

**PALMERSTON NORTH CITY COUNCIL**  
**PRIVATE PLAN CHANGE REQUEST FOR WHISKEY CREEK RESIDENTIAL AREA AT**  
**611 RANGITIKEI LINE, PALMERSTON NORTH**  
**MINUTE 3 OF INDEPENDENT HEARING PANEL**

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### **Introduction**

1. This Minute is being sent to you because you are either the Requestor, a Submitter or a Council Reporting Officer to the above Private Plan Change proposal.
2. The purpose of this Minute is to advise all parties to these proceedings of the details associated with the proposed reconvening of the adjourned hearing and to provide some direction to both the Requestor and Council reporting officers regarding the information to be supplied in advance of the reconvened hearing.

### **Reconvened hearing**

3. We would like to first begin where we left off at the completion of the adjourned hearing at 4.30 pm on Friday 3 June by reiterating our thanks to all involved for their positive engagement during the first two days of the hearing process. I would also like to apologise for the delay in getting this Minute out to the parties. A combination of a public holiday, illness and other hearing engagements has contrived to delay the Minute.
4. I'm pleased to say that I'm now back to full fitness and able to provide the directions required. The first point of business is to advise of the date for the reconvened hearing. The hearing will be reconvened at **9 am on Monday 11 July 2022** at the Council Chamber. A courtesy notice will follow in due course from the Council Hearing Administrator.
5. For completeness, I note that the Panel will conduct site visits to those Submitters' properties that were requested during the adjourned hearing. Those site visits will occur

on the afternoon of **Sunday 10 July 2022** and the Hearing Administrator will be in touch with the relevant Submitters closer to that date.

6. We would just remind Submitters that these site visits are not an opportunity to discuss their submissions with the Panel, but rather presents an opportunity for the Panel to see first-hand the interface between Submitters' properties and the Plan Change site. We are able to conduct visits from the road/property boundary and from the Plan Change site without bothering Submitters but if any Submitters wish us to come onto their property, we are more than happy to do so.

### Directions to Parties

7. At the time of the adjournment we had completed the case for the Requestor<sup>1</sup> and had heard presentations from all Submitters who had requested to be heard<sup>2</sup>. We also had the benefit of hearing from, and putting questions to, the expert witnesses involved in the following 'combined' presentations from the Requestor and Council Reporting Officers:
  - a. experts involved in the Joint Witness Statement (**JWS**) associated with flooding and stormwater management; namely Mr Tim Preston, Mr Philip Wallace and Mr Paul Mitchell.
  - b. 'hot tubbing' sessions on:
    - Noise (Mr Nigel Lloyd and Mr Bill Wood)
    - Transport (Ms Harriet Fraser and Mr Chris Rossiter)
8. If necessary, Mr Preston, Mr Wood and Mr Rossiter are able to present at the reconvened hearing on any matters not canvassed in items 7a and 7b above.
9. We are also yet to hear from the following Council Reporting Officers:

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<sup>1</sup> With the exception of the Requestor's Planning Witness, Mr Paul Thomas, who, although having responded to various questions of the Panel during the hearing, is yet to present and take questions on his pre-circulated brief of Planning evidence. and will appear instead at the reconvened hearing.

<sup>2</sup> With the exception of submitter Mr Michael Hermansen (SO-13) who was unable to attend on the allocated time and may appear instead at the reconvened hearing.

- a. Water Infrastructure: Mr David Miller
- b. Strategic Growth: Mr Michael Duindam
- c. Planning: Mr Marz Asgar
- d. Legal: Mr Jessen

10. Also, and as mentioned earlier, we are also yet to hear from Mr Thomas – the Requestor’s Planning Witness.

11. We have a strong preference that the two expert planners (Mr Asgar and Mr Thomas) continue the ‘conferencing’ that was evident during the course of the hearing and produce a JWS for consideration at the reconvened hearing that sets out all matters of agreement and disagreement. The JWS should be accompanied by a set of tracked provisions which reflects any agreements. Where there remain any matters of disagreement or alternative approaches to the provisions, then it will be necessary for those matters to be recorded in separate supplementary briefs of evidence by both planners.

12. Without limiting the matters to be covered by the conferencing (and to be recorded in the JWS and tracked provisions), we would particularly like the following matters to be addressed:

- a. **flooding /stormwater management** - and in particular whether, based on the JWS on this topic, there remains a requirement to retain the flood zone over the Plan Change site (and, if not, what the proposed mechanism to remove that provision should be);
- b. **water supply capacity** - and in particular whether there is any specific limiting factor that might necessitate this aspect of development to require special attention through an elevated activity status as opposed to relying on the standards and matters of discretion associated with entry-level subdivisions for the site;

- c. the advantages and disadvantages of various methods of treating the **interface** between the rear of the existing residential development along properties on Meadowbrook Drive and the proposed residential development including:
  - a potential green space setback/buffer; and/or
  - bulk and location provisions (including building height, setbacks and boundary alignments)
- d. **Intersection treatment of the proposed Road 1 with Benmore Avenue** – and in particular whether there is a requirement for any bespoke traffic and/or noise provisions ( including intersection configuration) to be included in the Plan Change provisions (including the Structure Plan) to address traffic and amenity concerns raised at the hearing.

13. In addressing each of the above four matters (and any other matters that are conferenced at the discretion of the planners involved), it is requested that the planners focus on the RMA s32 test of what are the **most appropriate provisions** to implement the objective(s) of the operative district plan and the Plan Change proposal. We particularly stress this for the interface issue in item 12c above). In approaching this task, it is important that the conferencing planners are able to demonstrate a clear nexus between objectives, policies, rules, standards and any other methods being recommended. It is also a requirement that any provisions (i.e. any new provisions proposed or existing provisions being amended) introduced since the Plan Change was notified are accompanied by the requisite RMA s32AA assessment undertaken to a level that is commensurate with the level of the change(s) being recommended.

14. In addition to the above matters, the Panel would like a commentary/assessment from the two planners on the following two matters:

- a. NPD-UD Objective 8a and Policy 1e - Greenhouse Gas Emissions

The Panel wishes to understand how the Plan Change gives effect to national direction in respect to greenhouse gas emissions. For example, NPS-UD Objective 8a “*New Zealand urban environments support reductions in greenhouse gas emissions*” and

Policy 1e *“Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum: support reductions in greenhouse gas emissions.”*

b. Multi-Unit Housing /Medium Density Residential standards

The Panel is interested to hear more about two aspects of this topic:

Firstly, the Panel notes that an area of the Plan Change site is ‘designated’ Multi-Unit Housing on the proposed Structure Plan. As we understand it, that designation enables such housing to be created but does not mandate it. In other words, standard residential development (as opposed to multi-unit development) could occur despite the designation/intention. The Panel wishes to understand whether our interpretation of the multi-unit housing provisions is correct and, if so, what implications that has for the Plan Change as a whole. In particular:

- Are the Plan Change objectives and outcomes predicated on multi-unit housing occurring in that location; and
- If multi-unit housing doesn’t occur, what implications (if any) will this create for the site development and for the yield characteristics of the Plan Change and for the City as a whole in terms of providing capacity for housing in the short and medium term scenarios.

The Panel is particularly mindful of the comments in the evidence of Mr Duindam on this matter where he states<sup>3</sup>:

*“Multi-unit development provides a solution to address this mismatch (in housing supply). With this in mind, my opinion is that the Plan Change needs to be more directive in how certain aspects of the structure plan are delivered. In particular, to direct the medium density area to be delivered as an outcome of*

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<sup>3</sup> Statement of Evidence of Michael Duindam for the Palmerston North City Council dated 11 May 2022- paragraph 12

*development. The plan provisions as notified only signal an intent to enable intensification” (emphasis added).*

It is the Panel’s preference that conferencing on this issue involves Mr Thomas, Mr Asgar and Mr Duindam and that a JWS is produced on this and the following matter.

Secondly, the Panel is interested in understanding the potential impacts of future planned actions by the Council under both the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act (“the Housing Supply Act”) and the NPS-UD. We understand that as Tier 2 council, PNCC is not obliged to, nor intend to, codify the provisions of the Medium Density Residential Standards (MDRS) from the Housing Supply Act into the district plan for existing/new residentially zoned areas of the City. However, from Mr Duindam’s evidence, we understand that *“a Plan Change is also under development to further enable intensification, as required by the NPS-UD.”*<sup>4</sup> We would like to understand what is being proposed by the PNCC and the likely timeframe and in particular what impact that would have on the likely scale of development and yield projections for an Operative Whisky Creek Plan Change. A Planning JWS on this is preferred.

### Next Steps

15. We request that the various planning JWS referred to above along with the changes to provisions and the information on the NPS-UD direction be filed with the Council Hearing Administrator five working days before the hearing; being no later than **4 July 2022**. If this timeframe is problematic, please advise the Hearing Administrator immediately.
16. The Hearing Administrator will be in touch with Mr Hermansen next week to ascertain whether he wishes to present at the reconvened hearing.

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<sup>4</sup> Statement of Evidence of Michael Duindam for the Palmerston North City Council dated 11 May 2022- paragraph 10

17. The PNCC hearing administrator is Rosa de Souza and can be reached at [rosa.desouza@pncc.govt.nz](mailto:rosa.desouza@pncc.govt.nz)

**DATED** this 18<sup>th</sup> day of June 2022



DJ McMahon

Chair - Independent Hearings Panel

For and on behalf of:

Commissioner: DJ McMahon

Commissioner: A Rutherford (Deputy Mayor Palmerston North City Council)

Commissioner: B Barrett (Palmerston North City Council Environmental Sustainability Committee Chairperson)