

BEFORE THE PALMERSTON NORTH CITY COUNCIL

IN THE MATTER OF the Resource Management Act 1991

AND

IN THE MATTER OF an application by the Anglican Diocese of Wellington for the refurbishment, strengthening and extension to the heritage listed building known as All Saints Church, 338 Church Street, Palmerston North

**SUPPLEMENTARY STATEMENT OF EVIDENCE
OF DAVID FORREST
DATED 14 JANUARY 2021**

- [1] This supplementary evidence addresses the matter raised by Mr O’Leary in his s42A Report (paragraphs 4.90 and 4.91) concerning a minor footpath (legal road) encroachment to be sought in relation to the proposed alterations and additions to the All Saints Church and what I understood to be the Council’s agreement in principle (acting as the Road Controlling Authority) for such an encroachment.
- [2] I was instructed to assist with the preparation of the application by the Church Building Advisory Board (CBAB) in 2016 and was involved in preliminary, pre-application meetings with the Council in late 2017 and 2018.
- [3] By way of context, the development community in Palmerston North had, for many years, expressed concern about the lack of an integrated response by the Council to proposed development projects. Developers would have the experience of seeking consents from one arm of the Council and then discover later that another arm of the Council had to give consent that required another process, thereby leading to ongoing delays and frustration.
- [4] In order to overcome these problems, a Council-led initiative commenced around about 2017 whereby key development projects were given a wraparound service in which co-ordinators employed by the Council would arrange meetings where issues were able to be addressed holistically.
- [5] For the events that I describe in this evidence that role of all-of-Council co-ordination was performed by Rebecca Kinloch at the Council.
- [6] In mid-2016 All Saints Church approved the design that forms the Proposal. There were preliminary discussions between Matt Soong and the Council regarding a minor encroachment into the footpath during 2017.
- [7] On 5 February 2018 Matt Soong emailed Ryan O’Leary, the Planning Officer assigned to the matter, to arrange a meeting. The email stated:

“Hi Ryan,

David Forrest and I would like to meet to discuss the street frontage. This would include, boundary encroachments, road traffic, and urban design ...”.

- [8] The meeting was held on the 26th of February 2018 and coordinated by Rebecca Kinloch. For the Council, the following people were present: David Murphy (City Planner), David Lane (Transportation Asset Manager), David Charmley (Urban Design), Ryan O’Leary (Senior Consents Planner) and Rebecca Kinloch.
- [9] We discussed changes to the design including the removal of the canopy over the Tower, the boundary encroachment, urban design funding and maintenance and upkeep issues.
- [10] Concerning the encroachment, David Lane was clear that the encroachment would not be a problem. My notes record this. It was obvious that there was no impediment to pedestrian flow and David Lane said that the pedestrian curb could be extended to accommodate better flow, if required. Mr Lane said that issues regarding allocation of maintenance and legal responsibilities would be recorded in a Licence to Occupy, and that that was a common technique.
- [11] I left the meeting with complete confidence that the encroachment did not present any legal issues from the Council’s point of view as the Road Controlling Authority.
- [12] During that meeting we were also directed to approach the Council for funding from its heritage fund and to have the proposal recognised in the LTP. The All Saints Church duly did that and it obtained funding based on the design that is the current Proposal.
- [13] Therefore, having used the Council’s wraparound service, the CBAB and the Anglican Diocese of Wellington had full confidence that the Council had no objections to the Proposal in its role as Road Controlling Authority.
- [14] The application for resource consent was lodged at the end of September 2019. Since then I, and other members of the All Saint’s team, have had information requests from, and numerous communications with, Mr

O'Leary. Not once did he raise the issue of pedestrian amenity or encroachment in the context of the required approval of the Council as the Road Controlling Authority.

[15] The urban sculptured trees were introduced to create a sense of interest and creativity to achieve the Council's place-making aims following discussions with Council Officers on urban design matters. No-one at the Council objected to these features through the process and if the Council does not want them then that is not something that is critical to the application.

[16] As a planner I find it fanciful for the Council to suggest that the encroachment has any adverse amenity impacts that are measurably more than miniscule. Street furniture and bus shelters are often found within the urban environment and especially in the Central Business District. This variation in spaces, street works and arrangements can add interest to the public realm and a heightened sense of place. The remaining available space in this location is large and the pedestrian numbers are not large, so I am at a loss to understand why Mr Lane's acceptance in principle of the encroachment can no longer be relied upon. I trust that Mr O'Leary will be able to explain this change in stance to the Commissioners at the Hearing.



David Forrest