

## Evidence summary

### Introduction

With the chairs permission, I am going to read a summary of my evidence with an allowance for questions at the end.

My name is Phil Heffernan, I am the Planning Manager at Wood and Partners Consultants Limited. Woods is a multi-disciplinary consultancy that works in the land and residential development space across New Zealand.

I hold the qualification of Bachelor of Applied Science – Natural Resource Management from Massey University and I am an Associate Member of the New Zealand Planning Institute.

I have 13 years' experience in resource management and planning in New Zealand. I have had both public and private sector experience.

At my current role at Woods, I am responsible for the management of the planning team, preparing resource consent applications, submitting at plan change hearings, working on Special Housing Areas, reviewing and signing off applications, managing specialist sub-consultants, and providing resource management and planning advice to a wide range of clients.

My evidence is provided in support of the submission lodged by WFH in relation to Plan Change 85 and 85A to the Whangarei District Plan.

I have visited the subject site that relates to this submission, and I am familiar with the surrounding area.

I confirm I have read and agree to comply with the Environment Court's Code of Conduct for expert witnesses as outlined in the Environment Court of New Zealand's Practice Note 2014. I have complied with this practice note in preparing this statement of evidence. I confirm my evidence is within my area of expertise, except where I state that I am relying on others evidence. I confirm that I have not omitted to consider material facts known to me that might alter or detract from my expressed opinions.

**EVIDENCE** 64  
**TOPIC** PC85A-D, 86A-B, 87, 102, 114  
**SUB#** Rural Plan Changes  
**DATE** 25-07-2017

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## Summary of evidence

The key matters sought by WFH in their submission are:

- Living 1 zoning over the southern portion of the WFH land;
- If rezoning to Living 1 is unsuccessful:
  - The retention of the Future Environment zone overlay; and
  - Better connection between the proposed Rural Production Environment provisions and the Future Environment zone overlay provisions.

The following is what I view are the key points in my evidence in support of WFH's submission.

PC85A proposes to replace the existing Coastal Countryside Environment and Countryside Environment with the Rural Production Environment. Part of the WFH owned land is currently zoned Business 3 and Living 1, with the bulk of the site zoned Countryside Environment. The Countryside Environment portion has a Future Environment overlay

I support Council's intention with the Plan Change to replace the existing Coastal Countryside Environment and Countryside Environment with the Rural Production Environment. I believe the change of zoning provides for the productive use and the development of rural land and resources.

WFH is in the process of developing the subject site for residential use. Resource consent applications have been granted by Northland Regional Council and earthworks are currently underway. Subdivision and related land use consents for 66 residential sites (Stages 1 and 2 of the development) was granted by Whangarei District Council on the 9 May 2017. Those 66 lots are almost sold out and design for the next stages is underway.

Currently, in order to develop and subdivide the land, a Comprehensive Development Plan (CDP) is required to be lodged with Council under the District Plan. The CDP enables a development to utilise the provisions of the Overlying Environment. Subdivision of this land will be either a discretionary or non-complying activity if the Overlying Environment provisions are utilised. I understand that provision is proposed to be retained in the Plan Change.

\_\_\_\_\_ EVIDENCE  
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## **Problem**

Keeping the proposed Rural Production Environment has potentially negative effects on the property value for the future landowners of the area. If due diligence is done on a site, and a zoning of Rural Production Environment is the underlying zoning, this has a potentially negative connotation and potential effect on the value.

As WFH is proposing developing the entire site for residential use in the near future. Rezoning the subject site to Living 1 simplifies the zoning and is more appropriate than the proposed Rural Production Environment zoning.

I believe the proposed Rural Production Environment of the WFH land will confusion and may lead to potential for negative planning outcomes due to the confusion.

This Plan Change gives an opportunity to clarify the zoning in this area. This land has been highlighted for residential growth for over 10 years and a structure planning process has been undertaken.

Living 1 enables a simplified and quicker consenting process for the development by removing the requirement for a CDP and potentially reduces the activity status.

Living 1 simplifies the zoning for future owners and residents. The look and feel of the subject site will be one of a residential development. However, when they examine the District Plan potential owners and residents will see that the site is zoned Rural Production Environment and Future Environment.

I acknowledge Council have raised the question in their 42a report about scope for rezoning as this is a Rural Plan Change. My view is that this land is currently zoned as if it was residential, and it is underway to be developed as residential. This Plan Change is proposing a zoning change to the site. I believe it to be good planning practice to have this land zoned correctly, when, and if we have the opportunity. And as this land is already being treated like Residential zoned land I believe you have the opportunity to consider this request to rezone the land.

Council have also raised in their 42a the potential vires issues associated with the CDP provisions. I would like to clarify reiterate my views. If the rezoning to Living 1 is not successful, WFH seeks to protect the development of this land by the retention of the Future Environment overlay in order to retain its current ability to develop the site for residential purposes and I concur with this position. I believe the best option is to live zoned the land Living 1. If that is not possible then to give the same status for subdivision as the corresponding Living 1 zoned, with the same controls, for the Future Environment Zone.

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Potential questions?

**So, you believe this submission is not in scope?**

No, I consider the request for zone change to Living 1 to be in scope. I believe the proposed zoning of Rural Production Environment does not clearly reflect the current and future use of the land, which I consider a key consideration.

**Why do you believe it to be confusing?**

I believe that planning documents should be able to be read by the regular public. There is no chance for a person without planning training to decipher what a site with Rural Production Environment with a Future Environments overlay means to their property. My experience, when planning gets too confusing people ignore it. By keeping the zoning simple, then this avoids this situation. In this case I believe that warrants the rezoning.

**What about the Management Plan/CDP and it's vires provisions?**

My first view is to have the land rezoned to avoid that issue.

Second, if the land is not to be rezoned, then I believe the provisions for areas with Future Environment zone should have the CDP provision removed, with the subdivision status to be the same as the corresponding Residential Zone. In this case being Living 1.