

Before the Napier City Council Hearings Panel

IN THE MATTER Of the Resource Management Act 1991(the Act)
AND IN THE MATTER Of the Napier City Proposed District Plan
Hearing Stream 2 – Part 2, Subdivision

**Statement of Evidence of Helen O’Shaughnessy on behalf
of The Surveying Company H.B. Limited**

Introduction

- 1 My name is Helen O'Shaughnessy. I hold a Bachelor of Resource and Environmental Planning and a Diploma in Dispute Resolution from Massey University.
- 2 I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and have complied with it in when preparing this evidence. I have considered all the material facts that I am aware of that might alter or detract from the opinions I express. This evidence is within my area of expertise, other than where I state that I have relied on the evidence of another person.
- 3 I am a full member of the New Zealand Planning Institute (MNZPI). I have over 20 years in resource management policy analysis, plan evaluation, plan writing and resource management consent preparation and processing.
- 4 I am currently employed as Senior Planner at The Surveying Company H.B. Limited ("the Surveying Company") in the company's Hastings office.
- 5 The Surveying Company are specialists in subdivision project management and have completed several residential, rural, commercial and industrial and unit title subdivisions in Hawkes Bay and outside the region. The Surveying Company has over 20 years of experience in the survey and subdivision process.

Summary of Submission Points and Scope of Evidence

- 6 The Surveying Company made a submission on the Proposed Napier District Plan which included a number of points relating to the Subdivision Chapter of the Proposed District Plan.
- 7 In preparing this evidence I have read the relevant submissions, further submissions and the Section 42A Report prepared by the Reporting Officer from Napier City Council.
- 8 The scope of my evidence today covers the following matters the Subdivision Chapter of the Proposed District Plan:
- i) SUB-S1: Minimum Allotment Sizes – Residential
 - i) SUB-S2: Minimum Allotment Sizes – Commercial and Industrial
 - ii) SUB-R12: Subdivision on Highly Productive Land: and
 - iv) SUB-R4: Subdivision to create conservation lots for the protection of scheduled heritage items, archaeological sites, and/or sites of significance to Māori

SUB-S1 Minimum Allotment Sizes - Large Lot Residential

- 9 The Surveying Company (131.2) sought in its submission that the parent lot allocation for the Large Lot Residential Zone be removed on the basis that it requires assessment of the structure of the parent allotment within the Large Lot Residential Zone as at 11 November 2000, making these provisions over 24 years old.
- 10 The submission also noted that where an application is unable to comply with or verify the parent lot allocation standard as at 11 November 2000, the resource consent activity status changes for controlled to being assessed as a non-complying activity.
- 11 The recommendation from the author of the Section 42A Report at paragraph 247 is to reject this submission requesting the removal of the averaging requirements within the Large Lot Residential Zone. The recommendation to reject is based on the Section 42A reporting officers' opinion that any alterations made to the regulatory framework in the specific and established Large Lot Residential Zone environment, which is confined to the Kent Terrace wider environment and has been established around a minimum lot size of 1,000m² and an averaging requirement, could significantly impact on anticipated density and functionality of the zone.

- 12 The Officer also notes in the Section 42A Report that any such change to remove the averaging requirements would necessitate consultation with affected landowners.
- 13 The Surveying Company believes that the minimum lot size of 1000m² should be adequate to ensure an appropriate density of development in the Large Lot Residential Zone while also providing for the efficient use of the available land resource within this zone.
- 14 The Relief Sought is that the parent lot allocation standards for SUB-S1 are removed from the Proposed District Plan in recognizing that the minimum lot sizes applying to the zone will achieve the required density standards in the Large Lot Residential Zone.
- 15 It is noted that the submission made by The Surveying Company (131.2) seeking an amendment to SUB-S3: Minimum Lot Sizes – Rural, to remove the averaging requirement from Rural Lifestyle zone and simply applying a minimum lot size of 5000m² was recommended to be approved by the Section 42A officer in paragraph 290.
- 16 The Section 32AA Report notes that applicants and the consenting officers report difficulty in determining compliance with this standard as the parent allotment to be considered is 24+ years old and in many cases has been subject to a series of subdivisions. The Surveying Company fully supports this approach and suggests that generally this approach is appropriate to assessment of removing the parent lot averaging requirements to the Large Lot Residential Zone.

Minimum Allotment Standards SUB-S2 Commercial and Industrial Zones

- 17 With regard to SUB: S2 The Surveying Company (131.5) sought to amend SUB-S2: Minimum allotment size in the Large Format Retail Zone as it is considered to be a significant and change from the Operative District Plan which has a minimum gross floor area of 1000m² in the Large Format retail Zone.
- 18 The submission made by the Surveying Company commented that the change in compliance from a minimum floor area to a minimum allotment size and the scale of site sizes involved is significant shift for business owners and operators in the Large Format Retail Zone.
- 19 While the Officer of the Section 42A Report acknowledges in paragraph 255 that the new provisions in the Proposed District Plan represent a significant departure from the current controls, the Report recommends rejecting The Surveying Company submission relating to allotment sizes in the Large Format Retail Zone.
- 20 The Relief Sought is that the Council consider introducing a transition period to enable a period of adjustment from the existing gross floor area provisions to the new minimum lot sizes.

SUB-R12 Subdivision on Highly Productive Land

- 21 In its submission on SUB-R12 (131.3), The Surveying Company acknowledges and supports the Councils approach to integrating the National Policy Statement on Highly Productive Land into the Proposed District Plan. The protection of this valuable soil resource is an appropriate and accepted focus of the Proposed District Plan Subdivision Chapter and in particular SUB-R12.
- 22 The submission made by The Surveying Company is that until the regional mapping of productive soils discussed in the National Policy Statement can be undertaken by the Regional Councils (which may or may not include Land Use Capability Classes I,II and III land) there appears to be strong merit in enabling the processing planners at Napier City Council to receive and consider land use assessments undertaken by relevant experts which may map the subject site on a paddock by paddock basis to support subdivision applications.
- 23 This approach is supported by The Surveying Company as, in our experience, the often course and broad scale of mapping of highly productive soils relied on by the National Policy Statement for

Highly Productive Land, may not always be accurate or precise enough to use as the basis for approval or decline of a subdivision resource consent. As a result, potentially valuable and meaningful subdivision opportunities may not be realised.

- 24 The Surveying Company submitted that if the Council includes provisions in the District Plan which enable the Council to consider the opinion of a suitably qualified expert on high productive land that both the Council and impacted landowners will have confidence that subdivision decisions where highly productive land is involved have been made with a high level of confidence and transparency.
- 25 The Surveying Company submission also noted that it would be appropriate, until such time as the regional mapping can be addressed by the Hawkes Bay Regional Council, to provide a pathway for property owners of highly productive land, should they choose to do so, to provide an independent and expert assessment of the highly productive soils on a property by property basis. It is noted that following Cyclone Gabrielle many soils mapped as highly productive may have undergone significant changes.
- 26 The Officer of the Section 42A report in paragraph 325 refers to intent of this submission as introducing an 'out' from the mapped information available. It is acknowledged that the Officer of the Section 42A Report notes that she considers this pathway to exist beyond the Proposed District Plan on the merit of each individual application.
- 27 However, the relief sought by The Surveying Company is that a SUB-R12 is amended to reflect that the Council is open to receiving and considering assessments of the productivity capacity of land currently mapped as highly productive land.

SUB-R4: Subdivision to create conservation lots for the protection of scheduled heritage items, archaeological sites, and/or sites of significance to Māori.

- 28 SUB-R4 provides for subdivision to create conservation lots for the protection of scheduled heritage sites, archaeological sites and/or sites of significant to Māori. The Surveying Company's submission (131.4) sought an amendment to SUB-R4 to either include conservation lots for the protection of indigenous biodiversity within the SUB-R4 or to draft an additional rule that enables this outcome.
- 29 The Surveying Company's submission is that there is currently no rule in the Proposed District Plan that provides for subdivision to create a conservation lot in association with the protection of an area of significant indigenous and/or significant habitats of indigenous fauna. The opportunity to provide for protection of significant indigenous and/or significant habitats of indigenous fauna appears to have been overlooked by provisions of the Proposed District Plan.
- 30 The Section 42A Report at paragraph 408 recommends rejecting the submission made by the Surveying Company stating that at the time of preparing the Section 42A Report there is no intention of inserting an additional rule to enable conservation lots for the protection of indigenous biodiversity. No other explanation of the recommendation to reject the submission is offered.
- 31 The Section 42A Report further notes that it is recognised by the submitters that an equivalent rule maybe notified within the ECO chapter variation when it is available for public consultation.
- 32 On reflection the relief sought is that it is appropriate to include provisions in SUB-R4 to provide for protection of significant indigenous and/or significant habitats of indigenous fauna, noting that other District Plans have included this matter in the SUB Chapter of the District Plan. It is not clearly understood why deferring this matter for inclusion in the ECO Chapter when it is notified is helpful as it applies primarily to the activity of subdivision.