BEFORE THE WHANGAREI DISTRICT COUNCIL HEARINGS COMMITTEE

In the Matter	of the Resource Management Act 1991
And	
In the Matter	of Proposed Plan Change 86B (Whangarei District Plan).

STATEMENT OF EVIDENCE OF BRETT LEWIS HOOD ON BEHALF OF DAN AND MARY JOHNSTON AND OTHERS

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. The majority 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.

Background and scope of this evidence

6. I did not prepare Mr Johnston's submission. However, I was aware that he had made a submission in support of the proposed Living 3 zoning to be applied to his property (and others) on Austin Road in Maunu[1].

7. While the Council has accepted Mr Johnston's submission, and the land is still proposed to be rezoned Living 3, the section 42A report recommends that all proposed Living 1, 3 and RUEE be subject to a new overlay zone and associated Rule 47.2.12, where no such rule was included in the notified version of PC86B. This proposed rule is the focus of my evidence.

[1] The land is currently zoned Countryside Environment in the Operative District Plan.

Interpretation

8. I am concerned about how to interpret this rule.

9. Firstly, 47.2.12(a) reads as follows:

> (a) The construction of two or more residential units or the subdivision of two or more allotments [*my emphasis*] on a site within the Living Overlay is considered a restricted discretionary activity.

10. In regard to subdivision, it is unclear whether the trigger is 'one lot being subdivided into two lots' (i.e. two lots 'total'), or 'one lot being subdivided into three lots' (i.e. two 'additional' lots). If it is the former, then it might be clearer if the rule simply states that the rule is triggered for all subdivision because, by implication, subdivision always involves the creation of at least two lots. In addition to the above, it could also be interpreted as only being triggered when two or more 'parent' allotments are being subdivided (rather than just one).

11. Secondly, the restricted discretionary matters are extremely broad, and could have wide ranging implications for the development of Living 1, Living 3, and RUEE land. Specifically:

> i. The extent to which the additional allotments or residential are *appropriately serviced by the existing transportation network* [my emphasis], including through:

It is not clear what "appropriately serviced by the existing transportation network" means. In my view, this is as open ended as it gets.

> • The current or future provision of a well-connected street and transport network.

It is not clear what this means. Again, this is as open-ended as it gets.

> • Facilitation of walking, cycling and public transport.

As per the above.

> • Methods to manage significant localised traffic effects.

It is unclear what is meant by "localised", not that it really matters given the broad scope of the proceeding two RDA matters which already cover all and sundry.

12. Quite frankly, the rule could just as easily have read “discretion is restricted to anything that the Council or the NZTA considers relevant in relation to transport and traffic”. The RDA matters are so open ended that it is impossible to understand the implications on a case-by-case basis.

Possible implications

13. The section 42A report makes some rather telling statements which exemplify the folly of this rule, and the rolling review in general. Specifically, in paragraph 31 the reporting officer states that:

> In my opinion, the issues I have identified with regard to Chapter 71, Appendix 9 and the EES would be best addressed by reviewing these documents collectively and addressing any inconsistencies or issues in a holistic manner.

14. I completely agree with this statement.

15. Then in paragraph 40 the reporting officer refers to two plan changes that have not yet been drafted, being Plan Change 109 ‘Transport’ and Plan Change 88 ‘Urban Area’, where apparently the transport provisions will be reviewed some time in 2018, including an update of the road hierarchy, parking standards and the EES 2010.

16. In ‘paragraph 41 the officer goes on to say that:

> “this is symptomatic of a rolling review process where there are inevitably instances where plan changes are considered at different times that are interrelated and affect one another”.
>
> “While this presents challenges in terms of achieving integrated resource management, Council has an obligation under section 79 of the RMA to review its District Plan every 10 years, and Council has already adopted a rolling review method”.

17. It seems obvious to me that the reporting officer is doing his best to make up for a lack of communication and planning on behalf of the Whangarei District Council and the NZTA, and while he has done his best, the 11th hour inclusion of a rule that gives both the Council and the NZTA such wide ranging discretion is unacceptable and inappropriate.

18. My concerns about the potential wide-ranging implications of the rule are not simply based on an interpretation of the words. Putting aside the track record of the NZTA pursuing (often unsuccessfully) Environment Court

proceedings for development along this particular stretch of SH14, I note the evidence of Todd Webb of the NZTA where, in reference to the proposed overlay Rule 47.2.12, he states that:

"The Transport Agency considers the Whangarei District Council will need to work with the Agency to ensure that the cumulative transport effects [my emphasis] of development, particularly with respect to the State Highway network are appropriately managed". (paragraph 50)

"The Agency anticipates a significant amount of work will be required to ensure appropriate infrastructure and services are in place to support the live-zoned (*sic*) land established through PC86B".

19. Anyone who is considering developing land that is subject to Rule 47.2.12 should (in my view anyway) be very nervous about these comments. It is extremely difficult for individual property owners to deal with the cumulative transport effects of development on the State Highway network in particular, and the words "significant amount of work" is enough to send shivers through even the most optimistic of developers. From the point of view of those having to provide advice in respect to this rule, there is simply no way of understanding the implications without consulting with the Council and the NZTA.

20. In addition to the above, Mr Johnston received a very telling email from the local MP Dr Shane Reti who (after being prompted by Mr Johnston) had spoken with the NZTA about their submission, and in particular the concerns that they raised in respect to the proposed living zones. Mr Reti made the following statements (amongst others) in respect to development in Maunu:

"Fundamentally, WDC is opening up developments quicker than NZTA can keep track and WDC are not adequately taking into account traffic implications".

"What is required is for WDC to include integrated roading as part of the rural expansion - it can't be left to chance or just dumped on the main highway, of which, SH14 is bursting at the seams already".

"In practice what this means is:
WDC to develop an integrated roading plan alongside rural expansion zones. For Austins Road and surrounds, reconsideration of previous roading concepts including the road from Pompallier and through Raumanga Heights Drive to SH 1 [my emphasis]".

"I don't think this is going to be fast process - unless developers were to co-fund with council".

21. Mr Reti's comments exemplify my concerns. For example, if the integrated road networks that are apparently being investigated by the Council (i.e. the Pompallier Estate Drive/Raumanga Heights Drive link to State Highway One) need to be brokered, or even constructed before a consent is granted, then I am quite certain that there will be no development of proposed Living zone land in Maunu over the next 10 year District Plan cycle. Even the notion of "co-funding" belies the reality where such capital expenditure must be included in the Long Term Plan before it can be committed for spending.

22. If the Council and the NZTA are prepared to prevent development in Maunu until link roads and the like are constructed (and if they are not, one must question the reason for including the rule in the first place), then this will, without question, compromise the growth-related outcomes sought under PC86B. Providing for the projected population growth in the Whangarei District is the fundamental purpose of PC86B (refer paragraph 47 of the Part 12 s42A report). However, including a rule that in practical (and economic) terms could prevent any development taking place, does not achieve the objectives of the plan change, and therefore fails under section 32 of the Act.