

**Hearing Stream 2 – Residential
Wellington City Council**

In the matter of

Proposed District Plan review incorporating the Intensification Streamlined Planning Process (ISPP), and the first schedule of the Resource Management Act.

Hearing 2 – Residential

**Expert Evidence of Cameron Peter de Leijer on behalf of Karepa Dell
Developments**

Date: 07/03/2023

Next Event Date:

4th April 2023

Hearing Chair:

Trevor Robinson

Hearing Pannel:

Robert Schofield, Heike Lutz, Liz Burge, Lindsay Daysh, Jane Black, Rawiri Faulkner, David McMahon.

Introduction

- 1 My full name is Cameron Peter de Leijer. I am a Senior Surveyor and Planner at Spencer Holmes Ltd. I specialise in Cadastral Surveying, Resource Management, and Land development.
- 2 I am planning evidence on behalf of Karepa Dell Developments.
- 3 I am authorised to provide this evidence on their behalf.

QUALIFICATIONS

- 4 My qualifications and experience are as follows:
 - 4.1 I have a Bachelor of Surveying from the University of Otago and Bachelor of Science from the University of Canterbury.
 - 4.2 I have 5 years post graduate experience as a surveyor in private practice at Spencer Holmes Limited. During that time, I have worked on a variety of survey projects. I now work closely in the land planning field which includes the preparation of resource consent applications, as well as developing land use strategies for clients.
 - 4.3 In October 2021 I achieved the requirements to be a Licensed Cadastral Surveyor under the Cadastral Survey Act 2002, which is a rigorous set of exams that require knowledge in the law surrounding Cadastral Surveying. Upon obtaining my license to undertake cadastral surveys, I became full member of the surveying professional body, Survey and Spatial New Zealand.
 - 4.4 I previously sat on the Board for the Survey and Spatial Wellington Branch executive team. I currently have a position on the Board of the Positioning and Measurement Stream for Survey and Spatial New Zealand, which is the one of the governing streams of the survey profession.

5 My involvement in these proceedings (via Spencer Holmes Ltd) has been to prepare the original submission for Karepa Dell Development, as well as provide this evidence for the residential hearing.

CODE OF CONDUCT

6 I have read the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023. Whilst this is a Council hearing, I have complied with the Code of Conduct in preparing my evidence and will continue to comply with it while giving oral evidence before the commissioners. My qualifications as an expert are set out above. Except where I state I rely on the evidence of another person, I confirm that the issues addressed in this statement of evidence are within my area of expertise, and I have not omitted to consider material facts known to me that might alter or detract from my expressed opinions.

ORIGINAL SUBMISSION

7 The original submission was made by Karepa Dell Developments that sought to rezone the site at 11 Makomako Road from Large Lot Residential Zone to Medium Density Residential Zone.

BACKGROUND

8 11 Makomako Road is located within the suburb of Brooklyn and is surrounded by properties that to be zoned as MDRZ.

9 The site is located approximately a 3-minute drive, and just over 1km from the Local Centre Zone of Brooklyn. As well as just over 4km from the centre of wellington (via Taranaki St).

10 This site is also currently subject to a residential subdivision that will create 21 new lots with 20 lots containing residential units. These lots vary in size between with the smallest being 267m². These lots are subject to conditions which will require bush protection and other consent notice that limit the amount of development for these lots.

Hearing Stream 2 – S42A Report

- 11 The report indicates that the site (and proposed development) is consistent with the level of development for both the ODP rural zone and the LLRZ. The report also states that the MRZ zoning could increase the development potential for the lot.
- 12 Within the proposed district plan, the objective and policies dictate that Large Lot Residential Zone is on the periphery of urban areas. As previously stated, the site is located close to the centre of Wellington CBD (within 4km) and about 1km from a metropolitan centre. The site is also surrounded by properties that exclusively zoned as MDRZ. Therefore, the site is not on the periphery of an urban area, it is located close to the centre of Wellington and the Brooklyn centre, and therefore not meeting the objective LLRZ-01.
- 13 While the site (Lot 6 DP 479409) is currently is currently subject to a resource consent under SR 374681, a prior subdivision was undertaken to create Lot 6 DP 479409. This was essentially stage 1 of 3. Lots 1-5 DP 479409 are currently zoned rural under the ODP and these are being rezoned in the PDP as MDRZ. If the current subdivision under SR 374681 was completed prior to the notification of the plan change it stands to reason that these lots would be rezoned to MDRZ. Good planning practice takes into account the effects of resource consents as if they have been given effect too. As such this site should be assessed as if the subdivision is completed and therefore rezoned to MDRZ.
- 14 Furthermore WCC is allowing further intensification of the surrounding area, including those lots within the rural zone of the ODP. SR 498094 subdivides 5 Makomako Road effectively in half and provides for a new dwelling on site. This shows that WCC considers further intensification and infill housing in this area is acceptable.
- 15 The proposed district plan also dictates that the parcels within the LLRZ are typically larger than in MDRZ. Whilst the parent lot that is subject to

the subdivision is large, the lots resulting from the subdivision are in part smaller than those surrounding MDRZ properties and therefore these lots would not meet the objectives of the LLRZ-01. The approved plan is attached as part of this evidence.

- 16 As noted within the S42A report, there are no SNAs associated with this site as it is zoned LLRZ. However, if it was zoned a Rural area, the SNA would apply to the site, noting that ecological values warrant retaining.
- 17 A certificate of compliance has been issued by Wellington City Council with respect to vegetation removal at 11 Makomako Road. This certificate of compliance was issued in July 2022. This would indicate that the ecological values should not be taken into account, as the site can be cleared of vegetation at any time 5 years from the issue date of the certificate of compliance. This has been attached as part of this evidence.
- 18 The LLRZ has no provision for vegetation protection and as such the vegetation clearance is a permitted activity. Therefore, once rezoned, the site can be cleared of vegetation, and as such there would be less ecological values associated with the vegetation on site and should not be taken into account. It is worth noting that in the wider surrounding roads, there is a significant amount of natural open space that the public can enjoy.
- 19 The development, and potential rezoning to MDRZ, of this site is directly in keeping with Objective 4 of the NPS-UD. Drawing specifically to the fact that New Zealand's Urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations. This will allow for a greater housing stock in this area, while the future generations without detracting from the green spaces in the surrounding areas due to their preservation by being zoned natural open spaces.

CONCLUSION

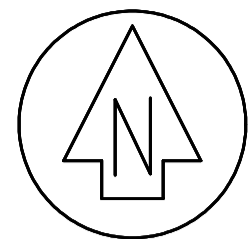
- 20 11 Makomako road does not meet the objectives sought in the LLRZ as the proposed development will create smaller lots, which is not in keeping with LLRZ-01. The site is also located close to the centre of Wellingtons CBD and the suburb of Brooklyn, which is contrary to LLRZ-01.
- 21 The rezoning of 11 Makomako Road is in keeping and supports the objectives and policies of the NPS-UD.

Date: 07/03/2023

Review and Agreed by: Ian Leary

Signed: Cameron de Leijer and Ian Leary

Two handwritten signatures in blue ink. The signature on the left is 'CML' and the signature on the right is 'Ian Leary'.



NO	REVISION	BY	DATE
A	FIRST ISSUE	JKA	2/12/16
B	LOTS 6,7 CARPARKS ALTERED	JKA	2/12/16
C	CARPARK OWNERSHIP TWEAKS TO A & L	JKA	2/12/16
D	S92 DRIVEWAY CHANGES	JKA	31/05/17
E	VISITOR PARK NOTES & LOT 21 PARKING	JKA	4/07/17
F	LOT 21 / LOT 26 (ROW F) ADJUSTED	ADG	6/07/17



- NOTES:
1. AREAS AND DIMENSIONS ARE APPROXIMATE ONLY AND ARE SUBJECT TO FINAL SURVEY
 2. EASEMENTS TO BE CREATED OVER SERVICES AS NECESSARY
 3. LOT 25 HERON (LEGAL ACCESS AND VISITOR PARKING BAYS 1 & 2) IS TO BE HELD AS 20 UNDIVIDED ONE-TWENTIETH SHARES BY THE OWNERS OF LOTS 5 - 24 HEREON AS TENENTS IN COMMON.
 4. LOT 26 HERON IS TO BE HELD AS 20 UNDIVIDED ONE-TWENTIETH SHARES BY THE OWNERS OF LOTS 5 - 24 HEREON AS TENENTS IN COMMON.

LEGEND

- NATIVE VEGETATION
- TIMBER RETAINING WALLS

SpencerHolmes
engineers - surveyors - planners

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CLIENT
KAREPA DELL DEVELOPMENTS

PROJECT
11 MAKOMAKO RD BROOKLYN

DRAWING TITLE
LOTS 5 - 26 BEING SUBDIVISION OF LOT 6 DP479409

DESIGN CONSULTANT

Copyright of this drawing is vested in Spencer Holmes Ltd. The Contractor shall verify all dimensions on site.

CAUTION - The information shown on this plan has been prepared under specific instruction from the client and is intended solely for the clients use. The information is valid as at the date of survey. Spencer Holmes Limited will accept no liability for any consequence arising out of the use of this plan, or the information thereon whether in hard copy or electronic format by any other party for any purpose whatsoever.

□ CAD FILE S160441-AP1-F (DRAFT) - S160441-AP1	□ FB
□ DRAWN JKA	□ DATE 03/11/16
□ CHECKED ADG	
SCALE 1 : 500	AT A1
DRAWING NUMBER S16-0441-AP1	REV F

RESOURCE MANAGEMENT - LAND PLANNING - SURVEYING - STRUCTURAL - CIVIL - FIRE

14 July, 2022

Spencer Holmes Limited
PO Box 588
Wellington 6140

Service Request No: 517678
File Reference: 1903087

Attn: Christian Davey

Dear Sir/Madam,

Application for Certificate of Compliance Issued

I write in relation to your application for a Certificate of Compliance to be issued for the removal of vegetation on the site at 11 Makomako Road, Brooklyn, Service Request No. 517678.

The application has now been issued, for the reasons set out in the report below.

Report for Certificate of Compliance

APPLICATION DETAILS

Site Address:	11 Makomako Road, Brooklyn
Legal Description:	LOT 6 DP 479409
Applicant:	Spencer Holmes Limited
Proposal:	Certificate of Compliance: Vegetation removal
Owner:	Karepa Dell Developments Limited

STATUTORY PROVISIONS

The relevant provisions of section 139 of the Resource Management Act 1991 (the Act) include:

- (1) *This section applies if an activity could be done lawfully in a particular location without a resource consent.*
- (2) *A person may request the consent authority to issue a certificate of compliance.*
- (5) *The authority must issue the certificate if—*
 - (a) *the activity can be done lawfully in the particular location without a resource consent; and*
 - (b) *the person pays the appropriate administrative charge.*

- (8) *The authority must not issue a certificate if—*
- (a) *the request for a certificate is made after a proposed plan is notified; and*
 - (b) *the activity could not be done lawfully in the particular location without a resource consent under the proposed plan.*
- (10) *A certificate is treated as if it were an appropriate resource consent that—*
- (a) *contains the conditions specified in an applicable national environmental standard; and*
 - (b) *contains the conditions specified in an applicable plan.*

BACKGROUND

SR No. 201698

On 12th March 2010 the Wellington City Council (the Council) granted resource consent SR No. 201698. The application is for as follows:

29 Lot fee simple subdivision and land use consent for the construction of four residential dwellings and earthworks associated with site access construction.

A site description was provided within the Assessment of Environmental Effects (AEE) that was submitted in relation to the original resource consent SR No. 201698.

SR No. 374681

On 22nd September 2017 the Wellington City Council (the Council) granted resource consent SR No. 374681. The application is for as follows:

Proposal One Subdivision –a 20 lot residential subdivision (plus an access lot and a bush protection lot for amalgamation) to be completed in two stages.

Proposal Two Land Use –to construct up to nine dwellings and associated earthworks.

A site description was provided within the Assessment of Environmental Effects (AEE) that was submitted in relation to the original resource consent SR No. 374681.

SR No. 386630

On 22nd September 2017 the Wellington City Council (the Council) granted resource consent SR No. 386630. The application is for as follows:

To vary condition (1) of Decision 2: Land Use Consent of SR201698 with respect to approved earthworks plans.

A site description was provided within the Assessment of Environmental Effects (AEE) that was submitted in relation to the original resource consent SR No. 386630.

SR No. 509349

On the 6th April 2022 the Wellington City Council (the Council) granted consent for a s125 to extend the lapse date of SR No. 374681 by 3 years, therefore the new consent laps date is now 22nd September 2025.

ACTIVITY AND LOCATION

The application seeks a Certificate of Compliance to be issued under section 139 of the Act. The proposal is for the removal of vegetation at 11 Makomako Road, Brooklyn.

The site and activity are further described in the application. In short, the proposal is to remove the vegetation across most of the site therefore, having an approximate area of 2.4 hectares.

The proposed method of vegetation removal as noted within the application, is as follows:

“The vegetation removal would be undertaken by cutting down and felling the trees and shrubs within the site. The vegetation would be cut at just above ground level in order to fell the vegetation but not involving any soil disturbance (i.e. no earthworks involved). The felled vegetation would then either be chopped into manageable sizes for removal from the property or mulched and re-spread on site to provide a weed suppression layer over the existing soil.”

It is noted that the site is with the Special Natural Area (SNA) plan which is part of the consultation of the draft District Plan. The draft District Plan does not yet have any legal standing therefore does not impose any restrictions on the activity.

The site and activity are further described in the application, and is shown on the following plan prepared by SpencerHolmes:

- Titled: ‘Vegetation Clearance Plan’, Project: 11 Makmko Road, Brooklyn’, dwg no. S21-0411V1, revision A and dated 04/07/2022.

ASSESSMENT

Operative District Plan:

District Plan Area and Notations:

The site is located within the Rural Area of the District Plan. The site is also subject to Chapter 15 Appendix 4 West of Ohiro Road and South of Panorama Heights overlay.

Relevant Provisions:

The applicant has undertaken an assessment of the relevant District Plan provisions as part of their application and subsequent emails. The assessments should be read in conjunction with this report. I have reviewed this assessment and agree with their conclusion that the activity meets the requirements for a Permitted Activity under the District Plan.

Of relevance to this conclusion the following applies:

1. The vegetation within these sites is not subject to protection under the District Plan.
2. The applicant has identified vegetation removal methodology that could be carried out without requiring resource consent.

Accordingly, I confirm that the proposal is deemed to be a Permitted Activity under the Operative District Plan.

Proposed District Plan Changes:

Having regard to section 139(8) of the Act, there are no plan changes which are relevant to this proposal, and no proposed plan has been notified at the time of processing this application.

CONCLUSION

The proposal for the removal of vegetation on the site at 11 Makomako Road, Brooklyn (as shown on the plan prepared by the agent and listed above) meets the District Plan requirements for a Permitted Activity. **Therefore, the Certificate of Compliance is issued under section 139 of the Act.**

Please note:

1. This certificate is to be treated as though it were a resource consent and is subject to section 125 of the Act (see section 139(10) and (12)). Accordingly, this certificate must be given effect to within five years of the date of issue of the certificate, or within such extended period of time as granted by the Council pursuant to section 125.
2. It is the consent holder's obligation to ensure that vegetation is not removed from any part of the site where vegetation is protected by covenant.
3. This certificate is issued on the basis that resource consent is not required to undertake the works, including the intended vegetation removal methodology. If the methodology used were to include an approach that relied on the exercise of a resource consent in order for the work to be carried out, e.g. resource consent for earthworks, this certificate would no longer be able to be relied on and resource consent may be necessary.
4. This certificate does not authorise works that may require consent from the Greater Wellington Regional Council.

If you require further information, please contact Amy Camilleri on 021 2265 612.

Ngā mihi,



Amy Camilleri
Delegated Officer
Resource Consents Team
Wellington City Council



Bryony Hutcheson
Delegated Officer
Resource Consents Team
Wellington City Council