

Before an Independent Hearings Panel for Whangarei District Council

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER Submissions made by NorthPine Ltd on
Proposed Plan Changes 85C

STATEMENT OF EVIDENCE BY RUSSELL JAMES MORTIMER

INTRODUCTION

- 1 My name is Russell James Mortimer. I hold a Master of Science degree with honours in Environmental Science and Zoology from Auckland University. I also hold a Diploma in Business Studies and a Bachelor of Science degree from Massey University. I am a full member of the New Zealand Planning Institute and a member of the Resource Management Law Association. I have worked in central government and for private consultancies on issues associated with the Resource Management Act since 1993. Since 1998 I have been a director of Resource Management and Assessment Limited (RMAL), a Northland based resource management consultancy. I am certified under the Making Good Decisions Programme for Resource Management Act Decision Makers.
- 2 My experience includes the preparation of applications for numerous subdivision consents, including the commissioning and reviewing professional reports: surveyors, engineers (civil, geotechnical, acoustic, traffic), landscape architects, archaeologists. Those applications range from single section proposals to multi-staged developments in excess of 100 lots along with the preparation and lodgement of a successful privately initiated plan change request to rezone 22 hectares of a property from Living 3 Environment to Living 1 Environment with yield of some 220 -230 residential allotments. I have presented evidence at various council hearings and Environment Court proceedings relating to those applications and a wide variety of policy development matters.

- 3 This statement of evidence relates to submissions made by NorthPine Ltd on Proposed Plan Changes 85C to the Whangarei District Plan. Over the past 17 years I have provided advice to NorthPine on issues associated with the Resource Management Act. That advice has included the preparation of consent applications for various land uses associated with the site along with discharges to land and water. I have visited the NorthPine site on a number of occasions and am familiar with the surrounding environment.
- 4 The evidence I present is within my area of expertise and I confirm I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence. I am familiar with the Environment Court's 'Code of Conduct for Expert Witnesses' and agree to comply with the Code of Conduct in presenting hearing evidence to the Commissioner.

THE SUBMISSIONS

- 5 Northpine seeks
1. **an extension to the Rural Village Industry sub Environment identified in Proposed Plan Change 85C, so that the entire area of land held within the Certificate of Title (CT) 1348/34 is shown within that sub Environment.**
- And**
2. **Retention of Living 3 zone on Lot 2 DP 366780**
- 6 NorthPine Ltd operates a timber processing plant and sawmill at Waipu. At the Waipu sawmill radiata pine logs are sawn, kiln dried, gauged, stress tested, treated, strapped and wrapped. They are then trucked to timber and building supply merchants
- 7 Northpine Ltd is a major local employer, employing over 50 people. It supplies high quality structural timber via merchants to the public in the upper North Island and to wholesalers in the Asia Pacific region. Over the last few years it has been the proud recipient of 2016 Northland Forestry Award – Training Company of the Year Award. The 2016 Northland Forestry Award – Bruce Larsen – Wood Processing Excellence Award. The 2013 Westpac Northland Business Excellence Award – ACC Workplace Safety Award and the 2013 Westpac Northland Business Excellence Award.
- 8 Northpine Ltd has in recent years invested several million dollars in its business including investment in achieving resource consents to improve processing capacity and performance, including environmental performance. Annual production has grown from 7,500m³ to over 25,000m³, despite severe challenges posed by the crippling recession caused by the GFC

- 9 Northpine Ltd has established and operates and under the provision of several land use consents and the provisions of the Business 4 Environment under which most of its property is zoned.

Extension to the Rural Village Industry sub Environment

- 10 The Council reporting officer has considered the rationale provided in the submission seek an extension to the Rural Village Industry sub Environment identified in Proposed Plan Change 85C, so that the entire area of land held within the Certificate of Title (CT) 1348/34 is shown within that sub Environment. They have recommended that submission be accepted. For the reasons provided in the submission and the 42A report I agree with and endorse that recommendation.

Retention of Living 3 zone on Lot 2 DP 366780

- 11 Living 1, 2 and 3 Environments covering the urban and suburban residential and township areas of the District. Living 1 covers the 'general' urban areas, while Living 2 covers high density residential areas two small areas close to the centre of the City. Living 3 covers areas where development is restricted due to the physical nature of the land, a lack of proper infrastructure or because of the landscape or other values of the area.
- 12 Some areas of Living Environments are compromised by the effects of activities located in other environments. Where there are conflicts between existing legitimate land use activities, a balance is required to be struck between the achievement of high levels of amenity in living environments, and the efficient use of existing resources.
- 13 In the case of the Northpine sites and the adjoining property on Lot 2 DP 366780, while a small portion of the SE corner of Lot 2 has a notable landscape and flood susceptibility overlay it is suggested that the long established industrial use of an adjoining property is a significant reason why more intensive development has not been promoted in historical planning documents. I consider that the activity that occurs on the NorthPine site has also been a probable factor that has deterred residential use and occupation of that site to the limits provided for in the current District Plan.
- 14 The Council reporting officer does not support the retention of the Living 3 zone on the parcel of land Lot 2 DP 366780 adjoining the Northpine site.
198. I do not support retaining the existing Living 3 Environment zoning within 43 South Road. In my opinion RVRE zoning represents a much more efficient use of the land resource and more effectively achieves consolidation and use of existing infrastructure. A higher density zoning may create more reverse sensitivity effects, but Living 3 Environment zoning would still enable residential units to be built within the site with no additional setbacks from the RVIE. As assessed in Part 5 of the s32 report, several provisions have been proposed to help manage reverse sensitivity effects.
199. In my opinion the request to retain the existing Living 3 Environment zoning within 43 South Road appears to be in contradiction to the request to rezone all

of Certificate of Title 1348/34 to RVIE. The submitter expresses concern about reverse sensitivity effects on Certificate of Title 1348/34 by rezoning 43 South Road, but requests RVIE expansion which presents potential reverse sensitivity effects. Therefore, in my opinion it would be contradictory to accept both submission points.

- 15 In my reading of section 4.6 of Part 5 of Section 32 report I identified few references to the suggested provisions that would address Northpine's concerns. The most relevant I provide below

Sensitive activities are provided for elsewhere within the RVE and therefore it is considered appropriate to prohibit sensitive activities within the RVIE given the potential for reverse sensitivity effects

The scale of activities within the RVIE is proposed to be managed and residential development is proposed to be restricted within the RVIE to limit further reverse sensitivity effects

- 16 It appears to me that rather than direct appropriate controls to be placed on RVRE environments the Proposed plan Change is seeking to limit residential development in RVIE (which I accept as appropriate), but then providing for more intensive development nearby.
- 17 I accept that Council cannot be expected to do a site by site analysis for every property in meeting its duties under Section 32. However where properties are identified through the consultation process, or otherwise, as potentially having special characteristics, are possibly inappropriately zoned or have provisions attached to them that are not applicable, the Council has an obligation to review the associated provisions associated with those sites and assess the associated costs and benefits of applying those provisions. I can see no evidence that that has been done in any credible form with regard to the NorthPine site.
- 18 In regards to the perception that accepting submission to increase the RVIE and then provide limitations with regards to development opportunities on adjoining residentially zoned site are contradictory. I can accept that at first glance such a perception might be arrived at. This is exactly why the special characteristics of these sites need to be studied. The submission on the RVIE notes that that of the 3 properties to the North of the CT 1348/34 that are zoned Living 1, 2 are used for commercial purpose – both being part of the Clansman Motel, while the remaining site borders onto one of the sites main access points. The Living 1/Living 3 site to the South is owned by D and G McAuley and K Guy who also own the adjoining Business 4 land which they lease back to Northpine Ltd. Furthermore the Living 1 property to the West of CT 1348/34 is owned and occupied by Bruce Larsen – one of the Northpine Ltd directors.
- 19 Mr Larsen has advised me one of the main drivers for him to purchase the site, was that so that he would be the adjoining land owner and that his ownership would provide a buffer between other residential sites and the Northpine.

- 20 While the adoption of a broad brush planning approach, such as rezoning all Living 3 in rural villages to a new RVRE (effectively giving those areas development rights comparable to Living 1), may be administratively easy, the purpose of the Resource Management Act is not about administrative ease.
- 21 NorthPine accepts that it borders onto an existing Residential Environment and that it needs to manage its operations to account for and accommodate the potential residential use of that site in the future. It does not however accept that provisions put forward in the Proposed Plan Changes should provide for an increase in the density of such development and expose it to more and potentially closer neighbours. In my opinion reverse sensitivity issues are relevant in determining appropriate density of development and subdivision. In this case it is considered retention of a Living 3 Environment is appropriate.



R Mortimer

23 June 2017