

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 12C – Large Lot Residential Zone

Dated: 12 July 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 9 July 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.
3. This statement summarises the evidence relating to Hearing Stream 12C (Large Lot Residential Zone) for Rainer and Ursula Hack (Submission Number 201) who are the owners of 110 Parsonage Road. It encompasses the planning evidence of Ms Victoria Edmonds (5 March 2024) and my supplementary planning evidence (7 July 2024). Separate summary statements have been provided by Mr James Hopkins for civil engineering and by Mr Andrew Carr for traffic and transportation.

SUMMARY OF EVIDENCE

4. The submitters requested a number of alternative forms of relief in their submission, including changes to objectives and policies of the Proposed District Plan (UFD and SUB chapters) and rezoning of the site (and in some cases surrounding land) to various combinations of:
 - Large Lot Residential Zone (only)
 - General Residential Zone and Large Lot Residential Zone
 - General Residential Zone (only)
 - General Residential Zone, Medium Density Residential Zone and/or Large Lot Residential Zone and to be included in the Urban Growth Boundary
 - A Residential Development Area in Woodend East, to include 110 Parsonage Road.
5. Subsequent to the submission, Mr and Mrs Hack commissioned Align to develop a subdivision masterplan for the site as a scenario for testing, including a civil engineering assessment. This concept masterplan informed the Outline Development Plan and both are attached to the evidence of Ms Edmonds.
6. The proposed Large Lot Residential Zone would occupy about 1.6ha of the 3.7ha site. Key design principles for the overall site are:
 - Higher density in the west of the site (MRZ) to benefit from the amenity of the low intensity stormwater lot and uninterrupted views to the west;
 - Lower density in the east (LLRZ);
 - Protection of the heritage homestead and its setting (Heritage NZ Pouhere Taonga);
 - Retention of notable trees TREE001, TREE002 and TREE003 (Proposed District Plan) and other trees where possible;
 - Stormwater mitigation within the site, discharging to McIntosh Drain at pre-development rates;

- Development able to be serviced through extensions to existing public infrastructure.

REASONS FOR THE REZONING REQUEST

7. The Operative District Plan zone for the property is Rural Zone and the Proposed District Plan zone is Rural Lifestyle Zone.
8. The submitters have owned the property for a long period and wish to develop it in a way that preserves the Heritage New Zealand listed Mairangi Homestead (a former Anglican parsonage dating from around 1876) and the District Plan scheduled trees, all of which are in the east of the property. The Woodend Bypass which Government has committed to constructing is immediately to the east of the property. A Large Lot Residential zoning of the eastern part of the property would enable a development intensity which does not impact the heritage dwelling or notable trees and avoids placing intensive residential development close to the motorway.

SERVICING, TRAFFIC AND TRANSPORTATION

9. 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.
10. The traffic and transportation evidence of Mr Carr demonstrates that there are no traffic or transportation reasons that would preclude rezoning the site.
11. 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.

POLICY ASSESSMENT

12. I have provided a further assessment against the objectives and policies of the National Policy Statement – Urban Development (NPS-UD), the Regional Policy Statement and the Proposed District Plan.
13. The Regional Policy Statement provisions of relevance are Objectives 5.2.1, 5.2.2, 6.2.1, 6.2.1a, 6.2.2, 6.2.3 and Policies 6.3.3 and 6.3.9. The proposed rezoning to LLRZ could comply with most of these provisions, failing mainly against Policy 6.3.9's requirement that rural residential development (i.e. LLRZ) "*can only be provided for by territorial authorities in accordance with an adopted rural residential development strategy*".
14. The RPS was adopted in 2013 and the Environment Canterbury website states that a consultation on a draft replacement Regional Policy Statement will occur in June/July 2024. The NPS-UD (2020) is a higher order and more recent document than the RPS and arguably more reflective of the current policy environment for housing provision. I consider that RPS Policy 6.3.9 can be viewed in light of higher order planning requirements and Council can consider NPS-UD Objective 6 and Policy 8, requiring that "*Local authority decisions affecting urban environments are responsive to plan changes ... even if the development capacity is ... unanticipated by RMA planning documents*" when interpreting and applying RPS Policy 6.3.9. That is to say, new areas of RRLZ not anticipated by a RRDS could still be considered by a Council.

15. Proposed District Plan Policy UFD-P3 Identification/location and extension of Large Lot Residential Zone areas sets out the requirements for new or extended LLRZ areas. The current submission does not meet all of those requirements, as noted in my evidence. In particular it does not meet 2(a) *“occurs in a form that is attached to an existing Large Lot Residential Zone or Small Settlement Zone and promotes a coordinated pattern of development;”* or 2(c) *“is not on the direct edges of the District’s main towns of Rangiora, Kaiapoi and Woodend, nor on the direct edges of these towns’ identified new development areas as identified in the Future Development Strategy”*.
16. Again I consider that the quite restrictive nature of Policy UFD-P3 need to be balanced against the requirements provided by NPS-UD Objective 6 and Policy 8. My evidence concludes that other aspects of the Proposed District Plan Policies can be met by the proposal.

CONSIDERATION OF ALTERNATIVES

17. I consider that the alternative zoning options for this site, particularly the eastern part of the site, are:
- Option 1: Rural Lifestyle Zone as shown in the Proposed District Plan;
 - Option 2: Large Lot Residential Zone over the whole site;
 - Option 3: Medium Density Residential Zone over the whole site, with no limitation on the lot number other than that set by the development controls;
 - Option 4: Medium Density Residential Zone over the whole site, with an overlay or a ‘specific control’ to limit development to around 32 lots;
 - Option 5: Large Lot Residential Zone in the east and Medium Density Residential Zone in the west, as proposed in our evidence.

CONCLUSION

18. I consider that a LLRZ zoning for the eastern part of the site would provide a good environmental outcome despite RPS and PDP policies which seek to tightly control additional RRLZ zoning, particularly adjacent to existing urban areas. I consider that NPS-UD Policy 8 would allow Council to take this approach to the site zoning.
19. As an alternative (while not the subject of the current hearing), Medium Density Residential Zone over the whole site could deliver acceptable outcomes, if associated with an overlay or a ‘specific control’ to limit development to around 32 lots.

BERNARD GAVIN WARMINGTON

7 July 2024