

**BEFORE THE WHANGAREI DISTRICT COUNCIL HEARINGS COMMITTEE**

**In the Matter** of the Resource Management Act 1991

**And**

**In the Matter** of Proposed Plan Change 85A and 85D  
(Whangarei District Plan).

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**STATEMENT OF EVIDENCE OF BRETT LEWIS HOOD ON BEHALF OF  
Beachhaven Partnership (#393), and others (#397, #398, #438, #458 –  
#461 and #470).**

**Dated this 24 July 2017**

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## **Qualifications and Experience**

1. My full name is Brett Lewis Hood. I am a planning consultant from Reyburn and Bryant in Whangarei. I hold a Bachelor of Social Science (Geography) from the University of Waikato and a Master of Philosophy (Resources and Environmental Planning) from Massey University. I am a full member of the New Zealand Planning Institute (MNZPI).
2. I have 20 years of experience as a planning consultant in the Northland region. My role has typically been to lead project teams through various resource consent, notice of requirement, and plan change processes, and to provide environmental and strategic planning advice for these projects.
3. Most of my work has been in the Whangarei District, and so I am very familiar with the history, content and structure of the Whangarei District Plan, the higher level statutory planning documents (most notably the Regional Policy Statement for Northland), and the non-statutory strategic documents (most notably the Sub Regional Growth Strategy 30/50, 2010, and the Rural Development Strategy, 2013).
4. I have read the Environment Court witness code of conduct and agree to be bound by its requirements.

## **The site**

5. The site at 2 Pyle Road West is a cross lease title CFR498743 legally described as Flat 1 and Garage 1 on DP 132846. The title is held in nine 1/9<sup>th</sup> shares by the children of the late Noel and Phyllis Pyle. The land has been owned by the Pyle family since 1930.
6. The exclusive use area covered by the lease is shown as Area A on DP 132876 (Attachment 1) and comprises 2.8 ha (approximately).
7. The land is zoned 'Coastal Countryside Environment' under the Operative District Plan.
8. The site contains the original homestead, and three small baches. Based on the anecdotal evidence of Mrs Bratty, the first of these three baches was moved onto the land in the late 1950's, with the remaining two baches being established in around 1964/65.

### **The submission(s)**

9. The Beachhaven Partnership submission (#393), along with eight other submissions (#397, #398, #438, #458 – #461 and #470) requested that the cross lease area be rezoned Rural Village Residential Sub Environment (RVRE) rather than Rural Production Environment (RPE) proposed by the Council.
10. The Beachhaven Partnership submission was prepared by Jason Hewson of Hewson Planning Ltd. However, Mr Hewson has opted to step back from the proposal due to a conflict of interest (his wife is the daughter of one of the nine owners of the subject land).
11. If the property is rezoned, it could theoretically be subdivided into approximately 10 lots (unsewered), and 30 lots (reticulated). There is a 150mm ø AC sewer line located approximately 40m from the eastern boundary of the site on the opposite side of Pyle Road West. Notwithstanding the cost and practicality of extending this line to the subject site, the family has indicated they have no intention of subdividing the land into anywhere near 30 lots, and rather intend to subdivide the property into nine lots commensurate with the number of owners.

### **Recommendations in the s42A report**

12. In response to the various submissions relating to this property, the s42A report recommended that they all be rejected because the plan change was (in the opinion of officer) out of scope, and that it is better assessed under PC88 (a future plan change). However, I note that the opening legal submissions of Counsel on behalf of the Council concluded that submissions requesting the proposed RVRE for this site are within the scope of PC85C. They are therefore able to be assessed against the statutory requirements of the RMA (something that the Council officers should now be doing under s32AA).

### **Assessment**

13. Having established that the submissions are within scope, I then considered the proposed RVRE against the requirements of s 32 (RMA), Part 2 (RMA), the NZCPS,

and against other non-statutory documents, most notably the Marsden Point Ruakaka Structure Plan. My conclusions are summarised as follows:

### Section 32

14. The potential costs associated with rezoning the land RVRE are:

- Environmental – associated with development in the coastal environment, although given the existence of multiple dwellings within close proximity to the coast, the effects of additional development on this land will be negligible.
- Economic – the cost of subdivision which falls primarily on the family.

15. The potential benefits are:

Social and cultural benefits for the Pyle family through the rationalisation of the current multiple ownership structure.

- Economic benefits – additional construction and flow on effects.
- Environmental – presents an opportunity to create esplanade reserves as part of a future subdivision.

16. As far as alternative zones are concerned, in addition to the relative benefits and costs of the RPE and RVRE, delaying the rezoning of the property until PC88 is promulgated is also an option (as identified by the officer in the s 42A report). However, now that it has been confirmed by Counsel that the submissions are within scope, I do not think there is any compelling reason to wait for PC88 (whenever that may be).

### Part 2

17. Determining the appropriateness of a proposed new zone in terms of Part 2 of the RMA requires the balancing of social, cultural, and environmental factors. In this case, the social and cultural benefits to the 173 strong (and counting) Pyle family are clearly evident. As far as the environmental issues are concerned, these primarily relate to effects on coastal character in the context of the NZCPS. However, the existence of the homestead and three baches in such close proximity to the coast, coupled with Council's current vision of residential development on the eastern half of the land (as

per the Marsden Point - Ruakaka Structure Plan) (see Attachment 2), indicates that the effects are negligible. Furthermore, enabling further subdivision of the land presents an opportunity for environmental improvement through the vesting of an esplanade reserve, and the potential relocation of the baches away from MHWS.

18. In summary, in the context of Part 2 of the RMA, and in general, the RPE is not a sustainable proposition for this property moving forward.

### NZCPS

19. Key considerations in the NZCPS in relation to the subject land are as follows:
  - Encouraging the consolidation of existing coastal settlements.
  - Improving public access to the coast
  - Avoiding coastal hazards.
20. The site is adjacent to the One Tree Point residential area. Given the proximity to existing Living 1 land, and the level of development on the subject property, the proposed rezoning will further consolidate the One Tree Point settlement area in a manner that is generally consistent with what is shown on the Marsden Point - Ruakaka Structure Plan (MPRSP).
21. The proposed rezoning also presents an opportunity to improve public access to the coast through the future vesting of an esplanade reserve at the time of subdivision.
22. It is recognised that there is a need to mitigate coastal hazards in this location, including coastal erosion and flooding. Those matters will need to be dealt with through the resource consent process. They are not matters that are specific to the subject site, and are in fact inherent to the majority of the area covered by the MPRSP.

### Marsden Point/Ruakaka Structure Plan

23. The MPRSP was adopted by the Council in November 2009. The plan shows the south-eastern part of the property to be rezoned 'Residential Medium Intensity' (which I understand will facilitate a similar density to Living 1 and the RVRE), and the western part (containing the existing buildings) to be rezoned 'Open Space'. I am unsure how

the Council proposes to impose such a restrictive zone on such a large area of private land (including land contain existing dwellings). In any event, given the existing buildings in the western part of the site, rezoning the property RVRE does not unduly compromise the intended outcomes under the RSP.

### **Summary**

1. The various submissions filed in respect to this property are considered by Counsel to be within scope.
2. The proposed rezoning to RVRE represents sustainable development in the context of Part 2 of the RMA by providing for the social and cultural wellbeing of a family that has called this land home for nearly 90 years, and through there being negligible adverse effects on the environment.
3. The proposed RVRE is also a more appropriate zone for the site in the context of s 32 of the RMA, where the associated benefits and costs clearly outweigh those of other feasible alternatives.





# ATTACHMENT 2

