

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

**LEGAL SUBMISSIONS IN REPLY FOR FLYGERS INVESTMENT GROUP LIMITED IN
RESPECT OF HOUSING DENSITY AND TYPOLOGY**

11 AUGUST 2022

Counsel Acting

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1. These are the requestor's submissions in reply in relation to the topic of housing mix (i.e. mixture of density, typology and/or price), filed in accordance with Minute 6.
2. The subject-matter arises because the Panel is considering whether, and to what extent, the provisions (policies, rules or other methods) should require multi-unit housing (within the area denoted as "multi unit housing" on the proposed Structure Plan).
3. The requestor opposes provisions that express a requirement for multi-unit housing in mandatory terms, for three reasons.
4. First, Messrs Asgar and Duindam's preference to compel multi-unit housing is understood by the requestor to be (to some extent, at least) in response to nationwide initiatives to enable housing supply. However, PNCC is a Tier 2 authority. Unlike Tier 1 authorities it is not obliged to promulgate an intensification planning instrument (IPI) that implements medium density residential standards (MDRS). Yet Messrs Asgar and Duindam seek to impose a *more directive* requirement than applies to Tier 1 authorities. While Tier 1 authorities must incorporate MDRS into their Plans, the result will merely *enable* medium density development, not *require* medium density development. Whether medium density development follows is left as a matter of choice for the relevant landowners.
5. Second, the requestor understands, from Mr Duindam's evidence, that Council is shortly to notify a plan change to implement a district-wide approach to better provide for intensification. The requestor considers that is the better process for addressing these matters, rather than an attempt to pre-empt such matters *ad hoc* for Whiskey Creek/Matangi.
6. Third, the provisions must be assessed according to their appropriateness for achieving the objectives of the Plan Change. The relevant objective is to achieve a feasible development with a mix of housing density, housing type and price point. Feasibility is a core element of this objective. If the requestor is obliged through the provisions to achieve a specified level of density (even with some flexibility through a maximum/average/minimum lot size approach), that pre-judges what is feasible, and the requestor does not consider there is any sound basis to pre-judge that core element of the

objective at this time. The requestor considers that provisions which do not pre-judge what density is feasible are the most appropriate way to achieve the objective (indeed, it considers that provisions that do pre-judge what density is feasible, will fail to achieve the objective).

7. Mr Thomas has previously provided planning evidence in relation to this aspect of the Plan Change. In addition, Mr Thomas has engaged with Mr Asgar on a further report as directed by Minute 6. The difference between the planners in this report largely focusses on the response to para 22(a) of Minute 6. Mr Thomas considers that enabling a wider range of housing typologies within the Multi Unit Housing Area is appropriate to achieving the objectives of the Plan and the Plan Change. To achieve this, he recommends the removal of the minimum lot size and minimum average lot size. This is detailed further in the report filed by Mr Asgar. The provisions recommended by Mr Thomas in this report, and those previously agreed between the planners, continue to be based on the overlay approach already embodied in the Plan. This provides a degree of flexibility to ensure that a feasible mix of typologies within the Multi-Unit Housing Area is enabled.



M J Slyfield

Counsel for Flyers Investment Group Ltd

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