

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

SUMMARY OF EVIDENCE OF PAUL NORMAN THOMAS

PLANNING EVIDENCE

3 JUNE 2022

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INTRODUCTION

1. My full name is Paul Norman Thomas. My qualifications and experience are set out in my brief of evidence dated 18 May 2022.
2. I was the primary author of the Private Plan Change Request including the proposed plan provisions.

KEY POINTS IN EVIDENCE AND AREAS OF AGREEMENT AND DISAGREEMENT

3. The Palmerston North District Plan provides for the development of new Greenfield Residential Areas through a dedicated section in the District Plan on subdivision and additional provisions in the Residential Zone.
4. The provisions in these parts of the Plan dictate the form and style of incorporating additional Greenfield Residential Areas.
5. My evidence outlines the key provisions that will apply to the Whiskey Creek Residential Area when incorporated and the process of identifying what additional or altered provisions are required to address the development issues of the area. It also summarises the changes proposed in the Plan Change which focus on the leading instrument being the Structure Plan.
6. The evidence then focusses on the changes proposed in the evidence of Mr Asgar.
7. In relation to stormwater performance standards I do not agree that additional provisions are required for Whiskey Creek Residential Area over and above the existing provisions. In particular, I don't support requirements that apply additional requirements over and above the Council Engineering Standards for Land Development.
8. In terms of flood management I do not support most of the additional performance standards recommended which relate to modelling as these can be addressed through normal consenting assessment requirements. I do, however, support changes to insert a minimum floor level requirement at the 1 in 200 year level and that modelling demonstrate that flood levels shall not increase by more than 50 mm in a 1 in 200 year event.
9. I also do not support retention of the flood prone overlay over the land that will not be flood prone. As proposed in the Plan Change this should take

effect once earthworks have been completed in accordance with consent requirements.

10. In terms of additional policies, I support the retention of two separate policies, the first based on the critical requirements and outcomes and the second setting out the design principles of the Structure Plan which should be had regard to in assessing future consent applications. I consequently disagree with the recommendation that the combined policy should be led by "ensure that".
11. Within this policy I support the amendment proposed by Ms Fraser in relation to the road cross sections.
12. The one wider fix that the Plan Change seeks to address relates to the neighbourhood centre rule which is clearly within scope and in my assessment is not fit for purpose because it requires an application to be part of a subdivision application forming part of a Comprehensive Development Plan. A minor amendment disconnecting the rule from subdivision is recommended. In considering this further it is important to note that the Plan Change request recognised that this rule change would also apply to the Whakarongo Residential Area which has a neighbourhood centre as part of its Structure Plan. If the Panel is concerned that parties with an interest in this matter at Whakarongo may not have been aware of this wider application then I recommend that the wording is altered to make the change specific to the Whiskey Creek Residential Area as follows:

R10.7.3.5 Commercial Activity

Any commercial activity, including the construction, alteration or addition to a building or structure within an allotment shown in a Comprehensive Development Plan in accordance with R7A.5.2.2 for use for commercial activity where an application for resource consent is made for the particular commercial activity and, for the Whakarongo Residential Area the application is included as part of the application for subdivision consent to give effect to the Comprehensive Development Plan is a Restricted Discretionary Activity in respect of:

13. The position regarding water supply is problematic but does not justify the additional provisions proposed. My evidence is that the existing provisions are adequate to address the issue. If the panel finds that additional provisions are warranted, then the submission scope to make that change requires determination.
14. A change to the "design principles" policy is recommended to expressly provide for further consultation with mana whenua regarding reserve development and management planning.
15. In terms of amenity enjoyed by existing Meadowbrook Drive residents, there will be changes to those amenity values but in relation to sun and view these changes are far less than those enabled by the Rural Zone provisions. Additional rules have been proposed from the outset recognising these issues. However, a further boundary set back rule not exceeding 3m could also be considered even though not recommended by the s42A report.
16. The proposal is consistent with the City View objectives of the District Plan and the higher order documents of the Regional Policy Statement and NPS UD. Albeit that a future minor amendment to the Map at Schedule J of the RPS will be required in the future.

RESPONSE TO SUBMITTER EVIDENCE

17. Expert evidence has been filed from Jon Bell for Horizons and Amanda Coats for Heritage Estates 2000 Ltd. Before responding to relevant matters it is important that I record that I have advised Heritage Estates Ltd in relation Private Plan Change B since 2008. Private Plan Change B is referred to extensively in Ms Coats evidence. This advice, of course, did not extend to any advice on the HEL submission on this matter.
18. Ms Coats evidence is that the Plan Change should be in the form required by the National Planning Standards. I disagree. The Council is required to amend the District Plan to align with the National Planning Standards within 5 years from its promulgation. The NPS is dated November 2019 which means it must be implemented by November 2024, assuming the RMA is still in force at that time.
19. This will require a wholesale re work of the District Plan. Advancing this Plan Change in that format when there is an existing plan framework for

Greenfield Residential Areas in Section 7A is neither efficient nor effective. Mr Duindam will be able to explain how the Council is addressing this matter but it is not for a private plan change to seek to take on this responsibility. In any case, it is likely that urban growth areas such as this would come under a Chapter titled Development Areas rather than the Precincts (Multi Zone) suggested in the evidence.

20. In regard to the evidence of Mr Bell the principal issues are around the operation of the Manawatu Drainage Scheme and the issue of whether the Plan provisions should adopt an avoid only approach or a less than minor approach.
21. Mr Wallace will have updated the hearing on his latest modelling with refinements to the mitigation approach. This results in virtually no increase in flood levels from operation of the drainage scheme with the only increase being between 0 and 50 mm in the paddocks towards the north part of 247 Flyers Line. The refinements remove the pond close to the boundary with 247 Flyers Line and removes the pond close to the Benmore Avenue stopbank.
22. Mr Bell is seeking a clear performance standard to be included.
23. In my evidence I have recommended that two additional standards be applied relating to a flood level increase in the 1 in 200 year event of 50 mm maximum (refer para 72) and minimum finished floor or ground levels above the 1 in 200 year flood level (refer para 70). The position previously agreed with Mr Bell for Horizons is that a 50 mm increase is a less than minor effect.
24. In terms of effects on the Manawatu Drainage Scheme from stormwater generated from the development addressed in para 25 of Mr Bell's evidence, it is my understanding that all stormwater from the development will be controlled such that all of it is discharged to the reticulated Council stormwater system and not to the wider Manawatu Drainage Scheme. This Council reticulation does discharge back to a tributary of Whiskey Creek further down Benmore Avenue but because the detention will achieve hydraulic neutrality there will be no increase in peak discharges back into the Whiskey Creek system that is attributable to this Plan Change.
25. At para 18 Mr Bell states that he wishes to ensure that the flood protection earthworks are undertaken before the development of any house in the Plan

Change Area begins. That is expressly what the Plan Change proposes with a Plan Map annotation that ensures the flood prone overlay is not amended until the required works are completed. Mr Asgar does not support this approach because he has assumed that the earthworks and subdivision application will be pursued jointly. That is not the proposed approach and is not what Mr Bell wishes to see. Resource consent applications for earthworks only have been lodged with both Horizons and Palmerston North City Council. They are subject to further information requests and this further information will now embrace the refinements identified by Mr Wallace in his recent modelling.

26. In preparing the Plan Change request it was anticipated that by this point the consents would have been approved and reference to a specific resource consent could be included in the Plan Map annotation.
27. The fact that the consent is not yet approved makes this inappropriate at this point in time. As a result, I recommend that the annotation be reworded along the lines of the following:

The change to the Flood Prone overlay shown here shall take effect once works have been completed that achieve flood hazard avoidance on that land.

28. I have used the term flood hazard avoidance because it is technically defined in the Regional Policy Statement refer para 4.37 of Mr Asgar's evidence.
29. This will avoid the need for a further plan change to put this into effect at a later date and in my assessment is more efficient and effective than the alternative.

CULTURAL ISSUES

30. At para 123 of my evidence I advised that I expected to be able to update the Panel on any further comments from Rangitane o Manawatu in relation to the wording of the "design principles" policy and more particularly the section headed "Open Space and Reserves".
31. I can advise that a response was received from Siobhan Karaitiana on 20 May which recommended some additional amendments. Clearly you will

need to be satisfied that there is scope to consider these amendment but they are tabled for your consideration and are shown in red below.

Stormwater and flooding

- *adverse effects on the Lower Manawatu Drainage Scheme are avoided, remedied or mitigated.*
- *sustainable and culturally responsive urban drainage solutions either within the street network or within the reserve are provided.*
- *design of the stormwater detention pond shall have regard to visual amenity and ecological benefits whilst achieving hydraulic neutrality.*
- *the design of the stormwater system will include wetlands to provide for Māori values of wai ora and cleansing of water*
- *The feasibility of supplementing flows within Whisky Creek with stormwater discharges is explored.*

The Conservation and Amenity Area provides for :

- *ecological restoration of the ephemeral tributary of Whiskey Creek as recreational reserve.*
- *whānau ora values of Hauoranga (supporting whānau to lead healthy lifestyles) and Tuakiritanga (confidently participating in Te Ao Māori)*
- *consultation with Rangitane o Manawatu in relation to design and the preparation of a Management Plan for this area*

32. Ms Karaitiana noted that whānau ora values referred to above are intended to draw out the idea of a recreation path/access through the reserve and Hauoranga refers to implementation of Māori naming, signage, mahi toi, and Tuakiritanga.
33. My principal comment on the above is that there are a number of options for stormwater quality treatment which will be investigated and form part of the future resource consents. Wetland treatment is certainly one option but not the only option. It would, therefore, in my opinion be more appropriate to refer to including water quality treatment in general in the design principles rather than limiting it to wetlands.

CONCLUSION

34. Subject to the provision changes recommended in my evidence I consider that the Plan Change package meets the requirements of the Act for Plan Changes and as part of this meets the requirements of Section 32 and I recommend that the Panel recommends that it be approved.

Paul Norman Thomas

3 June 2022