrict the storage space at the intersection, in particular due to the large number of trucks accessing the intersection. Separate to this proposal, the Council may wish to consider removing the parking along this section of Bennett Street, between the bus stop and Rangitikei Line, around four or five spaces.
- j) Traffic volumes will be such that cyclists can safely share the carriageway with vehicles while pedestrians are provided for on footpaths or shared paths.
- k) Overall, Ms Fraser's assessment concludes that the existing road network will continue to operate safely and efficiently, and the site can be rezoned for Residential purpose with the development meeting the transportation related objectives and policies of the District Plan.

3.52 Below is a summary of the submissions in support (green) and opposition (red) to the rezoning proposed in Whiskey Creek Plan Change in regard to transport matters:

4: Transport		
Submission Point	Site Specific or General Request	Further Submission(s)
<p>Increased traffic congestion on Rangitikei Line, Milson Line and Gillespies Line associated link roads from the proposal.</p> <ul style="list-style-type: none"> • SO1 – Marion J Anderson • SO2 – Edward Anderson • SO5 – Peter D Jones • SO11 – Michael McCavana • SO12 – Maureen Haddock • SO15 – Anthony and Carolyne Cade • SO20 – John & Raewyn Anderson • SO22 – Sally & Murray Rasmussen • SO26 – Irene Hamilton • 	<p>Decline Plan Change in total.</p> <p>Review of Transport Assessment.</p> <p>Road upgrades to cater for increased traffic.</p>	
<p>Flygers Line in poor condition due to flooding which may not be suitable for increased flows.</p> <ul style="list-style-type: none"> • SO1 – Marion J Anderson • SO2 – Edward Anderson • SO20 – John and Raewyn Anderson 		

<ul style="list-style-type: none"> • SO22 – Sally & Murray Rasmussen 		
<p>Roundabout design must consider effects on nearby properties and general road users.</p> <ul style="list-style-type: none"> • SO5 – Peter D Jones • SO7 – Michele D Mitchell • SO13 – Michael G Hermansen • SO15 – Anthony and Carolyne Cade • SO20 – John and Raewyn Anderson • SO26 – Irene Hamilton 	<p>Reject Plan Change Proposal</p> <p>Traffic and road upgrades to cater for increased traffic.</p> <p>Review of Transport Assessment</p>	
<p>Concerned about night-time road activity and car lights shining into bedroom at night.</p> <ul style="list-style-type: none"> • SO13 – Michael G Hermansen 	<p>That the plan change be declined.</p>	
<p>Concerned bus route may get taken away</p> <ul style="list-style-type: none"> • SO20 – John and Raewyn Anderson 		
<p>Supports the left-in/left-out arrangement onto state highway network and the four-arm roundabout with collector roads and Meadowbrook Drive.</p> <ul style="list-style-type: none"> • SO8 – Palmerston North City Council • SO17 – Waka Kotahi • SO18 – Horizons Regional Council • SO19 – Mid Central DHB 	<p>Conditional support – peer review requestors technical analysis.</p> <p>Further amendment to the proposed provisions of District Plan may be necessary, subject to planning review.</p> <p>The installation of a roundabout on Benmore Avenue is supported along with designs to slow speeds of traffic and make the roundabout cyclist friendly.</p> <p>Road connectivity is provided for as shown on the Master Plan.</p>	
<p>Removal of recommended 4 – 5 parking space on Benmore Avenue</p> <ul style="list-style-type: none"> • SO17 – Waka Kotahi 	<p>Removal of these parking spots should be considered for road safety purpose.</p>	

Supports the proposed shared use path and connections through to the existing shared path network along the Mangaone Stream. <ul style="list-style-type: none"> • SO17 – Waka Kotahi • SO18 – Horizons Regional Council • SO19 – Mid Central DHB 		
Design should include cycle lane on Benmore Avenue. <ul style="list-style-type: none"> • SO19 – Mid Central DHB 	Supports with condition for cycle lane	
The land will help to provide for the City's residential growth needs. <ul style="list-style-type: none"> • SO4 – Flyers Investment Group Ltd • SO6 – Joshua Thompson 	Approve the rezoning proposed Whiskey Creek Private Plan Change with the additional provisions provided as part of SO4 submission.	

3.53 The critical technical reports and evidence for this issue are:

- a) Whiskey Creek Plan Change requestors report Dated 20 April 2021, in particular Appendix 10 (Harriet Fraser – *Traffic Engineering & Transportation Planning Assessment*).
- b) Section 42A Transport Engineering Review from Chris Rossiter attached as **Appendix G**.

Assessment of Submissions

- 3.54 Council commissioned Principal Transportation Engineer, Chris Rossiter from Stantec to undertake the technical review of Ms Fraser's report including comments received in the submission detailed in table above.
- 3.55 Mr Rossiter has raised concerns relating to the operation of the Rangitikei Street/Bennett Street signals. Mr Rossiter notes that the information provided in relation to the signals is subjective in Ms Fraser's assessment and has no analytic basis and therefore, it is not possible to comment on whether the future performance of the signals will be acceptable or whether increasing the storage capacity of the Bennett Street approach would represent sufficient mitigation for any effects on the signal operation.
- 3.56 Mr Rossiter notes that Ms Fraser's traffic assessment has been based on a development potential of 158 dwellings. Following lodgement of the plan change, the applicant has indicated that the development potential could be greater at 160 – 170 households. Since the assessment has been based on a peak hour traffic generation rate of 1 vehicle movement per hour per household (vph/hh) which is higher than the rates observed on Meadowbrook Drive, Mr Rossiter considers that the small change in dwelling numbers will not have a substantial effect on the results presented in the Traffic Assessment provided.
- 3.57 The location of the proposed neighbourhood commercial area close to existing residential development could generate adverse effect on the nearby, existing properties. However, Mr Rossiter has concluded that the approach taken to modelling the effects of the commercial centre is accepted. The SIDRA analysis indicates that the roundabout will operate efficiently with forecast traffic volumes in 2032.

- 3.58 Mr Rossiter notes that the alignment of roads and separation of intersections does not raise any concerns. However, he identified in his review of the Urban Design and Landscaping Report that some aspects of the proposed structure plan and roads are inconsistent with the PNCC Engineering Standards. He considers that these are matters that should be addressed as part of the Engineering Approval process and do not affect the assessment of the transport effects for the Plan Change. The Urban Design Report includes proposed roads structures including cross-sections for the new roads layout. These cross-sections are also not aligned with the PNCC Engineering Standards for new roads and Mr Rossiter recommends that the plan change is amended to ensure align with the Engineering Standards.
- 3.59 It is noted that in submission **SO4**, the requestor has proposed an amended Policy 2.8 of Section 7A which would include reference to the road cross-sections proposed in the Plan Change request. Subject to further evidence on this matter which may be presented at the hearing, at this point I recommend that Policy 2.8 reference Council's engineering standards rather than the cross sections in the Plan Change request see **Appendix A**.
- 3.60 Based on all the information provided, Mr Rossiter agrees that there does not appear to be any underlying safety concerns with the road network that will be exacerbated by development of the Plan Change area. Most issues relate to the proposed design not meeting Council Engineering standards.
- 3.61 Mr Rossiter agrees that the primary access via the new roundabout on Benmore Avenue would expect to operate with low levels of delay, in line with Ms Fraser's assessment. However, he has raised safety concerns in relation to the concept design for the proposed roundabout because the current design enables high speed entry and exit for some paths. These concerns and also concerns about the effects of the design on property access will need to be addressed at the future resource consent stage.
- 3.62 As part of further information made to Ms Fraser, an alternative option to a roundabout was requested for consideration. A concept plan for a traffic signal was provided by the requestor. However, upon further investigation and discussion with Council Transport Engineer Chris Lai, a roundabout at the primary access point to Whiskey Creek was the preferred outcome.
- 3.63 In his report, Mr Rossiter suggests that the details of a roundabout should be completed through refinement of the concept design rather than being deferred to the Detailed Design as proposed in the further information response from Harriet dated 21 April 2022.
- 3.64 Accordingly, Mr Rossiter recommends Development Control provisions in his review document to be included within the District Plan to ensure development of intersection is appropriately managed.
- 3.65 Controls of the following form are suggested.
- a) *The Benmore Avenue / Meadowbrook Drive intersection shall be upgraded to include a public road access to the Whiskey Creek site that provides for safe movement for all transport modes.*

Advice Note

The design of any intersection improvements will require approval from Palmerston North City Council prior to commencement of any works.

- b) *A new intersection to SH3 Rangitikei Line shall be constructed prior to 100 residential lots being established.*

Advice Note

The design of any intersection will require approval from Waka Kotahi NZ which must be submitted to Council prior to commencement of any works.

- 3.66 Based on conversation with Natasha Reid from Waka Kotahi held on Friday 6th May 2022, it was indicated that Waka Kotahi will not support construction traffic to enter/exit the proposed development site via the left-in/left-out access onto Rangitikei Line. In the instance, the access is utilised for construction purpose it will maintain its intended purpose of being a left-in/left-out accessway.
- 3.67 Therefore, prior to any subdivision, in order for the developer to undertake earthworks within the Whiskey Creek Residential Area it is envisioned a safe access will need to be designed and provided for at the primary intersection via Benmore Avenue.
- 3.68 Based on this potential series of development and considering the Engineering Standards will accommodate a safe design for any intersection upgrade or development, I consider, the amendments to Policy 2.8 and provision of Rule R7A.5.2.1 will already provide for the development controls suggested by Mr Rossiter without the need for specific Performance Standard within the District Plan.
- 3.69 Various submissions oppose the plan change on the basis of the increased traffic congestion on Rangitikei Line, Milson Line, Gillespies Line, and associated link roads (**SO1, SO2, SO5, SO11, SO12, SO15, SO20, SO22, SO26**).
- 3.70 Although, the assessment provided by the requester is based on theoretical data, Mr Rossiter generally agrees with it and concludes that the traffic generated by future subdivision would not result in noticeable effects on existing road use.
- 3.71 Therefore, I recommend rejecting the decision sought by **SO1, SO2, SO5, SO11, SO12, SO15, SO20, SO22, SO26** requesting to decline the Plan Change based on traffic congestion issues.
- 3.72 Submitters **SO1, SO2, SO20** and **SO22** identified Flyers Line a nearby local road to be poor condition following flood damages and may not be suitable for the increase in traffic. Council have not confirmed their intended programme/ budget of when they envision to repair the damages on Flyers Line. However, given the increase in traffic from the proposed development is assessed to be manageable this does not need further consideration for the purpose of Plan Change request.
- 3.73 Submitter **SO13** raises concerns about glare from the future roundabout design will need to be considered at the time resource consent and which I consider can be managed through the provisions in the plan change and existing district plan provisions.

- 3.74 Submitter **SO20** raises concerns that a bus route will be taken away. I do not consider this to be a matter for the plan change to address but note that the requestor intends on promoting good design principles that ensures public transport is provided for.
- 3.75 There are number of submissions that relate to the safety of school children using Benmore Avenue. Although Council has installed traffic calming measures along Benmore Avenue, such as speed bumps. Since the Plan Change will increase traffic volumes on Benmore Avenue, Mr Rossiter has recommended that a review of the school access routes is undertaken with specific consideration of whether there is a need for any widening of footpaths, any extension of the shared path network or new road crossing facilities between the Whiskey Creek site and school. This aspect is noted to be beyond the scope of this Plan Change.

Issue 5: Commercial Activity

- 3.76 Below is a summary of requestors application in regard to Commercial Activity.
- a) The requestor intends to provide a multi-use development within the Whiskey Creek Residential area. Although, the underlying zone is proposed to be Residential Zone, the Structure Plan provides for an area towards the south as a commercial overlay (**Figure 2**). This area is intended to promote future development of a Neighbourhood Centre.
 - b) The requestor seeks the following amendments to the District Plan in relation to Commercial Activity:
Amend Rule R10.7.3.5 Commercial Activity

Delete from this rule the words:

... and the application is included as part of the application for subdivision consent...
 - c) On page 48 of the plan change request the following explanation to the proposed amendment to R10.7.3.5 is provided:

...This rule classes any commercial activity shown in a Comprehensive Development Plan in accordance with R7a.5.2.2 as a Restricted Discretionary Activity. This rule has been designed for the nature of commercial activity proposed in the Structure Plan. However, the rule confines its application to a land use consent applied for as part of the subdivision consent. It is not clear why this limitation has been applied. In most cases development of a commercial site can be expected to occur sometime after subdivision has been completed. The Plan Change Request, therefore, includes amendment to this rule to enable its application separately from the subdivision. It is appreciated that this has wider application and there may be other means of improving the effectiveness and efficiency of this rule that should be considered ahead of public notification. However, this specific amendment is proposed to clearly establish scope.

- 3.77 Below is a summary of the submissions in support (green) and opposition (red) to the rezoning

proposed in Whiskey Creek Plan Change regarding Commercial Activity matters:

5: Commercial Activity		
Submission Point	Site Specific or General Request	Further Submission(s)
Concerns around crime occurring at the proposed commercial area. <ul style="list-style-type: none"> • SO7 – Michele D Mitchell • SO13 – Michael G Hermansen 	Decline Plan Change in total. If the plan change is approved, suggests the proposed commercial area be moved further into the proposed plan change area, away from existing residents on Benmore Avenue.	
Concerned regarding loss of property values due to commercial area behind the property. <ul style="list-style-type: none"> • SO13 – Michael G Hermansen 	Decline Plan Change in total.	
Concerns regarding delivery truck activity in early hours of the morning and creating noise. <ul style="list-style-type: none"> • SO13 – Michael G Hermansen 	Decline Plan Change in total.	
Concerned about the presence of rodents in commercial area. SO13 – Michael G Hermansen	Decline Plan Change in total.	

Assessment of Issues

- 3.78 **SO7** and **SO13** concerns around crime increase can be managed through designing the commercial activity development via appropriate Crime Prevention through Environmental Design measures.
- 3.79 I consider this submission request to be beyond the scope of the Plan Change and recommend rejecting it as it will be assessed at the time of consenting phase and is a matter within the matters of discretion for Rule R10.7.3.5.
- 3.80 **SO13** also raised concerns on the commercial activity decreasing property values and increasing rodents nearby. Both aspects of the submission points are considered to be outside the scope of this Plan Change.
- 3.81 In regard to **SO13** concerns on delivery trucks generating noise in the early hours of the morning. This will be addressed at the time of consenting and are within the matters of discretion for Rule 10.7.3.5, e.g., effects on nearby residential activities and residential amenity.

- 3.82 In terms of the requestor seeking deletion of part of Rule R10.7.3.5 Commercial Activity within Section 10 of the District Plan, at this point, I recommend this is declined on the basis that:
- a) The provision applies to other parts of the City and not just the Whiskey Creek Residential Area
 - b) While the Whiskey Creek Residential Area Structure Plan shows a Commercial Zone space, most other greenfield structure plans do not show a commercial area to which Rule R10.7.3.5 applies to, so it is relevant for them to address this matter at subdivision stage
 - c) Based on the information included in the request it is not entirely clear to me why a consent for the commercial building and activity could not be lodged at the time of the subdivision
 - d) If it is shown that it is not justified to require the land use consent for commercial buildings and activities to be lodged with the subdivision consent, then this should be implemented by a Whiskey Creek specific amendment to the plan change.
- 3.83 Based on above reasoning I recommend the deletion of words sought in R10.7.3.5 is rejected from this Plan Change request.

Issue 6: Infrastructure Services

Issue 6a: Wastewater Management

- 3.84 Below is a summary of requestors application regarding wastewater matters.
- a) The requestor held discussions with Council over the proposed sewage disposal options and Council has confirmed that the pressure system is their preferred option as there is more control in discharging the sewage from new residential site downstream to the Wastewater Treatment Plant in Totara Road, approximately 5km away.
 - b) The Plan Change request adds *'the Whiskey Creek Residential Area as shown on Map 7A.3'* within the definition of the term *'Pressure Sewer Areas'* in Section 4 Definitions of the District Plan. Thus, at the time of subdivision of the subject greenfield area Rule R7A.5.2.2(b)(iv) will be triggered. This subdivision performance standard requires that:

Wastewater in Pressure Sewer Areas shall be reticulated with a Pressure Sewer System.

 - *For the purposes of R7A.5.2.2(b)(iii), the boundary kit and the pressure sewer pipe network located in public service corridors must be installed at the time of subdivision and vested to Council.*
- 3.85 Below is a summary of the submissions in support (green) and opposition (red) to the rezoning proposed in Whiskey Creek Plan Change regarding wastewater management:

6a: Wastewater Management

Submission Point	Site Specific or General Request	Further Submission(s)
PNCC system is already overloaded. <ul style="list-style-type: none"> • SO20 – John & Raewyn Anderson • SO22 – Sally & Murray Rasmussen 	Decline Plan Change in total.	

3.86 The critical technical reports and evidence for this issue are:

- Whiskey Creek Plan Change requestors report Dated 20 April 2021, in particular Appendix 11 (Resonant Consulting Ltd – *Water and Wastewater Servicing Assessment*).
- Evidence from Jaques Mik – Activities Manager Three Waters attached as **Appendix H**.

Assessment of Submissions

- 3.87 Mr Mik confirms that there are no immediate hydraulic concerns in Benmore Avenue area, with connecting the proposed plan change area to the network. The issue lies downstream where wet weather surcharges can happen in extreme events.
- 3.88 Mr Mik notes that the pressure sewer system would be able to service the entire development without the need for a new pump station. The individual property pump systems can be time coordinated so that the discharge from the properties can be timed to occur outside peak flow hours, which would not cause any downstream capacity issues. This system can also be used for storage in storm events, which helps with the flow control in potential high flow events.
- 3.89 Mr Mik confirms that there are no envisioned budget provisions for this Growth area with no urgency to require funding for this infrastructure development either. This is due to the pressure sewer network being developer funded with the on-property pressure sewer systems to be privately owned.
- 3.90 In relation to **SO20** and **SO22** raising concerns that PNCC system is already overloaded, it is concluded that by requiring the pressure sewer systems for future Whiskey Creek Residential Area development those concerns will be addressed.
- 3.91 I recommend that the proposed inclusion of Whiskey Creek Residential Area as shown on Map 7A.3 be included within the definition of Pressure Sewer Areas within Section 4 Definitions of the District Plan.

Issue 6b: Water Supply

3.92 Below is a summary of requestors application regarding water supply matters.

- a) It is proposed to extend the watermain at the northern end of Rangitikei Line by 150m to the eastern corner of the site. This extended watermain will be looped through the development to Benmore Avenue by a new 150mm \varnothing main. The system will provide the required minimum service pressure of 350kPa and a minimum peak flow capacity of 25L/s for fire-fighting purposes. Discussions with Council have indicated that this will provide a compliant water supply system for the development.

3.93 Below is a summary of the submissions in support (green) and opposition (red) to the rezoning proposed in Whiskey Creek Plan Change regarding wastewater management:

6b: Water Supply		
Submission Point	Site Specific or General Request	Further Submission(s)
Lack of facilities for new housing residents. <ul style="list-style-type: none"> SO22 – Sally & Murray Rasmussen 	Opposes Plan Change request.	

3.94 The critical technical reports and evidence for this issue are:

- a) Whiskey Creek Plan Change requestors report Dated 20 April 2021, in particular Appendix 11 (Resonant Consulting Ltd – *Water and Wastewater Servicing Assessment*).
- b) Evidence from Jaques Mik – Activities Manager Three Waters attached as **Appendix H**.

Assessment of Submissions

3.95 Mr Mik confirms in his technical review of the Plan Change request that the area within which the development is located already does not meet Council levels of service for water supply. The whole area North of the railway line relies heavily on a single 225mm CLS watermain and it is already under capacity.

3.96 Levels of service for firefighting are not achieved with the current infrastructure during the summer peak evening demand period. Since the summer evening peak pressure can drop below 35m, the FW3 fire flow requirement of 50L/s is not achieved for industrial and commercial areas during those periods. Typically, these peak demand days occurs less than 10 days in a year. Outside these high evening demand periods, levels of service for pressure (35m) and fire flows (FW2 - 25 L/s for residential and FW3 - 50 L/s for Commercial/Industrial) for the surrounding areas, are typically met, including summer morning peak demand periods. However, there is still a risk of pressure dropping to below minimum requirement during peak times.

3.97 Currently, the summer peak demand evening pressure can drop to 32m. With the proposed Whiskey Creek development modelled into the network, the pressure can drop to 28m.

3.98 In his evidence Mr Mik confirms that there are existing Long-Term Plan programmes to supplement capacity in the northeast of Palmerston North (currently programmed from 2025-

- 2028). Depending on the location and urgency of development needs at the time, this could be repurposed slightly and brought forward to assist meeting appropriate levels of service for water supply in Whiskey Creek and surrounding areas. A future City North bore could be an option that will assist with resilience of the water supply network and address levels of service issues in the areas North of the railway. Following programming and allowance of budget within Council, a realistic timeframe to identify a suitable location for a new bore, consenting phase, drill an exploratory bore, test, then drill a production bore and construct the ancillary equipment to bring it into service would be 3-5 years.
- 3.99 It is Mr Mik's preference that the levels of service deficiencies be addressed first, before subdivision is consented, to ensure compliance to Council's current standards during the summer peak demand periods.
- 3.100 Should the Whiskey Creek plan change be approved, Council will make allowance to also address growth needs for Whiskey Creek. Given the short-term needs of the city for housing, a programme will be included in the early stages of the next long-term plan.
- 3.101 Based on Mr Mik's evidence on water supply infrastructure and **SO22** acknowledging the lack of infrastructure for housing residents, I am of the view that the Whiskey Creek area is not fully infrastructure enabled. I consider that any development should not proceed until such time as appropriate infrastructure is in place to service the Whiskey Creek Residential Area.
- 3.102 Therefore, I recommend that the plan change is modified by introducing a new policy, performance standard and non-complying activity rule. These provisions follow the approach taken in Chapter 7 in relation to the subdivision of the Pacific Drive Extension Area. The additional provisions are intended to ensure that subdivision of the Whiskey Creek Residential Area does not occur until adequate water supply is available to the site. Council intends to make the necessary investment to ensure that there is adequate water supply as set out in Mr Mik's evidence, however this may take a number of years to complete. Alternative methods of providing adequate water supply could be proposed as part of a future subdivision consent application.
- 3.103 I therefore recommend the following modifications to the plan change:
- a) Add the following new policy to section 7A.3 of the District Plan

1.8 To ensure that adequate supply of potable water is provided to the Whiskey Creek Residential Area
 - b) Add the following performance standard to R7A.5.2.2

(h) Whiskey Creek Residential Area Potable Water Supply

All subdivisions in the Whiskey Creek Residential area shown on Map 7A.3 shall ensure that a water supply is able to be connected to, which at the time of subdivision is able to provide and maintain an adequate supply of potable water that:

 - i. Makes provision for firefighting requirements for residential areas;*
 - ii. Accommodates the anticipated flows and demands on the supply and withstand*

- the anticipated pressure and loads.*
- iii. Is able to service each lot to be created;*
- iv. Is compatible with other utility systems;*
- v. Avoids the likelihood of potable water contamination;*
- vi. Permits appropriate access for firefighting;*
- vii. Has a design life of at least 70 years;*
- viii. Avoids the likelihood of leakage.*

- c) Add the following new non-complying activity rule to R7A.5.5.1
 - (i) All subdivisions in the Whiskey Creek Residential Area shown on Map 7A.3, not complying with R7A.5.2.2 (h).*

3.104 The above modification is consistent with other provisions within the current District Plan in particular with Rule R7.6.1.1(g) Pacific Drive Extension Area.

Issue 7: Cultural Matters

3.105 Below is a summary of requestors application in regard to cultural matters.

- a) The requestor has commissioned Siobhan Karaitiana to undertake a Cultural Impact Assessment on behalf of Rangitāne o Manawatū for the proposed Plan Change. Their report can be found within Appendix 4 of the requestor's application.
- b) Rangitāne O Manawatū are mana whenua within the proposed Whiskey Creek Residential Area. The iwi consists of a collective of six hapū. Leaders within hapū work closely together and each hapū has a place on the Rangitāne o Manawatū Treaty Settlement Trust. This collaboration forms the mandate for Rangitāne o Manawatū Iwi. The requestor has worked closely with Rangitāne O Manawatū on the development of the Plan Change.
- c) The Cultural Impact Assessment concludes that Rangitāne o Manawatū have not identified any fatal flaws from a cultural/whānau ora perspective for this Plan Change. Further information requests have been made throughout their assessment. Rangitāne o Manawatū expect the developer will put forward clauses within the plan change to reflect whānau ora and cultural values discussed within this assessment and for on-going consultation requirements as the Plan Change takes shape into the future.
- d) Overall, the iwi is supportive of the approach to managing the ephemeral stream corridor and recreation. The developer and Rangitāne o Manawatū work together to co-design a plan for the management of the stream corridor.
- e) Following discussions, Ngāti Turanga hapū were identified as having potential interest in this area as well. Ngāti Turanga is a hapū of Ngāti Raukawa and has interests west of the Mangaone Stream.

3.106 Below is a summary of the submissions in support (green) and opposition (red) to the rezoning proposed in Whiskey Creek Plan Change in regard to cultural impact matters:

7: Cultural Impact

Submission Point	Site Specific or General Request	Further Submission(s)
Supports further engagement with local iwi. <ul style="list-style-type: none"> • SO14 – Ngāti Turanga • SO19 – Mid Central DHB 	Support if adverse effects can be avoided. Oppose if adverse effects cannot be avoided.	

3.107 The critical technical reports and evidence for this issue are:

- a) Whiskey Creek Plan Change requestors report Dated 20 April 2021, in particular Appendix 4 (Siobhan Karaitiana – *Cultural Impact Assessment*).
- b) Further correspondence with Siobhan Karaitiana.

Assessment of the Issue

3.108 It is acknowledged that the applicant has been in detailed conversation with Rangitāne o Manawatū as part of their Plan Change proposal. This approach has been confirmed by Ms Karaitiana.

3.109 As part of the Plan Change process, I discussed the outstanding matters with Ms Karaitiana who confirmed that Rangitāne o Manawatū themselves had already had a discussion with Ngāti Turanga (submitter **SO14**). There is expectation between all parties that Ngāti Turanga will continue to participate in the RMA process going forward.

3.110 Rangitāne o Manawatū have reviewed the documentations provided and state that *from a planning/high level design perspective we are comfortable. However, we have requested that a Rangitāne values management and monitoring plan is put forward as part of the plan change to ensure Rangitane can practice Kaitiakitanga throughout the life of the project. This would include management mechanisms such as consultation as detailed design is developed, opportunities to name the streets and reserve, opportunity to bless the site works, monitoring on site during earthworks and an annual cultural monitoring protocol to ensure the green space is meeting expected outcomes.*

3.111 Following further correspondence with Mr Thomas he confirms that the requestor is discussing the matters with Rangitāne o Manawatū and the requestor will provide an update on cultural matters in their response to Council report leading into the hearing process.

Issue 8: Conservation and Amenity Zone

3.112 Below is a summary of requestors application in regard to the proposed Conservation and Amenity Zone.

- a) The requestor proposes to rezone approximately 10ha of currently Rural Zoned land

for Conservation and Amenity Zone purposes.

- b) The requestor notes that currently the conservation values of the area are not high. As part of future development of land as proposed, rehabilitation and development of the reserve is expected to provide material conservation and amenity values incorporating a shared use path loop track through the reserve and linking through the residential area to the Mangaone Stream. Cultural signage and information boards will also be included.

3.113 Below is a summary of the submissions in support (green) and opposition (red) to the rezoning proposed in Whiskey Creek Plan Change in regard to Conservation and Amenity Zone:

8: Conservation and Amenity Zone		
Submission Point	Site Specific or General Request	Further Submission(s)
Concern on Rural Zone promoting loss of amenity i.e., birds/wildlife. <ul style="list-style-type: none"> • SO1 – Marion J Anderson • SO2 – Edward Anderson • SO3 – Paula Eyres • SO9 - Barney and Rose Hyde • SO20 – John & Raewyn Anderson • SO22 – Sally & Murray Rasmussen • SO26 – Irene Hamilton 	Decline Plan Change. Opposes plan change in total. Oppose/ if approved seeks following amendments: <ul style="list-style-type: none"> • Enhance the natural swamp by planting • Adding a walkway 	

3.114 The critical technical reports and evidence for this issue are:

- a) Whiskey Creek Plan Change requestors report Dated 20 April 2021.
 b) Section 42A Parks and Reserves Servicing Assessment from Aaron Phillips attached as **Appendix I**.

Assessment of Submissions

3.115 On behalf of Council, Mr Phillips has assessed the proposed Plan Change request and has recommended the following matters to be addressed by the requestor:

1. The neighbourhood reserve adjacent to the multi-unit housing be identified as a separate land parcel.
2. That the stormwater treatment reserve, discussed in sections 3.12 to 3.14 of **Appendix I**, have any reference to open space or recreation functions removed.
3. That buffer reserves, if any, consider the form and function matters raised in Section 11 of **Appendix I**.

3.116 Based on the information provided, I recommend the Structure Plan is updated to remove any association of stormwater treatment reserve from proposed open spaces and Conservation and

Amenity Zone as demonstrated in **Appendix A**.

- 3.117 With respect to the submission points raised in relation to loss of habitat for wildlife generally seen within the current Rural environment. I am of the view that the proposed Conservation and Amenity Zone is likely to provide for a better and enhanced environment for wildlife following the intended rehabilitation and development of the reserve. The Conservation and Amenity Zone will be within walking distance from the existing neighbourhood connected with shared use path. On this basis, I recommend these submission points are rejected.

Issue 9: Other Matters

- 3.118 There are small number of other matters raised in submissions. These include the impact of construction, the protection of versatile soils and impacts on water bodies. These issues are briefly addressed below.

(a) Construction Effect

- 3.119 The Plan Change request recognises that construction activities have the potential to disrupt adjoining residents (see for example section 7.10 of the Plan Change Request). The requestor considers that these effects can be appropriately addressed at the resource consent stage, through measures such as a Construction Management Plan, which would likely be a condition of any earthwork consent.
- 3.120 Various submitters have raised concerns about the dust and noise generated by earthworks, particularly due to prevailing winds directing dust towards the existing residential properties.
- 3.121 I agree with the requestor that these matters are best addressed through the resource consent phase where appropriate conditions can be imposed on construction activities. Erosion and Sediment Control Plans are required as mitigation measures for any large-scale earthworks activity. I do not consider that any additional provisions need to be included in the Plan Change to address these matters.

(b) Versatile Soils

- 3.122 In section 7.6 of the Plan Change request, it is identified that the Land use Capability of the Whiskey Creek site is recorded as class 2. Given this the requestor commissioned Perrin Ag Consultancy Ltd to advise on the productivity of the soils. This report is attached as Appendix 8 to the Plan Change request. This assessment identifies that the soils are classed as IIw2 and II s1 which are at the lower end of the LUC class 2 and reflects their limitations. The assessment confirmed that the soils are true to the mapping information and are poorly drained and unsuitable for horticulture of vegetable growing uses. They can, however, be used for arable crops and grazing.
- 3.123 Various submitters oppose the Plan Change request as it will result in loss of productive farming

land or versatile soils.

3.124 Mr Duindam has also commented on the loss of productive soil sought as part of this Plan Change request in his evidence attached as **Appendix C**. He comments that there is a balancing act between enabling growth and protecting finite physical resources like highly productive land. The Whiskey Creek Private Plan Change seeks to promote urban development on land that contains productive land but has also been ear-marked as future city growth area. Significant parts of the rural environment have already been protected for rural activities. The Council has taken a very protective approach to managing productive land in the rural zone by imposing a heavily restrictive 20-hectare minimum lot size.

3.125 Based on the information provided, I consider that the soil assessment provides sufficient clarity that soils on the site are not the highest class and that any impacts from their loss will not be significant. There is merit for enabling residential development within the Whiskey Creek Residential Area.

(c) Impact on Water quality

3.126 The Plan Change request addresses water quality effects from development at only a broad level by noting the proposed stormwater management measures will have ancillary water quality benefits.

3.127 Submitter **SO14**, Ngāti Turanga, raises concerns about the cumulative effects of development on water quality.

3.128 I understand that the development may have water quality impacts in two respects. The first is as a result of the construction works. I consider that any such effects will be adequately managed as part of the earthworks consent applications currently before Palmerston North City Council and the Horizons Regional Council. There is no need to add further provisions to the Plan Change to address these effects.

3.129 The second aspect of the Plan Change that may impact water quality is the ongoing stormwater discharges once the development is complete. I consider that the Plan Change, with the recommended modifications, include sufficient provisions to ensure that these matters are addressed including the requirements for a stormwater management plan and the inclusion of stormwater control measures in the structure plan. While these measures are largely to control stormwater quality, I understand that they will also have benefits for water quality.

(d) Negative impacts of the Stormwater detention pond

3.130 The requestor is proposing to install a stormwater detention pond to manage flow of stormwater off the site.

3.131 Submitter **SO9**, is concerned that the location of the pond near residential properties will lead to insects and rats. There is no specific expert evidence on this matter. However, I note that stormwater detention devices of this nature are increasingly commonplace in urban settings.

4. Statutory Considerations

Section 31 – Consistency with RMA Functions

- 4.1 Relevant functions of the Council under the RMA are identified within Section 31. These functions are:

(1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:

(a) The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:

[(aa) the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district:]

[(b) the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—

(i) the avoidance or mitigation of natural hazards; and

(ii) Repealed.

[[(iia) the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land:]]

(iii) the maintenance of indigenous biological diversity:]

(c) Repealed.

(d) The control of the emission of noise and the mitigation of the effects of noise:

(e) The control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:

(f) Any other functions specified in this Act.

(2) The methods used to carry out any functions under subsection (1) may include the control of subdivision.]

- 4.2 I consider that the proposed Whiskey Creek Residential Area Plan Change is consistent with these functions given that:

- a) The Plan Change establishes policies and rules that would integrate the development of the Whiskey Creek site into the Palmerston North urban area and with the necessary infrastructure
- b) The Plan Change establishes policies and rules that will enable the development of this site and assists to provide sufficient housing development capacity within Palmerston North to meet expected demand
- c) While there is not adequate water supply to currently service the site, recommendations in this report if adopted would ensure that development does not occur before this is rectified either by Council through the Long-Term Plan investment or through an alternative means advanced by the developer
- d) The requestor has demonstrated that the liquefaction hazard within the Whiskey Creek Residential Area can be mitigated and if the recommendations in this report are adopted, I consider that flood hazard risks can also be mitigated
- e) With regards to contaminated land, the application notes earthworks may require a controlled activity resource consent under the National Environmental Standard for Contaminated Soil

- (NES-CS). However, the detailed assessment provided by Riley Consultants Ltd confirms the suitability of the site for residential development in terms of land contamination risks
- f) There are no significant indigenous biological diversity present within the Whiskey Creek Residential Area. However, the Plan Change proposes the restoration of waterways within the Plan Change area through planting native species
 - g) There are adequate provisions within the existing District Plan to assess noise impact from future development. Any adverse effects generated from noise can be assessed at the time of future consenting phase.

Section 32– Evaluation of Appropriateness

- 4.3 Section 32 of the RMA sets out a duty to examine whether the objectives of a Plan Change are appropriate to achieve the purpose of the Act and whether provisions are the most appropriate way to achieve the objectives of the Plan Change. The evaluation must identify options and examine the efficiency and effectiveness of provisions in achieving the objectives of the Plan Change. Importantly, the level of detail contained in the evaluation must correspond to the scale and significance of effects anticipated from the implementation of the Plan Change.
- 4.4 The requestor has provided a s32 evaluation as part of their Plan Change documentation. The evaluation is in two parts. The first part evaluates the appropriateness of three broad re-zoning options (retain the rural zone; apply a rural residential overlay; and residential rezoning) against a series of assessment criteria. The second part evaluates alternative development designs against a similar set of assessment criteria. In broad terms the conclusions of the requestor’s evaluation are that the proposal to re-zone the site in part for residential is the most appropriate approach to achieve the objectives of the Plan Change and that the proposed structure plan represents the most appropriate way of delivering this residential rezoning.
- 4.5 Given my assessment of the issues associated with the Plan Change, included in section 3 of this report, I broadly agree with the conclusions of the requestor’s evaluation. Therefore, I do not propose to repeat the evaluation that the requestor undertook. However, I do believe it is relevant to evaluate the Plan Change proposal against relevant District Plan objectives and in doing so undertake a specific evaluation of the three main areas where I have recommended the Plan Change be modified. I consider that this approach aligns with the further evaluation requirements of s32AA of the Act. The three main areas where I have recommended modifications relate to the management of stormwater and flood risks, urban design matters and the provision of adequate potable water supply.

Evaluation of the Plan Change (including the recommended modifications) against District Plan Objectives

- 4.6 Section 2 The City View Objectives of the District Plan apply to all resource management issues for the City and represent the broad outcomes that the District Plan seeks to achieve. Having regard to Objectives 1 – 27 in Section 2, I consider that the following objectives are relevant to the proposed Plan Change:
- e. *Section 2 Objective 2 – The provision of infrastructure, particularly within identified growth areas, shall be efficient, timely, environmentally sensitive and economically sustainable.*

- Assessment:

The Whiskey Creek Plan Change Area currently has a water supply deficiency which will need to be addressed prior to any development occurring onsite. I have therefore recommended that if the Plan Change is accepted that an additional policy, performance standard and non-complying activity rule are added to the Plan Change to ensure that development does not occur in advance of adequate potable water supply.

I consider that these provisions are a more appropriate, and particularly more effective, way to achieve Objective 2 than Plan Change as notified. I recognise that the modifications may generate additional cost, either through delay while Council resolves the issue or in the provision of an alternative solution proposed to avoid delay. However, based on the information I currently have I consider that this cost is outweighed by the benefit of ensuring the development proceeds with an adequate potable water supply.

f. Section 2 Objective 4 – *Transparent and equitable funding mechanisms are in place to support the provision of infrastructure required to service growth.*

- Assessment:

As stated above, should Whiskey Creek Plan Change be approved Council will seek allowance for funding in their next review of the Long-Term Plan 2021/31. This funding will support the provision of infrastructure required to service growth.

g. Section 2 Objective 5 – *A variety of high-quality residential living environments are provided to satisfy the needs of all residents.*

- Assessment:

The proposed Structure Plan seeks to deliver on a range of housing typology within the Whiskey Creek Residential Area by providing average lot size of 400m² – 500 m² and multi-unit housing development in accordance with the Structure Plan (Map 7A.3). I understand from the requestor's Urban Design Report and from the evidence of Mr Duindam that provision of multi-unit housing is an important part of the structure plan as it assists to broaden housing choice within the city and within the Whiskey Creek development and assists to provide a more appropriate edge between the residential and open space portions of the structure plan. Given the importance of the multi-unit element of the structure plan I consider that modifications I have recommended in Issue 3 above are the most appropriate way to give effect to Objective 5. The modifications provide more certainty that the multi-unit elements will be delivered and are likely to be more effective in this respect than the notified Plan Change or the amendments sought through the requestors submission.

h. Section 2 Objective 10 – *The visual appeal of the City is enhanced.*

- Assessment:

The details provided in Mr. Burn's Urban Design study of the Whiskey Creek Residential Area focuses on promoting good relationship between new and existing

housing while taking into account the site-specific context/issues into designing the Structure Plan.

The proposed Structure Plan for Whiskey Creek will deliver on enhancing the visual appeal of the City by creating an enhanced new City Edge.

As such, and subject to the recommended modifications to Policy 2.8 mentioned above, I consider the Plan Change is an appropriate way to give effect to Objective 10.

i. Section 2 Objective 15 – Active engagement from tangata whenua within resource management decisions.

- Assessment:

The requestor has engaged Ms Karaitiana as a technical cultural representative of Rangitāne o Manawatū for the proposed Plan Change who has commented that Rangitāne o Manawatū iwi are comfortable with the proposal.

The area of the proposed Plan Change is also an area of interest to Ngāti Turanga, who have submitted on the Plan Change in support subject to adverse effects being able to be avoided. I understand that the requestor, Rangitāne o Manawatū and Ngāti Turanga are continuing to discuss these matters and that further information on this issue will be presented to the hearing.

As such I anticipate that any cultural issues or concerns associated with the proposed Plan Change will be dealt with appropriately. Based on this, I consider the Plan Change is an appropriate way to give effect to Objective 15.

j. Section 2 Objective 19 – The effects of natural hazards are avoided or mitigated taking into account the effects of climate change and the significant social disruption caused by natural hazard events.

- Assessment:

The majority of the section of the site subject to the Plan Change is within the Flood Prone Overlay within the District Planning Maps.

The requestor seeks to remove the Flood Prone Overlay as part of this Plan Change based on the technical advice received from DHI Ltd and Mitch Hydro. However, Mr. Preston has reviewed these technical documents and has raised concerns that the proposed mitigation measures may not be appropriate and further consideration must be given.

Based on the submissions received opposing the proposed Plan Change on the basis of the subject land being prone to flooding and the technical review from Mr. Preston, I recommend that the Flood Prone Overlay is retained and that various other modifications are made to the Plan Change as set in my discussion of Issue 1a 'Flooding and Stormwater Management'.

I consider that these recommended modifications are a more appropriate, and particularly more effective, way to achieve Objective 19 than Plan Change as notified. I recognise that the modifications may generate additional cost through the requirement for additional evaluation, analysis, reporting and possibly re-design of the earthworks proposal. However, based on the evidence of Mr Preston I consider that this cost is outweighed by the benefit of ensuring that the flood hazard and stormwater management risks are fully addressed.

k. Section 2 Objective 21 – *A broad range of recreation and leisure opportunities are provided for in the City which contribute towards an enhanced quality of life.*

- Assessment:

The proposed Plan Change seeks to rezone 10ha of flood prone land as a Conservation and Amenity Zone as shown within the proposed Structure Plan.

As a broad target Council aims to maintain or improve the percentage of residentially zoned land that is within 500 m walking distance of an open space. Current provision in the city is approximately 80% of the residential lots being within 500 m walking distance of an open space reserve - neighbourhood, sports field, or city reserves.

The existing parks within the nearby area of the proposed Plan Change would result in approximately 122 lots, including all of the multi-unit housing area, being outside the 500 m walking distance. By providing the recreation area within the Whiskey Creek site an appropriate level of service will be provided to all properties within the development.

Additionally, the connections to the Mangaone Stream path are a benefit, both for active transport and recreation for the wider city.

Having regard to the assessment above, I consider that the Plan Change will provide for a broad range of recreation and leisure opportunities enhancing the quality of life and I consider the Plan Change is an appropriate way to give effect to Objective 21.

- 4.7 The proposed Plan Change seeks to amend provisions within Section 7A and Section 10 of the District Plan. I consider it relevant to evaluate the appropriateness of the amendments proposed by requestor and the modifications I have recommended against the objectives of these sections of the District Plan. Relevant objectives from both chapters are considered below.

Section 7A: Greenfield Residential Areas Objectives

- 4.8 There are four objectives for the Greenfield Residential Area. These are:

Objective 1: Subdivision and development in the Greenfield Residential Areas occurs in a coordinated and integrated manner

Objective 2: Subdivision and development in the Greenfield Residential Areas create a high-quality and diverse living environment.

Objective 3: Subdivision and development in the Greenfield Residential Areas occurs in a manner that recognises the risk and effects of natural hazards

Objective 4: Stormwater management in the Greenfield Residential Areas is carried out in an integrated manner

- 4.9 I consider that these objectives identify similar matters and seek similar outcomes to some of the City View objectives that I have addressed above. As identified in that assessment I do not consider the Plan Change request (as notified) to be the most appropriate way to achieve these objectives in relation to achieving the urban design principles of the structure plan, delivering adequate potable water supply, and managing flood and stormwater risks. I have recommended modifications to address these issues and consider that these represent more appropriate ways to achieve Objectives 1 to 4 of Chapter 7A.

Section 10: Residential Zone Objectives

- 4.10 The primary function of the Residential Zone Section 10 of District Plan is to provide the City's residents with a place to live. The Zone has 6 objectives relevant to the Whiskey Creek Plan Change provisions. These are:

Objective 1: To enable the sustainable use and development of the Residential Zone to provide for the City's current and future housing needs

Objective 2: To secure and enhance the amenity and character of the Residential Zone as a safe, attractive, social and healthy environment in which to live.

Objective 3: Housing development is efficient, resilient and environmentally sustainable

Objective 9: To encourage an environment within any Greenfield Residential Area that is an attractive, healthy and safe place in which to live with a diverse range of residential housing types and densities.

Objective 10: To ensure non-residential development within any Greenfield Residential Area neighbourhood centre provides for the day-to-day shopping and service needs of the surrounding community and contributes to a high-quality living environment.

Objective 11: To ensure potential natural hazards within any Greenfield Residential Area are appropriately investigated and residential development is confined to areas with no known natural hazards or where known natural hazards can be appropriately mitigated.

- 4.11 For the reasons already explained in earlier sections of this report I consider that Plan Change, with the modifications I have recommended is the most appropriate way to give effect to these objectives.

Identification of alternatives

- 4.12 Given the nature of this application being a Private Plan Change put forward by a private requestor there was limited scope to consider an alternative greenfield growth area.
- 4.13 As noted, the requestor has provided assessment of a number of alternatives including:
1. Retaining the existing rural zoning.
 2. Applying the District Plan Rural Residential overlay enabling development at a density of 1 dwelling per 1 – 2 hectares where there is no flood risk.
 3. Residential zoning of land not subject to flood risk.
- 4.14 It is noted that the process of development of the Plan Change Request has been based on careful evaluation of alternatives based on inputs from a wide range of experts influencing the design process throughout the process.
- 4.15 The proposed Plan Change is supported in Mr Duindam’s evidence subject to technical review and recommended amendments given that it is in line with Council strategic direction.
- 4.16 Overall, based on the information provided at the time, I generally agree the proposed Plan Change subject to recommended modifications is an appropriate use of the Whiskey Creek site and is an appropriate way to give effect to various objectives of the District Plan.

Benefits and costs

- 4.17 Overall, I broadly agree with the requestor that the proposed Plan Change will result in significant community and environmental benefits while ensuring the flood management performance and infrastructure is protected subject to the recommendations provided in this planning report.
- 4.18 Flooding and stormwater management remains as a major concern to enable development within the proposed Plan Change area. Recommended modifications to the Plan Change request are set out above and in **Appendix A** to ensure the effects of flooding and stormwater is assessed thoroughly at the time of subdivision. Although the assessment may result in additional costs to the developer, it is considered that these costs will be offset as the resulting outcome from a detailed assessment will promote a resilient community development.
- 4.19 There will likely be delay in development as the proposed Plan Change site needs to be made infrastructure ready to enable future development. Performance Standard R7A.5.2.2(h) has been recommended to capture this within the Whiskey Creek Residential Area to avoid any unnecessary developments until such time the area is infrastructure enabled. If budget is available, it is envisioned the Council will update their Water Supply Development Plan for the year 2022 to incorporate the need for infrastructure upgrade to service the Whiskey Creek Area.
- 4.20 Additionally, I have recommended modifications to the proposed Policy 2.8 and related lot size performance standards to ensure the urban design matters recommended within Mr. Burn’s Urban Design Report are provided for. These modifications have been recommended to provide certainty on

outcome at subdivision. This is not deemed as additional cost as the proposed Structure Plan already anticipated the development based on the recommended design matters.

4.21 Overall, the costs in benefits of the proposed Plan Change are considered to be acceptable.

Level of Detail Corresponds to Scale and Significance of Anticipated Effects

4.22 I consider that the section 32 evaluation undertaken in the plan change request and this further evaluation are sufficiently detailed as to correspond to the scale and significance of anticipated effects.

4.23 It is acknowledged that the scale and significance of the environmental, economic, social, and cultural effects anticipated from the implementation of the Whiskey Creek Plan Change is significant. I am comfortable the planning evaluation, technical reports and evidence and wider strategic considerations have ensured the level of detail informing the Whiskey Creek Plan Change is sufficient to meet the requirements of section 32.

The Risk of Acting or Not Acting

4.24 I considered that there is sufficient information relating to the subject matter of the plan change to make a decision on whether to accept, accept with modifications or reject it. Notwithstanding this I have signalled areas where more information may be provided at or before the hearing including with respect to the earthworks proposal, and the response to issues raised by Rangitāne o Manawatū and Ngāti Turanga.

4.25 There is also uncertainty with respect to when Council will resolve the potable water supply levels of service associated with the wider area. However, I consider that this issue would be resolved through the relevant modifications that I have recommended.

4.26 Overall, I consider that the risk of acting in light of these uncertainties and gaps in information should not prevent the Plan Change from being approved (with modifications).

Section 74 & 75– Matters to be considered by a Territorial Authority

4.27 Section 74 (2) sets out matters that Council ‘shall have regard to’ and section 75 (3) sets out those it ‘must give effect to’ when changing the District Plan.

4.28 I do not consider that the matters listed in s74 (2) are directly relevant to this plan change request.

4.29 With respect to matters to give effect to under s75 (3) I consider that the following documents are applicable for Whiskey Creek Private Plan Change:

- National Policy Statement on Urban Development 2020 (NPS-UD)
- National Policy Statement for Freshwater Management 2020 (NPS-FM)
- Horizons One Plan – Regional Policy Statement (RPS)

- 4.30 I note that a number of submitters have made references to a National Policy Statement on Versatile Soils. A draft NPS on this topic was released for consultation in 2019 but has not been approved by Cabinet and therefore does not currently have effect.
- 4.31 I generally agree with the requestor's assessment provided within Sections 9 and 10 of the application report prepared by Mr. Thomas dated 20 April 2021, with respect to the NPS-UD, NPS-FM and RPS.
- 4.32 The proposed Plan Change aligns with the relevant objectives and policies of the NPS-UD and is supported by Council strategic directions. This is also discussed within Mr. Duindam' evidence attached as **Appendix C**.
- 4.33 In relation to NPS-FM, it is noted that there is no wetland within the area subject to the Plan Change and no loss of watercourse is proposed as part of the Plan Change. The extent of existing stream within the area will at least be maintained and if possible, increase amenity as part of the restoration of the stream habitat. Therefore, I consider proposal aligns with the relevant objectives and policies of the NPS-FM. I also note that any direct impacts on the bed of the stream would be addressed through resource consent application to the Horizons Regional Council.
- 4.34 With respect to the Regional Policy Statement (RPS) I consider that the most critical provisions that must be given effect to under s75 (3) are those within Chapter 5 Water and Chapter 9 Natural Hazards of the RPS. The relevant objectives and policies are considered below:
- 4.35 Policy 9-1 directs that:
- c. Territorial Authorities[^] must be responsible for:*
- i. developing objectives, policies and methods (including rules[^]) for the control of the use of land[^] to avoid or mitigate natural hazards[^] in all areas and for all activities except those areas and activities described in (b)(ii) above, and*
 - ii. identifying floodways* (as shown in Schedule J1) and other areas known to be inundated by a 0.5% annual exceedance probability (AEP) flood event on planning maps in district plans[^], and controlling land[^] use activities in these areas in accordance with Policies 9-2 and 9-3.*
- 4.36 Further Policy 9-2 directs that¹:
- b. Outside of a floodway* mapped in Schedule J the Regional Council and Territorial Authorities[^] must not allow the establishment of any new structure[^] or activity, or an increase in the scale of any existing structure[^] or activity, within an area which would be inundated in a 0.5% AEP (1 in 200 year) flood event² unless:*
- i. flood hazard avoidance* is achieved or the 0.5% AEP (1 in 200 year) flood hazard is mitigated, or*
 - ii. the non-habitable structure[^] or activity is on production land[^], or*
 - iii. there is a functional necessity to locate the structure[^] or activity within such an area,*

¹ Note that I agree with the requestors assessment that the Whiskey Creek site is not within a 'floodway' as defined in the RPS

in any of which cases the structure[^] or activity may be allowed.

- c. Flood hazard avoidance* must be preferred to flood hazard mitigation.*
- d. When making decisions under Policies 9-2(a) and b(i) regarding the appropriateness of proposed flood hazard mitigation measures, the Regional Council and Territorial Authorities[^] must:

 - i. ensure that occupied structures have a finished floor or ground level, which includes reasonable freeboard, above the 0.5% AEP (1 in 200 year) flood level.*
 - ii. ensure that in a 0.5% AEP (1 in 200 year) flood event the inundation of access between occupied structures[^] and a safe area where evacuation may be carried out (preferably ground that will not be flooded) must be no greater than 0.5 m above finished ground level with a maximum water velocity of 1.0 m/s, or some other combination of water depth and velocity that can be shown to result in no greater risk to human life, infrastructure[^] or property*,*
 - iii. ensure that any more than minor adverse effects[^] on the effectiveness of existing flood hazard avoidance* or mitigation measures, including works and structures[^] within River and Drainage Schemes, natural landforms that protect against inundation, and overland stormwater flow paths, are avoided,*
 - iv. ensure that adverse effects on existing structures[^] and activities are avoided or mitigated, have regard to the likelihood and consequences of the proposed flood hazard mitigation measures failing,*
 - v. have regard to the consequential effects[^] of meeting the requirements of (d)(ii), including but not limited to landscape and natural character, urban design, and the displacement of floodwaters onto adjoining properties*, and*
 - vi. have regard to the proposed ownership of, and responsibility for maintenance of, the flood hazard mitigation measures including the appropriateness and certainty of the maintenance regime.**

4.37 'Flood hazard avoidance' referenced in Policy 9-2 is defined in the RPS as

means, for the purpose of Policy 9-2, ensuring flood control measures are in place that provide protection from the 0.5% annual exceedance probability (1 in 200 year) flood event and those measures are soundly designed and constructed such that there is minimal risk of the measures failing.

4.38 The requestor based their assessment against these provisions on undertaking earthworks to ensure the land is no longer susceptible to flooding. In his review, Mr. Preston identifies concerns with the proposed earthworks and identifies that these may not be the most appropriate way to avoid flood hazard for the Whiskey Creek properties and avoid increasing the risk to adjoining residential properties. Mr Preston has also identified concerns with respect to the requestors assessment of stormwater and flood risks. It is for this reason that I have recommended that the plan change be modified so that the Flood Prone Overlay within the Whiskey Creek Residential Area is retained, and that additional performance standards recommended by Mr Preston are added to Section 7A of the District Plan. I consider that these modifications to the Plan Change request will ensure that appropriate assessment and management of stormwater and flood risks is achieved at the time of subdivision.

4.39 Based on these recommended modifications I consider that the plan change would give effect to Policies 9-1 and 9-2 by avoiding flood hazard risk to the Whiskey Creek properties and achieving no more than minor impact of the existing flood risk to adjoining properties consistent with clause (d) of Policy 9-2.

4.40 In addition to these policies, I note that Objective 5-4 directs that:

The beds of rivers and lakes will be managed in a manner which:

- (a) sustains their life supporting capacity*
- (b) provides for the instream morphological components of natural character*
- (c) recognises and provides for the Schedule B Values*
- (d) provides for infrastructure^ and flood mitigation purposes.*

4.41 Policy 5-24 of the RPS seeks that:

In reaches of rivers^ or lakes^ and their beds^ with a Schedule B Value of Flood Control and Drainage, activities in, on, under or over the beds^ of rivers^ and lakes^ and on land^ adjacent to the bed^ where the Value is located must be managed in a manner which:

- a. enables the degree of flood hazard and erosion protection existing at the time of Plan notification (31 May 2007) to be maintained or enhanced*
- b. addresses adverse effects by:*
 - i. in the first instance, avoiding, remedying or mitigating adverse effects^ on the instream morphological components of natural character and other Schedule B Values*
 - ii. providing consent applicants with the option of making an offset*
 - iii. allowing compensation by way of a financial contribution in accordance with the policies in Chapter 19.*

4.42 The Whiskey Creek site falls within a surface water management area that is identified to value of Flood Control and Drainage. For the reasons set out above, subject to the modifications that Mr Preston and I have recommended I consider the Plan Change request gives effect to this policy.

5. Purpose and Principles of the RMA

5.1 As a final matter to consider, regard should be given as to whether the proposed Plan Change is consistent with the purpose and principles of the Resource Management Act 1991, as set out in Part II of the Act. My assessment below is deliberately brief as I consider that the provisions of Part 2 are given effect to through the NPS, RPS and District Plan provisions that I have already assessed above.

Section 5 – Purpose

5.2 As set out in section 5 of the Act:

- (1) The purpose of this Act is to promote the sustainable management of natural and physical resources*

- (2) *In this Act, **sustainable management** means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while –*
- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
 - (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

5.3 The scope of the statutory obligations contained within Part 2 of the Act extends beyond the sole consideration of the management and control of the effects of activities. The purpose of Whiskey Creek Plan Change is to ensure the sustainable management of natural and physical resources within the proposed Residential Zone and Conservation and Amenity Zone is appropriately managed. This purpose and the associated objectives and policies are founded on a statutory obligation to manage the use and development of physical resources in a way that sustains the potential of resources to meet the reasonably foreseeable needs of future generations while managing environmental effects. On this basis, I consider that the Whiskey Creek Plan Change is consistent with promoting the purpose of the Act.

Section 6 – Matters of National Importance

5.4 I consider that the following subsections of section 6 are relevant to the Whiskey Creek Plan Change:

(a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development

(d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers

(e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga

(h) the management of significant risks from natural hazards.

5.5 I consider that the plan change proposals for the Conservation and Amenity Zone and the development of the reserve and walkway within that area are consistent with subsections (a) and (d). I have already noted that I understand that the requestor is continuing to collaborate with Rangitāne o Manawatū and Ngāti Turanga on measures that align with subsection (e). I consider that subject to the modifications that Mr Preston and I have recommended that the Plan Change would be consistent with subsection (h).

Section 7 – Other Matters

5.6 I consider that the following subsections of section 7 are relevant to the Whiskey Creek Plan Change:

(a) kaitiakitanga

- (c) the maintenance and enhancement of amenity values*
- (f) the maintenance and enhancement of the quality of the environment*
- (i) the effects of climate change.*

- 5.7 With respect to clause (a) I again note my understanding the requestor is continuing to collaborate with iwi on this matter.
- 5.8 With respect to subsections (c) and (f) I note that the proposed regulatory framework of Whiskey Creek Plan Change allows the Council to assess future consent proposals through methods such as the infrastructure requirement, water sensitive design consideration, minimum lot size, enabling multi-unit development, height restriction, site coverage. Whiskey Creek Plan Change is therefore considered to have particular regard to these matters, as required by Section 7 of the Act.
- 5.9 With respect to subsection (i), I note that recommended modifications based on Mr Preston's evidence are intended to ensure that this is able to be adequately dealt with as part of future resource consent applications.

Section 8 – Treaty of Waitangi

- 5.10 Section 8 requires that the Principles of the Treaty of Waitangi shall be taken into account in relation to managing the use, development, and protection of natural and physical resources.
- 5.11 The requestor has consulted with tangata whenua, via Ms Karaitiana who provided the Cultural Impact Assessment on the proposed Plan Change and is involved in the technical team for the requestor.
- 5.12 Consultation between the requestor and tangata whenua is ongoing and would continue post Plan Change processes leading into consenting of the proposed development.
- 5.13 I therefore consider that the Whiskey Creek Plan Change has had particular regard to the Principles of the Treaty of Waitangi, as required by Section 8 of the Act.

6. Conclusion & Recommendation

Conclusion

- 6.1 Having assessed the plan change request in relation to key issues raised in submissions and through technical evidence and against the relevant statutory requirements I have reached the conclusion that it is broadly appropriate and recommend that it can be accepted. However, in three areas in particular I recommend modifications. These areas relate to the management of flood and stormwater hazards, the delivery of urban design principles and the provision of adequate potable water supply. I consider that these modifications are appropriate having regard to submissions, technical advice and with respect to relevant District Plan and Regional Policy Statement provisions.

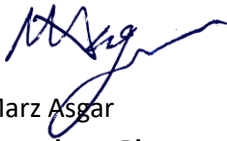
6.2 I have set out the recommended modifications in **Appendix A** and my recommendations with respect to the decisions requested in submissions in **Appendix B**.

Recommendations

7.1 That Whiskey Creek Plan Change is accepted, excluding the proposal to remove the Flood Prone Area overlay from the site and with the modifications set out in **Appendix A**.

7.2 Accordingly, for the reasons set out above, I recommend that Whiskey Creek Plan Change be approved subject to the recommended amendments and that the relief sought by the submitters be accepted or rejected in accordance with these amendments.

7.3 As provided for by Clause 10(3), Schedule 1, RMA, a specific recommendation is not provided for each individual submission point on Whiskey Creek Plan Change other than that provided for in **Appendix B**.



Marz Asgar

Consultant Planner

Stantec Ltd on behalf of Palmerston North City Council

Appendix A: Modifications to the Whiskey Creek Plan Change as Recommended in the S42A Report

Appendix B: Summary of Recommendations in relation to the Whiskey Creek Plan Change Decisions Requested by Submitters

Appendix C: Strategic Planning Evidence by Michael Duindam

Appendix D: Stormwater & Flooding Evidence of Tim Preston

Appendix E: Geotechnical Review from Eleni Gkeli and Ioannis Antonopoulos

Appendix F: Noise Review from Bill Wood

Appendix G: Transport Engineering Review from Chris Rossiter

Appendix H: Infrastructure Services Assessment from Jaques Mik

Appendix I: Parks and Recreation Assessment from Aaron Phillips