

**BEFORE INDEPENDENT HEARING
COMMISSIONERS AT WELLINGTON**

IN THE MATTER of the Resource Management
Act 1991

AND

IN THE MATTER of the hearing of submissions
on the Proposed Wellington City District Plan

**STATEMENT OF EVIDENCE OF RODNEY ANDREW HALLIDAY ON
BEHALF OF LINCOLNSHIRE FARM LTD, HUNTERS HILL LTD, BEST
FARM LTD, STEBBINGS FARMLANDS LTD AND OHAU LAND AND
CATTLE LTD (SUBMITTER 25)**

HEARING STREAM 6 –

DEVELOPMENT AREAS & FUTURE URBAN ZONE

FEBRUARY 2024

PLANNING

1. INTRODUCTION

- 1.1 My name is Rodney Andrew Halliday. I am a Resource Management Planner based in Wellington. I hold a Bachelor of Resource and Environmental Planning (Honours) from Massey University and have been a full member of the New Zealand Planning Institute (NZPI) since 1999. I have

worked in the resource management and planning fields in both the public and private sectors for 27 years within New Zealand and the United Kingdom. In my current role I assist the above noted companies on all resource management related matters associated with their land development business. This has included preparation of resource consents for subdivision and land-uses, compliance, structure planning, reserves matters, submissions to Proposed Plans or Policies; and appearing at Council Hearings. I have extensive knowledge of the Lincolnshire Farm development area having been involved in the planning for this area since its introduction into the District Plan in 2003 under Plan Change 45. I have also extensive knowledge of the Upper Stebbings and Glenside West land and planning framework around it having been involved in the planning and development of these areas for numerous years.

- 1.2 I prepared various submissions to the Proposed District Plan (“**PDP**”) and note the submissions were made on behalf of the ‘**submitter(s)**’ as opposed to myself.

Code of conduct

- 1.3 Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

2. SCOPE OF EVIDENCE

- 2.1 The submissions being considered as part of this hearing relate to the Development Areas of the City including the Lincolnshire Farm (Dev 2) and Upper Stebbings and Glenside West Areas (Dev 3). These sections of the Proposed Plan also relate to Appendix 12 & 13. On these chapters several submissions were made and I address some of these submission points, and the response to them provided through the Council’s Section 42A report.

3. LINCOLNSHIRE FARM DEVELOPMENT AREA (DEV 2)

Introduction and Standards

- 3.1 Various submissions were made to the PDP relating to the proposed Dev 2 standards and I note that the reporting planner is recommending that the Future Urban Zone in which the development area sits, be deleted and the area up-zoned to the respective zones being MDRZ, General Industrial Zone and Natural Open Space zone. I note that no submissions were made by the submitters to this zone and it was never contemplated that this zone could be deleted.
- 3.2 Notwithstanding this, I have considered the reasoning provided in Sections 108-114 and have formed a view that this approach is sensible. Apart from the 'no build areas' in Upper Stebbings/Glenside West, the rules (with few exceptions) duplicate those in the 'sister zones' [sic]. However I have two concerns. The first is around the flexibility of the boundaries should they become fixed zones and ensuring, as per the development area intent, that these area boundaries are not immovable. This is important for a greenfield area that is yet to be fully developed and/or has not been designed and has been an issue raised numerous times over the years during consenting processes. This has also been raised in various submissions (e.g. 25.4), and it would be imperative if the 'up-zoning' was to be accepted by the Commissioners that the area boundaries are not immovable and future developments have the flexibility to be considered without unnecessary process such as a plan change. This is a key feature of current structure plan with the intention being to take land out the UDA and rezone land as appropriate under the District Plan as development areas are completed.
- 3.3 The second concern I have relates to what "sister zone" [sic] would be applied to land identified for the future school site or community facilities. The issue here is that if this land is not developed for this purpose e.g. MfEd decide a school is not needed, then an alternate use must be provide for. In my view the land should have an underlying MDR zoning. Therefore in order to support the removal of the FUZ I would want like to see clarity around these matters inserted into the relevant part of the PDP.

- 3.4 Should the Commissioners not agree with the planner's recommendation to delete the FUZ I comment on various submissions made, in consideration of the S42A report.

Appendix 12

- 3.5 The submitters made various submissions to Appendix 12 of the PDP that set out the requirements for the zone. One submission point (25.4), that was noted above, related to flexibility around boundaries and roads within the development plan area and ensuring these are not immovable. In response the reporting planner in Clause 155 refers to her assessment in Section 3.3.3. (notably clause 69 & 70) that relates to another submission seeking the same outcome. In her response it was noted the wording of DEV-P1 already provides for a level of 'wriggle room' [sic] as the words 'in general accordance' is used. Whilst I accept this statement I am concerned that the removal of the FUZ zone and associate provisions will see this flexibility lost.
- 3.6 In respect of submission point 25.51 relating to the requirement for the 3ha school to be flat, I note the planners recommendation is to amend the wording slightly to read "a site of approximately 3ha that is flat, as far as practicable, comprising one or more relatively level platforms capable of supporting school buildings". I have read the reasoning for this proposed amendment but I disagree with any requirement for the land to be flat. As noted in the original submission, it is very difficult to obtain consents from GWRC for earthworks in greenfield settings and this is logically best left to a requiring authority such as the Ministry for Education. Further, as stated in the Ministry's further submission FS52.1 (that was supported by the reporting planner)... *"the purchase of land is not a District Plan matter as it requires an open an unfettered negotiation between the vendor and the purchaser"....*". Therefore in a similar vein, the delivery of the site in a flat condition should not be a District Plan matter either and would put the purchaser in an advantaged position.
- 3.7 Whilst I agree to some extent with the reporting planner on point 157b, that the best time to shape the school site is when bulk earthworks for roading corridors etc. in that area are being undertaken, this does not mean that a balance of quantities cannot be achieved or design outcomes will be compromised if it is

undertaken separately at a later date.

- 3.8 As such, I maintain the view this requirement should be removed from the Appendix.
- 3.9 In respect of submission point 25.54 & 25.55 relating to the requirement for at least 3ha of the 4-6 ha active recreation reserve to be flat I note the reporting planner has recommended the wording be amended to allow the 3ha of flat land 'to comprise one or more levelled platforms that enables a range of sports fields and surfaces'. Whilst I accept this would make meeting the requirement easier, as previously stated I believe that with the current regulatory environment in particular the NPS-FM and GWRC Natural Resources Plan (including Plan Change 1 recently introduced), obtaining any such earthworks consents will be extremely difficult, if not impossible to obtain by a private landowner. As such, I believe that whilst it is good spatial planning practice for the land to be identified and protected, there should not be a requirement for this to be delivered in a flat state, particularly as it likely involves stream loss, and that WCC as a requiring authority would have the best chance of obtaining the necessary consents. I also re-iterate my view point above that whilst the best opportunity to re-contour the land may well be when wider development works are being undertaken, this does not necessarily mean an earthworks proposal to shape the reserve areas cannot be efficient in its own right and achieve a balance of quantities. Particularly given the large area involved.

Development Area Maps

- 3.10 Several submissions were made to the Dev 2 maps for this Development area and I support in general the recommendations made in response to the submissions made including points 25.5, 25.9, 25.1625.17. However I make the following comments on two recommendations.
- 3.11 These relate to point 25.11 & 25.12 where an amendment was sought to tidy-up the zonings in a part of 305 Mark Ave adjacent to the Car Haulways yard. In the submission it was noted some land has been zoned General Industrial however this land is steep, contains a small stream and is in my view unsuitable for such use. Give this, the submission sought to re-zone this area

Natural Open Space and I note the S42A report recommended this be accepted (25.11). In effect, this re-zoning did not increase the area of Natural Open Space, it simply sought to re-align it to the south to more accurately reflect the position of the stream gully. And the submission then sought to extend the MDRZ into this space, however this has been rejected (25.12). I also note the map extract within the S42A report has been inverted making it difficult to understand. I therefore urge the Commissioners to refer to the map extract provided in the original submission and request Council officers re-check the aerial and LIDAR information they hold for this area in order to accurately plan for this part of the development area.

4. UPPER STEBBINGS & GLENSIDE WEST DEVELOPMENT AREA (DEV 3)

Development Area Maps

- 4.1 With regards to mapping the submitter sought several amendments to the development area maps as notified. Whilst it should be noted I support the general recommendations of the planner in the S42A report to retain the development areas as generally notified I comment below on the response to various submissions.
- 4.2 The first relates to the Upper Stebbings and Glenside West Development area that is supported and I agree that extending development into these areas represents a logical and planned extension of the existing urban area they adjoin. Infrastructure can be extended into these areas and development in these areas will assist with achieving the outcomes sought under the NPD-UD. I am unsure why the original submission points were not summarized in the summary of submissions however I comment on the submission points below.
- 4.3 Submission 108.11 related to Glenside West and sought to rezone some land in the "no build areas" as natural open space and Large Lot Residential. Submission 108.13 also sought to amend the development plan to better achieve a logical and viable development of the land based on the topography. A marked up plan was provided in the submission that was based on actual design work and as eluded to in Section 19 of the S42A report, a more detailed version of this was provided following a

request from Council. In response to these submissions I note the reporting planner in section 175 of her report agrees that land already identified in a reserves agreement should be rezoned Natural Open Space and I support this recommendation along with the amendment to the development plan to reflect the layout on the plan submitted.

- 4.4 However I do not support the recommendation to reject the proposal to provide for large lot residential use in the areas outside of the MDRZ. Although some of this land is at a higher elevation, with some of it intruding into the ridgetop area, there are numerous areas that would be suitable for development in particular lifestyle living. Section 179 of the S42A report also notes that the WCC Upper Stebbings and Glenside West 2020 concept plans identified the balance of the rural land in Glenside West (i.e. not residential, open space or corrections use) could remain as rural or be rezoned to enable the development of 'lifestyle blocks'. Therefore this indicates it was considered an appropriate use by Council although I note did not carry through to the PDP as notified.
- 4.5 The reporting planner notes that DEV3-R32 stills allow for the construction of buildings in the 'no build' area as a discretionary activity which would potentially allow for a lifestyle dwelling to be constructed, or at least considered through a resource consent process. However, this calls into question the use of the term 'no build area' for these parts of the development area and the existence of this rule that facilitates buildings provides further support for a Large Lot Residential zoning.
- 4.6 A further point on this matter is a conflict that would arise if the FUZ is removed as recommended in the S42A report for this zone. In Section 54(d) of this report it is recommended that should 'up zoning' occur the 'no build' areas of the FUZ would revert to a 'natural open space zone'. If this was to occur then it is my view an application for a dwelling would be approved.
- 4.7 Submission 108.12 related to Upper Stebbings and sought to identify additional areas of land in the 'no build' areas for MDR, as well as a new development area to allow for a possible future link road over to Ohariu Valley should that be desired in the future.

- 4.8 In response to this submission the reporting planner has disagreed with any such proposal to increase areas for housing on the basis that the master planning process that has occurred since 2018 was informed by assessment undertaken in relation to stream loss, flooding, topography, road grades, transport, cultural, heritage, landscape reports and visual amenity. It was also noted the notified PDP development plan was the result of community engagement and feedback and as such the proposal to extend MDR areas is not supported. Finally it is noted any more residentially zoned land would extend the build area, increase the footprint of development in terms of earthworks, vegetation removal and visual effects. It is also believed it would have more impacts on streams, SNA's and the ridgetop area.
- 4.9 I disagree with these statements and it is clear that additional areas identified do not all necessarily result in more vegetation removal or impact the ridgetop. To identify these as reasons ignores the reality that the development of all land impacts natural values to some extent, including the proposed development areas, and to not consider other suitable areas for development effectively results in the loss of additional housing opportunities in this development area. i.e. through being identified as 'no build areas'. The planner notes in Section 171(b) that to increase developable land as requested would deny the community to have a say however the PDP submission and hearings process has provided that opportunity. This land is effectively the last remaining green field land in the City and the NPS-UD seeks to recognise the national significance of urban environments and the need to enable such environments to develop and change, and to provide sufficient development capacity to meet the expected demands for housing.
- 4.10 The submissions made in relation to additional land for MDR is not so much about yield as eluded to is Section 173 of the planner report, but more about ensuring the land is developed in the most efficient manner possible; with land considered appropriate to be developed being identified for residential use. The areas identified in the submission are such areas of land and were identified based on the earthworks and streams extent plans prepared by Orogen for WCC as part of the master planning process.

These were referenced in Section 171(a) of the S42A report (footnote 31).

4.11 In summary, as suggested by the reporting planner in Section 313 of the S42A report it is noted that it would be 'advantageous for all parties to ensure the PDP delineates the most accurate development plans' and the plan drawn by Orogen that informed the development plan should be further assessed. I am supportive of that approach and am happy to seek direction from the Panel on this.


5. **CONCLUSION**

5.1 My evidence has provided a response to the assessment of the submissions (made by the submitter) contained in the circulated S42A report, relating to the Lincolnshire Farm Development Area, Upper Stebbings and Glenside West Development Area including Appendix 12 and 13.

5.2 I have indicated my reason for agreeing/disagreeing with the reporting planner and I am generally supportive of the proposal to delete the FUZ and 'up-zone' the development 2 and 3 areas. However, I see some integration issues that have not been fully resolved.

5.3 I am happy to clarify any matters for the Commissioners.

Signed

A handwritten signature in blue ink, appearing to read 'Rod Halliday', is written over a light blue grid background.

Rod Halliday

9th February 2024