

BEFORE THE INDEPENDENT COMMISSIONER

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of a Notice of Requirement from the Palmerston North City Council for a designation of a new road connection between Abby Road and Johnstone Drive, Palmerston North

**STATEMENT OF EVIDENCE OF MICHAEL DUINDAM FOR THE REQUIRING
AUTHORITY**

Dated:

16 March 2021

STATEMENT OF EVIDENCE OF MICHAEL DUINDAM FOR THE REQUIRING AUTHORITY

INTRODUCTION

[1] My name is Michael Eruera Duindam. I hold the qualification of Bachelor of Resource and Environmental Planning (honours). My role at the Palmerston North City Council is Acting City Planning Manager. I have twelve years' experience as a professional planner and am an intermediate member of the New Zealand Planning Institute. My planning experience includes drafting and processing plan changes, notice of requirements and resource consents.

[2] In preparing this evidence I have read and considered the following additional material:

- (a) Submissions;
- (b) Section 42A report of Ryan O'Leary;
- (c) Proposed conditions to apply to the Designation, at Appendix 1 of Ryan O'Leary's s 42A Report.

CODE OF CONDUCT

[3] I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise.

SCOPE OF EVIDENCE

[4] My evidence is primarily intended to provide an overview of the strategic context leading to the preparation of this notice of requirement, in particular providing an overview of the development of the Aokautere structure planning and Plan Change process.

[5] My evidence also briefly addresses conditions for the NOR.

PLANNING CONTEXT

- [6] The majority of the undeveloped operative residential zoning at Aokautere and the supporting planning provisions that exist today were prepared and confirmed as part of the generation one District Plan made operative in 2000. These planning provisions were largely untouched during the Sectional District Plan Review process, because the Council priority at that time was focused on additional greenfield land in other locations such as the Whakarongo Residential Area.
- [7] There is remaining development capacity within the operative residential zoning at Aokautere, and there are growing concerns regarding the quality of the environmental, design outcomes, and lack connectivity at Aokautere. There has also been significant and ongoing compliance issues regarding certain developments at Aokautere. The Council's intention, as detailed within the current City Development Strategy, was to address these concerns through a structure plan and associated District Plan change process upon completion of the Sectional District Plan Review.
- [8] The current City Development Strategy 2018 includes the following statement:
- “Substantial greenfield housing capacity remains at Aokautere, but plans for developing the remaining residential land are unclear. Council will develop a structure plan with the major landowners to guide future development. The end of Pacific Drive needs to be connected with existing roads in the Turitea Valley.”
- [9] Work is now well advanced on the proposed Aokautere Structure Plan and suite of new planning provisions for that part of the Aokautere Development Area located south of Aokautere Drive (SH57), where the bulk of the undeveloped land is located. This process will also involve rezoning additional land at Aokautere for residential development. It is anticipated the District Plan change will be reported to Council in May or June 2021.
- [10] The Aokautere Structure Plan and District Plan Change has been prepared over the course of the last 24 months and includes a connection from Abby Road to Johnstone Drive. A copy of the Proposed Structure Plan is attached as Appendix 1. In addition to enhancing connectivity, the proposed Abby Road connection will also enable access to the undeveloped residential zoned land located between SH57 and Abby Road, and also provide convenient access to Adderstone Reserve.

- [11] During the course of developing the Aokautere Structure Plan and District Plan Change, a subdivision application was lodged to construct the Abby Road connection to Johnstone Drive and fill the Abby Road gully to enable residential development. This application was declined by the Council due to effects on landscape values associated with completely filling the head of the Abby Road gully in the manner supported by the Submitter Aokautere Land Holdings Limited. Increased protection and enhancement of the gullies and gully landforms will be a feature of the Aokautere Structure Plan and plan change process.
- [12] Following the Council's decision, the landowner sought to advance a subdivision application that would have seen Abby Road end without a cul-de-sac or through road and therefore remove the opportunity to form the connection to Johnstone Drive and severely limit access options to the undeveloped residential zoned land located between SH57 and Abby Road, as well as Adderstone Reserve.
- [13] Prior to lodgement of this subdivision application, the Council entered into detailed negotiations with the landowner to explore ways to work together to deliver the Abby Road connection. The discussions were advanced to the point of a draft memorandum of agreement, including clauses to the effect that the landowner would agree that neither would advance their respective plans for subdivision at the end of Abby Road or for a Notice of Requirement.
- [14] Discussions with the landowner were ended when the landowner decided to pursue its subdivision application. In response, and to protect the connectivity opportunity of the Abby Road extension the Council prepared the first Abby Road Notice of Requirement. While the landowner unsuccessfully challenged the lawfulness of the initial notice of Requirement, the Council subsequently determined that the boundaries of the Notice of Requirement required modification to allow for its preferred alignment, and that re-notification would be the best method to ensure the modifications would be accommodated in a designation..
- [15] Council is still proceeding with the Aokautere Structure Plan (Draft structure plan attached as *Appendix 1*) and District Plan Change process. This process is likely to result in a number of gully crossings that will need to be delivered in a manner that respects the natural character of the gullies and gully landforms. The funding of and delivering of these gully crossings, including the Abby Road gully crossing, will be addressed via Council's asset management, long term plan and

development contributions frameworks. The Council is committed to delivery of the project and is anticipated that the project will be able to be delivered within 5 years. Should the designation be confirmed, the Council would of course re-engage with the landowner to fully explore any potentially viable land swap or purchase agreements that may be mutually beneficial in delivery of the project.

- [16] The Aokautere Structure Plan and District Plan Change process will also include a proposal to rezone part of the flat, grassed portion of Adderstone Reserve. The Abby Road connection will assist with access to this land, the balance of Adderstone Reserve and land zoned residential in this location that is held in private ownership (adjacent to Adderstone Reserve).

Conditions

- [17] I acknowledge that the Council as requiring authority did not proffer a set of draft conditions in the Notice of Requirement as lodged with the Council. With that in mind, I acknowledge and am grateful for the work of the section 42A report authors in preparing a set of draft conditions for the designation.
- [18] While the requiring authority team is generally comfortable with the Conditions that have been recommended, there are some matters of detail where we consider that the conditions might benefit from some further revision prior to the hearing in order to correct some errors and to clarify/improve certainty in relation to some of the management plan procedures that the conditions depend upon.
- [19] To that end, the requiring authority team intends to work with Mr O'Leary urgently, under the hope/ expectation that the requiring authority and the reporting officers will be able to reach agreement on a set of conditions for the designation prior to the commencement of the Hearing.

M. Duindam.

Michael Duindam

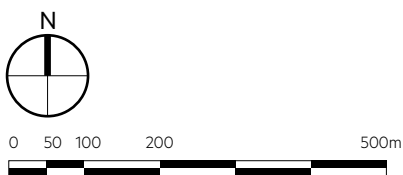
APPENDIX 1 – AOKAUTERE STRUCTURE PLAN

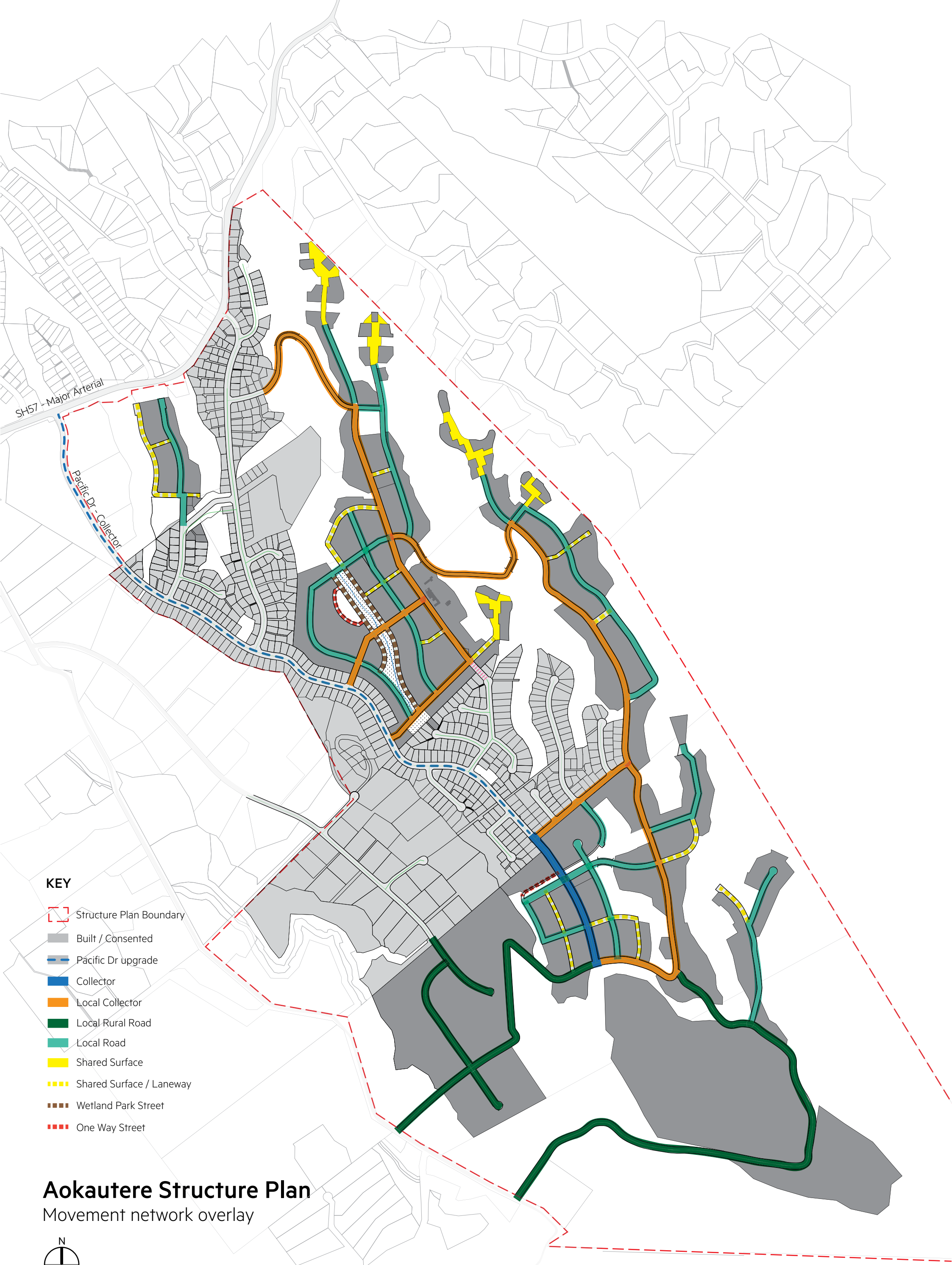


KEY

- Structure Plan Boundary
 - Existing built areas
 - Existing open space or farmland
 - Proposed Development
 - Reserves (flat playable)
 - Reserves (gully, G1-G12)
 - Wetland feature
 - Detention ponds
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- A New connection through 131 Pacific Drive
 - B Village Green framed by multi-unit housing
 - C Local centre commercial node
 - D School site, subject to land swap with Ruapehu Drive site
 - E Cross-gully link
 - F (F1-F5) Promotory clusters of multi-unit housing
 - G New connection through 30 Abby Road
 - H New connection through 153 Pacific Drive
 - I New connection through 208 Pacific Drive
 - J Continuation of Valley Views
 - K New connection with Turitea Road
 - L Rural residential development
 - M 40m setback from SH57
 - N Connection into Silicon Way
 - * Connection under different land tenure control

Aokautere Structure Plan





- KEY**
- Structure Plan Boundary
 - Built / Consented
 - Pacific Dr upgrade
 - Collector
 - Local Collector
 - Local Rural Road
 - Local Road
 - Shared Surface
 - Shared Surface / Laneway
 - Wetland Park Street
 - One Way Street

Aokautere Structure Plan

Movement network overlay

