

Tabled 27/11

Before the Whangarei District Council Hearings Committee

In the Matter of the Resource Management Act 1991 (Act)

And

In the Matter of Proposed Plan Changes 88, 88I and 148 (Whangarei District Plan).

Summary of Evidence of Emma Patricia Miller on behalf of Quality Developments Limited (#157)

Dated 27 November 2019

Reyburn and Bryant 1999 Ltd
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Introduction

1. My full name is Emma Patricia Miller. I am a planning consultant employed by Reyburn and Bryant in Whangarei. I hold a Bachelor of Resource and Environmental Planning with Honours from Massey University. I am a full member of the New Zealand Planning Institute (MNZPI).
2. My evidence dated 7 November 2019 is in support of the submission made on behalf of Quality Developments Limited (submission 157) in relation to land in Maunu legally described as Lot 2 DP 46220 and Part Lot 4 DP 19724. It has been pre-circulated and is taken as read.

Summary of evidence

3. This summary reiterates the key points made in my evidence.
4. The Council's s42A analysis and recommendation to remove the existing residential zoning from the site relies on the various constraints that affect the site, coupled with the fact that the land has not already been developed in accordance with the existing residential zoning.
5. My evidence draws the Commissioners attention to the fact that the constraints do not make the site undevelopable, as is evidenced by other adjoining properties and land that are also subject to the same constraints. I will consider each of the identified constraints in a moment.
6. Firstly, considering not having made progress to develop the site in accordance with the operative zones is not a legitimate reason to remove these development rights. Unlike resource consents, the RMA does not stipulate a timeframe within which to 'give effect' to a particular zone. In addition, I am unaware of any other land that has been 'down zoned' through the Plan Change process despite there being other examples of large land holdings with an operative residential zone, not least of which is the property to the east of the QDL property.
7. As set out in my evidence, the LDR zone is the most appropriate for the subject site having considered it with reference to the criteria used in the Council's S32 report to determine the extent of the Living Zones.
8. Turning to consider the constraints that affect the site, the instability hazard will likely restrict the overall lot yield, rather than completely prohibit development, and this is not dissimilar to other nearby land. For comparison, the existing residential zones in the well-developed suburbs of Morningside, Raumanga and Riverside are all located on land identified as a high instability hazard area. The adjoining property to the east (being Lot 1 DP 177316) is also located in a high

instability area and is set to retain its residential zoning. The retention of this zone for this property is supported by the Council.

9. Based on existing residential development and the zoning of adjoining land, it is inconsistent and a flawed rationale to cite the high instability hazard area that affects the QDL site as a reason to reject the proposed LDR zone for the property.
10. The Kotuku Dam designation (DNRC 2) affects the QDL property to a lesser extent than on the adjoining Lot 1 DP 177316, and yet that property retains the proposed LDR zone. The 1.4949ha of land affected by the designation must obviously be excluded from any future development, and this is manageable in terms of subdivision design. It is not a reason to remove the existing residential zone from the site.
11. The electricity infrastructure that traverses the site is not dissimilar to other residential zones throughout the District. There are rules in the District Plan and other legislation that controls development in proximity to this infrastructure. There is no reason to consider that these controls will not be appropriate for future development on the subject site and it is not a reason to reject the submission made by QDL.
12. The archaeological sites on the property are largely located at the north western end of the property. It is possible to manage development in the vicinity of these and while restrictions in terms of subdivision design may be necessary it is not a reason to reject the submission made by QDL.

Conclusion

13. The constraints identified in the Council's S42A report do not bear scrutiny either individually or cumulatively as reasons for rejecting the submission to retain a residential zone for the QDL property. Rezoning the land to LDR will provide for large lot residential development that will take account of the identified constraints on the property. This is the most effective and efficient use of the site relative to the status quo and the RPZ having considered the requirements of S32. The LDR will best achieve sustainable management under Part 2 of the Act.

A handwritten signature in black ink, appearing to read 'emma miller', is written above a horizontal dotted line.

Emma Miller (Planner)

This 27th day of November 2019

