

BEFORE THE INDEPENDENT HEARINGS PANEL

APPOINTED BY WAIMAKARIRI DISTRICT COUNCIL

UNDER the Resource Management Act 1991

IN THE MATTER of the Proposed Waimakariri District Plan

SUMMARY STATEMENT OF EVIDENCE OF BERNARD GAVIN WARMINGTON

for Rainer Hack and Ursula Hack (Submission Number 201)

Hearing Stream 12E – Rangiora, Kaiapoi, Woodend and Variation 1

Dated: 20 August 2024

Align

EXPERIENCE

1. My full name is Bernard Gavin Warmington.
2. I am the Area Planning Manager for Wellington at Align Limited. My qualifications and experience are as stated in my evidence dated 16 August 2024. I confirm that I have read, understood, and will comply with the Code of Conduct for Expert Witnesses contained in the Environment Court's Practice Note 2023.

SUMMARY OF EVIDENCE

1. The Operative District Plan zone for the property is Rural Zone and the Proposed District Plan zone is Rural Lifestyle Zone. The submitters requested a number of alternative forms of relief in their submission, including rezoning. The relief sought has been refined through the evidence process, while remaining in-scope of the submission, to be a split-zoning with Medium Density Residential Zone to the west and Large Lot Residential Zone to the east.
2. I consider that the (PDP) General Residential Zone is not the most appropriate zone for the site and is also not available, as the site forms part of the Woodend urban environment and is therefore subject to the 2021 RMA housing intensification provisions. These require all Relevant Residential Zones (RRZ) to apply the MDRS standards, unless these are modified according to the prescribed process for qualifying matters.
3. A subdivision masterplan was developed as a scenario for testing, including a civil engineering assessment. This concept masterplan informed the Development Area Outline Development Plan. The text for the DA has been slightly updated for the current evidence.

PROPOSED PARSONAGE ROAD DEVELOPMENT AREA (DA) AND OUTLINE DEVELOPMENT PLAN (ODP)

4. The proposed Medium Density Residential Zone would occupy about 1.84ha of the 3.7ha site. This is shown in Figure 1 below.
5. The proposed Subdivision Standard limiting residential yield to 32 lots, provided in our Stream 12C evidence, has been deleted. While this is the submitters' target yield I consider that including a limit would require a qualifying matter assessment under the MDRS. The site can achieve the Policy SUB-P6 intended residential density of 15 units per hectare based on 29 units in the MRZ area, with 3 units in the LLRZ area, a total of 32. I consider that no lot or unit number limitation is required as an area-specific control, although current servicing availability may limit development to ~32 units without significant upgrades.

SERVICING, TRAFFIC AND TRANSPORTATION

6. The civil engineering evidence of Mr Hopkins demonstrates that acceptable outcomes are possible for the site in terms of stormwater management, wastewater disposal, water supply, local access and road design.
7. The traffic and transportation evidence of Mr Carr demonstrates that there are no traffic or transportation reasons that would preclude rezoning the site.
8. The geotechnical report by Ms Kellett and Mr Su confirms that the site is suitable for residential use subject to adequate site-specific geotechnical investigation and assessment.

WOODEND BYPASS NOISE AND REVERSE SENSITIVITY

9. The reporting officer (Stream 12E Supplementary s42A Report) notes that *“noise from the proposed motorway is the biggest constraint on the site”* and that *“If the reverse sensitivity risks from this site cannot be mitigated, then it should not be rezoned, but I have no evidence on which to assess that.”* On that basis the author recommends rejection of the submission.
10. Ms Edmonds’ evidence in chief and my supplementary evidence for Stream 12C stated that the Woodend Bypass designation conditions require NZTA Waka Kotahi to provide noise mitigation for this property. After receiving the reporting officer’s recommendation on 9 August the submitter commissioned a technical memo from Mr Trevathan of Acoustic Engineering Services. Mr Trevathan concludes:

“...we expect that the potential internal noise levels within habitable spaces of future dwellings on the site will be able to be appropriately controlled with the existing provisions (NOISE-R16) within the Proposed Waimakariri District Plan.”

“we expect that external noise levels would be in a similar order to what is considered acceptable in the NZTA Guidance, and NZS6806...”

“...we also expect that the vibration levels when received at any potential future residential dwelling would be low.”
11. I rely on the expert statement by Mr Trevathan to conclude that future noise effects, and the risk of reverse sensitivity to the motorway, would not be an impediment to an urban zoning. I note also that the northern part of Thirlwall St has been recently subdivided by Council. Figure 2 shows that this site has similar predicted noise to the submitters’ site.

POLICY ASSESSMENT

12. I have assessed the proposed rezoning against the objectives and policies of the NPS-UD, the Regional Policy Statement and the Proposed District Plan (Appendix C of my Supplementary Evidence). Aside from Canterbury RPS Policy 6.3.1 and Map A, I consider that the proposal achieves a high degree of conformity with no significant inconsistencies.
13. The Canterbury RPS does not provide for the site as a Greenfield Priority Area or Future Development Area in Plan A, Chapter 6, as is required by Policy 6.3.1. This policy outcome can be tested against the NPS-UD, as a higher order policy document.
14. My reading of NPS-UD Objective 6 is that it requires (all) local authority decisions to be responsive, particularly so for proposals that would supply significant capacity. The operative RPS does not define ‘significant’. I consider an additional 31 lots can be significant in the context of a small town like Woodend. However, I do not think it needs to be so for the Council to consider it on its merits.
15. Policy 8 requires that local authority decisions are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments. The current proposal would certainly contribute to well-functioning urban environments, regardless of whether it is considered to add significant capacity.
16. Policy 6d requires that, when making planning decisions that affect urban environments, decision-makers have particular regard to ... any relevant contribution that will be made to

meeting the requirements of this National Policy Statement to provide or realise development capacity. Again, this is not limited to 'significant' contributions however defined, only that they are 'relevant'.

BERNARD GAVIN WARMINGTON

20 August 2024

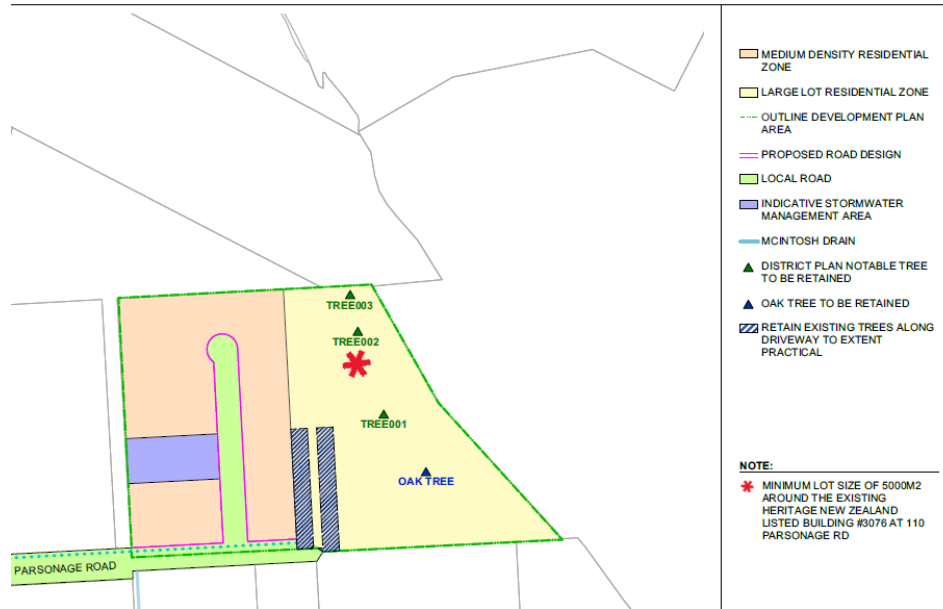


Figure 1: Proposed Parsonage Road Outline Development Plan

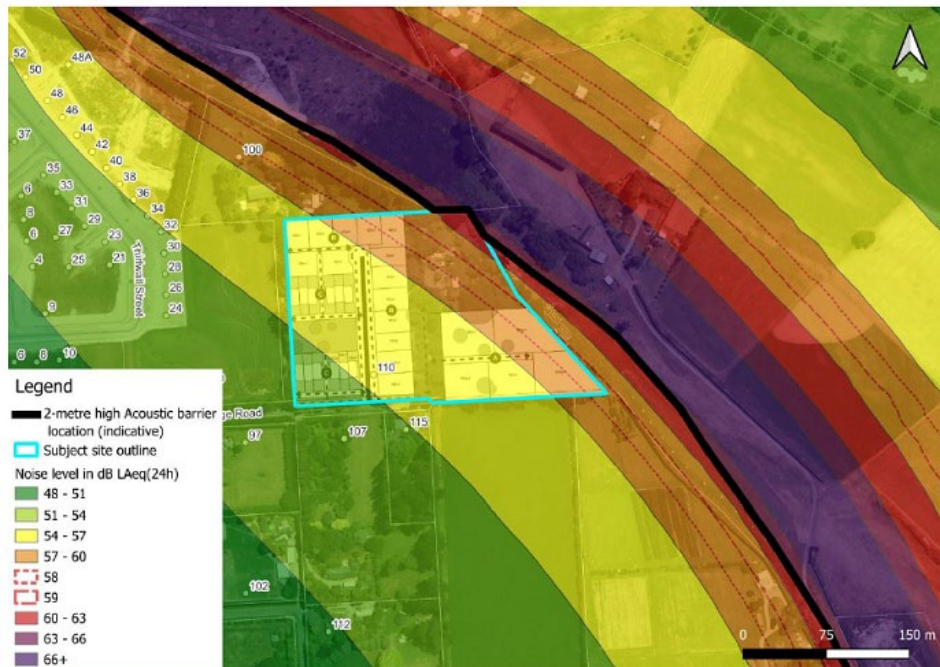


Figure 2: Predicted noise contours in AES report