

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

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

PLANNING SUMMARY STATEMENT – MICHAEL DUINDAM

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INTRODUCTION

- [1] This planning summary statement is intended to address a number of strategic planning matters that arose in day 1 and 2 of the hearing and discussions that led to the Planning Joint Witness Statement dated 4 July 2022 (Planning JWS). This planning summary statement is in addition to supplementary evidence I submitted on 4 July 2022, which was focussed on matters specifically requested by the Hearing Panel in Minute 3. I confirm that I continue to agree to comply with the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2014.
- [2] This summary statement explains the District Plan's architecture, and in particular:
- The evolving planning approach of Section 7A of the District Plan
 - The role of structure plans
 - The resource consent activity cascade
- [3] This statement also further addresses Objective 8 and Policy 6(e) of the National Policy Statement Urban Development (NPS-UD) and their influence on growth planning.

DISTRICT PLAN ARCHITECTURE

- [4] The following describes how Section 7A was developed, adapted and is proposed to be enhanced to address greenfield growth needs of the city moving forward. This content provides context to my primary evidence of 11 May 2022 and the supplementary evidence dated 4 July 2022, with regards to why I consider a prescriptive approach to managing growth and structure planning to be appropriate and necessary for Whisky Creek.

Planning approach of District Plan Section 7A Greenfield Residential Areas

- [5] As part of the second-generation Sectional District Plan Review, Plan Change 6 established Section 7A of the District Plan to provide a subdivision development framework for the Whakarongo Residential Area. Through a submission on Plan Change 6, Council attempted to recast Section 7A as a more universal greenfield

subdivision section, which could then be applied to other future growth areas. This attempt was unsuccessful and instead Section 7A was approved as a subdivision section focussed exclusively on the Whakarongo Residential Area.

[6] As part of the third-generation sectional District Plan review process, Plan Change C: Kikiwhenua Residential Area successfully transitioned Section 7A to become a universal Greenfield Residential Area subdivision framework. This resulted in:

- renaming Section 7A to Greenfield Residential Areas
- recasting the Objectives to reflect their application to greenfield residential areas more generally, rather than specific to Whakarongo
- the inclusion of some bespoke policies to specifically define development outcomes that are intended for the Kikiwhenua Residential Area
- the inclusion of a structure plan for Kikiwhenua
- context specific performance standards introduced to address resource management issues specific to Kikiwhenua

[7] Further greenfield residential plan changes are currently under development by the Council. These include Plan Change G: Aokautere and Plan Change K: Kākātangiata. Both plan changes utilise the Section 7A planning framework. Plan Change G: Aokautere has recently been approved for notification, but has yet to be publicly notified.

[8] In preparing Proposed Plan Changes G and K and responding to the Whisky Creek Private Plan Change it has been identified that the generic approach to managing greenfield growth in Section 7A requires refinement. It has become apparent that context specific resource management issues for each operative growth area and Whisky Creek have not been adequately captured in the Objectives and Policies of Section 7A. Furthermore, Kikiwhenua and Whisky Creek (as notified) do not contain specified design principles to guide the assessment as to whether an application is in general accordance with their relevant structure plans. This is problematic, given that this feature is a key part of the District Plan's architecture for assessing greenfield subdivision. The requestor has sought to address this for Whisky Creek through a submission and Mr Asgar has made further recommendations for how these can be modified to deliver an appropriate planning framework to facilitate development in the Whisky Creek Residential Area.

Role of structure plans

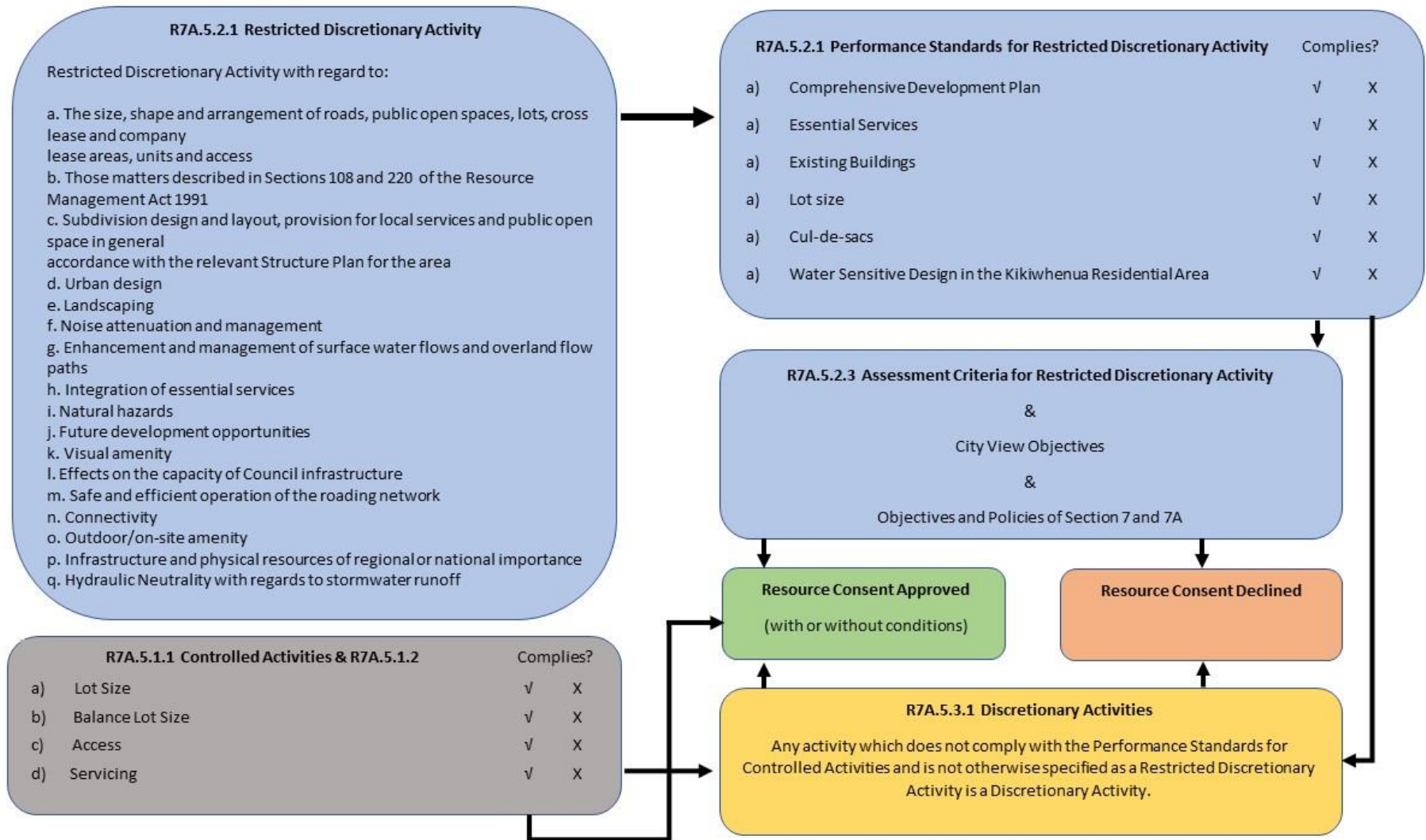
- [9] Mr Thomas stated his view that structure plans should only provide high-level guidance and should provide flexibility for development. First and second-generation structure plans tended to be very high-level, consisting of blobs and lines on maps. This lack of detail necessitated a requirement to apply a general interpretation of delivering the outcomes illustrated in structure plans.
- [10] Since the emergence of the NPS-UD in August 2020, a greater onus has been placed on Councils to ensure that growth planning provides more certainty about development feasibility and timing when enabling land to be used to facilitate urban growth. The NPS-UDC and NPS-UD were introduced to bridge the gap between land-use planning and infrastructure provision. By requiring Councils to ensure that development capacity is sufficient to meet projected demand, the NPS-UD expects a higher level of testing through plan development to ensure that plan-enabled capacity can be feasibly realised. This step-change in approach to planning implies a need for Councils to be more directive in providing for development capacity.
- [11] The structure planning development approach taken for Whisky Creek and Council-led structure planning for Aokautere and Kākātangiata has involved significant technical inputs, master planning and feasibility testing. This modern approach lends itself more readily to the expectations of the NPS-UD. In my opinion, this means that a higher level of expectation can be placed on the outcomes in these new structure plans being delivered. For this reason, I disagree with the conventional wisdom that structure plans should be treated as indicative and provide high levels of flexibility. It is my view that departures from a modern structure plan should only be minor and respond to detailed design considerations that may not have been as readily understood at the plan development stage. In this regard I agree with Mr Thomas that it is important for a planning framework to clarify matters that are “must dos” as an outcome of development. In my opinion this is best done through specific Objectives and Policies and visually reflected in structure plans.
- [12] To give effect to the NPS-UD, I consider that features in a structure plan should generally be expected to be delivered as illustrated. If they are not, or some degree of flexibility around scale or extent of particular features is intended, then this should be shown in the structure plan or accommodated in supporting Objectives, Policies, Performance Standards and/or Assessment Criteria. Otherwise, structure plans serve a limited purpose and at worst send an inaccurate portrayal of what is expected to be developed. This is unhelpful for plan users, and has proven to be so at

Whakarongo already. It is also unhelpful for infrastructure providers who rely on structure plans and yield estimates to inform development and servicing decisions. Given that Section 7A is intended to enable thousands of dwellings across the city, the risk implications of misalignment between land-use planning and infrastructure planning are substantial, particularly for Council in its role as a network infrastructure provider. I consider that the greater certainty that structure planning and supporting provisions can provide for, the more aligned District Plans will become with the expectations of the NPS-UD.

Resource Consent Activity Cascade

- [13] On day 1 and 2 of the hearing, comments were made about the District Plan's architecture, and uncertainty about how the activity cascade is navigated. The following provides an explanation to assist the panel.
- [14] Subdivision for the purposes of accommodating network utilities are provided for as a controlled activity. Any non-compliance with the associated performance standards triggers an elevation to a full discretionary Activity under Rule 7A.5.3.1.
- [15] Subdivision other than for network utilities in a greenfield residential area is a Restricted Discretionary Activity. The matters of discretion are broad. Development is required to be in general accordance with any relevant structure plan. Furthermore, a Comprehensive Development Plan is required to be prepared to accompany an application to demonstrate how development can be delivered in a manner that promotes integrated outcomes, among other things. Specific Performance Standards also exist, which must be met, otherwise consenting is elevated to a full discretionary activity category. A number of assessment criteria exist to provide guidance to plan users for how an Assessment of Environmental Effects and processing of a consent should be undertaken. The assessment criteria are broad and can be considered as an extension of the policy guidance framework. The assessment criteria play a role in helping to determine the extent to which a development proposal is in general accordance with a relevant structure plan. However, the plan architecture is still reliant on the Objective or Policy framework to provide details of the outcomes being sought through the Structure Plan (where the Structure Plan is not descriptive or detailed). As explained earlier, this is problematic when such guidance is lacking or ill-defined.

[16] Given the extensive matters of discretion that are identified in Rule 7A.5.2.1, the expectation is that consenting matters would normally be resolved through this Restricted Discretionary rule. In many ways, it is so extensive in nature that it operates as a faux Discretionary Activity, but with greater guidance as to what matters Council consider appropriate to address. The following diagram seeks to clarify the activity cascade in Section 7A of the District Plan:



Resource Consent Activity Cascade Diagram

NPS-UD OBJECTIVE 8A & POLICY 6

[17] The Hearing Panel has asked for some explanation for how NPS-UD Objective 8A and Policy 6 are being given effect to in this plan change. The Planning JWS provided a response to the specific question around managing greenhouse emissions. Having reflected further on Council's planning approaches to Policy 6, I provide some additional comment below. It is also relevant to the linkage around compliance with the NPS-UD and the residual issue between the planners regarding an enabling versus prescriptive approach when accommodating growth in greenfield areas.

[18] Objective 8 of the NPS-UD states:

Objective 8: New Zealand's urban environments:

- a. support reductions in greenhouse gas emissions; and'*
- b. are resilient to the current and future effects of climate change.*

[19] It is my view that implementation of Objective 8A and Policy 6e is achieved through a broad range of planning responses, rather than any specific provision or method.

[20] Greenhouse gas emission reductions are supported through planning approaches by:

- Accommodating growth close to public transport networks.
- Designing growth locations to accommodate active modes.
- Designing growth areas to access solar gain.
- Delivering a mix of housing types and sizes to maximise yield and efficient use of land.

[21] With regards to the matters listed above:

- Bus services are accessible via Benmore Avenue.
- Public walkways and the collector road network will provide walking and bicycle infrastructure.
- The structure plan, if delivered, establishes a street grid layout that promotes development that can efficiently access sunlight within the development area.
- The minimum lot size promotes smaller lots than other greenfield areas.
 - If a more prescriptive approach to providing for medium density development is accepted, then a mix of housing types and sizes will need to be readily accounted for as an outcome of development.
 - An enabling approach for medium density will not guarantee a mix of housing types.

[22] In addition to the NPS-UD Objective 8, plan changes are required to give effect to the Regional Policy Statement. Policy 3-7 of the One plan is relevant and addresses similar matters as discussed above:

Policy 3-7: Energy efficiency

- a) *The Regional Council and Territorial Authorities must have particular regard to the efficient end use of energy in consent decision-making processes for large users of energy.*
- b) *Territorial Authority decisions and controls on subdivision and housing, including layout of the site and layout of the lots in relation to other houses/subdivisions, must encourage energy-efficient house design and access to solar energy.*
- c) *Territorial Authority decisions and controls on subdivision and land use must ensure that sustainable transport options such as public transport, walking and cycling can be integrated into land use development.*

[23] With regards to the Whisky Creek Private Plan Change Policy 3-7 b) and c) of the One Plan are relevant. Policy 3-7b) could be achieved through the implementation of the structure plan and the land-use controls proposed for Section 10: Residential Zone. Policy 3-7c) can be achieved through the proposed provision of active mode transport infrastructure and the close proximity of the proposed development area to public transport.

[24] In addition to greenhouse gas reductions, Policy 6e of the NPS-UD directs Councils to ensure that development is resilient to the current and future effects of climate change. Policy 6e) of the NPS-UD states:

Policy 6: *When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:*

...

e. the likely current and future effects of climate change.

[25] Flooding and stormwater are most relevant considerations under Policy 6e). Flooding is being sought to be managed through avoidance of development within flood prone areas. Stormwater is being sought to be mitigated through stormwater management. Palmerston North is expected to experience more intense rainfall events over time as a result of climate change. This will likely increase flood and stormwater risks. Flood avoidance is therefore necessary, and stormwater management will also be critical to ensure that adverse effects are appropriately managed.

[26] I consider that Objective 8 and Policy 6e of the NPS-UD and Policy 3-7 of the One Plan lend some weight towards the benefits of utilising detailed structure plans and prescriptive approaches to managing urban growth. The outcomes being sought in these higher order planning instruments are best achieved by including directly related matters as “must dos” in the planning framework rather than simply have regard to them. I consider that Mr Asgar’s version of Policy 2.8, in conjunction with the structure plan, is the most appropriate manner in which this can be achieved.

11 July 2022

A handwritten signature in black ink, appearing to read 'M. Duindam', with a stylized, cursive script.

Michael Duindam