

BEFORE THE HEARINGS PANEL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of proposed Plan Change G: Aokautere Urban
Growth to the Palmerston North City Council
District Plan

**STATEMENT OF REPLY EVIDENCE OF AARON PHILLIPS ON BEHALF OF PALMERSTON NORTH
CITY COUNCIL**

PARKS AND RESERVES

Dated: 28 November 2023

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REPLY EVIDENCE OF AARON PHILLIPS

A. INTRODUCTION

- [1] My full name is Aaron Mark Phillips.
- [2] I prepared a s 42A report dated 15 September 2023 on Parks and reserves (**s 42A Report**) on behalf of the Palmerston North City Council (**Council**) for proposed Plan Change G: Aokautere Urban Growth to the Palmerston North District Plan (**PCG**).
- [3] My experience and qualifications are set out in my s 42A Report.
- [4] I repeat the confirmation given in my s 42A Report that I have read and will comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023, and that my report has been prepared in compliance with that Code.
- [5] I attended a pre-hearing meeting on 25 September 2023, on the structure plan, zoning, roading and subdivision layout and 27 September 2023 on the topic of Stormwater, erosion, flooding, land stability, biodiversity, conservation and amenity.

B. SCOPE

- [6] My reply evidence responds to points made in evidence by:
 - (a) Paul Thomas on behalf of CTS Investments Ltd, Woodgate Ltd, and Terra Civil Ltd regarding the Abby Road Gully and its suitability for residential development;
 - (b) Christle Pilkington on behalf of Palmerston North Industrial & Residential Developments Ltd (now Brian Green Residential Developments Ltd) regarding compensation for acquisition of land;
 - (c) Pepa Moefili on behalf of Ngawai Farms Ltd regarding the rezoning of land from rural to conservation and amenity, access, compensation and funding for protection;
 - (d) Chris Teo-Sherrell regarding distribution and size of reserves; and
 - (e) Rosemary Gear regarding set back reserve on Promontory Clusters.

C. RESPONSE TO PAUL THOMAS ON BEHALF OF CTS INVESTMENTS LTD, WOODGATE LTD, AND TERRA CIVIL LTD

[7] At paragraphs 123 to 128 of his evidence, Mr Thomas suggests that the Abby Road Gully in the area between the designated road link and the head of the gully should be considered for residential development and has little recreation value.

[8] I address this matter in my s 42A Report.¹ The Council does not require the land within the existing Abby Road Gully to create a flat playable recreation space, so we would not require the gully to be filled in for that reason. That has never been the Council's intention. I understand the rationale for Conservation and Amenity zoning in that area is more dependent on other technical considerations, primarily stormwater management, ecological restoration, and the preservation of landscape character.

D. RESPONSE TO CHRISTLE PILKINGTON ON BEHALF OF PALMERSTON NORTH INDUSTRIAL AND RESIDENTIAL DEVELOPMENT

[9] At paragraph 62 of her evidence, Ms Pilkington suggests that financial compensation should be made to the submitter where land is acquired by the Council for purposes other than stormwater, such as for conservation and amenity and recreation reasons.

[10] In response, I note that the Council's approach to compensating for acquired land depends on the purpose of the acquisition. Gullies, mainly used for stormwater management and ecological enhancement, are typically vested by the developers during subdivision without compensation. In contrast, where land is sought for recreational purposes only, the Council is more likely to purchase it.

[11] For example, and by reference to the figure below:

- (a) Lot 539 DP 568428 on the eastern side was vested since it is primarily designated for stormwater management and potential ecological enhancements.

¹ Section 42A Technical Report of Aaron Phillips dated 15 September 2023 at Table 1, S58.011.

- (b) Lot 538 DP 55512 on the left-hand side was vested for stormwater conveyance. A proposal to purchase a portion for open play space was declined, but an agreement was made to purchase an area for walkway access.

- [12] Recreational developments, like walkways, are evaluated on a case by case basis after the primary stormwater purpose is established. Exceptions are possible, such as the cross-gully connection from Turitea Road to Polson Hill Drive, which is pursued independently of the gully vesting process.
- [13] If compensation was required for the acquisition of gullies or other areas, the costs would need to be recovered through development contributions as a growth-related expense.



Figure 1: Examples of land vest vs purchase

E. RESPONSE TO PEPA MOEFILI ON BEHALF OF NGAWAI FARMS LTD

Forest remnants access, support for protection, and compensation²

- [14] In the evidence of Pepa Moefili,³ a request is made for clarity on compensation, access, and funding available for restoration of the reserves labelled F1 through F4 and G14, where Conservation and Amenity zoning has been recommended.
- [15] While Parks budgeting has traditionally assumed that reserves within the residentially zoned land areas would be vested with Council and that Council would be responsible for the maintenance and enhancement of those areas, this is not the case for wetlands, gullies, and forest remnants in rural or rural residential areas.
- [16] The current practice of the Parks Council team regarding the vesting of ecological areas is to assess them on a case-by-case basis at the time of subdivision, weighing up the costs, benefits, and strategic direction. This approach will be applied to the areas (reserves labelled F1 through F4 and G14) identified by the submitter.
- [17] Regarding these areas, there is currently no intention to provide for public access or recreation facilities in the forests or gullies labelled F1 through F4 and G14-G18. They are also outside urban residential areas. Therefore, under the Council's current approach, it is unlikely these areas would meet our criteria for purchase.
- [18] However, I also note my understanding that the proposed rezoning of these areas will not necessarily require immediate land use changes or immediate restoration activities, i.e. existing uses will be able to continue under PCG. As mentioned earlier, the possible acquisition of such areas would need to be assessed on a case-by-case basis at the appropriate time.
- [19] It is also important to note that ecological protection is not solely the Council's responsibility. Other agencies like Manawatu-Whanganui Regional Council may be involved in regulating and/ or protecting such areas, potentially offering funding through landowner assistance programmes, such as for fencing.

² Statement of Evidence of Pepa Moefili dated 27 October 2023 from [3.1]-[3.3.6].

³ At 3.3.1 – 3.3.5.

F. RESPONSE TO CHRIS TEO-SHERRELL

Distribution and size of reserves – request for smaller more frequent reserves⁴

[20] At paragraph 4 of his statement, Dr Teo-Sherrell requests a series of smaller reserves with better proximity for walking and riding than one or two large ones.

[21] As per Figure 15 of the Parks and Reserves Servicing Assessment 2021 (inserted below)⁵ a total of six flat open spaces, of which:

- (a) three (labelled 1, 3 and 5) already exist and
- (b) three new reserves are proposed (labelled 2, 4 and 6).



⁴ Statement of Chris Teo-Sherrell dated 4 November 2023 at [4]-[5].

⁵ Section 32 Report: Aokautere Growth Area, Appendix 13.

- [22] The reserve distribution and size are provided for in general accordance with the Council's Engineering Standards for Land Development.
- [23] The larger reserves, at locations 1 and 6, allow for larger format open space play and are positioned to reduce the distances of travel to alternative locations e.g. Peren Park on Ruapehu Drive.
- [24] The Reserve labelled 4 is in the middle of the proposed medium density area and would be developed accordingly. As per my s 42A Report, the medium density area is entirely within 400 m walking distance of the Reserve labelled 4.⁶
- [25] The areas of residential zone that do not meet a 400 - 500 m walking distance are shown in yellow at Figure 3 of the Parks and Reserves Serving Assessment 2021.⁷
- [26] Decisions regarding housing density and type on the promontories may impact the optimal distribution of reserves to ensure the best coverage. For instance, if the housing density on Promontories D1 and D2 deviated from my original assumption of medium density this would influence the benefit of locating Reserve 2 as shown on the structure plan to an area with a higher effective catchment, as shown on Figure 4 below.
- [27] The initial positioning of Reserve 2 was based on this assumption as to density and the perceived benefits of co-locating with a shallow stormwater area. However, recent concerns have arisen, influenced by changing assumptions about density, and re-evaluation of the potential depth of the stormwater pond such that it may not be as 'shallow' as I previously assumed. Specifically, I now have a health and safety concern about locating a playground next to a potentially deeper than expected pond.
- [28] In light of these considerations, I recommend a modification to the structure plan as necessary to relocate Reserve 2 to a more optimal location, as indicated by the red arrow on the figure below. This would be separated from stormwater ponds, be in a higher effective location (based on more reliable assumptions about density) and

⁶ Section 42A Technical Report of Aaron Phillips dated 15 September 2023 at [24].

⁷ Section 32 Report: Aokautere Growth Area, Appendix 13 at 3.4.

would have the added benefit of being adjacent to a gully to enable better potential connectivity to these networks.

- [29] It is important to note that the precise location has not been discussed with other experts, and my recommendation is based on what appears to be the best fit from a Parks perspective within the existing Structure Plan.

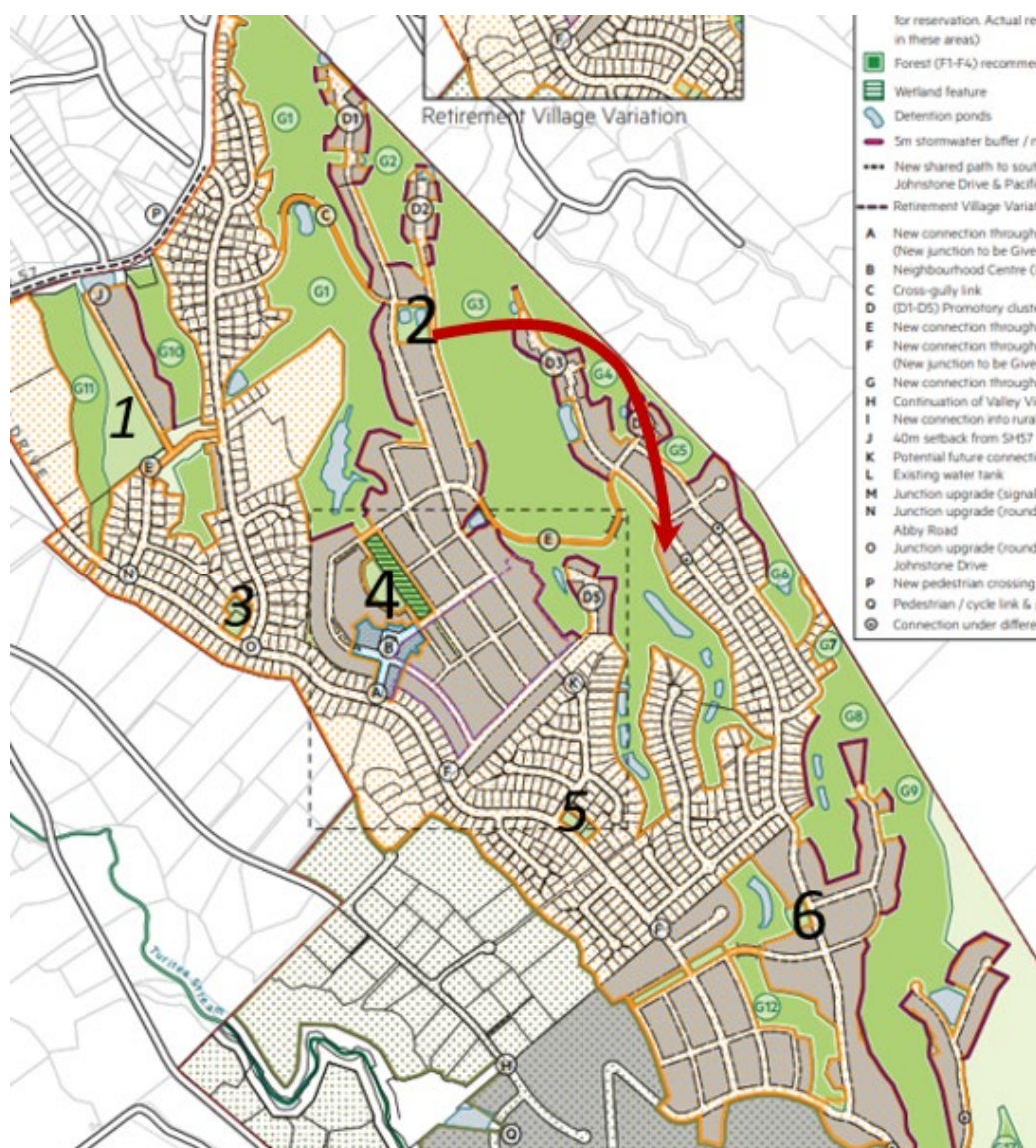


Figure 3: Possible reserve 2 relocation

- [30] Finally, I note that current citywide coverage for walking distances to reserves is 80%. It is impractical to achieve 100% coverage.

- [31] Overall, and subject to my recommendation above regarding Reserve 2, it is Parks view that this level of service is appropriate for open space play provision.

G. RESPONSE TO ROSEMARY GEAR

Setback reserve on Promontory Clusters⁸

- [32] I understand Ms Gear has suggested a 1—15 m wide reserve be established, with a walkway in it, at the boundary with properties off Moonshine Valley Road on the promontories (last bullet point of pre-hearing meeting notes).

- [33] The likelihood of this being a useful walking track addition is very low. The cross-gully connections are mid-block and the linkages along the boundary would require considerable extensions to the possible walkways and be expensive to build and maintain given the terrain.⁹

- [34] The cost of constructing the walkway would be relatively high, to connect it up the gully sides in these locations.

- [35] I would not support this as a public reserve.

28 November 2023

Aaron Phillips

⁸ Statement of Rosemary Gear dated 26 October 2023 at p 2, potential solution 3.

⁹ See Section 32 Report: Aokautere Growth Area, Appendix 13, Figure 15.