

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 Nova Scotia River
Estates Ltd on Proposed Plan Changes 85C

Topic Transfer of Living 3 Environment to Rural
Village Residential Environment

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 of 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 I record that I am a Director of Nova Scotia River Estates Limited, which is the owner and developer of a residential subdivision currently underway in Waipu. That involvement does not result in any conflict of interest with respect to the evidence I present in this matter.
- 4 This statement of evidence relates to submissions made by Nova Scotia River Estates Ltd on Proposed Plan Change 85C to the Whangarei District Plan. I have visited the Blue Moon site on a number of occasions and am familiar with the surrounding environment.
- 5 I have read relevant parts of the notified plan provisions, the section 32 analysis undertaken by Council prior to notification, and the s42A Report prepared by Council.
- 6 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 SUBMISSION

- 7 Nova Scotia River Estates Ltd (NSRE) seeks that

The existing density requirements in the Living 3 zone are retained until such time as it is determined that infrastructure constraints was the limiting factor restricting more intensive development.
- 8 NSRE is a property owner in Waipu. NSRE has created 87 residential sections and has subdivision consent for a further 48 residential sections. Consent is provided for the creation of new lots in several stages. All of the sections are currently zoned either Living 1 or Living 3.
- 9 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.
- 10 Prior to the Waipu Plan Change PC69 all of the property was zoned Countryside. Our understanding was that the portion that was rezoned to Living 3 (as a result of PC69) was to protect Landscape values.

- 11 Plan Change RVRE environment proposes that all land currently zoned Living 3 in Rural Villages will be absorbed into the RVRE. Subject to being able to connect to infrastructure the RVRE effectively provides for subdivision down to 500m² (as compared a controlled activity status for allotment size of 2000m² in the Living 3 Zone.
- 12 Council's analysis does not include any assessment in detail of the site specific advantages and constraints of Living 3 land, and instead focuses on issues at a broader scale – predominantly administrative ease.
- 13 I accept that in some cases it would be appropriate to enable development in Living 3 residential areas to smaller lots. This may be as a result of infrastructure coming on line or sufficient management of geotechnical constraints. In some cases where there are particular landscape or ecological matters that are sensitive to development it may not be appropriate.
- 14 The American author H L Menken is quoted as saying

For every complex problem, there is an answer that is clear, simple and wrong

- 15 I have reservations about the robustness of the Council section 32 in regards to this matter. I remain of the view that at a minimum Council should investigate the currently zoned Living 3 land in the rural villages to determine if infrastructural constrains were the only rationale as to why larger lot sizes were considered appropriate.



R Mortimer

23 June 2017