

Before Palmerston North City Council

Under the Resource Management Act 1991

In the matter of a proposed plan change to rezone
land at 611 Rangitikei Line to establish
the Whiskey Creek Residential Area

MEMORANDUM OF COUNSEL FOR FLYGERS INVESTMENT GROUP LIMITED

26 JULY 2022

Counsel Acting

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Introduction

1. This memorandum is to accompany the sets of proposed amended provisions filed by Mr Asgar on 25 July 2022, following the completion of conferencing between the planners. The memorandum provides an outline on some of the key changes that the planners have made to the provisions, to assist the Panel in its deliberations pending receipt of the s32AA evaluation and the Requestor's formal reply.

Policy Framework

2. The Policy framework for Whiskey Creek (Policies 2.8/2.9) has been re-arranged.
3. Mr Thomas originally conceived that Policy 2.8 would set out the "must-do's" and Policy 2.9 the "nice-to-have's". As a result of the Panel's guidance (at the hearing) towards the Tara-Ika model, and the planners' own further discussions, it was agreed that this framework should be amended.
4. Policy 2.8 now sets out the design principles that underpin the Structure Plan, and requires subdivision in the Whiskey Creek Residential Area to be in general accord with those policies. This will apply to Restricted Discretionary development of Whiskey Creek.
5. Policy 2.9 provides guidance where a proposal is not generally in accord with the principles in 2.8. In a sense, this has reversed the sequence Mr Thomas originally conceived, putting the "must-do's" into the second policy, to guide fully Discretionary applications.

Multi-Unit

6. As heralded by Mr Duindam at the hearing, R7A.5.2.2(d) now sets a *minimum, maximum* and *average* lot size for multi-unit residential development in the identified multi-unit housing area (this is in subparagraph (iv)).
7. The Panel will also see at paragraph R7A.5.2.2 (d) (iii) a new allowance for a single lot to exceed 1,000m² where that is to be developed for multi-unit housing. This is intended to allow the Requestor to undertake some 'first-order' subdivision to separate the site into large lots (i.e. greater than

1,000m²), which can be transferred by the Requestor to third party developer/contractors, to undertake multi-unit development. I anticipate the Requestor's reply may suggest that an assurance of multi-unit development of such 'super lots' could be secured by way of consent notice applied as part of the 'first order' subdivision.

Flood Prone Overlay

8. R7A.5.2.4 sets out a new mechanism, agreed by the planners, to enable development in the Whiskey Creek area to be exempt from the Flood Prone Overlay and associated rules. To be clear, this will not automatically 'uplift' the overlay: a regular Schedule 1 process will still have to be followed to achieve that. The mechanism is intended to provide a robust set of technical standards and certification requirements to ensure that once "flood hazard avoidance" is achieved, the overlay and its associated rules will not apply to development in the Whiskey Creek Area, pending a formal amendment of the Planning Maps using Schedule 1.
9. The planners are agreed on every aspect of this mechanism but one, which is addressed in the comments they have put onto the document; and which will be addressed further in the s32AA evaluation and the Requestor's reply.

R7A.5.4.1

10. The planners have agreed an amendment to the notification rules, that would allow the owners of properties affected by the new roading connection to Benmore Avenue to be notified.

Structure Plan

11. The Structure Plan itself has been amended in a number of ways, including:
 - 11.1 The defined Structure Plan Area now excludes the balance 'rural zone' part of the site;
 - 11.2 Expressions of areas in square metres — such as for the detention pond or the park area adjacent to the potential multi-unit housing — have been removed;

- 11.3 The Area has been extended to cover the Benmore intersection, which is no longer depicted as a roundabout (to enable other intersection options);
- 11.4 A shared path has been added alongside Road 1 (which picks up a suggestion made by Mr Rossiter, though on the reserve side of the Road); and
- 11.5 There is no longer a potential open space area shown on the 'residential' side of Road 1, as requested by PNCC.



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26 July 2022