

UNDER the the Resource Mangement Act 1991 ("RMA")
IN THE MATTER of Proposed Whangarei Urban and Services District Plan
Change: Hearing PC – 8888

**STATEMENT OF EVIDENCE OF BLAIR TAYLOR MASEFIELD ON BEHALF
OF UNITED PORT ROAD LIMITED**

PLANNING EVIDENCE

7 November 2019

1. Summary Statement

- 1.1 My full name is Blair Taylor Masefield.
- 1.2 I am the Technical Director - Planning at Lands and Survey Ltd in Whangarei. I have been in this position since November 2016.
- 1.3 I am providing planning evidence on behalf of the United Port Road Limited submission made on the Proposed Whangarei Urban and Services District Plan Change (“**the Proposed District Plan**” or “**PDP**”) insofar as they relate to this hearing. The submitter has a direct interest in the site it owns at 129 Port Road but has applied the relief sought across a number of surrounding sites to provide a consistent planning approach. These sites are identified in the s32AA Evaluation, included as Attachment B to Part 9 of the s42A Report, as Port Road East and will be referenced as ‘the site’ in this evidence.
- 1.4 Primarily this evidence relates to the rezoning of Business 2 land to ‘Waterfront Zone’, and relief sought to apply the Waterfront Zone (WZ) to 30m of the site that fronts the Hatea River and Loop Walkway, with the balance zoned Commercial (COM).
- 1.5 In summary, the key points addressed in my evidence are:
 - (a) The proposed spatial extent of the WZ is inconsistent with the strategic and higher order documents which justify the zones extent and provisions.
 - (b) The Issues description of the WZ is heavily weighted toward the WZ Commercial portion of the zone focussed around the Town Basin ‘hub’. There is little guidance in the Issues description for the outcomes expected in the WZ Mixed Use areas and no acknowledgement that the existing predominant use across the WZ Mixed Use extent of the zone is Commercial business land.
 - (c) There is no evidence in any of the Plan Change material to suggest there is demand for the extent of land zoned for WZ Mixed Use to provide for residential, commercial and community activities, along with maritime industrial activities. As stated in the s42A report this is an ‘aspirational zone’.

- (d) In actuality the WZ presents as a 'ribbon development zone' (rather than a hub) to provide an interface between the Hatea Loop Walkway, and the City Centre zones. The primary relief sought by the submitter for proposed split zoning of the site is consistent with this intent.
- (e) The size of the sites in the Port Road East part of the WZ are very wide at 80-100m compared to the 30-45 m width of the WZ of everywhere else. The provision of the WZ restrict development to 50% site coverage and anticipates small scale land uses. This will result in an inefficient use of these larger sites
- (f) The WZ picks winners in Artesian and Marine Industrial activities and sets a permissive framework for these activities to establish in the WZ. In my opinion the adverse effects on residential and recreational amenity from these types of activities are similar to the range of activities anticipated in the COMZ.
- (g) Cross boundary effects are identified in the s42A and 32AA as the only issue differentiating the rezoning to Commercial the land at Port Road West and Port Road East. These effects can be adequately addressed within the scope of relief sought, through a consequential amendment to the Commercial Zone provisions to include Waterfront Zone in the list of boundary zones and through existing provision COMZ-O3.
- (h) In my opinion the most effective and efficient use of land at the site is to apply the primary relief sought by the submitter by split zoning the site WZ for the waterfront 30m and Commercial on the balance due to the lack of strategic guidance and evidence to support the application of the WZ to the whole site and the ability of the COMZ provision to adequately manage cross boundary effects.

2. Introduction

- 2.1 My name is Blair Masefield. I am the Technical Director - Planning at Lands and Survey (Whangarei) Ltd. I hold a Bachelor of Regional and Environmental Planning with Honours from Massey University.

- 2.2 I am a Full Member of the New Zealand Planning Institute and recipient of a Best Practice award from this Institute. I have 15 years planning experience in New Zealand and the United Kingdom.
- 2.3 I spent the majority of my practicing career employed by Beca Limited, based in Auckland. I have been involved with a wide range of planning-related matters ranging from the preparation of non-statutory planning documents and strategies, submissions and evidence on District Plan processes, to leading multi-disciplinary teams consenting complex Infrastructure projects.
- 2.4 During my time in the UK, I was a member of the Bexley Borough Council Policy Team where I assisted delivering the Erith Area Action Plan and The Boroughs “Core Strategy” (Spatial Plan).
- 2.5 Lands and Survey Limited specialises in Land Development and provides planning, surveying and engineering services to local government and private clients. I lead a team delivering Subdivision projects for private clients based primarily in Whangarei and Kaipara Districts and providing consent processing services to Far North District and Auckland Unitary Councils. I currently process all resource consents and Outline Plans relating to the City Rail Link project on behalf of Auckland Council.
- 2.6 In my initial role as General Manager – Lands and Survey, I was responsible for the project management of all subdivisions from Concept through to Title. I have a thorough working knowledge of the RMA subdivision process and how that process is influenced by planning provisions and engineering standards, including on the feasibility of developments.
- 2.7 I confirm that I am very familiar with the Whangarei District and Northland, having grown up in Kerikeri, and lived and worked in Whangarei since 2016. I confirm that the evidence on planning matters that I present is within my area of expertise and I am not aware of any material facts which might alter or detract from the opinions I express.
- 2.8 I am providing planning evidence on behalf of the United Port Road Limited submission matters made on the rezoning of a portion of the site to commercial in the Proposed District Plan insofar as they relate to this hearing.

2.9 I confirm that I have read the submission by United Port Road Limited in relation to the Proposed District Plan. I am familiar with the national, regional and district planning documents relevant to the Proposed District Plan.

3. Code of Conduct

3.1 I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2014. I have complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving evidence. I have also read and am familiar with the Resource Management Law Association / New Zealand Planning Institute "Role of Expert Planning Witnesses" paper. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

4. Scope of Evidence

4.1 My evidence addresses submission points relating to Plan Change 148, 109, 139, 147 and 82A of the Proposed USPC. The s42A report is split into Parts 1 – 12. Of relevance to this evidence are the following:

- (a) Part 2 – Strategic Direction and Subdivision (PC148)
- (b) Part 8 – Services (PC109, 136, 147)

4.2 This evidence addresses United Port Road Limited submission points (162.1-162.6) on Plan Change 148 and 88, as they relate to the Proposed USPC.

5. Strategic and Higher Order Documents

5.1 Section 4.2 and Table 5 of the s32 report for the Waterfront Zone identifies the appropriateness of the objectives of the Waterfront Zone in relation to higher order documents. This section clearly identifies the 20/20 Plus Whangarei CBD Development Guide, the Whangarei City Centre Plan and the Hihiaua Precinct Plan as the overarching higher order documents which contribute to the strategic direction of the Waterfront Zone.

5.2 The s32 report also identifies the following documents as contributing to the strategic direction of the Waterfront Zone:

- (a) the Regional Policy Statement for Northland 2016;
- (b) Whangarei Long Term Plan 2018;
- (c) Whangarei District Growth Strategy – 30/50;
- (d) Whangarei 20/20 Momentum;
- (e) Whangarei Urban Growth Strategy;
- (f) Weekend and Night Time Economy Strategy; and
- (g) Whangarei Urban Design Strategy.

5.3 The 20/20 Plus Whangarei CBD Development Guide in Part 2 recognises (page3):

“It is of significance that the extent of the light commercial (car yards, panel beaters, timber yards and warehouses) is large for the city’s population and shows the importance of the regional service the area provides.”

5.4 This Development Guide emphasises the value that the established light commercial uses to this area.

5.5 The Concept Plan developed as part of the 20/20 Plus Whangarei CBD Development Guide in Part 3 provides the framework for the Waterfront Zone. The Port Road East sites are all located outside the extent of the concept plan images and pictorial representations.

5.6 The Whangarei City Centre Plan 2017 under section 4 (page 28) shows the proposed extent of the Inner City Living / Mixed Use Development area. Again, this does not extend down to the sites on Port Road East.

5.7 The Hīhīāua Precinct Plan provides the strategic direction and detail which forms the Waterfront Zone. The scope of this plan is limited to the Hīhīāua peninsular and does not extend to any part of Port Road.

5.8 Sustainable Futures 30/50 is the district growth strategy for the Whangarei District. To establish a sustainable economy, the growth strategy identifies development strategies for the enhancement of the Whangarei urban area. One consideration identified by the growth strategy is to introduce more mixed-use development in the central areas in accordance with the Whangarei 20/20: Living the Vision (page 48). This consideration underlies the Waterfront Zone however the maps in the

Whangarei 20/20: Living the Vision do not extend to the sites on Port Road.

- 5.9 The rationale for the spatial extent of the Waterfront Zone must rely on these strategic and higher order documents. It is clear that the strategic and higher order documents relevant to the Waterfront Zone do not incorporate the sites on Port Road East and the Waterfront Zone has extended beyond the extent supported by the strategic district documents.
- 5.10 The sites on this part of Port Road are unique due to their width, comparative to the other sites located in the proposed Waterfront Zone. The sites are also located on the extremities of the Hatea Loop, at an extended distance from the Whangarei town centre.
- 5.11 The only reference to the site in any of these strategic documents is in the Whangarei City Centre Plan 2017 under section 6 (page 34). However, this plan is focused on the Blue/Green Network along Waiarohia Stream to connect the Hatea Loop to the city centre. The proposed relief sought would maintain this objective, through the retention of a portion of the site to provide connection to the Hatea Loop with the balance of the site zoned Commercial.
- 5.12 The relief sought will retain the objectives of the Waterfront Zone, and achieve the direction set by the higher order strategic documents.

6. Strategic Direction Provisions

- 6.1 Objective SD-O4 (as drafted) seeks to provide the district with a unique identity through the development of a sense of place. This objective is achieved through the identification and protection of buildings, sites, features and areas which are valued by the community. The Hatea Loop is a feature of Whangarei which is highly valued by the community. The relief sought will provide continuation to the ribbon of Waterfront Zone and interface with the Hatea Loop to enhance this sense of place. The balance of the site does not contain any features or areas which are valued by the community. Therefore, it is effective and efficient to split zone the site.
- 6.2 Objective SD-O5 (as drafted) provides strong direction to avoid conflict between incompatible land use activities from new subdivision and development. This is also reflected in Policy SD-P2 which seeks to manage the establishment and location of new activities to avoid conflicts

between incompatible land uses. Both this policy and objective can be achieved with a split zone between Waterfront and Commercial.

7. Cross boundary effects

- 7.1 The overview of the Waterfront Zone (Mixed-Use) states that the purpose of the zone is to provide for residential, commercial and community activities along with maritime industrial activities that are compatible with sensitive activities. The Commercial Zone provides for activities ranging from small scale industry to commercial services, offices and trade suppliers. While the Commercial Zone expects a lower level of amenity to the Waterfront Zone, the objectives of the Commercial Zone include provisions to address cross boundary issues in relation to amenity, noise, sunlight access, visual dominance and traffic (COM-O6 as drafted). It is acknowledged that this objective is currently limited to Living Zones and Green Space as there was no boundary interface in the notified version of the plan with the Waterfront Zone.
- 7.2 Policy COM-P5 which seeks to manage cross zone boundary effects does not need to be amended as this policy has been drafted to include Mixed-Use in the list of boundary zones. In my opinion it is reasonable to conclude that this includes Waterfront Zone (Mixed-Use) as well as the Mixed-Use Zone. To add clarity, it is within the scope of the relief sought to explicitly include Waterfront Zone (Mixed-Use) in the listed boundary zones to which this policy applies.
- 7.3 In paragraph 52 (page 24) of the s42A report (Part 8 – Zoning submissions), the reporting officer for WDC noted that “*the submissions do not seek amendments to the COM provisions to address cross-boundary effects.*” However, paragraph 37 of the original submission for United Port Road Limited stated the relief sought as “*such further or other relief, or other consequential or other amendments, as are considered appropriate and necessary to address the concerns set out herein.*” Consequential amendments to COM-O6 and COM-P5 to include Waterfront Zone in the listed cross boundary zones is therefore within scope of the original submission and relief sought.
- 7.4 The direction provided in the overview of the Waterfront Zone chapter and the relevant objective and policy in the Commercial Zone (COM-O6 and COM-P5) adequately enables cross boundary effects to be managed and

the site will therefore be able to avoid incompatible land use activities. Therefore, the relief sought is consistent with SD-O5 and SD-P2.

- 7.5 Objective SD-O9 (as drafted) seeks maintain and enhance accessibility for communities and integrate land use and transport planning. The sites are located on a Strategic Arterial route and consequently, retaining a level of commercial activity on the site best achieves this strategic direction to integrate land use and transport planning.
- 7.6 The s42A author concluded that the road would be an appropriate mechanism to address cross boundary effects and enable the re-zoning of the neighbouring parcel of land to Commercial (paragraph 58 page 25 of the s42A report Part 8 – Zoning submissions). Cross boundary issues generally include amenity, noise, sunlight access, visual dominance and traffic. A road also reduces amenity, adds additional noise and increases traffic so it is arbitrary to conclude that a road would be an appropriate mechanism to address cross boundary effects.
- 7.7 In my opinion, it is appropriate to split zone the site with the balance as Commercial, and the cross-zone boundary will be addressed through COM-O6 and COM-P5 with consequential amendments.

8. Limitations to the spatial application of the Waterfront Zone

- 8.1 The Waterfront Zone is described as a 'hub' in the Issues part of the Chapter but spatially represents as a ribbon zone along the Hatea Loop. The primary relief sought by the submitter is to continue this ribbon over the site with the split zoning. In paragraph 51 (page 23) of the s42A report (Part 8 – Zoning submissions), the reporting officer for WDC noted that *"the collective re-zoning would create a 'hole' in the Waterfront Zone that in my opinion is not appropriate, and would leave the boundaries of the Waterfront Zone disjointed and not well connected with respect to each other or with respect to a transition from Waterfront Zone to neighbouring zones."*
- 8.2 In my opinion, it is unclear where this 'hole' would arise from, as the relief sought is to continue the ribbon of the Waterfront Zone, at a consistent width with the rest of the Waterfront Zone as mapped.
- 8.3 It is also unclear how the split zoning of the site would result in a disjointed boundary to neighbouring zones, as the s42A report accepted the

submission to re-zone the site across the road to Commercial. Bringing this re-zoning forward to include the balance of the site is appropriate and consistent with the neighbouring boundaries.

- 8.4 The section 32 report (paragraph 28 page 10) for the Waterfront Zone aims to provide for a range of activities including small scale retail, restaurants, passive recreation and cultural activities along with artisan craft industries. In paragraph 53 (page 24) of the s42A report (Part 8 – Zoning submissions), the reporting officer for WDC notes that “*the Waterfront Zone is an aspirational zone.*” However, no evidence has been supplied by WDC to support or indicated the demand for artisan craft industries or small ground floor area stores. The Waterfront Zone as mapped is extensive and offers sufficient land for small ground floor area stores and artisan craft industries. The restrictions on the activities provided for in this zone would severely hinder the ability of the site to operate economically due to the size of the site.
- 8.5 The Waterfront Zone provides for small scale artisan industrial activities as a permitted activity, and for Marine Industrial activities as a restricted discretionary activity. Both these activities have similar levels of effect on amenity, noise, sunlight access, visual dominance and traffic as provided for in the Commercial Zone. Therefore, it is reasonable to conclude that if the level of effects arising from these activities are appropriate in the Waterfront Zone, similar effects arising in the neighbouring boundary zone would also be appropriate.

9. Waterfront Zone Provisions

- 9.1 The primary submission of United Port Road sought the WZ permitted building height be increased from 11m to 15m and the ground floor-to-ceiling height be reduced from 3.5m to 2.7m.
- 9.2 I have read the s42A report and in my opinion the relief sought by the primary submission remain the most effective and efficient methods to manage shading and amenity and future use of buildings for the reasons set in the primary submission.

10. Conclusion

- 10.1 In my opinion the most effective and efficient use of land at the site is to apply the primary relief sought by the submitter by split zoning the site WZ

for the waterfront 30m and Commercial on the balance due to the lack of strategic guidance and evidence to support the application of the WZ to the whole site and the ability of the COMZ provision to adequately manage cross boundary effects.

Blair Taylor Masefield

7 November 2019

APPENDIX A

Maps in Higher Order Documents

WDP Waterfront Concept Master Plan – 2002

(sourced from Waterfront Zone s32 report)

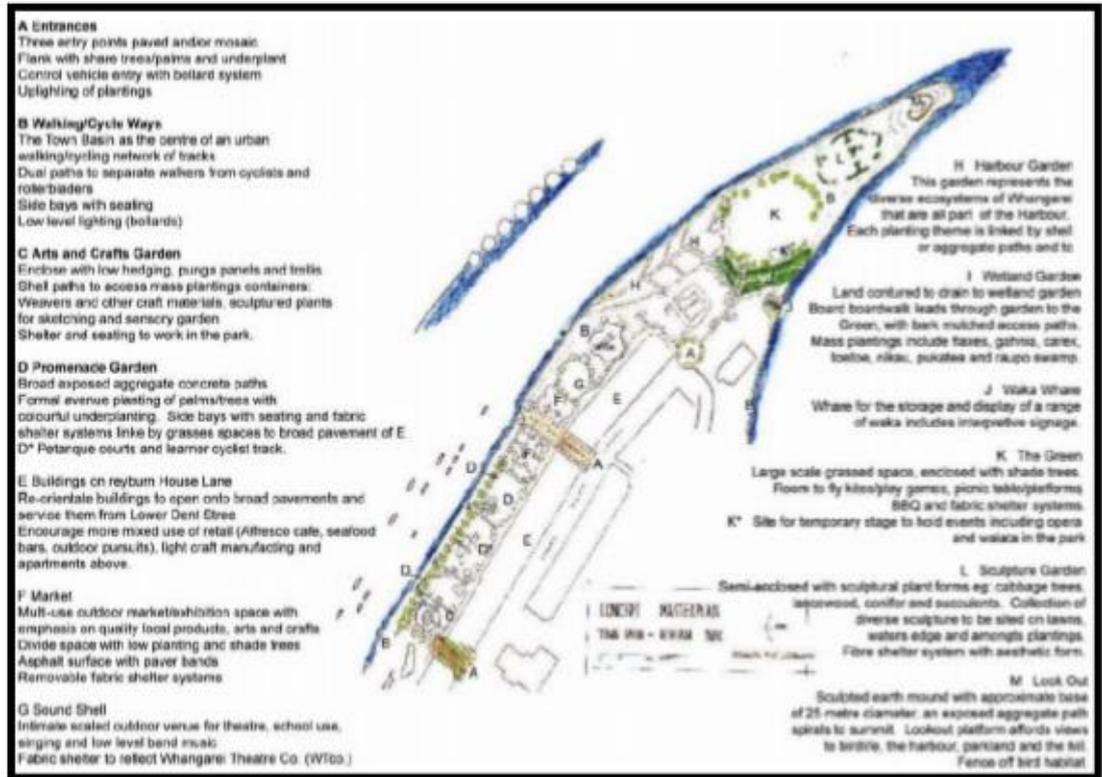


Figure 2: WDP Waterfront Concept Master Plan

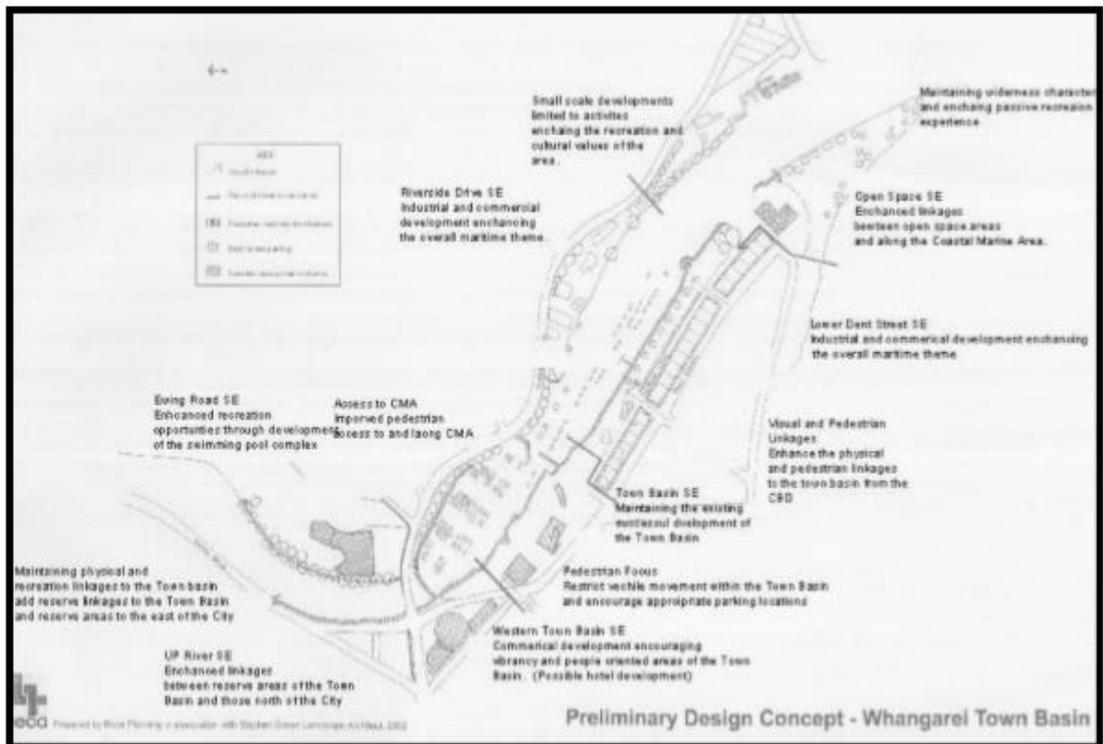


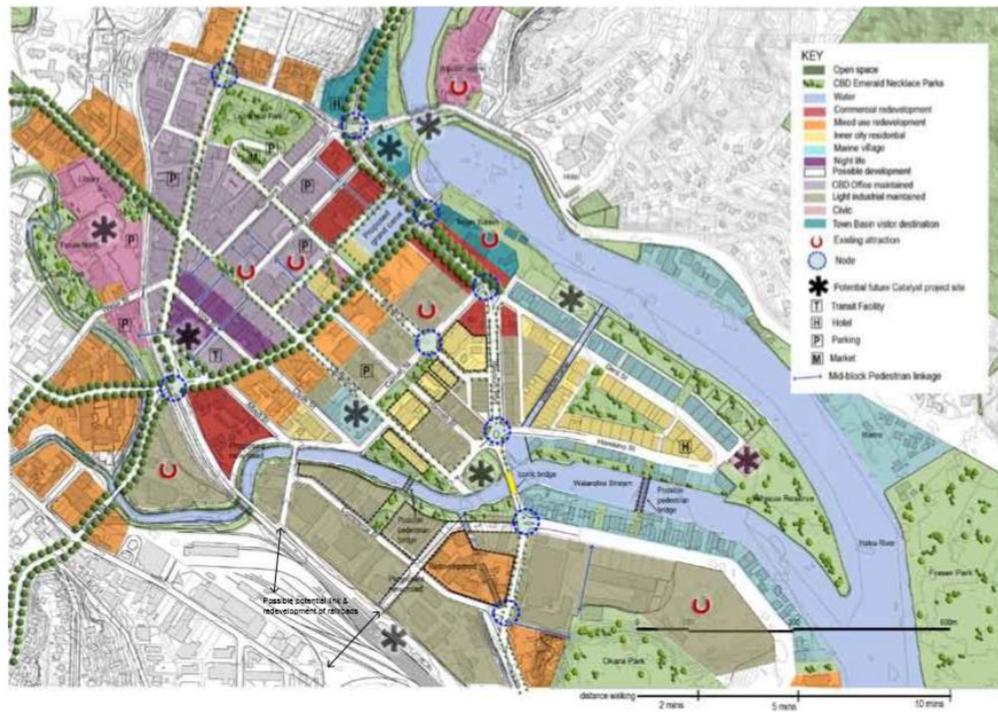
Figure 3: WDP Waterfront Preliminary Concept Design

20/20 Plus Whangarei CBD Development Guide – 2006

whangarei 20/20 plus

CONCEPT FRAMEWORK MASTER PLAN

Whangarei CBD Concept Framework Plan is developed using multiple development models
NB: Concept Framework Plan is a proposal only and is intended as a guideline.



Hihiaua Precinct Plan – 2015

Figure 1 Location Map: Hihiaua Precinct

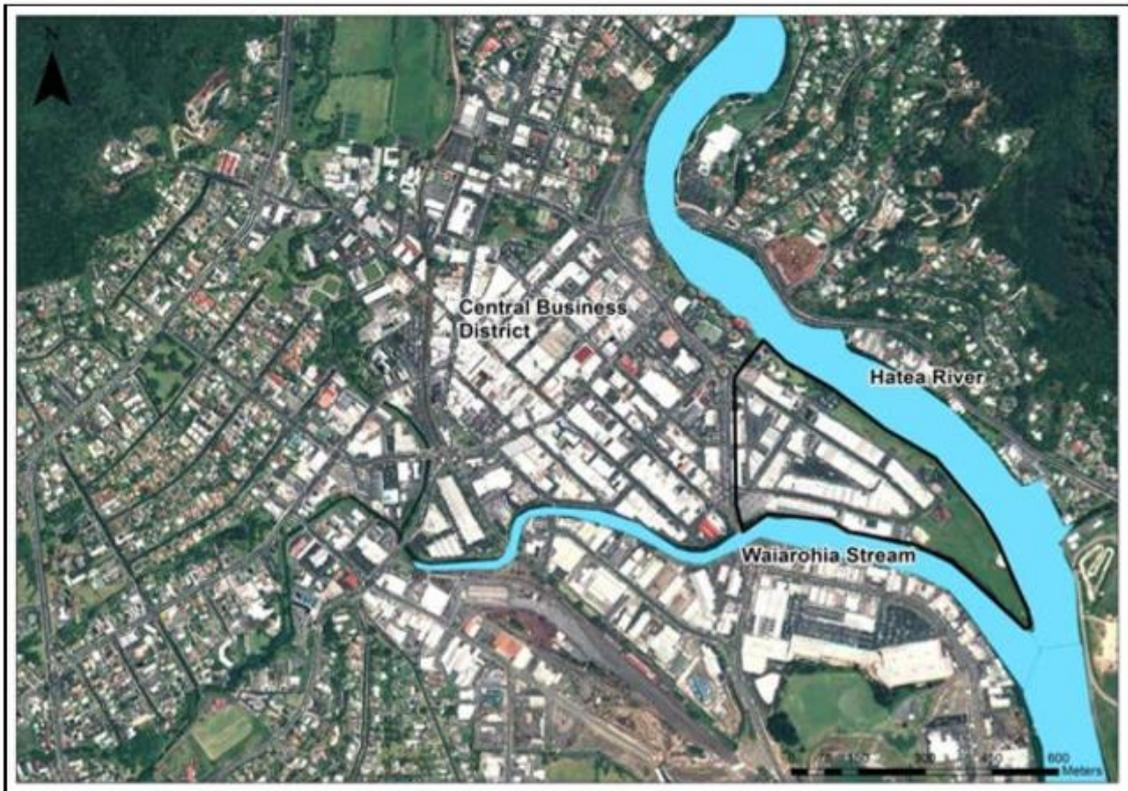
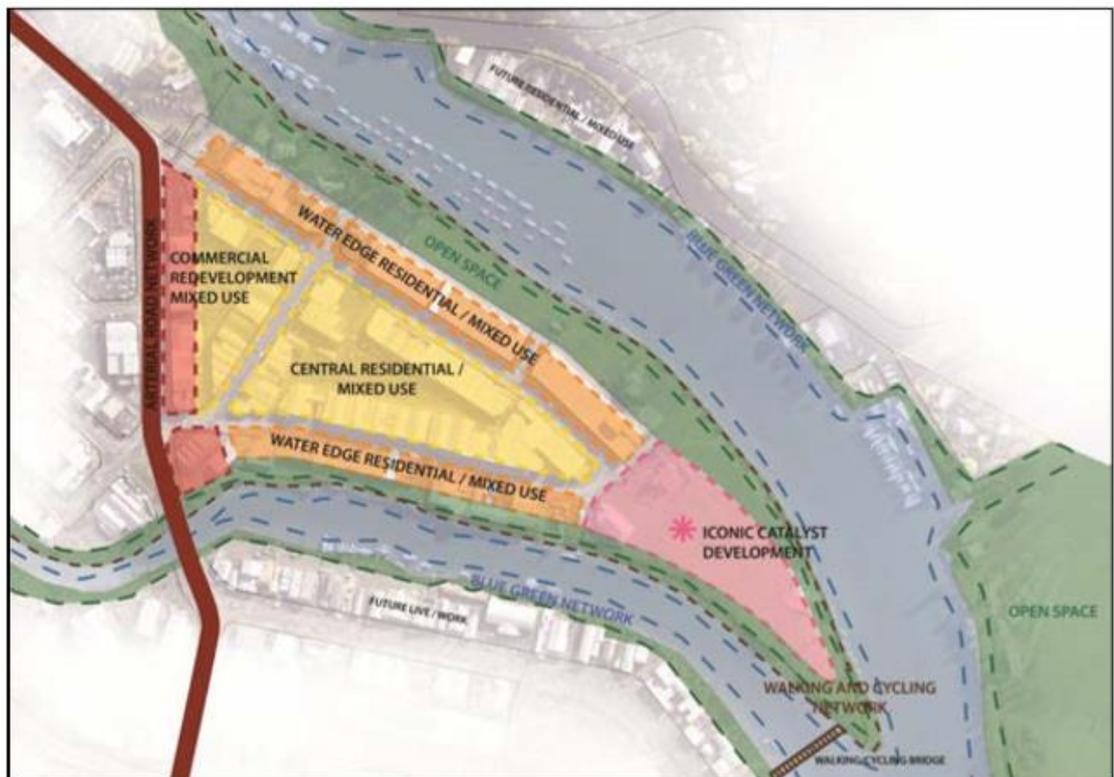
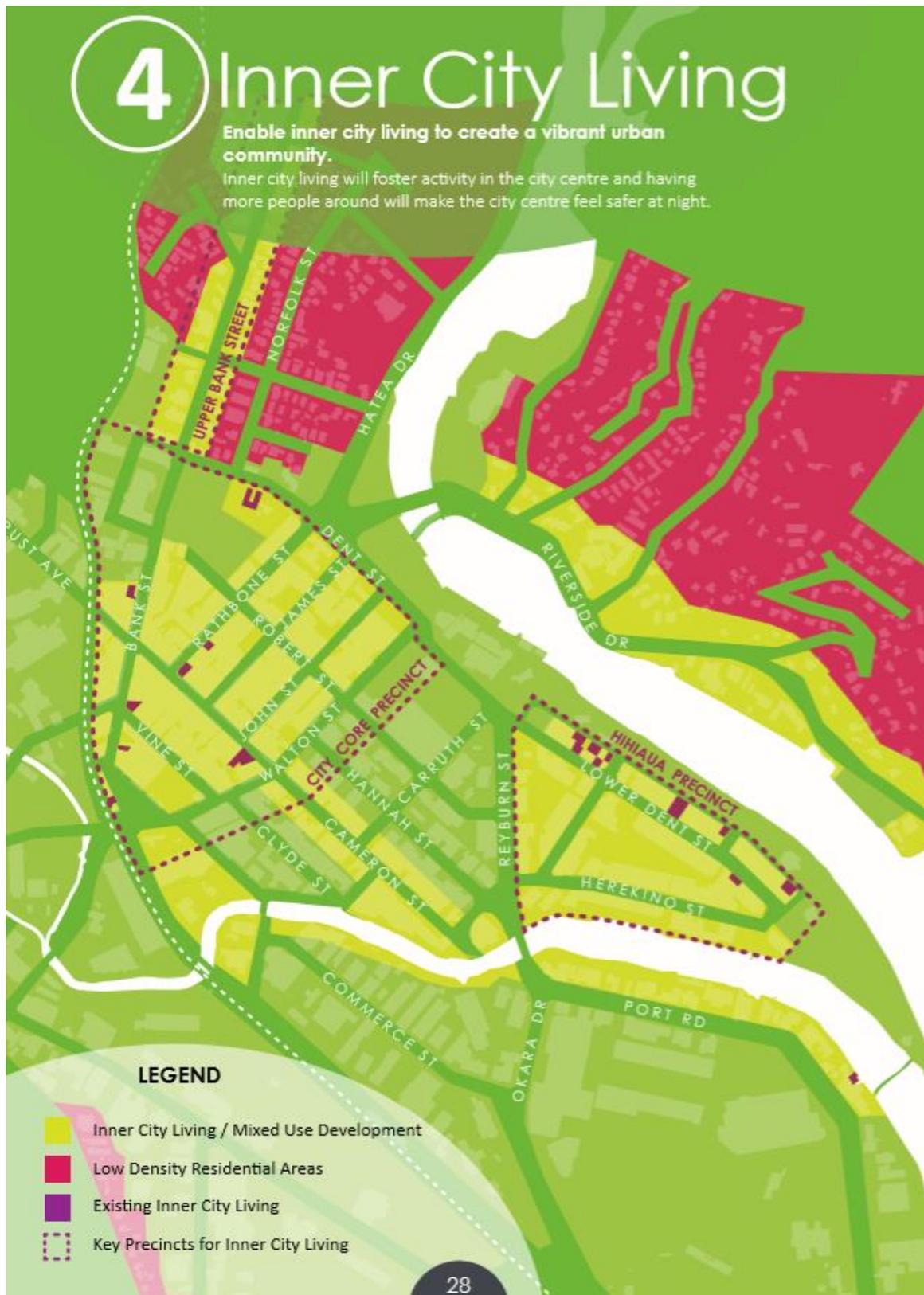


Figure 38 Hihiaua Precinct Concept Framework Plan



Whangarei City Centre Plan – 2017

Section 4 – Inner city living (page 28)



Whangarei City Centre Plan – 2017

Section 6 – Waterfront (page 34)

