

**BEFORE THE PALMERSTON NORTH CITY COUNCIL
HEARING COMMISSIONERS**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER Proposed Private Plan Change for Whiskey Creek
Residential Area to the Palmerston North District Plan

**UPDATE OF MARZ ASGAR
FOR THE PALMERSTON NORTH CITY COUNCIL
PLANNING
11 JULY 2022**

1. INTRODUCTION

- 1.1. The following statement sets out a summary of the key changes to my evidence since I completed my s42A report on 11 May 2022. The changes respond to the substantial amount of new information provided to the Hearing Panel and Council officers over the course of the hearing and since it adjourned on 3 June 2022. This summary should be read alongside the Planners Joint Witness Statement (JWS) dated 4 July 2022, which records my opinions on the matters raised by the Hearing Panel in Minute 3, of which some (but not all) are discussed within this statement.
- 1.2. Alongside this brief summary I have attached revised recommended provisions to the District Plan. As requested by the Hearing Panel, the revised provisions incorporate the entire Sections 4, 7A and 10 of the District Plan.
- 1.3. I reconfirm that I agree to comply with the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2014, as set out in my s42A report.

2. SECTION 7A: FLOOD PRONE OVERLAY

- 2.1. With regards to Flood Prone Overlay, I continue to recommend that any annotation clause within the District Plan is rejected. The reasons for this are detailed in the JWS issued on 4 July 2022, and in particular, at paragraphs 10 through 16 of the statement.
- 2.2. I have recommended a minor change to amend the term "*Lower Manawatu Drainage Scheme*" to state "*Manawatu Drainage Scheme*" throughout the proposed Plan Change. This change ensures use of the correct terminology as detailed in the evidence of Mr Jon Bell dated 25 May 2022 (Paragraph 27).

3. SECTION 7A: DESIGN PRINCIPLES

- 3.1. In the section 42A report I had assumed that the requestor's submission sought to replace Policy 2.8 in the Plan Change request with the more detailed policy included in the submission. Mr Thomas clarified at the hearing that the intention had been to keep both policies, with Policy 2.8 setting out the '*must do*' and Policy 2.9 detailing the '*nice to have*'. I have considered this approach and I am of the view that majority of the suggested requirements within Policy 2.9 should be within Policy 2.8 as a '*must do*'. I am concerned to ensure that critical design principles covered in Policy 2.9 are delivered as part of any subdivision proposal ('*must do*'), and not left to the discretion of an applicant ('*nice to have*'). Given that the matters are critical to achieving a high-

quality residential area within the Whiskey Creek site,¹ I consider that the direction to 'give effect to' these principles should be included in the policy in place of the direction 'to have regard to' these principles.

- 3.2. For these reasons I recommend not adopting Mr Thomas' recommendation of having two policies in relation to Whiskey Creek development and instead retaining one Policy that details the site-specific matters and design principles required for the Whiskey Creek Residential Area. I recommend deletion of the original Policy as the desired Policy 2.8 cover matters in more detail. My recommended Policy 2.8 is in the attached track change version of Section 7A.
- 3.3. The Hearing Panel will note two further changes to recommended Policy 2.8:
 - (a) I have incorporated the recommendation provided in Mr Thomas' evidence dated 18 May 2022 (Paragraph 122) and included the requirement to consult with *Rangitāne o Manawatu in relation to the design and preparation of a Management Plan* within the Open Space and Reserves provisions. I have suggested that the design reflects the outcomes of consultation with Rangitāne o Manawatu regarding design and preparation of a Management Plan.
 - (b) I have adopted the amendments to Policy 2.8 in the *subdivision design and integration* provision made by Mr. Burns in his evidence dated 18 May 2022 (Paragraph 47).

4. SECTION 7A: WATER SUPPLY

- 4.1. After further consideration of the evidence, and discussions throughout the Hearing to date, I have recommended deleting proposed Policy 1.8 and related rules around potable water supply assessment. These are no longer a requirement of the Council Water Services Team as detailed in the Planning JWS (at Paragraph 17) and more generally, essential services will be addressed as part of another Council-led plan change to be notified shortly (Paragraph 19).

¹ And therefore critical to ensuring that the development achieves Objective 2 of Section 7A of the District Plan.

5. SECTION 7A: MULTI-UNIT PROVISIONS

- 5.1. In the s42A report I recommended changes to the subdivision performance standard R7A.5.2.2 (d) Lot Size. My recommendations were intended to provide more certainty that medium density housing would be provided within the multi-unit area of the Structure Plan. I consider this level of certainty to be both necessary and appropriate given the importance of delivering medium density housing in achieving a high-quality development within the Whiskey Creek site.
- 5.2. In response to questions from the Panel on this matter at the hearing on 2 June 2022 Mr Burns suggested that a yield standard would be a more appropriate method. I accept Mr Burns' expertise on this matter and recommend that a yield-based performance standard is adopted. I have therefore included a recommended performance standard in the attached track change version of Section 7A. This approach has also been accepted within the Planning JWS.
- 5.3. However, when providing for the yield-based performance standard in Section 7A, it became apparent that there was no corresponding provision within the Residential section (Section 10) of the District Plan. In my view there would ideally also be a land use control directing the yield outcomes. This would ensure average lot size is also managed in circumstances where subdivision (including unit titles) occurs later in the development process. However, this could be difficult given the architecture of the District Plan (and the approach of R10.6.3.3), and in my opinion, the same outcome could be achieved through a minimum, average and a maximum threshold being inserted into section 7A to apply to development within the multi-unit area. Alternatively, some bespoke changes to R10.6.3.3 may be necessary to manage average lot size at that time

6. SECTION 7A: WATER SENSITIVE DESIGN

- 6.1. I recommend that R7A.5.2.2(f) in the District Plan, which presently applies to the Kikiwhenua Residential Area, should also apply to the Whiskey Creek Residential Area. However, I now recommend that the additional bullet point included in my initial evidence (at Paragraph 3.12 – 3.18) is deleted. This is because it relates to specific requirements in the Engineering Standards that are currently not implemented by the Council's Infrastructure Team. I understand that the Council intends to update its ESLD standards, and thereon, any subdivision application will require compliance with those standards in any event.

7. SECTION 7A: FLOOD RISK

- 7.1. With respect to managing flood risk assessments at the time of subdivision there have now been a few iterations of the tracked version of Section 7A. Following detailed discussions, I agree with Mr Thomas' approach of addressing the flood assessments in two parts of R7A.5.2.2. The first part being within R7A.5.2.2(a)(xiii), which sets out the requirements for a Comprehensive Flood Management Plan and the second part as a new clause R7A.5.2.2(g). The new clause includes requirements with respect to modelling off-site flood level effects and ground levels within the Whiskey Creek Residential area. I have included recommended changes in the attached tracked version of Section 7A.
- 7.2. By taking the approach detailed above (at Paragraph 7.1), the recommended Assessment Criteria R7A.5.2.3(d)(vi) can now be deleted.
- 7.3. Overall, I am of the view that the above approach now addresses the recommendations made by Mr Tim Preston in his evidence dated 11 May 2022 regarding flood risk assessment.
- 7.4. I also recommend that the statement '*remedies or mitigate*' is deleted from Assessment Criteria R7A.5.2.3(d)(i) in order to ensure the criteria aligns with the proposed wording in Policy 2.8 around *Stormwater and flooding*.

8. SECTION 7A: STRUCTURE PLAN

- 8.1. Following on from discussions on 2 June 2022, I agree that the property at 127 Benmore Avenue should be incorporated within the Structure Plan Map 7A.3 to make it clear that this site forms part of the Whiskey Creek Residential Area and therefore is subject to the provision of Section 7A of the District Plan.
- 8.2. I have also reviewed and support the recommendations made by Mr Rossiter regarding provision of a shard path in this area of the Structure Plan, as recorded in the Addendum to his Summary Statement dated 10 July 2022.
- 8.3. The Structure Plan should also be amended as recommended by Mr Phillips in his evidence dated 24 March 2022. This would remove references to Open Space/ Parks or Recreation functions from any stormwater treatment reserves.

9. SECTION 10: THE INTERFACE WITH ADJOINING PROPERTIES

- 9.1. Within the Planning JWS (Paragraph 24) it is agreed that a 3m boundary setback should be applied to the properties abutting existing properties on Meadowbrook Drive. Coupled with a 5m height restriction on 'any building', I consider this to be the most appropriate mechanism to address the effects on the existing properties on Meadowbrook Drive while ensuring future development on this land is not compromised. The reasons for my opinion are set out in paragraphs 21 – 26 of the Planning JWS.
- 9.2. If a 5m setback is preferred by the Hearing Panel, I would recommend, consistent with the approach set out in the Planning JWS (Paragraph 25), that the properties within the Whiskey Creek Residential Area adjoining Meadowbrook Drive be provided with a 45% Site Coverage allowance to provide for additional flexibility to address the loss of building site at their rear boundary.

10. SECTION 10: COMMERCIAL ACTIVITY

- 10.1. With respect to Section 10 of the District Plan, I agree with Mr Thomas' approach and the suggested addition to R10.7.3.5 as detailed in his Summary of Evidence dated 3 June 2022. Agreement between the planning witnesses on this point was not recorded within the Planning JWS; however, it was agreed between us.

11. CONCLUSION

- 11.1. Overall, the provisions have been updated since my initial s42A report with the benefit of further information, evidence and conferencing of witnesses. For the reasons set out above and in the JWS, I consider that the revised provisions are more efficient and effective in meeting the District Plan objectives and policies.



Prepared by:

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